

## **Lead Employer Trust**

# **Disclosure of Criminal Background**

## POLICY INFORMATION SHEET

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## 1. INTRODUCTION

1.1 The purpose of this policy is to ensure that the Lead Employer Trust (LET), has a robust process in place via the Disclosure & Barring Service to ensure that all employees being recruited, and working for the LET who have access to patients as part of their normal duties, are suitable for this work.

1.2 The Disclosure & Barring Service (DBS) is an executive agency of the Home Office. The DBS is the result of a merger between the Criminal Records Bureau and the Independent Safeguarding Authority (ISA) in late 2012. The system originally implemented through the CRB has been designed so that relevant information about applicants, who may have an unsuitable background, can be made available to the recruiting organisations. This helps the organisation to make safer and more informed recruitment decisions.

Now within the DBS, the role of the ISA was:

- To maintain the two lists of individuals who are barred from engaging in regulated activity with children and/or vulnerable adults (replacing all pre-existing lists – PoCA, PoVA, List 99 and disqualification orders).
- To make discretionary decisions on who should be placed on the children's and/or the vulnerable adults' list(s) prior to an individual's employment or where referred to the ISA.
- To reach decisions as to whether to remove an individual from the barred lists following review.

1.3 The DBS offers three levels of disclosure, Standard check, Enhanced check and Enhanced check with barred list check. Within the LET, the Enhanced Disclosure including barred list checks is undertaken for all employees. This level of check also applies to portable or update service DBS checks used as part of the recruitment or renewal process.

1.4 The Standard Disclosure shows details of both spent and unspent convictions and cautions, formal reprimands and final warnings held on the Police National Computer. It also shows if there is nothing on record. The Standard Disclosure is available for positions 'excepted' from the Rehabilitation of Offenders Act 1974. Broadly these are:-

- those whose duties involve regular contact with children and vulnerable adults
- certain professions in areas such as health, pharmacy and law
- and senior managers in banking and financial services

The Standard Disclosure will be issued to individuals and copied to the registered body.

1.5 The Enhanced Disclosure (excluding barred list) contains the same details as the Standard. It may also contain non-conviction information (such as allegations which may not have resulted in convictions but may impact on patient/carer safety); from local police records which a chief police officer thinks may be relevant in connection with the position sought. It will also state if there is nothing on record.

The Enhanced Disclosure is available for positions involving limited caring for (4 days in a 30 day period), or training, providing guidance for vulnerable adults or those who have access to personal sensitive medical records about children.

- 1.6 The Enhanced Disclosure (with barred list check) contains the same details as the Standard check. It may also contain non-conviction information (such as allegations which may not have resulted in convictions but may impact on patient/carer safety); from local police records which a chief police officer thinks may be relevant in connection with the position sought. It will also state if there is nothing on record. Host Training Organisations will not receive this information but will be alerted to the concern and advice will be provided by Human Resources at the LET.

The Enhanced Disclosure is available for positions involving regular caring for, or training, supervising or being in sole charge of children or vulnerable adults.

### 1.7 DBS Update Service

On 17 June 2013 the DBS introduced a new Update Service to carry out Status Checks on an individual's DBS Certificate, which allows applicants to personally keep their DBS certificates up to date online and allows employers to check a certificate online.

The introduction of the DBS Update Service has moved the responsibility away from the employer and towards the employee. For a small annual subscription of £13 employees can have their DBS Certificate kept up-to-date and take it with them from role to role, within the same workforce, where the same type and level of check is required.

### 1.8 This policy and procedure is designed to:

- Provide a framework for the effective recruitment into sensitive posts that require standard or enhanced Disclosure.
- Provide a framework for the effective recruitment of ex-offenders (Appendix B).
- To prevent unfair discrimination against ex-offenders
- To provide a statement and guidance on the secure handling, use, retention and disposal of information relating to criminal records.

