

POLICY STATEMENT ON RECRUITING EX-OFFENDERS AND SAFEKEEPING OF DISCLOSURES

The policy objective of London Borough of Waltham Forest on disclosure information is:

- To ensure that disclosure information is used fairly in the recruitment process to prevent discrimination against **staff, volunteers, service users, potential employees and ex-offenders** on the basis of conviction or other details.
- to maximise the protection for children in Waltham Forest schools and other vulnerable people against those who might wish to harm them.

To achieve our policy objectives and to comply with the Disclosure and Barring Service (DBS) Code of Practice 2015 under Section 122 (2) of the Police Act 1997, London Borough of Waltham Forest, as a Registered Umbrella Body for Disclosure, undertakes to implement the following general provisions.

GENERAL PROVISIONS ON DISCLOSURE POLICY

1. Recruitment Process

London Borough of Waltham Forest will carry out risk assessments for each position and encourage managers to adopt an open mind in recruitment decisions. In making recruitment decisions our managers will:

- Assess the nature and relevance of the offence, the potential risks involved in employing the offender, and how these could be sensibly and effectively managed.
- Focus on a person's abilities, skills, experience and qualifications.
- Consider the nature of the conviction and its relevance to the job in question.
- Identify the risks to our business, customers, clients and employees and children.
- Recognise that having a criminal record does not always mean a lack of skills,
- Note that high-quality training, leading to qualifications is available in prison
- State the level of Disclosure applicable to any posts that requires a Disclosure
- Discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- Ensure that where a Disclosure 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 in the application process. We request that this information is sent under separate, confidential cover, to a designated person within your school and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- School posts falls under the Rehabilitation of Offenders Act 1974. These post therefore requires declaration of whether you have any criminal convictions (or cautions or bind-overs) including those which are "spent", but not those that are protected? Include in application forms or accompanying materials a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position. Where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position

2. Recruitment of Ex- Offenders

Having an 'unspent' conviction will not necessarily bar an individual from employment. This will depend on the circumstances and background of the offence(s).

London Borough of Waltham Forest meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, therefore all applicants for positions of trust who are offered employment will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions.

3. Declaration of Convictions

Applicants will be actively encouraged to declare any convictions, or any other information that may be relevant, at an early stage in the recruitment process. **Failure to declare a conviction, caution or bind-over may, however, disqualify an applicant from appointment, or result in summary dismissal if the discrepancy comes to light.**

4. Training

We ensure that all those in London Borough of Waltham Forest 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.

5. Storage & Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and 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.

Documents are kept in lockable and non-portable storage containers. Keys or combinations for such storage units are **only** available to named individuals. Access to rooms containing storage containers are restricted to staff engaged in recruitment work.

No photocopy or other image of the Disclosure are retained, nor is any copy of the contents made or kept. However, records will be kept of the date of a Disclosure, the name of the applicant, the type of Disclosure, the post in question, the unique number issued by the Bureau and the recruitment decision taken, as well as a written record of the names to whom disclosure information has been revealed.

6. 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.

There may be circumstances where a recipient of Disclosure information is asked to reveal details of a Disclosure to a third party in connection with legal proceedings for example, in a case submitted to an Employment Tribunal. In such instances London Borough of Waltham Forest will inform the Bureau of any such request **immediately and prior** to the release of any information.

7. 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.

8. Retention

Once a recruitment (or other relevant) decision has been made, Disclosure information is kept 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 Disclosure and Barring Service about this and will give full consideration to the Data Protection and Human Rights of the individual subject before doing so.

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, we will retain the top part of the Disclosure certificate as proof of having received the document once the six-month retention period has elapsed. This contains the details of the applicant along with a reference number known to the DBS, but does not contain details of any convictions. (*References in this section to Disclosures include relevant non-conviction information supplied by the police but not included on Disclosures.*)

9. 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).

10. Lost Disclosures

If Disclosure information (or information contained within the Disclosure) is lost, the Bureau will be informed immediately. The Bureau will consider whether to issue a replacement, if this is requested.

11. Availability of Policy

A copy of our Policy on employing people with criminal records is included in recruitment material. We make every subject of disclosure aware of the existence of our disclosure policy and handling of disclosures and the DBS code of practice. These will be made available to staff, potential employees and service users on request.

12. Assurance checks

London Borough of Waltham Forest will implement internal audit checks on the disclosure process and co-operate with the Disclosure and Barring Service in respect of any compliance enquiries and related matters.