



Home Office



Disclosure &
Barring Service

Disclosure and Barring Service (DBS) Framework Document

Introduction

This framework document has been drawn up by the Home Office in consultation with the DBS. This document sets out the broad framework within which the DBS will operate. The document does not convey any legal powers or responsibilities. It is signed and dated by Home Office and the DBS. Copies of the document and any subsequent amendments have been made available to members of the public on the DBS website.

The Home Office and DBS are committed to working in partnership together and will apply the Cabinet Office's Code of Good Practice¹ to support their working relationship.

Purpose of the Disclosure and Barring Service (DBS)

- 1.1 The statutory duties of the DBS are contained in the Safeguarding Vulnerable Groups Act 2006, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 and Part V of the Police Act 1997, as amended by the Protection of Freedoms Act 2012. Its main function is to protect the public by helping employers make safer recruitment decisions and by barring individuals who pose a risk to vulnerable groups from working in certain roles.
- 1.2 Its statutory duties are to:
 - Decide whether someone should be included on a barred list from engaging in regulated activity with children- and/or vulnerable adults, under the Safeguarding Vulnerable Groups Act 2006.
 - Maintain lists of those barred from working with children and adults.
 - Bar any individual who has accepted a caution for or been convicted of an automatic barring offence (i.e. an offence that does not allow representations).
 - Decide whether someone should be removed from a barred list under section 18 the Safeguarding Vulnerable Groups Act 2006.
 - Issue criminal conviction certificates and enhanced criminal record certificates in accordance with the Police Act 1997.
 - To hold and maintain a register of organisations approved by the DBS to submit applications for criminal records certificates.
 - Consider disputes about the accuracy of certificates issued.
 - Maintain a register of Registered persons within the meaning of the Police Act 1997.

¹ Partnerships between departments and arm's-length bodies: Code of Good Practice, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594345/Partnerships_between_departments_and_arm_s_length_bodies-code_of_good_practice.pdf

- The statutory duties of the DBS may be extended by way of changes to legislation to support the development of new services.

1.3 The DBS's strategic aims are to:

- Deliver high quality, reliable, consistent, timely and accessible services for their customers.
- Embrace technology to drive improvements to the quality of their work.
- Raise awareness of the DBS and the services they offer, keeping people informed through its communications, to increase public understanding and confidence in the organisation.
- Be a respected and trusted organisation, working with its partners to play an influential role in the environment in which they operate.
- Develop a talented and diverse workforce that understands how their contributions help to achieve DBS's objectives.
- Build a flexible, vibrant and contemporary workplace where their staff will be able to do their jobs using modern ways of working that are smart and which promotes a single DBS.

Governance and accountability

2 DBS's legal origins of powers and duties

- 2.1 The DBS's powers and duties stem from sections 87 and Schedule 8 of the Protection of Freedoms Act 2012.

3 Ministerial responsibility

- 3.1 The Parliamentary Under Secretary of State for Safeguarding will account for business in Parliament.

4 Sponsor department's accounting officer's specific accountabilities and responsibilities as Principal Accounting Officer (PAO)

- 4.1 The Principal Accounting Officer (PAO) of the Home Office has designated the chief executive as the DBS's accounting officer. (The respective responsibilities of

the PAO and accounting officers for ALBs are set out in Chapter 3 of Managing Public Money which is sent separately to the accounting officer on appointment.)

- 4.2 The PAO is accountable to parliament for the issue of any grant-in-aid to the DBS. The PAO is also responsible for advising the responsible minister:
- on an appropriate framework of objectives and targets for the DBS in the light of the department's wider strategic aims and priorities;
 - on an appropriate budget for the DBS in the light of the sponsor department's overall public expenditure priorities; and
 - how well the DBS is achieving its strategic objectives and whether it is delivering value for money.
- 4.3 The PAO is also responsible for ensuring arrangements are in place in order to:
- monitor the DBS's activities;
 - address significant problems in the DBS, making such interventions as are judged necessary;
 - periodically carry out an assessment of the risks both to the department and the DBS's objectives and activities;
 - inform the DBS of relevant government policy in a timely manner; and
 - bring concerns about the activities of the DBS to the full (DBS) board, and, as appropriate to the departmental board requiring explanations and assurances that appropriate action has been taken.
- 4.4 The Sponsorship Unit in the department is the primary contact for the DBS. They are the main source of advice to the responsible minister on the discharge of his or her responsibilities in respect of the DBS. They also support the PAO on his or her responsibilities toward the DBS.

