

1625 INDEPENDENT PEOPLE

Disclosure Check Policy

1. POLICY STATEMENT

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Independent People complies fully with the Code of Practice¹ regarding the correct handling, use, storage, retention and disposal of certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

We undertake to treat all applicants for positions fairly and not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

Independent People is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

Our *Recruitment of Ex-Offenders Policy Statement* is contained within our *Recruitment Policy and Procedure (Appendix 2)*, which is available to all Disclosure applicants at the outset of the recruitment process.

¹ NB The code of practice has not been rebranded from Criminal Records Bureau (CRB) to DBS but it remains applicable for any organisation using the DBS checking service.

2. DISCLOSURE REQUEST

At Independent People a Disclosure Check is required in relation to every role and our recruitment literature contains a statement that a Disclosure will be requested in the event of the individual being offered the position. The level of check is dependant on individual role. Enhanced DBS checks are carried out for all staff and non-staff personnel who have unsupervised access to children and vulnerable adults, including volunteers, students on placement, consultants and independent visitors. This may include access to information about children and vulnerable adults. Other roles within the organisation undergo Basic DBS checks. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process.

We ensure that all those managers in Independent People who are involved in the decision making around risk assessment of certificate information have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the *Rehabilitation of Offenders Act 1974*.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a DBS Disclosure aware of the existence of the Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. **Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

Once you have commenced employment with us, we will make further disclosure requests at regular intervals during the course of your employment.

If you are charged with a criminal offence, or you receive a caution or a conviction during the course of your employment, you must disclose this to us as soon as possible. Failure to do so and/or at your earliest opportunity would be dealt with under the organisation's *Disciplinary Procedure*.

3. DISCLOSURE PROCESS

Applicants who are enrolled on the Update Service will be asked to provide us with consent for access to the same. Applicants who are not enrolled on the Update Service will be asked to provide personal information to enable us to carry out a DBS check, the cost of which will be born by the organisation. In the event of an unclear check, they will be asked to disclose the Disclosure information to us following receipt of their certificate. If the applicant's offer of employment remains and they have undergone an Enhanced DBS check, they will be asked to join the Update Service within 19 days of the certificate being issued and to provide us with written consent for access to the same for the purposes of carrying out a Status Check.

Applicants who have undergone a Basic DBS check will not have the option to enrol on the Update Service as this is not available to applicants with a Basic DBS check. As such, this requirement will not be applicable to them. Instead, a new Basic DBS check will be undertaken every 3 years, the cost of which will be born by the organisation.

All employees who undergo an Enhanced DBS check will be asked to join the DBS Update Service, if not already a member, when their next Enhanced DBS check is carried out following the implementation of this Policy. Membership will be a requirement of those employees' employment at the organisation. The cost of the Enhanced DBS check will be born by the organisation but the cost of the initial subscription to the Update Service and the yearly upkeep thereof is the applicant's responsibility. The organisation will reimburse applicants for this cost on the production of a valid receipt.

Where individuals' subscriptions to the Update Service lapse, the organisation will have to carry out a new Enhanced DBS check, which will incur a cost. This cost will become the responsibility of the employee and will be reimbursed from the individual affected through a deduction of wages or otherwise. Further, pending the outcome of a further check, the individual will not be permitted to work with young people and may be suspended from work. We therefore strongly encourage all staff not to allow this to happen.

4. STORAGE AND ACCESS

Certificate information are kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Independent People uses the secure online checking procedure available from the DBS. Access to this service is controlled by password and limited to the Chief Executive Officer and relevant personnel with HR administrative duties. Confirmation from the DBS of the outcome of the check and date on which it was completed is attached to the applicant's personnel file. Access to this information is strictly controlled and limited to those who are entitled to see it as part of their duties.

5. HANDLING

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

At interview stage, applicants are asked to complete initial disclosure forms in accordance with the DBS guidelines. Completed forms awaiting processing are only handled by those who are entitled to do so as part of their duties.

6. USAGE

Disclosure information is only used for the specific purposes for which it was requested and for which the applicants' full consent has been given.

7. RETENTION

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we consult the DBS about this and give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

8. DISPOSAL

Once the retention period has elapsed, we ensure that any certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information is not kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We do not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

9. DBS REFERRAL

As an employer, we have a legal duty to make DBS referrals in certain circumstances. There are two main conditions which should be met for a referral to be made, these are:

1. We have permanently removed a person from 'regulated activity' through dismissal or permanent transfer from 'regulated activity' (or would have if the person had not left, resigned, retired or been made redundant); and
2. We believe the person has:
 - (a) Engaged in 'relevant conduct'
 - (b) Satisfied the 'harm test' (i.e. no action or inaction occurred but the present risk that it could was significant), or
 - (c) Received a caution or conviction for a 'relevant offence' (a list of these offences is available on the DBS website, or call the helpline for advice).

We will not make referrals when an allegation is first made. We will first undertake an investigation and evidence gathering process and this will be done in order to establish if the allegation has foundation, for example as part of an internal disciplinary process. Without evidence or substance to the claims many allegations will be quickly closed down as there will be no foundation on which the DBS can proceed.

The referral is done through the completion of a DBS Referral Form and submission of documentary evidence which is split between 'Legal Requirements' and 'Documentation'. We will always ensure we adhere to the guidance supplied by the DBS in making such a referral and we will inform the affected individual that we have made the referral.

10. POLICY REVIEW AND MAINTENANCE

This policy is reviewed regularly by the management team to ensure that Independent People is being fully compliant.