

Disclosure & barring service and recruitment of ex- offenders



Exeter
City Council

Posts in a position of trust may be subject to a disclosure & barring service (DBS) check, this may be a standard, enhanced or enhanced with children's and/ or adults' barred lists check(s), according to the responsibilities of that post. Before undertaking any checks, the council must ensure that they are entitled to ask that person for their conviction history. For those positions where a check is required, all job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

The council undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

The council complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly and 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 previous criminal offences. It actively promotes equality of opportunity for all, including those with criminal records. It selects all candidates for interview based on their skills, qualifications and experience.

Where a DBS check forms part of the recruitment process, the council encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process. This information will only be seen by those who need to see it as part of the recruitment process. Applicants should be aware that under the amendments to the Exceptions Order 1975 (2013) certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. If unsure, guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

Unless the nature of the position allows the council to ask questions about your entire criminal record we will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 and as per changes made via the Legal aid, Sentencing and Punishment of Offenders Act 2012, due to come into effect from November 2013.

The Rehabilitation of Offenders Act (1974) assists rehabilitated ex-offenders back into work by allowing them not to declare criminal convictions after the rehabilitation period set by the Court has elapsed and the convictions become "spent". During the rehabilitation period, convictions are referred to as "unspent" convictions and must be declared to employers.

The council will ensure all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. It will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

At interview, or in a separate discussion, we will 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 undertake to discuss any matter revealed in a DBS check 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 the offences.

Policy statement on secure storage, handling, use, retention and disposal of disclosures and information:

General Principles

Exeter City Council complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information and has a written policy on these matters, which is available here.

Storage and Access

Certificate information is never kept on an applicant's personnel file and is always kept separately and 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.

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 or certificate information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

We do not keep certificate information for any longer than is absolutely 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 will consult the DBS about this and will give full consideration to the Data Protection Act and Human Rights of the individual subject before doing so. Throughout this time, the usual condition regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately suitably destroyed by secure means, i.e. by shredding. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will 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 and the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken.

Data Protection

Privacy statement

Exeter City Council is fully committed to compliance with the Data Protection Act 1998 and the following principles will apply when we handle your personal information.

General Principles

- Your personal information will only be processed with your knowledge.
- Only the information that is actually needed will be collected and processed.
- Your personal information will only be seen by those who need to see it.
- Personal information will only be retained only for as long as it is required.
- Decisions affecting you will only be made on the basis of reliable and up-to-date information supplied by DBS.
- Your information is protected from unauthorised or accidental disclosure.
- We will provide you with a copy of your personal information on request.
- Inaccurate or misleading data will be corrected as soon as possible.
- Disputes will be handled promptly by DBS for which there are procedures in place.

More guidance is available on: www.gov.uk/government/organisations/disclosure-and-barring-service/about

Guidance for calculating when convictions become spent is available on: www.disclosurecalculator.org.uk