5 Responsibilities of the DBS's chief executive as accounting officer

General

- 5.1 The chief executive as accounting officer is personally responsible for safeguarding the public funds for which he or she has charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the DBS. In addition, he or she should ensure that the DBS as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management that are set out in Box 3.1 of Managing Public Money.

- 5.2 The chief executive is responsible for advising the Board on the policies and plans that will enable them to fulfil their statutory duties and strategic aims and on the execution of the policies and plans they agree.

Responsibilities for accounting to parliament

- 5.3 The accountabilities include:

- signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State;
- preparing and signing a Governance Statement covering corporate governance, risk management and oversight of any local responsibilities, for inclusion in the annual report and accounts;
- ensuring that effective procedures for handling complaints about the DBS are established and made widely known within the DNS;
- acting in accordance with the terms of this document, Managing Public Money and other instructions and guidance issued from time to time by the Department, the Treasury and the Cabinet Office;
- giving evidence, normally with the PAO, when summoned before the PAC on the DBS's stewardship of public funds.

Responsibilities to the Home Office

- 5.4 Particular responsibilities to Home Office include:

- establishing, in consultation with the department, the DBS's corporate and business plans in the light of the department's wider strategic aims and agreed priorities;
- informing the department of progress in helping to achieve the department's policy objectives and in demonstrating how resources are being used to achieve those objectives; and

Responsibilities to the board

- 5.5 The chief executive is responsible for:

- advising the board on the discharge of the DBS Board's responsibilities as set out in this document, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time;
- delivering the strategic and business plan agreed by the Board and, as delegated by the Board, establishing the organisation's structure, capabilities, capacity and processes to enable that delivery;
- advising the board on the DBS's performance compared with its objectives;

- ensuring that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed;
- taking action as set out in paragraph 3.8.6 of Managing Public Money if the board, or its chairman, is contemplating a course of action involving a transaction which the chief executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility, or is unethical.

6 The DBS's Board

6.1 The board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The board must set up an Audit Committee chaired by a Board Member to provide independent advice. The board is expected to assure itself of the effectiveness of the internal control and risk management systems.

6.2 The board is specifically responsible for:

- establishing and taking forward the strategic aims and objectives of the DBS consistent with its overall strategic direction and within the policy and resources framework determined by the Secretary of State;
- ensuring that the responsible minister is kept informed of any changes which are likely to impact on the strategic direction of the DBS Board or on the attainability of its targets, and determining the steps needed to deal with such changes;
- ensuring the DBS supports the Home Office in policy development and provides advice on policy implementation;
- ensuring that any statutory or administrative requirements for the use of public funds are complied with; that the board operates within the limits of its statutory authority and any delegated authority agreed with the sponsor department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Board takes into account guidance issued by the sponsor department;
- ensuring that the board receives and reviews regular financial information concerning the management of the DBS; is informed in a timely manner about any concerns about the activities of the DBS; and provides positive assurance to the department that appropriate action has been taken on such concerns;
- demonstrating high standards of corporate governance at all times, including by using the independent audit committee to help the Board to address key financial and other risks;

- ensuring the Home Office is advised of significant risks or issues beyond the DBS's ability to manage that could prevent the safeguarding of vulnerable groups;
- appointing, following consultation with the Secretary of State, a chief executive and setting performance objectives and in consultation with the Home Office remuneration terms linked to these objectives for the chief executive which give due weight to the proper management and use and utilization of public resources.

The chairman's personal responsibilities

- 6.3 The chairman is responsible to the named minister. Communications between the DBS's board and the responsible minister should normally be through the chairman. He or she is responsible for ensuring that policies and actions support the responsible minister's wider strategic policies and that its affairs are conducted with probity. Where appropriate, these policies and actions should be clearly communicated and disseminated throughout the DBS.
- 6.4 In addition, the Chairman has the following leadership responsibilities:
- formulating the board's strategy;
 - ensuring that the board, in reaching decisions, takes proper account of guidance provided by the responsible minister or the department;
 - promoting the efficient and effective use of staff and other resources;
 - delivering high standards of regularity and propriety; and
 - representing the views of the board to the general public.
- 6.5 The chairman also has an obligation to ensure that:
- the work of the board and its members are reviewed and are working effectively;
 - the board has a balance of skills appropriate to directing the DBS's business, as set out in the Government Code of Good Practice for Corporate Governance;
 - board members are fully briefed on terms of appointment, duties, rights and responsibilities;
 - he or she, together with the other board members, receives appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice;
 - the responsible minister is advised of DBS's needs when board vacancies arise;

- he or she assesses the performance of individual board members when being considered for re-appointment;
- there is a Governance Framework in place setting out the role and responsibilities of the Board consistent with the Government Code of Good Practice for Corporate Governance
- there is a code of practice for board members in place, consistent with the Cabinet Office Code of Conduct for Board Members of Public Bodies.

Individual board members' responsibilities

6.6 Individual board members should:

- comply at all times with the Code of Conduct for Board Members of Public Bodies and with the rules relating to the use of public funds and to conflicts of interest;
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
- comply with the board's rules on the acceptance of gifts and hospitality, and of business appointments;
- act in good faith and in the best interests of the DBS.

6.7 If legal proceedings are brought against a DBS Board Member by a third party due to the execution of their functions; the organisation will meet any civil liability which is incurred, unless they acted recklessly and provided that they acted honestly and in good faith.

6.8 A Board Member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to the third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation if he or she misuses information gained through his/her position.

7 Annual report and accounts

7.1 The DBS Board must publish an annual report of its activities together with its audited accounts after the end of each financial year. The DBS shall provide the department its finalised (audited) accounts before Parliament's summer recess each year.

7.2 The annual report must:

- cover any corporate, subsidiary or joint ventures under its control;
- comply with the Treasury's Financial Reporting Manual (FrM);

- outline main activities and performance during the previous financial year and set out in summary form forward plans.
- 7.3 Information on performance against key financial targets is within the scope of the audit and should be included in the notes to the accounts. The report and accounts shall be laid in parliament and made available on the DBS's website, in accordance with the guidance in the FReM. A draft of the report should be submitted to the department two weeks before the proposed publication date. The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the department as well as the FReM.

8 Internal audit

- 8.1 DBS shall:
- establish and maintain arrangements for internal audit in accordance with the Treasury's Public Sector Internal Audit Standards (PSIAS) (<https://www.gov.uk/government/publications/public-sector-internal-audit-standards>).
 - set up an audit committee of its board in accordance with the Code of Good Practice for Corporate Governance and the Audit and Risk Assurance Committee Handbook;
 - forward the audit strategy, periodic audit plans and annual audit report, including the DBS Head of Internal Audit opinion on risk management, control and governance as soon as possible to the sponsor department; and
 - keep records of, and prepare and forward to the department an annual report on fraud and theft suffered by the DBS and notify the sponsor department of any unusual or major incidents as soon as possible.
- 8.2 The internal audit service has a right of access to all documents, including where the service is contracted out.

9 External audit

- 9.1 The Comptroller & Auditor General (C&AG) audits the DBS's annual accounts and passes the audited accounts to the Secretary of State who will lay the accounts together with the C&AG's report before parliament.
- 9.2 In the event that the DBS sets up and controls subsidiary companies, the DBS will in the light of the provisions in the Companies Act 2006 ensure that the C&AG is appointed auditor of those company subsidiaries that it controls and/or whose accounts are consolidated within its own accounts. The DBS shall discuss with the

sponsor department the procedures for appointing the C&AG as auditor of the companies.

