

QUEEN VICTORIA HOSPITAL NHS FOUNDATION TRUST

**CODE OF PRACTICE
for
DISCLOSURE AND BARRING SERVICE (DBS)**

**Guidance on 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, Queen Victoria Hospital NHS Foundation 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 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

STORAGE AND ACCESS

Disclosure information should never be kept on an applicant or member of staff's personal file. The information is logged by a nominated member of the Human Resources Department on the Electronic Staffing Record (ESR) and no paper copies of DBS are received or kept on file.

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. The staff of the HR Department maintain a record of all those to whom Disclosures or Disclosure information has been revealed and recognise that 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. Recipients of Disclosure information should not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

In order that persons who are, or who may be, the subject of Disclosure information are made aware of the use of such information, and be reassured, the HR Department shall:

- have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested;
- ensure that job application material for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
- include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
- any matters revealed in Disclosure information that cause concern should be discussed with the person seeking the position and the relevant HR Manager. However, information released by the Police to the Trust in a separate letter will not be discussed with the applicant. This discussion will be in confidence and only if the relevant HR Manager is unclear as to whether or not the area of concern may affect the position, will the Line Manager also be included in the discussion. The HR Manager will then make a recommendation to the Head of HR, who will make the final decision as to whether or not to withdraw the offer of employment;
- If the person has already commenced employment and has not disclosed the information that is causing concern then the viability of continuing in employment will be discussed, in confidence, between the employee and the relevant HR Manager. The Line Manager will only be involved if the relevant HR Manager is unclear as to whether or not the area of concern may affect the post. The HR Manager will then make a recommendation to the Head of HR, as to whether or not disciplinary proceedings are to be invoked. The Trust Disciplinary Policy is available on the Trust intranet;
- make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request; and in order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

PORTABILITY CHECKS

If a request is received from any organisation for a portability check, the HR Department will respond that the Trust operates in accordance with DBS guidance and does not provide information from previous DBS checks.

RETENTION

Once a recruitment, or other relevant, decision has been made, the Disclosure information is not kept for any longer than is absolutely 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 Disclosure information for longer than six-months, the HR Department will consult the Criminal Records Bureau about this and will give full consideration to Data Protection and Human Rights legislation 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, the HR Department will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning.

While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g.waste bin or confidential waste sack). The HR Department will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

ASSURANCE

The Trust will use Disclosure information fairly, and ensure that it is handled and stored appropriately. The Trust will also satisfy the Disclosure and Barring Service that they are complying with the Code of Practice, which means co-operating with requests from the Disclosure and Barring Service to undertake assurance checks, as well as reporting any suspected malpractice in relation to the Code or misuse of Disclosures.

The Disclosure and Barring Service can refuse to issue Standard and Enhanced Disclosures if it suspects that the Code of Practice is not being adhered to.

Information contained in a Disclosure is confidential and HR will not discuss the contents with any member of staff outside of the Department.