

6 Skelmersdale Walk to 20-22 Wenlock Road, London N1 7GU

Disclosure and Barring Service: Handling and Security of DBS Disclosure Information Policy

Summary	This policy outlines Care Quality Support's approach to the handling and security of information obtained as a result of receiving Disclosure and Barring Service (DBS) criminal records checks
Scope	The policy applies to all staff groups for whom criminal records checks are required in line with the Protection of Freedoms Act 2012. Volunteers, Student placements, Work Placements, Agency Staff. External Health professionals, Commissioners, Local Authorities, and NHS.
Document Type	Policy & Procedure
Verified By	Care Quality Support
Issued Date	2023-03-10
Review Date	2024-03-10

POLICY STATEMENT

This policy outlines **Care Quality Support's** approach to the handling and security of information obtained because of receiving Disclosure and Barring Service (DBS) criminal records checks. The policy applies to all staff groups for whom criminal records checks are required in line with the Protection of Freedoms Act 2012.

As the law stands **Care Quality Support** is required to make criminal records checks for successful applicants of all care-related positions, particularly those that fall within the description of "regulated activity" (as defined by the Protection of Freedoms Act 2012). These are made by carrying out DBS checks in line with its procedures.

Key Lines of Enquiries to meet the Disclosure and Barring Service: Handling and Security of DBS Disclosure Information Policy

Caring	C3: How are people's privacy, dignity and independence respected and promoted?
Safe	S1: How do systems, processes and practices safeguard people from abuse?
Well-led	W2: Does the governance framework ensure that responsibilities are clear, and that quality performance, risks and regulatory requirements are understood and managed?



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LEGAL CONSIDERATIONS

- Care Act 2014
- Corona Virus Act 2020
- Data Protection Act and the General Data Protection Regulation 2018
- DBS Code of Practice
- Police Act 1997 (Criminal Records) (Amendment) Regulations 2020
- Protection of Freedoms Act 2012
- Protection of Freedoms Act 2012.
- Rehabilitation of Offenders Act 1974 (Exceptions) Order
- Safeguarding Vulnerable Groups Act 2006
- Serious Organised Crime and Police Act 2005 (Commencement No16) Order 2020

POLICY

All care worker roles are defined as regulated activity therefore **Care Quality Support** is required to carry out enhanced criminal records checks on all successful applicants whose posts require criminal checks. As a result, **Care Quality Support** is required to “handle” the information that they receive from these checks with great care and sensitivity in line with data protection laws and the DBS’s own Code of Practice.

Care Quality Support will therefore:

- comply with the law and use the DBS to obtain information to enable it to assess the suitability of applicants for employment in positions of trust
- comply with the **DBS Code of Practice** and not discriminate unfairly against any subject of a DBS disclosure on the basis of conviction or other information revealed. Having a criminal record does not necessarily bar an applicant from working for **Care Quality Support**. **Care Quality Support** will consider the nature of the disclosed conviction and its relevance to the post in question before offering or declining to employ any potential member of staff.
- will use the information it receives from the checks only for the purpose of confirming an applicant’s eligibility and suitability for the post to which the person has been appointed
- will comply with DBS guidance and Code of Practice regarding the secure storage, handling, use, retention and disposal of DBS disclosures and disclosure information, and with its obligations under the Data Protection Act and the General Data Protection Regulation from May 2018.

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PROCEDURE

Criminal Records Disclosures and Data Protection Procedures

1. DBS disclosure information will not be stored on an employee's personnel file but will be stored separately in lockable storage or secure computer files with access limited to those who are entitled to see it as part of their duties.
2. DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.
3. The DBS systems that have been used since 2012 allow for DBS certificates to be sent only to the individual applicant. An annual fee is required to keep registration up to date, otherwise further renewals will not be necessary. Employers are able to check employees' DBS certificates by registering with the DBS online updating service. They can check the individual employee's current DBS status at any time by using the updating service.
4. As per our policy, we will review employee's DBS online certificate annually unless if the need arises. With staff who are not registered with the online service, we expect them to obtain a new certificate at least every three years.
5. We expect any existing staff member who is convicted of a criminal offence in the period when they are employed by **Care Quality Support** to disclose so that we do not compromise the service user's safety. **Care Quality Support** will then take appropriate action such as risk assessment and further checks.
6. **Care Quality Support** will comply with Rehabilitation of Offenders Act 1974 (ROA) and use the Rehabilitation Periods Table as part of risk assessment and to determine if convictions are still valid.
7. **Care Quality Support** will refer to the professional registration body where necessary.
8. Consideration is always given to the data protection rights of the individual. When an employee leaves the employment of **Care Quality Support**, any DBS disclosure information previously recorded is destroyed or deleted.

Care Quality Support will amend its policy in line with any changes made to the DBS Code of Practice and any other changes to the relevant legislation and DBS procedures.

Training

All staff receive training in the policy at induction and whenever changes need to be made to it.

ASSOCIATED DOCUMENTS AND REFERENCES

- Care Act 2014
- Corona Virus Act 2020



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- Serious Organised Crime and Police Act 2005 (Commencement No16) Order 2020
- Government of UK, *Rehabilitation Periods*. [Online]. Available from:
<https://www.gov.uk/guidance/rehabilitation-periods>

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- Government of UK, *Disclosure and Barring Service* [Online]. Available from:
<https://www.gov.uk/government/organisations/disclosure-and-barring-service> [Accessed: 14: December 2021]
- Government of UK, *DBS Update Service* [Online]. Available from:

<https://www.gov.uk/dbs-update-service>

[Accessed: 14: December 2021]

Getting Help

If you require any help with any matters relating to this policy and procedure, please speak to your line manager or Senior manager.

It is the responsibility of every member of staff to ensure that they are working within this policy and keep up-to-date with changes in policy that may affect their practice at work.