

**POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS AND THE  
SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF  
DISCLOSURES AND DISCLOSURE INFORMATION**

**Recruitment**

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust Greater Manchester West Mental Health Foundation Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

The Trust is committed to the fair treatment of its staff, potential staff or users of its service, regardless of age, sex, sexual orientation, gender, re-assignment, disability, HIV status, race, colour, language, religion, political, trade union or other opinion of belief, material or social origin, association with a minority, domestic circumstances, property or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their values skills, qualifications and experience.

For those positions where a Disclosure is required, all application forms, job adverts and recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position. This statement on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process.

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 and that this information is provided as outlined in the application form. We guarantee that this information is only seen by those who need to see it as part of the recruitment process. Unless the nature of the position allows the Trust to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

You are only required to disclose any convictions, cautions, reprimands or final cautions that are not "protected" as defined by the Rehabilitation of Offenders act 1974 (Exemptions) Order 1975 (as amended in 2013). For more detail and to check your individual case please see the Nacro 'Practical guidance on DBS filtering'.

We ensure that all those in the Trust who are involved in the recruitment process have been trained to identify and assess the relevance and circumstances of offenders. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders [see.g.:](#) the Rehabilitation of Offenders Act 1974.

At interview, or in 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 relevant to the position sought could lead to withdrawal of an offer or employment.

Through this document we are making every subject of a DBS Disclosure aware of the existence of the DBS 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.

**Ongoing Check**

If you are appointed to the post, you will be required to provide evidence of a satisfactory DBS check on a 3 yearly basis.

To achieve this, the Trust recommends that you sign up for the DBS update Service (£13.00 annual subscription fee – currently) which is an automated process. You may choose to have DBS carried out by the Trust on a 3 yearly basis instead; however this would be more expensive.

**THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

**General Principles**

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

**Storage and access**

Disclosure information is 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.

**Handling**

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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**Usage**

Disclosure 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, we do not keep Disclosure information for any longer than is necessary. This is 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 Disclosure 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.

**Disposal**

Once the retention period (6 months) has elapsed, we will ensure that any Disclosure information is destroyed by secure means, i.e. by shredding, pulping or burning. We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we will keep a record on ESR of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

### **Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the DBS Code and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

**Reviewed: 15<sup>th</sup> September 2015**