## 2. POLICY STATEMENT

- 2.1 The LET has a clear responsibility to ensure that it does not put the users of its services at risk by employing unsuitable candidates. As an employer the LET therefore has duty when making appointments to carry out thorough DBS checks on candidates.
- 2.2 Failure to reveal information that it is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
- 2.3 Following the recruitment process, if it is later found that an employee has misled the LET regarding their DBS check it may result in summary dismissal and the individual may also be subject to criminal proceedings.
- 2.4 The LET is committed to equal opportunities and complies fully with the DBS Code of Practice; it recognises that discrimination is unacceptable and it is in its best interest, as well as the interests of its employees and the local population, to utilise the skills of the total workforce.

## 3. SCOPE

- 3.1 This policy applies to all current staff and candidates via the recruitment process. This also applies to posts that are considered for Honorary appointment.

## **4. KEY PRINCIPLES**

- 4.1 In all decision making regarding DBS check outcomes, the safety of patients and of the LET will be of primary importance.
- 4.2 Information regarding the outcome of DBS checks will be dealt with confidentially and sensitively.

## **5. RESPONSIBILITIES**

- 5.1 As a registered body the LET and all recipients of Disclosure information are required to comply fully with the DBS Code of Practice which is intended to ensure that the information released will be used fairly, handled and stored appropriately.
- 5.2 It is the responsibility of the LET HR Department to ensure that all reasonable steps are taken to minimise the risk to patients, staff and other service users, by following these procedures for employment clearances.
- 5.3 It is the responsibility of all candidates and employees to declare all cautions, convictions, reprimands and/or warnings and any other information that may be relevant to their DBS check. Current employees are required to inform the LET immediately if they are subject to any criminal or regulatory proceedings e.g. found guilty or charged with a criminal offence in line with the GMC's Good Medical Practice (2013) [http://www.gmc-uk.org/guidance/ethical\\_guidance/21184.asp](http://www.gmc-uk.org/guidance/ethical_guidance/21184.asp)

## **6. DISCLOSURE INFORMATION**

- 6.1 The use of Model Declaration forms.
- 6.2 Information obtained through the recruitment and selection stage is designed to prevent unsuitable people from gaining access to vulnerable groups, while at the same time respecting human rights and privacy issues and complying with the requirements of the General Data Protection Regulations Data Protection Act.
- 6.3 The LET will request criminal conviction information by issuing the Model Declaration A Form (Appendix A).

## **7. PROCEDURE**

All offers of employment with the LET will be subject to an Enhanced Disclosure (including lists check) of criminal records. At the pre-employment stage, candidates will be asked if they are enrolled with the Update Service (see appendix E), or if they hold a portable DBS check (see below).

Those who are a member of the DBS update service will not need a new DBS but would require an online check to ensure that there is no further information since the last DBS was undertaken. Should prospective employees not be a member of the update service, or have a portable DBS check, a new DBS application will be processed.

Applicants will be advised through pre-employment that should a conditional offer be made, it could not be confirmed (and they would not be allowed to commence employment) until the appropriate information had been received/considered.

### **DBS Update Service**

A simple online check for anyone registered with the DBS update service will be required as well as the most recent DBS document. Consent will be sought using appendix E.

The update service consent form will be retained once a decision is made and the original DBS will be returned.

## **Portability**

Doctors on educationally-approved rotational training will be regarded as being in continuous employment during the term of training (even when the trainees initial DBS clearance is with another NHS organisation) and are therefore required to have a DBS check, as a minimum, once every three years, rather than each time they change rotation/Host Training Organisation.

## **7.5 Making the Recruitment Decision**

7.5.1 Disclosures are an important tool in helping safer recruitment practices to ensure patient safety. Although a criminal conviction does not prevent anyone from working in the NHS, some types of offences may indicate that an applicant is unsuitable to have access to patients and should not be employed. Where an e-disclosure indicates there is information contained on the applicant copy of the disclosure, a copy of this is requested by the LET to make an informed decision.

7.5.2 The Disclosure is just one element in the pre and post-employment checks. It should be considered in the light of all relevant circumstances including:

- The nature of the offence;
- The age of the applicant at the time of the offence;
- The applicant's subsequent record;
- How relevant the offence is to the post applied for.

7.5.3 After the consideration of the Disclosure and other pre-employment checks, the job offer will either be confirmed or the candidate will be invited for further discussion before deciding whether or not to confirm the offer. The LET HR Department would be able to offer advice regarding the legislation in the context of employment decision.

