



## **Disclosures for Recruitment**

**(Extracted from Wirral Council's Safer Recruitment and Employment Framework)**

### **Introduction**

This procedure explains the Council's approach to Disclosures during recruitment, the recruitment of ex-offenders, what candidates for employment must disclose; how disclosed information will be considered and how it will affect employment; and who will consider this information. It also indicates how disclosed information will be handled and destroyed.

The Council complies fully with the Disclosure and Barring Service (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 a conviction or other information revealed.

The Council is committed to the fair treatment of its employees, potential employees, volunteers or users of its services. Candidates are selected for interview based on their skills, qualifications and experience.

### **Compliance**

In order for the Council to maintain a safer culture for children, young people, vulnerable groups, employees/prospective employees and volunteers then the Safer Recruitment and Employment Policy and associated policies and procedures **must** be adhered to.

### **Post Requirements**

Prior to advertising a post, it must be ascertained whether the nature of the post makes it subject to a Disclosure and Barring Service check.

This information is held on the Council's Human Resource Management System (HRMS). If a manager thinks that the role has changed and therefore the level of DBS check required then they must contact a DBS Counter signatory and any changes agreed prior to processing for advertising.

### **Recruitment Advertising**

All recruitment advertisements **must** indicate (where applicable to the post) that a disclosure is required and which level.

### **Recruitment Packs**

The [Safer Recruitment & Employment Policy](#) and the [Disclosures for Recruitment Procedure](#) must be issued with the Job Application form if the post is deemed to be subject to a DBS Disclosure.

### **Job Application Form – Declaration of Criminal Offences**

Anyone applying for a post where Disclosure applies is required to disclose the detail of **all convictions on record on their application form** (including 'spent' convictions – those that happened some time ago and normally no longer need to be revealed as specified in the Rehabilitation of Offenders Act 1974), **plus details of any cautions, reprimands or warnings.**

### **Failure to Disclose**

The failure to disclose such convictions could be seen as a deliberate attempt to gain employment by deception, and as such would result in the withdrawal of any conditional offer of employment.

Where an employee fails to disclose a criminal conviction received prior to commencing employment with the council, where such disclosure is required, the matter may be dealt with under the terms of the Disciplinary Procedure.

### **Consent**

If a candidate is successful in their application for a post requiring Disclosure, they will be required to authorise the Council to apply for disclosure of information from the Disclosure and Barring Service (DBS). This authorisation must be given at the time the application is made. No check will be made, however, until an appointment is conditionally offered.

### **Portability - Transfer of Disclosures**

Portability refers to the re-use of a Disclosure, obtained for a position in one organisation and later used for another position in another organisation.

Each Disclosure will show the date on which it was printed. They do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the Disclosure at any time after it is issued.

Therefore, the DBS does not facilitate portability, organisations that choose to accept a previously issued Disclosure do so at their own risk (see limitations).

If the Council wishes to consider accepting a previously issued Disclosure then a full risk assessment must be carried out. Advice must be sought from one of the Council's DBS Counter signatories. More detailed [Guidance on Portability](#) is available in the Safer Recruitment and Employment Framework.

### **Persons from Overseas**

If a candidate is from overseas, a Disclosure may not provide a complete picture of their criminal record which may or may not exist. This is because the DBS cannot currently access criminal records held overseas; however in a small number of cases overseas criminal records are also held on the Police National Computer and these would be revealed as part of a Disclosure.

The DBS provides guidance on how to get further information from overseas.

Where an applicant is from a country where criminal record checks cannot be made for child protection purposes, the Council must take extra care in taking up references and carrying out other checks on a person's background.

### **Transgender Applicants**

The DBS has a Confidential Checking Process for Transgender Applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS Disclosure.

For further information please contact the DBS Customer Services Team on 0151 676 1452, or you can email [DBSSensitive@DBS.gsi.gov.uk](mailto:DBSSensitive@DBS.gsi.gov.uk)

The Council also has a [Gender Identity Policy](#) which is available on the Human Resources Intranet Handbook.

### **Positive Disclosures**

If an applicant has past convictions and discloses them consideration will be given to the nature of the offence stated and its relevance to the post applied for. This will be considered by a Counter signatory who has been trained to identify and assess the relevance and circumstances of offences and the Head of Service responsible for the area of employment concerned.

