



Age UK Notts Recruitment of Ex-offenders & Disclosures Policy

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Age UK Notts 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. Age UK Nottingham & Nottinghamshire also complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information, as well as complying fully with its obligations under the Data Protection Act 1998 and other relevant legislation in this regard.

Age UK Notts is committed to the fair treatment of staff, potential staff, volunteers, contractors or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities of dependents, age, physical/mental disability or offending background.

We have written this policy on the recruitment of ex-offenders, which is available to all Disclosure applicants during the recruitment process. The policy also outlines the measures taken in the secure storage, handling, use, retention and disposal of Disclosures & Disclosure information.

For further information, the DBS Code of Practice can be found here: www.gov.uk/government/publications/dbs-code-of-practice.

Recruitment of Ex-offenders

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications (both for paid and volunteer roles) from a wide range of candidates, including those with criminal records. We select all candidates and potential volunteers for interview based on their skills, qualifications and experience.

All roles will be assessed as to the level of appropriate DBS check required: the Charity undertakes a basic DBS check on many roles, and an Enhanced Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. All application forms and recruitment briefs (where applicable) will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

We ensure that all those in Age UK Notts who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they 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. Unless the nature of the position allows Age UK Notts to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

Appointment Decision

Where we are advised of a disclosure with content, we will need to view the paper disclosure in full and ask the individual to complete a written statement. A DBS Risk Assessment form will be completed, which is designed to help the Charity make a balanced decision on whether to employ the individual (or take them on as a volunteer), and acts as a record of the decision-making process.

Please note that **having a criminal record will not necessarily bar someone from working with us** in either a paid or voluntary capacity. This will depend on the nature of the position and the circumstances and background of the offences. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing an offer of employment/voluntary work. However, please note that failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment/voluntary work.

Where the DBS Disclosure contains no content, or a Disclosure with content has been through risk assessment and a decision has been taken that it is appropriate to continue with the appointment, the individual will be free to commence (or continue) their employment/voluntary role. Where a decision has been taken that it would not be appropriate to continue with the appointment, this will be discussed with the individual and confirmed in writing.

Regular rechecks

Whilst there is no legal requirement or mandatory time period for undertaking DBS rechecks on existing employees or volunteers, due to the nature of the work our organisation does and the vulnerability of our service users, it is Charity policy to undertake a recheck on staff and volunteers every 5 years (where applicable). Where employees and volunteers have subscribed to the DBS Update Service, the Charity will seek their consent to undertake an online re-check of their DBS status.

A new disclosure must also be gained where an individual moves to a new position in the Charity that requires a check at a higher level, or involves responsibilities not previously checked. For all employees, casual workers, volunteers and agency workers returning to the charity after leaving with a break in service of 3 months or more, Age UK Notts will require a new DBS check as well.

During the course of working or volunteering with Age UK Notts, should there be any changes to an individual's criminal circumstances, the person is required to disclose this information as soon as possible to the HR or Volunteering department. If there are concerns that an individual has acquired or is in the process of acquiring another conviction, caution, reprimand, warning or has been added to either of the Barred Lists, the HR Manager or Volunteering Manager will need to discuss with the Executive Managers whether a DBS re-check or other action is necessary.

Secure storage, handling, use, retention and disposal of Disclosures & Disclosure information

Storage and Access

Disclosure information is always kept separately and securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties. Generally, all information relating to the DBS application and decision-making process will be held electronically, on suitably secure systems.

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 we 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 applicants' full consent has been given.

Retention

DBS guidance states that organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. Whilst Age UK Notts will not retain any copies of an individual's disclosure certificate any longer than is necessary to make a recruitment decision, given the vulnerable nature of the people Age UK work with, the Charity will ensure that it retains enough information to meet safeguarding audit requirements, as well as to ensure compliance for insurance purposes. All such storage of information will be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and will be kept as outlined below.

The Charity will keep a record 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. This information will be held on the individual's personnel record on ADP for employees or their volunteer record on Charity Log in the case of volunteers.

Where the DBS Disclosure contains no content, the Charity will also retain an electronic copy of the Disclosure result as issued by the online application system, which will be saved to the individual's personnel record/volunteer record.

Where we are advised of a disclosure with content, a thorough DBS Risk Assessment will be conducted. The completed risk assessment form will be retained securely and placed in the individual's electronic file, however all details related to the specific offences will be removed from the form once the decision has been made.

Disclosure information in relation to the withdrawal of job (or volunteer role) offers is not retained 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, we will consult the DBS about this and will give full consideration to Data Protection and Human Rights before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by total deletion for electronic data or shredding of any paper documents. While awaiting destruction, Disclosure information will be kept securely.

Related policies and procedures

Recruitment & Selection Policy
 Confidentiality Policy and Procedure
 Data Protection Policy
 Equality, Diversity & Inclusion Policy

Owner	Laura Page	
Issue No.	Amendment & Date	Name
1.0	New draft policy combining Recruitment of Ex-Offenders & Secure Storage of disclosures policies (March 2023)	Siân Ellerton