7.5.4 Where the LET is not satisfied with the information issued on the disclosure document, the organisation can decline to make a job offer explaining to the candidate the reason for doing this.

7.5.5 Where a positive Disclosure is received by the LET this will be passed to the Deputy Head of HR to make a decision on the offer of or continuous employment and recorded accordingly. Where appropriate the Disciplinary Policy will be utilised.

7.5.6 In line with the NHS Employers recruitment check standard, information will be recorded in the ESR and also the intrepid system, including the issue date, level and type of check and certificate number.

## **8. EMPLOYEES RECRUITED FROM OVERSEAS**

8.1 Currently, the DBS cannot access criminal records held overseas. As all positions within the LET require a disclosure, even if the applicant claims they have never lived in the UK before, the LET will still obtain a DBS disclosure in addition to the individual's overseas criminal records.



The LET will carry out all overseas police checks in accordance with that country's justice system and UK requirements.

- 8.2 Employees who have lived or worked outside of the UK for a period of 6 or more months, within 5 years prior to the date of offer will require obtaining a historical overseas police check in accordance with that country's justice system and UK requirements. This check will not stop the employee from commencing work if a UK DBS has been carried out in pre-employment.

## **9. Right to Work**

9.1 In 2018 the Disclosure and Barring Service has introduced the alignment for individual's right to work status and their applications for standard and enhanced disclosures to ensure that those whom require a DBS check have the correct and up to date right to work in the UK. All LET employees will be asked to provide this when applying and/or renewing their DBS checks. Further information can be found at <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

## **10. MONITORING AND REVIEW**

- 10.1 It is the responsibility of the LET Human Resources Department, to ensure that all employees have a valid Disclosure in place.

- 10.2 The LET will renew employees DBS checks periodically, three years after their initial check date, whether this check was done by a new DBS being requested, a satisfactory update service check or a portable DBS being accepted.

At this point, current employees will be asked if they have subscribed to the update service, or have a portable DBS.

## **11. REFERENCES**

Model Declaration form (Appendix A) (all employees asked to complete)

The Lead Employer Trusts' Policy statement on the recruitment of ex-offenders (Appendix B)

## MODEL DECLARATION FORM A

### CONFIDENTIAL

The position you have applied for has been identified as being an 'eligible position' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) [*the Exceptions Order*] and, in certain circumstances, the Police Act 1997. This means that when considering any such appointment, the employing organisation is permitted to request a standard or enhanced disclosure through the Disclosure and Barring Service (known as a DBS check).

Both standard and enhanced DBS disclosures contain information about any convictions, cautions, reprimands and final warnings that are not protected under the DBS filtering rules as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

Before you complete this form, it will be important for you to read the highlighted note in the section below.

Enhanced disclosures may also include other relevant police information where this is deemed relevant to the position you are applying for.

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**Please note that from 29 May 2013, a number of significant changes were introduced under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (S.I. 2013/1198) which means that certain spent (old) or minor convictions and cautions are now protected (i.e. filtered) when specific conditions are met.**

**Any such convictions and cautions will no longer be included in any request for a standard or enhanced DBS check and you are no longer required to declare this information as part of a self-disclosure request or when completing a job application.**

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**If you have a criminal record and are unsure about what might be revealed about you as part of a DBS check, or the type of information you should consider declaring when completing this form, the following links to guidance will help provide more clarity:**

- [The simple guide to filtering](http://hub.unlock.org.uk/knowledgebase/filtering-simple-guide/) – Unlock  
<http://hub.unlock.org.uk/knowledgebase/filtering-simple-guide/>
- [Practical guidance on the DBS filtering rules](https://www.nacro.org.uk/) - NACRO  
<https://www.nacro.org.uk/>

Before you can be considered for appointment with the Lead Employer Trust we need to be satisfied about your character and suitability.

Where the position has, in addition, been identified as a regulated activity under the Safeguarding Vulnerable Groups Act (2006) (as amended by the Protection of Freedoms Act 2012) an enhanced DBS disclosure will include information which is held on the Children's and/or Adults barred list(s), as applicable to the position.