9.3 The C&AG:

- will consult the department and the DBS on whom – the NAO or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG;
- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, held by another party in receipt of payments or grants from the DBS;
- will share with the sponsor department information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on the Department's responsibilities in relation to financial systems within the DBS;
- will, where asked, provide departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which departments may request at the commencement of the audit and which are compatible with the independent auditor's role.

9.4 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the DBS has used its resources in discharging its functions. For the purpose of these examinations the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the DBS shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Right of access

9.5 Subject to data protection considerations, the department has the right of access to all DBS records and personnel for any purpose including, for example, sponsorship audits and operational investigations.

Management and financial responsibilities

10 Managing Public Money and other government-wide corporate guidance and instructions

10.1 Unless agreed by the department and, as necessary, HM Treasury, DBS shall follow the principles, rules, guidance and advice in Managing Public Money, referring any difficulties or potential bids for exceptions to the Business Partners

and Sponsorship Team in the Home Office in the first instance. A list of guidance and instructions with which the DBS should comply is in Appendix 1.

- 10.2 While the Home Office can provide DBS with grant in aid funding, the Home Office expects that the DBS will usually raise its funding through fees income raised from disclosure services. The Home Office expects that DBS fees income will provide funding to meet all:
 - 10.2.1 DBS expenditure and capital requirements, including free disclosure applications for volunteers;
 - 10.2.2 Home Office sponsor costs for the DBS
 - 10.2.3 Home Office costs for the Independent Monitor appointed by the Secretary of State under section 119B of the Police Act 1997.
- 10.3 Home Office will provide DBS with the following year's Home Office costs by the end of January each year.
- 10.4 DBS will provide the Home Office with the DBS budget for the following year by the 15 March each year outlining the proposed fee for each product, fee income, cash DEL expenditure, non-cash DEL expenditure and Capital expenditure.
- 10.5 Subject to: Home Office approval of the capital budget and any proposed change to the fee for each service; and, any restrictions imposed by this document, the DBS shall have authority to incur expenditure without further reference to the sponsor department, on the following conditions:
 - the DBS shall comply with Managing Public Money regarding novel, contentious or repercussive proposals;
 - inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal departmental approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed;
 - the DBS shall provide the sponsor department with such information about its operations, performance individual projects or other expenditure as the sponsor department may reasonably require.
- 10.6 The ability to write-off amounts up to £50,000 is delegated to the DBS CEO provided they are satisfied that the write-off is neither novel, contentious or repercussive as described by Annex 4.10 of "Managing Public Money". If a write off of any amount could be considered novel, contentious or repercussive or it is for above £50,000 then it must be referred to the Home Office Accounting and Finance Unit (AFU) and the Sponsor Team in the first instance.
- 10.7 The Home Office will recognise its role in underwriting the activities of the DBS in the event of unexpected external events, which are beyond the control of the DBS.

11 Commercial Insurance

- 11.1 Other than third party insurance to comply with Road Traffic Acts, the DBS shall not take out any insurance without the prior approval of the Home Office, other than that permitted in Managing Public Money Annex 4.5. In the case of a major loss or third-party claim, the Home Office shall provide assurance of an appropriate addition to budget and/or adjustment to the DBS targets to ensure that any liability falling on the DBS is met.
- 11.2 The DBS is not permitted to hold Employers' Liability Insurance. In accordance with the provisions of paragraph 1 of Schedule 2 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 1998/2573), the Parliamentary Under Secretary of State for Safeguarding hereby certifies that any claim established against the DBS in respect of any liability to DBS staff of the kind mentioned in section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969 will, to any extent to which it is otherwise incapable of being satisfied by the DBS, be satisfied out of moneys provided by parliament.

12 Corporate governance

DBS Board Membership

Composition of the board

- 12.1 The DBS consists of appointed members comprising a person who has the function of chairing the DBS and such number of other members as the Secretary of State decides. All are to be appointed or reappointed by the Secretary of State for terms not exceeding five years. Reappointment can be made subject to satisfactory appraisal, any interview and ministerial approval.
- 12.2 In line with legislation, the appointed members have determined that they will form themselves as a Board to govern the DBS and that each of them will be a member of that Board. The person appointed by the Secretary of State to chair the DBS, is the Chairman of the DBS Board.

