

Handling of DBS Certificate Information Policy

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North Tyneside Council

This document does not form part of an employee's terms and conditions of employment and can therefore be reviewed, amended and withdrawn at the discretion of the Council.

Related Documents: DBS and Safeguarding Checks Procedure; Recruitment of Ex-Offenders Policy; Recruitment Procedure including Safer Recruitment.

1 Introduction

The policy enables North Tyneside Council (the Authority) to comply with the Disclosure and Barring Service (DBS) Code of Practice in relation to the secure storage, handling, use, retention and disposal of DBS certificates and certificate information, including that held on risk assessment documentation.

2 Scope

This policy applies to all employees of the Authority and to all prospective employees, workers, volunteers, students on placement and self-employed people working on behalf of the Authority, except those who are subject to separate local management of school arrangements.

Agency workers, contractors and consultants are excluded where they are subject to separate arrangements from their primary employer.

3 Policy Statement

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Authority 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 has a written policy on these matters, which is available to those who wish to see it on request.

4 Storage and Access

Certificate information will be kept securely in lockable, non-portable, storage containers or in electronic formats with access strictly controlled and limited to those who are entitled to see it as part of their duties.

5 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. The Authority maintains a record of all those to whom certificates, or certificate information has been revealed.

All individuals responsible for recruitment that includes consideration of DBS Certificate Information must familiarise themselves with the Authority's DBS and Safeguarding Checks Procedure which is available on the Learning Pool.

In addition, all individuals in receipt of disclosure information must:

- Follow any additional guidance provided to them regarding the disclosure information provided e.g. contained within the guidance for the online checking system or results from the DBS Update Service.
- Ensure that disclosure information is only passed to those people who are authorised to see it because it is necessary for the performance of their duties. **Please note under section 124 of the Police Act 1997 it is a criminal offence to pass disclosure information to anyone who is not entitled to see it.**
- Ensure that disclosure information is only accessible to those people who need to have access in the course of their duties.
- Securely store disclosures and the information they contain (including DBS Risk Assessment documentation and photocopied or electronically scanned copies of the disclosure certificate), whilst ensuring access is strictly controlled.
- Not retain any information regarding disclosures for longer than is required.

Any breach of policy relating to the use of DBS Certificate Information may lead to action being taken under the Disciplinary Procedure, which may include dismissal.

6 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.

7 Retention

Once a recruitment (or other relevant) decision has been made, the Authority does not retain a certificate or certificate information for any longer than is necessary.

Any Risk Assessment information will be kept for a period of 7 months from the date of the decision. This retention will allow for the consideration and resolution of any disputes or complaints.

Following this period, a review will be conducted on a case-by-case basis for any individuals who were then employed by the Authority. This review will be led by HR, and a decision reached regarding whether it is necessary to retain the information longer. This could be, for example, to maintain appropriate safeguarding measures, for the purpose of completing safeguarding audits, or as required for the purposes of inspection by Ofsted or the Care Quality Commission. Where a decision is made to retain the information this decision and its basis will be recorded.

Any Risk Assessment information for any unsuccessful candidates will be destroyed without review.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will continue.

8 Disposal

Once the retention period has passed, we will ensure that any DBS certificate information is immediately destroyed by secure means. While awaiting destruction, certificate information will not be kept in any insecure receptacle e.g. waste bin or non-lockable confidential waste sack

The Authority will not keep a photocopy or other image of the certificate or any copy or representation of the contents of a certificate. The Authority will, however, 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.