The Lead Employer Trust aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other such information declared.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position.

If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the recruiting manager. As part of assessing your application, we will only take into account criminal records and other information declared which is relevant to the position being applied for.

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The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Please ensure that you read the Declaration A supplementary guidance notes before completing this declaration form. They provide you with further and more detailed information about how your application will be processed, the persons to whom it will be disclosed, and the checks that will be done to verify the information you have provided.

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Please answer all of the questions within this form.

If you answer 'YES' to any of the questions, please use the space indicated to provide any information that you believe may have a bearing on your suitability for the position for which you are applying.

Please use the continuation sheet provided in this form to include any additional information or supplementary comments you wish us to consider in support of your application. You may continue on a separate sheet if necessary.

It is important to stress that answering 'yes' to any of the questions below will not necessarily bar you from an appointment within the NHS. This will depend on the relevance of the information you provide in respect of the nature of the position for which you are applying, and the particular circumstances.

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**1. Are you currently bound over, or do you have any convictions, cautions, reprimands or final warnings that would not be protected (filtered) as defined by the Exceptions Order 2013 - that have been issued by a Court or Court-Martial in the United Kingdom or in any other country?**

NO    Y

YES   Y

If **YES**, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing.

**It is important that you understand the changes that came into force from May 2013 under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment)**

(England and Wales) Order 2013 – please refer to guidance for applicants in the section above.

You are not required to tell us about parking offences.

Please include any additional information, or other supplementary comments that you believe to be relevant.

2. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

NO   
YES

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

You are reminded that, if you are appointed, you have a continued responsibility to inform us immediately where you are charged with any new offence, criminal conviction or fitness to practise proceedings in the United Kingdom or in any other country that might arise in the future, while you are in our employment.

You are not required to tell us about parking offences.

Please include any additional information, or other supplementary comments that you believe to be relevant.

3. Are you aware of any current investigations being undertaken by NHS Counter Fraud and Security Management Service (NHS CFSMS) following allegations of made against you?

NO   
YES

If **YES**, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by NHS CFSMS.

Please include any additional information, or other supplementary comments that you believe to be relevant.

4. Have you been investigated by the Police, the NHS Counter Fraud and Security Management Service (NHS CFSMS), or any other investigatory body resulting in a current or past conviction or dismissal from your employment or volunteering position?

NO   
YES

If **YES**, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the investigatory body.

Investigatory bodies include: HM Customs and Excise, Inland Revenue, Financial Service Authority, Department of Trade and Industry, Department of Work and Pensions, immigration and border force, security agencies, local authorities etc.

This list is not exhaustive and you must declare any investigation conducted by an

**investigatory body.**

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

**5. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office or other position previously held by you?**

NO   
YES

If **YES**, please provide details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

**6. Have you ever been removed from the register or have conditions or undertakings been made on your registration by a fitness to practice committee, regulatory or licensing body in the United Kingdom or in any other country?**

NO   
YES

If **YES**, please provide details of any conditions or undertakings which have been applied to your professional registration and the name and address of the regulatory or licensing body concerned.

**You are not required to provide details where any right to appeal has been upheld AND where that appeal has resulted in your case being fully exonerated.**

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

**7. Are you currently subject to a fitness to practice investigation and/or proceedings by a regulatory or licensing in the United Kingdom or in any other country?**

NO   
YES

If **YES**, please include the reasons given for the investigation and, where applicable, the details of any proceedings, limitations or restrictions that currently apply to your professional registration, and the name and address of the regulatory or licensing body concerned.

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

**8. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?**

NO   
YES

If **YES**, please include details.

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

**9. Are there any other matters in your background that may be relevant to the position being applied for, which might cause your reliability or suitability to be called into question?**

NO

YES

If **YES**, please include details.

**It is important that you read and understand the changes that came into force from May 2013 under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 – please refer to guidance for applicants in the section above.**

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

## Continuation sheet

If you have answered **'YES'** to any of the questions above, please use this space to provide any additional information or supplementary comments you wish us to consider as part of your application. You may continue on a separate sheet if necessary.

Please indicate the number of the question to which the information relates.

## Declaration

### IMPORTANT

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Act defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.

Where you are applying for a position which involves regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), this will also include information about any barring decision made by the Disclosure and Barring Service (DBS) against the Adults and/or Children's barred lists.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment, the Lead Employer Trust will not retain this declaration form any longer than necessary - see further details in the supplementary guidance for applicants which was provided with your application form. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.

**In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.**

I have read the supplementary guidance notes for applicants that accompanied my application form, and I consent to the information provided in this declaration form being used by the Lead Employer Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

**Please sign and date this form.**

SIGNATURE.....

NAME (in block capitals).....

DATE.....

**Please complete and return this Model Declaration Form in a separate envelope marked 'Confidential'. Forms should be returned to:**

NAME.....



JOB TITLE.....

ADDRESS.....

.....

If you wish to withdraw your consent at any time after completing this declaration form, or you have any queries relating to the type of information required as part of this form, please contact: Laura Dodds, HR Manager at the Lead Employer Trust.

All enquiries will be treated in strict confidence.

## APPENDIX B

### The Lead Employer Trust

#### Lead Employer Trust's policy statement on the recruitment of ex-offenders

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. See further information below for recent changes to the disclosure of criminal information on DBS certificates.

The Code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

To help you meet this requirement the DBS has produced the following sample policy statement which can be used or adapted for this purpose.

This policy statement can also be included within your company's equal opportunities policy.

#### Sample Policy Statement

- 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), [Organisation Name] complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. [Organisation Name] undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

- The Lead Employer Trust can only ask an individual to provide details of convictions and cautions that [Organisation Name] are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), [Organisation Name] can only ask an individual about convictions and cautions that are not protected.
- The Lead Employer Trust 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.

- The Lead Employer Trust has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- The Lead Employer Trust 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. [Organisation Name] select 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 thorough 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.
- The Lead Employer Trust ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Lead Employer Trust also ensures 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.
- At interview, or in a separate discussion, [Organisation Name] 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.
- The Lead Employer Trust makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.
- The Lead Employer Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

#### **Further information regarding conviction information**

On the 29 May 2013, legislation<sup>1</sup> came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

<sup>1</sup> See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

- In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

- All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

## The Lead Employer Trust

### Secure storage, handling, use, retention & disposal of Disclosures & Disclosure Information

#### General principles

As an organisation using the Disclosure & Barring Service (DBS) to help assess the suitability of applicants for training positions, the LET 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 & Access

The LET operates a E-DBS system, all disclosures completed using this system are safely stored on the secure online portal which is strictly controlled and limited to those who are entitled to see it as part of their duties. Additionally reports are pulled from the E-DBS system and held securely in the LET Human Resources Department.

Copies of Portable Disclosure information are kept on file in the LET Human Resources Department and are always kept separate and secure, in a lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. Additionally a computer database, held securely in the LET Human Resources Department will hold Disclosure information to enable the conditions of retention and disposal to be met.

#### 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 is 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 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 the Data Protection and Human Rights of the individual subject 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, we will ensure that any paper based Disclosure information, is immediately and 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). 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 may keep a record of the date of receipt 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.

**The Lead Employer Trust****GUIDELINES ON RECRUITMENT OF EX-OFFENDERS**

As an organisation using the Disclosure & Barring Service (DBS) to assess applicant's suitability for positions of Trust, the LET 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 LET is committed to the fair treatment of its staff, potential staff or users of its service, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We actively promote 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. We select candidates for interview based on their 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.

We encourage all applicants to provide details of their criminal record at an early stage in the application process i.e. on the application form. We guarantee that this information is only seen by those who need to see it as part of the recruitment process.

We ensure that all interview panels for posts will include at least one person who has been trained in Recruitment & Selection, including guidance in the relevant legislation relating to the employment of ex-offenders e.g. Rehabilitation of Offenders Act 1974.

At interview, or in a 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 directly relevant to the position sought could lead to withdrawal of an offer of employment or dismissal if already in post.

We make 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.