13 Risk management

- 13.1 The DBS shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and develop a risk management strategy, in accordance with the Treasury guidance [Management of Risk: Principles and Concepts](https://webarchive.nationalarchives.gov.uk/20130102192905/http://www.hm-). It should adopt and implement policies and practices to safeguard itself against fraud and theft, in line with the Treasury's guidance on tackling fraud (<https://webarchive.nationalarchives.gov.uk/20130102192905/http://www.hm->

[treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf.pdf](https://www.treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf.pdf)). It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

14 Corporate and business plans

- 14.1 The DBS is required to issue an annual business plan in relation to the proposed exercise of its functions as soon as possible after the beginning of each financial year. In drafting this plan, the DBS will consult with the Home Office the issues to be addressed in the plan. The plan will reflect the DBS's statutory functions and, within those functions, any guidance issued or directions given by the Secretary of State.
- 14.2 Before issuing the business plan, the DBS will consult the Secretary of State.
- 14.3 The DBS will develop a longer-term corporate plan and will consult with the Home Office on the issues to be addressed in that plan.

15 Budgeting procedures

- 15.1 Each year, in the light of decisions by the Home Office on the updated draft corporate plan, the department will send to the DBS by 31 March each year:
 - a formal confirmation of the annual capital budgetary provision agreed by the department
 - a statement of any planned change in policies affecting the DBS.
- 15.2 The annual business plan will take account both of approved funding provision where this applies and any forecast receipts, and will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any departmental funding and/or other income over the year. These elements form part of the business plan for the year in question.

16 Grant-in-aid and any ring-fenced grants

- 16.1 The DBS will be funded via the income it receives through operating its disclosure service and would not normally receive Grant-In-Aid (GIA) payments. In the event that the Home Office provides the DBS separate grants for specific (ring fenced) purposes, it would issue the grant as and when the DBS needed it on the basis of a written request. The DBS would provide evidence that the grant was used for the purposes authorised by the Home Office. The DBS shall not have uncommitted

grant funds in hand, nor carry grant funds over to another financial year. DBS can raise any related queries with the Sponsor Team who will liaise with the Home Office.

17 Fees and Charges

17.1 The DBS will charge for disclosure services where it has the statutory powers to do so with agreement from Treasury. The DBS will do this in accordance with the following principles:

- The DBS will work within the Home Office overall corporate framework for charging services to support the delivery of a coherent fees strategy.
- The costs of operating the DBS service will be recovered in fees for applications and registration in line with HM Treasury's Fees and Charges Guidance.
- Any divergence from the Fees and Charges Guidance will only be with the agreement of HM Treasury.
- Changes to the NDPB charging regime will retain Treasury oversight of, and agreement to, the costs and fee levels.
- Income from fees will be retained by the DBS, except where other agreement has been reached with HM Treasury and the Home Office. Any surplus is surrendered to the consolidated fund.
- In this context, the Home Office will cover any deficit incurred by the DBS

17.2 The Home Office will work with the DBS to ensure that the Treasury agreements outlined above are obtained and will provide all necessary support to the DBS if such agreement is not obtained.

18 Reporting performance to the department

18.1 The DBS shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans. The DBS shall inform the sponsor department of any changes that make achievement of objectives more or less difficult. It shall report financial and non-financial performance, including performance in helping to deliver ministers' policies, and the achievement of key objectives outlined in the strategic and business plans regularly. The DBS's performance shall be formally reviewed by the department every two months. The responsible minister will meet the board chairman once a year.

Providing monitoring information to the department

18.2 As a minimum, the DBS shall provide the department with information monthly that will enable the department satisfactorily to monitor:

- the DBS's cash management;
- forecast outturn by resource headings;
- other data required for the Online System for Central Accounting and Reporting (OSCAR).

