

RECRUITMENT OF EX-OFFENDERS AND DISCLOSURE AND BARRING SERVICE (DBS) POLICY

1. POLICY STATEMENT

Due to the nature of Herefordshire Mind's work most of the posts are exempt from the Rehabilitation of Offenders Act 1974 and the organisation uses the Disclosure and Barring Service (DBS) to assess current and prospective employees' and volunteers' suitability for positions. As a result, the Charity complies fully with the DBS Code of Practice and undertakes to treat all employees and applicants for employment and voluntary positions, fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Herefordshire Mind is committed to the fair treatment of employees, volunteers, potential employees and clients regardless of race, gender, religion or religious belief, sexual orientation, marital or civil partnership status, gender reassignment, pregnancy or maternity, responsibilities for dependents, age or physical or mental disability.

Herefordshire Mind actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of individuals. Individuals are selected for interview based on their skills, qualification and experience.

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

2. GENERAL PRINCIPLES

Recruitment of Ex-Offenders

All applicants will be made aware of our policy on the above at the outset of the recruitment process. All recruitment briefs will contain a statement advising individuals that a Disclosure will be requested if the individual is offered the position.

We encourage all applicants, whether on an employed or voluntary basis, to provide details of any criminal record at an early stage of the process. This information should be sent in confidence to the nominated person, as indicated on the application form. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

We ensure that all those at Herefordshire Mind who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders – 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, or voluntary work.

DBS

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment, or voluntary work.

If a positive DBS is received the manager must complete the **Positive DBS Check Risk Assessment** form. If any risk is identified a meeting will be held with the applicant. This must be recorded on the **Positive DBS Assessment Meeting** form.

Having a criminal record will not necessarily bar someone from working with us. This will depend on the nature of the position and the circumstances and background of the offences.

Prospective and current employees, and volunteers must bring in their current DBS certificate if asked to do so. Failure to provide this information may put employment at risk.

Current employees and volunteers will be required to repeat the DBS process every few years.

3. USAGE, STORAGE AND ACCESS OF DISCLOSURE INFORMATION

Herefordshire Mind complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure and Disclosure 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 Disclosure information.

Disclosure information is never kept on an individual'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.

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

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.

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 will consult the DBS about this and will 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.

In all services inspected by the Care Quality Commission (CQC) certificates will be retained until the next inspection. Once the inspection has taken place the certificate should be destroyed in accordance with the Code of Practice.

Once the retention period has elapsed, we will ensure that any DBS certificate is immediately destroyed by secure means, i.e. by shredding, pulping or burning. 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, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Herefordshire Mind complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and 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 Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

4. DBS UPDATE SERVICE

We encourage all staff to subscribe to this service when their DBS certificate is due for renewal.

5. LINKS TO OTHER POLICIES

- Recruitment and Selection
- Confidentiality and Data Protection
- Equal Opportunities and Diversity

Policy Agreed: February 2014

Policy Agreed By: Executive Director

Policy Review Date: February 2019

APPENDIX 1**POSITIVE DBS CHECK RISK ASSESSMENT****Name of Applicant:****DBS Number:****Date of DBS:****Post:****Name of Manager:****Department:**

Is the type/nature of offence (s) directly relevant to the post? Please provide details:	YES	NO
Does the post involve regular 1-1 contact with vulnerable adults?	YES	NO
When did the relevant offence (s) occur?	Less than 2 yrs ago	More than 2 years ago
Is there a pattern of related offences?	YES	NO
Did the applicant declare the relevant offence on his/her application form?	YES	NO
Does the information provided by the DBS match the information provided by the applicant?	YES	NO
What level of supervision will the postholder have?	CLOSE	MINIMAL
Have 2 satisfactory references been received?	YES	NO
Do the references confirm suitability for the post?	YES	NO

OUTCOME OF ASSESSMENT

To continue with recruitment with no further action	YES	NO
To arrange to meet with the individual to discuss	YES	NO

Signature and Name of Assessor:**Date:**

POSITIVE DBS RISK ASSESSMENT MEETING

Name of Applicant:

DBS Number:

Date of DBS:

Date of Meeting:

Name of Manager:

Post & Dept:

Name of all present at the meeting:

	Details/Comments	*High Risk	*Medium Risk	*Low Risk
Nature of Offence				
Date of Offence				
Age of applicant when offence committed				
How long ago was the offence committed?				
Circumstances of offence				
Isolated or history of offending?				
Degree of intention at time of offence?				
Any damage to property or persons?				
Degree of remorse expressed?				
Are there any mitigating circumstances i.e. immaturity?				
Can the applicant demonstrate any efforts not to re-offend?				
Can safeguards be implemented to reduce/remove any risk?				
Are they currently subject to a police investigation?				
Have they ever been disqualified from practice or profession in health and social care work?				
Are they currently the subject of any investigation by a regulatory body within the Health and Social Care field?				

Any other notes:				
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**Assess risk in relation to the specific post they will undertake*

Decision of Manager: (tick appropriate category)

Continue with employment with no further action:

Redeployment whilst further investigation takes place:

Disciplinary process to be invoked:

Manager's Signature:

Date:

Print Name:

Declaration by candidate:

I confirm that I have given the information within the DBS Disclosure Review Meeting voluntarily as part of the DBS process.

I understand that I must inform the organisation of any changes to my status during my employment i.e. if I am investigated, cautioned, reprimanded, warned or subjected to criminal conviction during the course of my employment.

Failure to disclose information could result in disciplinary action leading to dismissal.

Signed:

Date:

Print Name: