



Criminal Records Checking (Disclosure) Policy

Introduction

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for certain positions of trust, the Trust complies fully with the DBS Code of Practice, its obligations under the Data Protection Act 1998, and any other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosures and Disclosure information. This policy provides the framework to ensure the correct management of such information, and is available to those who wish to view it on request.

The Trust works with children and vulnerable adults in delivering both the conservation, and people elements of its mission. At various points, and times, and to varying degrees, Trust staff, trustees, volunteers and members (known collectively as personnel) come into contact with children, and vulnerable adults.

The DBS operates a national system of criminal record checks, which are known as Disclosures. There are two types of Disclosure; standard and enhanced.

The Trust has a duty to carry out Disclosure checks for personnel working closely or regularly with children, and vulnerable adults. The Trust also has a duty of care to follow best practice in the use of Disclosure with other personnel to safeguard as much as possible the wellbeing of children, and vulnerable adults who come into contact with the organisation.

This policy should be read in conjunction with the Trust's policy statement on Recruitment of Ex-offenders.

Policy Statement

The Trust's policy is to conform to all statutory duties under the Code of Practice and Explanatory Guide for Registered Persons, and other recipients of Disclosure Information. This code of Practice is published under section 122 of the Police Act 1997.

The Trust recognises that it is a criminal offence to pass Disclosure information to anyone who is not entitled to receive it. Therefore, in accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties, and a record is maintained of all those to whom the information has been revealed.

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

The mechanisms by which Disclosure will be handled are set out below.

The Trust processes Disclosure Applications through Disclosure Services (DS) a confidential, on-line, DBS-registered, disclosure application checking and processing service. The Trust's Administration Manager, Engagement Officer (Co-ordinator) and Engagement Officer (Queenswood) will be registered with DS as Nominated Persons (NP) for the purposes of processing Disclosure requests. These individuals will automatically undergo the appropriate level of Disclosure as part of the registration process. The responsibility of an NP is to provide guidance to an individual who is required to seek Disclosure, to receive, and check completion of any manual application form or receive, and input applicants' data on-line, to see and check identifying documents, and to forward applications to DS for final checking, processing, and submission to DBS. When the DBS have completed the disclosure process, if there is nothing recorded for the applicant, DS will receive an email report from the DBS which they will forward to the NP. The applicant will receive a hard copy directly from the DBS. However, if there is a criminal history found advice will be received via DBS/DS for NP to "wait to view the Applicants Certificate". The NP is responsible for ensuring that relevant individuals are informed of the outcome (normally the Disclosure subject and their line manager), and that the form is handled according to Trust procedure.

The Trust will seek appropriate training opportunities to ensure that relevant personnel are kept up to date with legislation, codes of practice and current guidelines. This will include not only NP's, but also line manager, and administrative staff.

All personnel over the age of criminal responsibility whose work involves significant contact with children, and vulnerable adults will be subject to an Enhanced Disclosure. Interpretation of the word 'significant' will be according to the guidelines in the DBS's Code of Practice but may involve frequent, sole or supervisory contact with relevant individuals.

All personnel involved in managing staff or volunteers who are subject to a Disclosure will, themselves, be required to undergo Disclosure to the same level.

The Trust will make it clear in all recruitment advertising, and materials if a Disclosure will be required for the post in question.

The Trust will handle Disclosure information as set out in the DBS's Code of Practice. In particular, it will ensure that access to Disclosure information is restricted to relevant individuals in the senior management team, and line management structure.

The evidence produced by the Disclosure process will be only used to assess the suitability of personnel to work with children, and vulnerable adults, and for no other purpose. Those involved in making recruitment decisions using a Disclosure will abide by the Trust's Recruitment of Ex-Offenders Policy Statement.

Disclosure information will be kept securely in lockable, non-portable storage containers with access limited to those who are entitled to see it as part of their duties.

A copy of a Disclosure application form will be kept on an individual's personnel file until the Disclosure certificate is received, when the application form will be shredded or otherwise securely destroyed.

When a Disclosure certificate is received, it will be kept in a separate, secure file until the end of the probationary period (maximum 6 months). This retention for 6 months is to allow for the resolution of any disputes or complaints. The individual is free to choose whether or not to keep his or her own copy of the Disclosure certificate.

If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the Trust will consult the DBS, and give full consideration to its obligations, and responsibilities with regard to Data Protection and Human Rights before doing so. Throughout any extended retention time, the usual conditions regarding safe storage, and strictly controlled access will prevail.

Once the retention period has elapsed the Disclosure will be shredded or otherwise securely destroyed. The Trust will not keep any photocopy or other image of the Disclosure or any copy or representation of its contents. However, notwithstanding the above, the Trust will keep a record of the issue date of a certificate, the name of the individual, the position for which the Disclosure was requested, the type of Disclosure, the unique reference number, and whether or not the Disclosure was satisfactory.

The Trust will ONLY accept Disclosure information generated through a previous organisation from new volunteers or candidates for posts if:

- it is for a job for which the applicant was accepted; and
- one of the applicant's referees is their line manager or equivalent in that same post; and
- a continuity of contact can be established since the Disclosure was originally obtained.