**DBS CODE OF PRACTICE & OPERATIONAL GUIDANCE**

As an organisation using the Disclosure & Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, Preston College complies fully with the DBS Code of Practice, Data Protection Act 1998 and other relevant legislation regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

**CODE OF PRACTICE**

*Access to Disclosure Information*

Only the Lead Countersignatory and countersignatories at the College are authorised to deal with Disclosure information.

*Fair Use of Disclosure Information*

* Preston College will not discriminate unfairly against the subject of Disclosure information on the basis of conviction or other details revealed.
* The College has written policies on the employment of staff, and on the enrolment of students, who may be ex-offenders. These policies are available to all applicants for positions where a Disclosure is requested.
* Job advertisements, application forms and similar literature relating to student recruitment will contain a statement which indicates that, where Disclosures are required, one will be requested in the event of a successful application.
* All such forms and literature will include a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position of employment or to a place on a course. This is intended to reassure applicants that Disclosure information will not be used unfairly.
* Discussion on any matter revealed in Disclosure information will be undertaken with the applicant before a decision is made.
* Everyone who applies for a Disclosure will be made aware of the existence of the DBS’s Code of Practice and a copy will be made available upon request.

*HANDLING OF DISCLOSURE INFORMATION*

Approved recipients of Disclosure information will be limited to those with DBS Countersignatory Status and other senior staff on a ‘need to know’ basis. Those staff are identified in Section 1 of this document.

The Approved recipients of Disclosure information will:

* Ensure that Disclosure information is not passed to other people not covered by the College’s list of authorised recipients (but see also the following point). Unauthorised disclosure is an offence which for College staff could be treated as a disciplinary offence of gross misconduct under the terms of the College’s Disciplinary Procedure*.*
* Ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties. For *employees*, this “need to have access” will be defined as narrowly as possible, but may include the College Principal and others in the line management of an individual. For *students*, the “need to have access” will, again, be defined as narrowly as possible, but may include the Manager of the Centre or Academy.
* Ensure secure storage of Disclosures and the information they contain. Disclosure information will **never** be kept on an individual’s personal file and will always be kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are defined within the ‘need to know’ code of practice. The basis of the ‘need to know’ will be defined as narrowly as possible in each instance.
* Will retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general, this should be no later than 6 months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This will only be exceeded in very exceptional circumstances which justify retention for a longer period.
* Ensure that after use, any Disclosure information is immediately and suitably destroyed by secure means (ie) by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (eg) 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 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.
* Adhere to the written security policy covering the correct handling and safekeeping of Disclosure information.

**OPERATIONAL GUIDANCE**

**DBS CHARGING GUIDANCE**

From 1 August 2014, all prospective employees and casual workers are required to pay for their DBS application. The Human Resources Department will advise how much this fee will be in line with current DBS charges. Payment will normally be deducted from the prospective employee or casual worker’s first months pay and arrangements may be made to deduct the fee over a period of up to three months salary payments.

If a prospective employee or casual worker retracts their acceptance of the position they have applied for, they may still be charged if their DBS application has been processed.

**RECEIVING DISCLOSURES**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it. Preston College, disclosures received from the DBS must only be opened by an authorised Countersignatory. In the absence of the Countersignatory to whom the correspondence is addressed, it must be passed to another designated Countersignatory within HR / Student Services (for student disclosures).

In the case of a positive Disclosure, the information provided by the DBS may need to be discussed with other staff who need to know the results, but only once the individual’s authority to disclose the information has been given. This ‘need to know’ procedure will be defined as narrowly as possible in each individual case. The other staff who “need to know” may, for example, include the Principal, Child Protection Officer, Head of Human Resources or others whom, it may be deemed by the Lead Countersignatory, have a need to know, such as the individual’s line manager.

Where spent and unspent offences are disclosed each Disclosure will be reviewed on its own merits by the Lead Countersignatory in order to assure objective and lawful decisions. In this context, the College’s exempted status under the terms of the Rehabilitation of Offenders Act means that offences are never spent. This condition, however, should only be applied to posts/individuals who fall into the sensitive posts category set out in the College’s Policy Statement on the Employment of Ex-offenders. The Lead Countersignatory will define, in every case, which individuals, under the need to know procedure, should be involved in such cases, and not all types of conviction will need to be discussed with the parties mentioned above. In accordance with this policy, it will be sufficient to inform managers that a Disclosure has been obtained and that the College is satisfied that the individual is cleared.

**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.

**STORAGE, RETENTION & DISPOSAL OF DISCLOSURE DOCUMENTS**

There are strict guidelines which need to be adhered to in terms of dealing with the storage and retention of Disclosure documents.

* Disclosures MUST NOT be retained on an individual’s personal file (that is the purpose of the Documentary Evidence Sheet, which enables us to retain only the information from the Disclosure that the DBS allow us to).
* Photocopies of Disclosures MUST NOT be retained in any circumstances.
* Disclosures may only be retained for a period of 6 months. Upon reaching the 6 month date, they must be shredded on site. The shredded Disclosures must then be placed in the confidential waste sacks where they will then be securely disposed of. If, in exceptional circumstances, it is considered necessary to keep a disclosure for longer than 6 months, we will consult the DBS about this and will give full consideration to Data Protection and Human Rights issues before doing so.
* Disclosures AND Disclosure Applications must only be stored in the designated secure filing cabinet within the HR Department / Student Services. Restricted access to this cabinet must be maintained at all times.

**ACCEPTANCE OF DISCLOSURES FROM PREVIOUS EMPLOYERS**

The College does not accept DBS disclosures which have been obtained by any other body.

**Policy Reviewed: 1 August 2014**

**Next Review Date: 31 July 2017**