

## IvybridgeLink at the BridgeLink Centre

### Policy on recruitment of DBS applicants with a criminal record and Code of Practice for handling of DBS checks

#### Background

#### 1. Overview

IvybridgeLink 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 offending background.

#### 2. Applicability

IvybridgeLink is not a Registered Body with the Disclosure and Barring Service (DBS) under section 120 of the Police Act 1997 (Registered Bodies)/Update Service information under section 116A of the Police Act 1997, but submits our applications for DBS products via an umbrella Registered Body organisation. The Code refers to any information exchanged between DBS and the Registered Bodies. The Code of Practice does not apply to third parties but Ivybridgeline will endeavour to apply the high standards of the Code of Practice. All applicants for a DBS check should be made aware of this Code of Practice and provided with a copy on request.

##### Definitions

**Registered Body** – employer or company registered with the DBS for the purposes of processing and submitting applications for DBS products.

**Umbrella function** – Registered Bodies processing and submitting applications for DBS products from employers not eligible to register with the DBS.

**DBS Product** – Any level of check available from DBS.

**Client** – Company or individual engaging umbrella functions from a registered body.

#### 3. Changes to the Policy

IvybridgeLink will review the policy on a biennial basis to ensure consistency with the Code.

#### Policy on recruitment of applicants with criminal records

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), IvybridgeLink will comply fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly
- IvybridgeLink undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- IvybridgeLink can only ask an individual to provide details of convictions and cautions where a DBS certificate at either standard or enhanced level can legally be requested.
- IvybridgeLink can only ask an individual about convictions and cautions that are not protected
- IvybridgeLink 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 offending background
- IvybridgeLink will make available this policy to all DBS applicants at the start of the recruitment process (although DBS checks will only be completed, where relevant, once an offer has been made).

- IvybridgeLink actively promotes 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
- IvybridgeLink selects all candidates for interview based on their skills, qualifications and experience
- An application for a criminal record check is only submitted to DBS after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position. [Note NCVO's guidance makes clear that organisations should only ask about the criminal record of a potential new staff member or volunteer after making a conditional offer. Collecting criminal records information from all applicants is unnecessary, and may put IvybridgeLink at risk of collecting excessive data.]
- IvybridgeLink ensures that all those at the BridgeLink who are involved in the recruitment process will receive suitable guidance and training to identify and assess the relevance and circumstances of offences (such as the guidance provided by Recruit!  
<https://recruit.unlock.org.uk/knowledgebase/assessing-criminal-records/>)
- IvybridgeLink also ensures that staff/trustees have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- At interview, or in a separate discussion, IvybridgeLink ensures 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
- IvybridgeLink undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## **Policy on handling of DBS certificates**

### **General principles**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, IvybridgeLink 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 General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and this written policy is available to those who wish to see it on request.

#### **a. Storage and access**

Certificate information should be kept securely, in the office safe or office password-protected P.C, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### **b. 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 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.

### **c. 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.

### **d. Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### **e. Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is destroyed by secure means, e.g. by shredding. While awaiting destruction, the information will not be kept in any insecure receptacle (e.g. waste bin/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.

We will also ensure that any body or individual, at whose request applications for DBS certificates 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.

### **f. DBS logo**

The DBS logo is protected by crown copyright, the copying and use of the DBS logo is not permitted without prior approval of the DBS.

#### **Procedures - Working to the standards of the Code of Practice**

##### **On behalf of IvybridgeLink, the Centre Administrator will:**

1. Submit applications for a DBS product in the format determined by DBS, maintaining all accounts, online or otherwise, for all DBS products and delete when no longer required.
2. Ensure that applications for a DBS product are completed accurately and that all data fields determined by DBS as mandatory are completed in full.
3. Verify the identity of the applicant prior to the submission of an application for a DBS product by following the current guidelines issued by DBS. <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide>
4. Ensure that any person undertaking identity verification checks on their behalf follows the current guidelines issued by DBS.
5. Make sure signatories do not validate their own applications for any DBS products.

##### **Data Handling - On behalf of IvybridgeLink, the Centre Administrator will:**

1. Comply with the policy on the secure handling of information provided by DBS, electronically or otherwise, and make it available to individuals at the point of requesting them to complete a DBS application form or asking consent to use their information to access any service DBS provides.
2. Handle all information provided to them by DBS or by their employees or potential employees, in line with the obligations under Data protection Act 1998.
4. Ensure that a result received as part of an application submitted electronically is not reproduced in such a way that it infers that it is a certificate issued by DBS.

6. Ensure business continuity and disaster recovery measures are in place and comply with Data Protection requirements.

**Suitability Policy** - On behalf of IvybridgeLink, the Centre Administrator/Trustees will:

1. Make available to potential and existing employees the written policy on the suitability of ex-offenders for employment
2. Ensure that as part of any recruitment process, all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure.
3. Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision.
4. Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment.

**Payment of Fees** - On behalf of IvybridgeLink, the Centre Administrator/Trustees will

2. Pay all fees relating to DBS products in line with time periods set out in current procedures.
4. Correctly apply the Police Act definition of a volunteer to each criminal records check application to assert eligibility that no fee should be charged for that application.

**Eligibility** - On behalf of IvybridgeLink, the Centre Administrator/Trustees will

On behalf of Ivybridgelinek, the Centre Administrator will check on the Gov.uk "[eligibility tool](#)" the level of checking that each role is eligible for. [Department for Education \(publishing.service.gov.uk\)](#) and [Child workforce guide v10 0 28052019.pdf \(publishing.service.gov.uk\)](#)

Eligibility for DBS checks is set out in the following legislation:

- Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.8
- Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.
- Enhanced checks with children’s and/or adults’ barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

Therefore:

On behalf of IvybridgeLink, the Centre Administrator will

1. Use all reasonable endeavours to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
2. Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.

3. Ensure they are legally entitled to request any DBS product

## Change Record

Date of Change:	Changed By:	Comments:
06/05/21	KM	First draft based on Gov.uk sample policies
22/07/21	LJ	Frequency of review of policy; Policy approved by the Trustees