

CRIMINAL RECORDS POLICY

1. Purpose

Healthwatch Brighton and Hove recognises its duty to its staff, volunteers, and members of the public to take into account criminal records that might have a direct bearing on a candidate's suitability for employment or volunteering within the organisation.

2. The requirement to disclose a criminal record

Accordingly, every applicant for employment or volunteering is required to complete a declaration regarding her or his criminal record.

3. Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 was intended to ensure that anyone convicted of a criminal offence is not permanently disadvantaged in the labour market. It sought to achieve this by allowing some convictions to become 'spent' after a certain amount of time. Some jobs involving working with adults at risk or children are exempted from the Act, and so no criminal conviction is ever considered to be 'spent'. In these cases applicants must advise us of any convictions they have had in the past, and failure by the applicant to disclose any convictions, whether 'spent' or not, may lead to the withdrawal of an offer of employment or voluntary work.

4. The Disclosure and Barring Service (DBS)

- 4.1 If appropriate to the position applied for, a Disclosure and Barring Service (DBS) criminal record disclosure certificate will be requested. We use the DBS to assess the suitability of applicants for posts that involve working with adults at risk and children.
- 4.2 Each job description for paid staff and role description for volunteers will state if a DBS Disclosure is required, and at what level (Standard or Enhanced).
- 4.3 We will make every subject of a DBS Disclosure application aware of the Home Office DBS Code of Practice, and that a copy is available on request.

5. Consideration of a criminal record

- 5.1 A criminal record is not necessarily a bar to appointment. Any appointment following disclosure of a criminal record will depend on the nature of the post and the circumstances of, and background to, the offence. We will not unfairly discriminate against individuals on the basis of conviction or other information revealed.

5.2 The Healthwatch Brighton and Hove *Guidelines on Considering Criminal Convictions* sets out the procedure to be used when deciding whether to appoint an applicant for paid or voluntary work when a criminal record has been declared or disclosed.

6. Management and use of DBS Disclosure information

Healthwatch Brighton and Hove complies fully with section 3 of the Home Office DBS Code of Practice on the management and use of Disclosure information.

6.1 Storage and access

Disclosure information is kept securely, in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. 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.

6.2 Retention

6.2.1 Once a recruitment decision has been made, we do not keep Disclosure information for any longer than is 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 human and data protection rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

6.2.2 We may 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.

6.3 Copies

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

6.4 Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately 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).