DBS/Department working level liaison arrangements

18.3 Finance Officials in the Home Office will liaise regularly with DBS officials to review financial performance against plans; achievement against targets and expenditure against DEL and AME; and explain Home Office policy developments that might have an impact on the DBS.

19 Delegated authorities

19.1 Home Office will issue a delegated authorities' letter to the Accounting Officer setting out the Accounting Officer's delegation from the Principal Accounting Officer. In preparing the letter, Home Office will ensure that it is consistent with this Framework Document and will consult with the Accounting Officer on the draft letter before a finalised version is issued.

19.2 The Accounting Officer's delegated authorities are set out in the HO's annual delegated authorities' letter to the CEO of the DBS.

19.3 The Parliamentary Under Secretary of State for Safeguarding has authorised the DBS as a qualified person within the meaning of s36 of the Freedom of Information Act 2000.

20 DBS Staff

Broad responsibilities for staff

20.1 The CEO will agree a staffing complement. Any decisions as to the management of the staffing complement and recruitment within the complement for all levels below the Board will be that of the CEO with due regard to the HO scheme of delegation letter. The DBS will have overall responsibility for the recruitment, retention and motivation of its staff. The board responsibilities towards its staff are to ensure that

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on

merit: there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age;

- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
- the performance of its staff at all levels is satisfactorily appraised and the DBS performance measurement systems are reviewed from time to time;
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the DBS's objectives;
- proper consultation with staff takes place on key issues affecting them;
- adequate grievance and disciplinary procedures are in place;
- whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place;
- a code of conduct for staff is in place based on the Cabinet Office's Model Code for Staff of Executive Non-departmental Public Bodies [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690948/Public_Bodies - a guide for departments - chapter 5.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690948/Public_Bodies_-_a_guide_for_departments_-_chapter_5.pdf).

Staff costs

- 20.2 Subject to its delegated authorities, the DBS shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and conditions of service

- 20.3 The Home Office should have regard to Chapter 5 of the Cabinet Office Guide to Public Bodies that provides guidance on staff issues in public bodies. DBS staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the Home Office and the Treasury.
- 20.4 The DBS shall operate a pay scheme that shall form part of the general pay structure approved by the Home Office and the Treasury.
- 20.5 DBS will submit a pay remit to the Home Office on an annual basis to determine future pay arrangements.
- 20.6 Staff terms and conditions will be set out to staff by the DBS.
- 20.7 The DBS shall comply with the EU Directive on contract workers – the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations.

Pensions, redundancy and compensation

- 20.8 DBS is part of the Civil Service pension scheme and the Civil Service Compensation Scheme for redundancy. Details can be found at the following website <https://www.civilservicepensionscheme.org.uk/>.
- 20.9 Any proposal by the DBS to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the department. Proposals on severance must comply with the rules in chapter 4 of Managing Public Money.
- 20.10 The travel expenses of board members shall be tied to the rates allowed to senior staff of the DBS or departmental rates [whichever is applicable]. Reasonable actual costs shall be reimbursed.

21 Review of DBS's status

- 21.1 The DBS will be reviewed every parliament lifetime.

22 Communication Protocol

- 22.1 Communication between the Home Office and DBS will be in line with the protocol agreed by the Home Office and DBS. Where this is breached the rules of escalation within the protocol apply. There are also specific protocols for handling parliamentary questions and MP correspondence.

23 Arrangements in the event that the DBS is wound up

- 23.1 The sponsor department shall put in place arrangements to ensure the orderly winding up of the DBS. In particular it should ensure that the assets and liabilities of the DBS are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the sponsor department.) To this end, the department shall:
- ensure that procedures are in place in the DBS to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body;
 - specify the basis for the valuation and accounting treatment of the DBS's assets and liabilities;

- ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit, and that, for non-Crown bodies funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts;
 - arrange for the most appropriate person to sign the closing accounts. In the event that another ALB takes on the role, responsibilities, assets and liabilities, the succeeding ALB AO should sign the closing accounts. In the event that the department inherits the role, responsibilities, assets and liabilities, the sponsor department's AO should sign.
- 23.2 The DBS shall provide the department with full details of all agreements where the DBS or its successors have a right to share in the financial gains of developers. It should also pass to the department details of any other forms of claw-back due to the DBS.

24 DBS Relationship with Key Partners

- 24.1 For the DBS to be effective, it must develop strong relationships with partners. In addition to ongoing engagement with the Home Office, the Department for Education (DfE) and the Department of Health and Social Care (DHSC), the DBS will develop and maintain collaborative and constructive working relationships with its other key partners, including:
- Department for Business, Energy and Industrial Strategy (BEIS);
 - HM Passport Office;
 - Police (through a Service Level Agreement); and,
 - Other Government Departments and the Devolved Administrations.

25 Independent Monitor

- 25.1 The Independent Monitor (IM) role is a statutory role to review "approved information" that may be issued by police forces on Enhanced certificates. The IM will undertake an independent review of disputes that applicants may wish to raise around the proportionality of information that a Chief Constable has released on an Enhanced certificate.
- 25.2 The IM also has a statutory duty to produce a report to the Home Secretary on an annual basis and can also make recommendations on any appropriate changes in procedure or legislation.
- 25.3 The DBS will provide relevant information to enable the IM to perform their statutory duties effectively and will refer cases to the IM for consideration once they have

been reviewed by a Chief Officer. Secretariat support to the IM will be provided by the Strategy Directorate.

Signed

A handwritten signature in blue ink, appearing to read 'KB' followed by a stylized flourish.

Kenny Bowie
Date 7 April 2020
On behalf of the Home Office

Signed

A handwritten signature in blue ink, appearing to read 'G. Fairfield' with a long horizontal line extending from the end.

Gillian Fairfield, Chairman
Date 6 April 2020
On behalf of the DBS

APPENDIX 1 List of government-wide corporate guidance instructions

Compliance with government-wide corporate guidance and instructions

The Body shall comply with the following general guidance documents and instructions:

- this document;
- Appropriate adaptations of sections of Corporate Governance in Central Government Departments: Code of Good Practice
<https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments-2017>;
- Code of Conduct for Board Members of Public Bodies
<https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies>;
- Code of Practice for Ministerial Appointments to Public Bodies
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/578498/governance_code_on_public_appointments_16_12_2016.pdf;
- Managing Public Money (MPM);
- Public Sector Internal Audit Standards,
<https://www.gov.uk/government/publications/public-sector-internal-audit-standards>;
- Management of Risk: Principles and Concepts: ;
<https://www.gov.uk/government/publications/orange-book>;
- HM Treasury Guidance on Tackling Fraud,
https://webarchive.nationalarchives.gov.uk/20130102192905/http://www.hm-treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf.pdf;
- Government Financial Reporting Manual (FReM),
<https://www.gov.uk/government/publications/government-financial-reporting-manual-2020-21>;
- Fees and Charges Guide, Chapter 6 of Managing Public Money;
- Departmental Banking: A Manual for Government Departments, annex 5.6 of Managing Public Money;
- relevant Dear Accounting Officer letters
<https://www.gov.uk/government/collections/dao-letters>;

- Regularity, Propriety and Value for Money, https://webarchive.nationalarchives.gov.uk/20130102173401/http://www.hm-treasury.gov.uk/psr_governance_valueformoney.htm;
- The Parliamentary and Health Service Ombudsman's Principles of Good Administration <https://www.ombudsman.org.uk/sites/default/files/page/0188-Principles-of-Good-Administration-bookletweb.pdf>;
- Consolidation Officer Memorandum, and relevant DCO letters;
- relevant Freedom of Information Act guidance and instructions (Ministry of Justice);
- Model Code for Staff of Executive Non-departmental Public Bodies (Cabinet Office) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690948/Public_Bodies - a guide for departments - chapter 5.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690948/Public_Bodies_-_a_guide_for_departments_-_chapter_5.pdf);
- other relevant guidance and instructions issued by the Treasury in respect of Whole of Government Accounts;
- other relevant instructions and guidance issued by the central Departments;
- specific instructions and guidance issued by the sponsor Department;
- recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to the DBS.