

## **Policy on the Use of DBS Checks and the Recruitment of Ex-offenders**

### **1. Introduction**

- 1.1 Mendip District Council complies fully with the Disclosure and Barring Service (DBS) Code of Practice and undertakes to treat all applicants for positions fairly. The DBS checking service is used to assess applicants' suitability for positions of trust. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of conviction or other information revealed.

### **2. Employment**

- 2.1 Applications for employment will only be accepted on the Council's standard application form which includes questions about criminal offences.
- 2.2 The Council 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.
- 2.3 A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, job advertisements and recruitment booklets will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- 2.4 Where a DBS check 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 request that this information is sent under separate, confidential cover, to the Strategic HR Advisor and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 2.5 Only candidates attending for interviews will be asked questions about their criminal records and, unless the nature of the position allows us to ask questions about an entire criminal record, we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- 2.6 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.
- 2.7 The Council 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 prevent you from working with Mendip District Council.** An assessment will be undertaken to assess the relevance of any conviction to the particular post; the assessment will include consideration of the nature of the work and the working environment.

### **3. Licensing and Other Services**

- 3.1 There a number of circumstances where a Disclosure and Barring Service Disclosure will be required before a person can be in engaged in activities on behalf of the Council such as hackney carriage/private hire drivers.
- 3.2 Applications for hackney carriage/private hire drivers will only be accepted when made on the relevant application form.
- 3.3 Applications for hackney carriage/private hire drivers are considered in line with the requirements of the relevant legislation and our relevant policies.
- 3.4 An enhanced level DBS check is sought, as the driver is almost certain to carry lone children and vulnerable adults on a regular basis. DBS checks are sought on initial application and then every 3 years. On initial application no decision regarding the determination of the application is made until such time as the DBS check has been returned.
- 3.5 Applicants may be questioned about their criminal records by the following when they are hearing an application brought before them for consideration:-
- Licensing Enforcement Officer
  - Principal Licensing Officer
  - Council Solicitor
  - Council Members sitting on a Sub-Committee of the Licensing Board
- This may occur where the DBS check contains spent or unspent convictions that are of concern, with reference to the relevant legislation and the Council's policy.
- 3.6 Where relevant information is contained in a DBS check, a discussion/hearing or interview will take place to discuss the matter(s), in greater detail, prior to determination of their application.

**Having a criminal record will not necessarily prevent you from being licensed by Mendip District Council as a hackney carriage/private hire driver.** The relevance of any information contained on a DBS check will be considered, with reference to the relevant legislation and Council policies.

4. The Council makes aware to every subject of a DBS Disclosure the existence of the DBS Code of Practice, a copy of which is available on request.
5. Information on any convictions will be kept strictly confidential and on a need-to-know basis.

### **6. Volunteers**

- 6.1 Volunteers are used to assist with the delivery of some of the council services usually under the auspices of another organisation such as the police. The volunteers are not employees or do not have a formalised relationship with the Council. Therefore the Council is not responsible for DBS checks. That responsibility must rest directly with the agency that engages them.

## **Handling and Safekeeping of DBS Information**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Mendip District Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of DBS checks and associate information. It also 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 DBS checks.

### **Storage and Access**

DBS checking 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, DBS checking 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 DBS checks or associated 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**

DBS checking 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**

Once a recruitment (or other relevant) decision has been made, DBS checking information is normally destroyed, we do not keep it for any longer than is absolutely necessary. On occasions it may be held for a maximum 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 information for longer than six months, we will consult the Disclosure and Barring Service and give full consideration to the Data Protection and Human Rights Acts before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, we will ensure that any DBS checking information is immediately suitably destroyed by secure means, i.e. by shredding. While awaiting destruction, such information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We do not keep any photocopy or other image of the DBS check or any copy or representation of the contents of a DBS check. However, notwithstanding the above, we may keep a record of the date of issue of a DBS check, the name of the subject, the type of check requested, the position for which the check was requested, the unique reference number of the DBS check and the details of the recruitment decision taken. All of this information will be kept in accordance with the conditions outlined in paragraph 2 above.

Reviewed and amended to incorporate changes from CRB to DBS: January 2013  
Next Review: May 2015