



# **Westgate Youth Project**

## **DBS General Governing Principles**

**April 2020**

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## **Part 1 – HOME OFFICE CODE OF PRACTICE**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Westgate Youth Project complies fully with the Home Office Code of Practice. This Code is established under section 122 of Part V Police Act 1997. The DBS takes seriously its statutory duties relevant to the rehabilitation of offenders, data protection and human rights legislation and therefore seeks to ensure strict compliance with the Code.

**Identity verification** – This will only be done by a nominated person from Westgate Youth Project who has been trained to do identity checks.

**Eligibility** – Westgate Youth Project will use all reasonable endeavours to ensure that they:-

- only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment.
- correctly apply the DBS definition of a volunteer to assert eligibility for free-of-charge Disclosures (A volunteer is someone who isn't being paid - apart from travel and out of pocket expenses - and isn't looking after a close relative)
- Students on training placements or work experience placements and foster parents/carers must pay for their checks. (This is because they may receive, or expect to receive, a benefit, such as remuneration or credit towards a qualification and therefore do not meet the DBS definition of a volunteer).

**It is an offence to knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain a Disclosure.**

**Failure to comply with the Code of Practice** - The DBS is empowered to refuse to issue a Disclosure if it believes that Westgate Youth Project has failed to comply with the Code of Practice.

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## **Part 2 – POLICY ON THE USE, HANDLING, STORAGE, RETENTION & DISPOSAL OF DISCLOSURE INFORMATION**

Westgate Youth Project complies fully with its obligations under the General Data Protection Regulation and other relevant legislation pertaining to the safe use, handling, storage, retention and disposal of Disclosure information.

### **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.

### **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 understand it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

### **Storage**

Disclosure information is not issued directly to organisations and will need to be obtained from the applicant with their permission. Any information given by the applicant will be 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.

### **Retention**

Once a recruitment (or other relevant) 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 data protection and human rights of the individual 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 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, Westgate Youth Project will keep a record of the date of issue of a Disclosure, the name of the applicant, the type of Disclosure requested, the position for which the Disclosure was requested and the unique reference number of the Disclosure.

### **Update Service**

We will ensure that Westgate Youth Project are legally entitled to the same level of DBS check and that the applicant's permission is sought in order to conduct a Status Check.

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## **Part 3 – POLICY ON THE RECRUITMENT & EMPLOYMENT OF EX-OFFENDERS**

Westgate Youth Project complies fully with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

- Westgate Youth Project undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of conviction or other information revealed.

- Westgate Youth Project 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.
- 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 all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested for eligible positions. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage. We request that this information is sent under separate, confidential cover, to a designated person within Westgate Youth Project and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Westgate Youth Project to ask questions about the entire criminal record, we only ask about “unspent” convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Westgate Youth Project 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.
- 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 matters 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. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.
- We make every subject of a DBS check aware of the existence of the DBS Code of Practice and can make a copy available on request.

**Having a criminal record will not necessarily bar an individual from working with Westgate Youth Project.** This will depend on the nature of the position and the circumstances and background of the offences.

**Date General Governing Principles adopted:**

**Signed:**

**Date:**

**Position:**

**Please remember to retain a copy of this form for your records.**