If there are any discrepancies between the information disclosed by an individual and the information contained in the Disclosure Certificate, the individual will be offered the opportunity to discuss these with an authorised officer from the LET (usually the Human Resources Officer) before a final decision is made about their suitability for employment.

All reasonable attempts will be made to resolve any discrepancies. However, if it is not possible to do so, the LET will reserve the right to withdraw the offer of employment. Individuals will be advised to use the Criminal Records Bureau Disputes Procedure if they believe the information contained within the Disclosure Certificate to be incorrect.

Having a criminal record will not necessarily bar people from working with us. This will depend on the nature of the position and the circumstances and background of the offences. When deciding whether an appointment to a post can be made an individual's previous convictions will be considered, taking into account the following information:

- Whether the offence(s) or matter revealed are relevant to the post in question;
- The seriousness of the offence(s) or other matters revealed;
- The length of time since the offence(s) or other matters occurred;
- Whether the applicant has a pattern of offending behaviour;
- The circumstances surrounding the commitment of the offence(s)

If a candidate fails to disclose a criminal record after subsequently being employed, they may be dismissed on grounds of failure to declare information/fraud as this constitutes an act of gross misconduct.

**DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE CONSENT FORM**

By completing this form I understand I am giving the Lead Employer Trust (LET) my consent to access the Disclosure and Barring Service (DBS) Update Service to undertake a check against my current DBS Disclosure. I have provided the below information regarding my current DBS Disclosure to assist the LET in carrying out this check.

First Name(s) (as printed on their DBS Certificate)	
Last Name (as printed on their DBS Certificate)	
Other Names (as printed on their DBS Certificate)	
DOB (as printed on their DBS Certificate)	
DBS Certificate Number (as printed on their DBS Certificate)	

I have also **attached my original DBS certificate** for the LET to review.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**EQUALITY IMPACT ASSESSMENT**

**Preliminary Assessment Form** v1/2009

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

**Division/Department**

LET HR Department

**Title of policy, procedure, function or service**

Disclosure of Criminal Background

**Type of policy, procedure, function or service**

- Existing
- New/proposed
- Changed



**Q1 - What is the aim of your policy, procedure, project or service?**

To ensure all LET employees are aware of policy and procedure of disclosing a criminal background.

**Q2 - Who is the policy, procedure, project or service going to benefit?**

LET Employees

Group	Yes	No	Unclear
Age		N	
Disability		N	
Race		N	
Gender		N	

Transgender		N	
Sexual Orientation		N	
Religion or belief		N	
Marriage & Civil Partnership		N	
Pregnancy & Maternity		N	
Relationships between groups		N	
Other socially excluded groups		N	

If the answer is “Yes” or “Unclear” complete a full EIA

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

Group	Yes	No	Unclear
Age	Y		
Disability	Y		
Race	Y		
Gender	Y		
Transgender	Y		
Sexual Orientation	Y		
Religion or belief	Y		
Marriage & Civil Partnership	Y		
Pregnancy & Maternity	Y		
Relationships between groups	Y		
Other socially excluded groups	Y		

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

Group	Yes No Impact	Yes Impact	No	Unclear
Age			N	
Disability			N	
Race			N	
Gender			N	
Transgender			N	
Sexual Orientation			N	
Religion or belief			N	
Marriage & Civil Partnership			N	
Pregnancy & Maternity			N	
Relationships between groups			N	
Other socially excluded groups			N	

If the answer is “Yes Impact”, “No”, “Unclear” or opinion is divided complete a full EIA

**Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

**Q7 – How have you come to this decision?**

No indication that equality groups have been adversely affected by this policy

**Q8 – What is your priority for doing the full EIA**

High	Medium	Low
		X

**Q9 – Who was involved in the EIA?**

HR Department, Lead Employer Trust

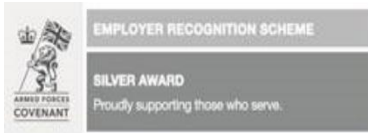
**This EIA has been approved by:**

General Manager, Lead Employer Trust

**Date:** 18.5.2023

**Contact num** 0191 275 4769

**Please ensure that a copy of this assessment is attached to the policy document to which it relates.**



North East  
**Better Health**  
at Work Award  
Gold Award