### **Past convictions will not necessarily be a bar to obtaining a position.**

The Counter signatory will consider the following:

- Whether the convictions or other matters revealed is relevant to the position in question,
- The seriousness of any offence revealed,
- The length of time since the offence or other matters occurred,
- Whether the applicant has a pattern of offending behaviour or other relevant matters,
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters

Disclosure will only affect an applicant obtaining employment where the particulars of the offence make them an unsuitable candidate.

### **Opportunity to explain**

At interview, or in a separate discussion, the Council will ensure that an open and measured discussion takes place on the subject of any offences or other matter relevant to the position revealed by disclosure that will affect a recruitment decision. These will be discussed with the candidate prior to a decision being made. Ultimately, it is the responsibility of the Head of Service with the advice of the Counter signatory to decide whether to offer the candidate a position.

### **Barred Individual's**

If an individual's disclosure shows that they are barred from working or volunteering with children and/or vulnerable groups they **must under no circumstances be appointed.**

It is a criminal offence for barred individual's to work or volunteer with children and/or vulnerable groups in regulated activities.

### **Employment Offers**

Initially, **conditional** offers of employment subject to the completion of satisfactory pre-employment checks will be made.

Offers of employment **must not** be made to individuals until **all** of the pre-employment checks have been undertaken, completed and are deemed satisfactory.

Pre-employment checks may include satisfactory References, DBS Check, Medical, Right to Work in the UK etc. Please refer to the Council's Recruitment & Selection Policy and associated documents.

### **Fees for Disclosure and Barring Service (DBS) during Recruitment**

Organisations can ask applicants for DBS checks to pay them for the Disclosure application/certificate.

The Council's current policy is to pay the fee for DBS checks on behalf of prospective employees who have been given provisional job offers subject to satisfactory pre-employment checks.

### **Tracking Applications**

The DBS online tracking service ([www.DBS.homeoffice.gov.uk](http://www.DBS.homeoffice.gov.uk)) provides customers with a facility to track the progress of Disclosure applications.

To track an individual application for Disclosure two pieces of information are required:

- The DBS application form reference number
- The applicant's date of birth

### **Disputes over Disclosure Information**

If an applicant receives the results of their Disclosure and there is an error on it or they wish to dispute any of the information revealed, they must contact the DBS immediately. Disputes should be raised with the DBS within 3 months of the date of issue of the Disclosure.

Recruitment decisions cannot be made until the dispute has been settled and an 'accurate' Disclosure received. Under no circumstances should the candidate be employed until the Disclosure has been deemed satisfactory.

### **Confidentiality and Security**

Disclosure contains sensitive personal data, which must be handled carefully, and only by those in the organisation who are entitled to see them in the course of their duties - the Counter signatories and Head of Service.

As part of the agreement for access the DBS will provide information at the request of, and to, specific officers, who are registered with them by the Authority, referred to as Counter signatories.

The Counter signatories must store disclosure and other confidential documents issued in secure conditions. Documents must be kept in lockable and non-portable containers. Keys or combinations for such storage units must not be freely available within the organisation and access must be restricted to named individuals.

**Disclosure information is highly confidential and must be considered only by those eligible to receive it. Breaches of confidentiality or abuse of the Safer Recruitment & Employment Policy and/or Framework may result in disciplinary action.**

**It is an offence to disclose information provided by the Disclosure and Barring Service.**

#### **Retention and destruction of Information**

Once a recruitment decision has been made the disclosure certificate and associated correspondence will be retained for a maximum of six months. This period allows for any disputes about the accuracy of a certificate or a recruitment decision to be made and considered. In the case of a dispute, certificate information may be retained for a period of six months after resolution of the dispute. The usual conditions in respect of storage and access remain in place during this period.

Disclosures will be destroyed by suitable secure means, for example, shredding, pulping or burning. They should not be kept in any insecure receptacle (eg waste bin or confidential waste sack) whilst awaiting destruction.

**No photocopy or other image of the disclosure may be retained nor must any copy or representation of the contents be made or kept.**

A record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken will be retained.