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| New Logo 2 | | | Barnardo’s  Corporate Policy | | | |
| **Storage, Handling, Retention and Disposal of Disclosure**  **Policy – England and Wales** | | | | | | |
| **Risk Owner:** | | Director of People and Culture | | | | |
| **Supported by:** | | Employee Relations & Policy Manager | | | | |
| **Date Approved:** | | January 2023 | | | | |
| **Date for Review:** | | January 2026 | | | | |
| **Distribution** | | Internal - non confidential | | | | |
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| 1. **Purpose** | | | | | | |
| The purpose of this policy is to ensure the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. | | | | | | |
| 1. **Policy** | | | | | | |
| * 1. **Introduction**   The Disclosure and Barring Service (DBS) was established in December 2012  under Part V of the Protection of Freedoms Act (POFA) to undertake disclosure and barring functions. There are specific legal requirements around these checks. Disclosure functions are set out in Part V of the Police Act 1997, which requires Registered Bodies to adhere to the DBS Code of Practice.   General Principles As an organisation using the Disclosure and Barring Service (DBS) checking service  to help assess the suitability of applicants for positions of trust, Barnardo’s complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.   Usage We will use disclosure information only for the purpose for which it was requested and  provided. Disclosure information will not be used or disclosed in a manner incompatible with that purpose. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing[[1]](#footnote-2).   Handling In accordance with section 124 of the Police Act 1997, certificate 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 certificates or certificate information has been  revealed and it is a criminal offence to pass this information to anyone who is not  entitled to receive it.   2.5 Access and Storage **2.5.1 Paper based applications**  Certificate information 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.   2.5.2 E-bulk applications Access to the system based e-result information received electronically from the DBS will be strictly controlled and limited to those who are entitled to see it as part of their duties.     * 1. **Retention**   **2.6.1 Paper based applications**  Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary and no more than six months. This retention will allow sufficient time for the consideration and resolution of any disputes or complaints or be for the purposes of completing safeguarding audits. There are a few very exceptional circumstances, where it is considered necessary to keep certificate information for longer than six months. If we consider that there are any other circumstances where this might be necessary, we will speak with 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. 2.62 E-bulk applications Once a recruitment (or other relevant) decision has been made we do not retain any sensitive personal data on the e-bulk system any longer than a period of six months. However, the e-bulk system will indefinitely retain a record of applicant name, disclosure number, disclosure issue date and result.   Disposal2.7.1 Paper based applicantOnce the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding. While awaiting destruction, certificate 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 certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.2.7.2 E-bulk applications Once the retention period (6 months) has elapsed, all sensitive personal data is purged from the system. However, the e-bulk system will indefinitely retain a record of applicant name, disclosure number, disclosure issue date and result.    **2.7.3 For services inspected by Ofsted, CSSIW & CQC**  Barnardo’s should not retain a copy of the DBS certificate but needs to be able to show they have kept a record of it, through the record of DBS Check (available to download from Inside.Barnardos). Inspectors will review the provider’s records to check that the required checks have been carried out and the relevant details of the DBS certificate recorded.    **2.7.4 Further information for services inspected by CQC** Since June 2013, the DBS will only send a copy of the certificate to the applicant. To confirm that checks have been carried out, the CQC will want to see a record of the DBS check that includes the relevant details as listed below:   * The date of issue of the check. * The full name and date of birth of the applicant * The type of check requested. * Whether the children's and/or adults barred list was checked and the outcome. * The position for which the check was requested. * The unique reference number of the check. The details of the employment decision taken. * Any additional information that may require periodic checks to be made.   See [20191113\_Disclosure\_and\_Barring\_Service\_DBS\_checks\_guidance\_v7.pdf (cqc.org.uk)](https://www.cqc.org.uk/sites/default/files/20191113_Disclosure_and_Barring_Service_DBS_checks_guidance_v7.pdf)  If, following risk assessment, a decision is taken not to apply for a DBS check, then the reason why should also be recorded.   The CQC have confirmed in their guidance that although the CQC would not routinely expect to see hard copies of certificates, they have the power to use their discretion to ask for any relevant documents where they have concerns. This may include the DBS certificate. Decisions on whether it is necessary to see the actual DBS certificate should be made on a case-by-case basis. The decision should be based on whether it is necessary for CQC to carry out its functions, and its inspectors /assessors should follow the 'necessity test' in the Code of Practice on Confidential Personal Information when making a decision. | | | | | | |
| **3.Scope** | | | | | | |
| This policy and procedure applies to all candidates and all roles in Barnardo’s based within England and Wales that are subject to a disclosure check through the Disclosure and Barring Service (DBS). This includes as & when workers, employees, agency workers, self-employed consultants, contractors and volunteers. | | | | | | |
| **4.Definitions and Key Concepts** | | | | | | |
| **E-Bulk** - The e-bulk service allows Disclosure and Barring Service (DBS) customers to submit electronic applications for DBS certificates and receive the results electronically.  **CSSIW** - Care and Social Services Inspectorate for Wales  **CQC** – Care Quality Commission | | | | | | |
| **5.Roles and Responsibilities** | | | | | | |
| Line Managers/Recruiting Managers  People Teams/Recruitment Team/Volunteering Partners  UNISON  People Strategy & Projects Team | | | | | Are responsible for compliance with this policy; seeking advice from the People Team on any aspect of the policy where needed.  Are responsible for supporting managers to ensure required storage and handling of criminal record disclosure information is carried out in accordance with this policy.  Represent the views and the interests of UNISON members to management throughout the process.  Are responsible for endeavouring to ensure compliance with legal and regulatory obligations; and keeping up-to-date with any DBS policy or procedural changes and updating this policy, and other associated forms or processes accordingly. | |
| **6.Procedures** | | | | | | |
| Not applicable. | | | | | | |
| **7.Associated Legislation, Guidance, References and Documents** | | | | | | |
| **Legislation:**  The Police Act 1997  Data Protection Act 1998 & 2018  General Data Protection Regulations 2018  **Guidance, References and Documents:**  Disclosure and Barring Service (DBS)  Barnardo’s Criminal Records Policy England and Wales | | | | | | |
| **8.Compliance and Oversight** | | | | | | |
| In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:   * The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment. * The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans. | | | | | | |
| **9.Document History** | | | | | | |
| **Version** | **Date** | **Author** | | **Comments** | | **Approval** |
| 1.0 | 17.10.19 | Policy & Advice Team | | Updated data protection reference to current legislation and transferred into standard policy template | |  |
| 2.0 | 26.01.23 | People Strategy & Projects Team | | Policy updated to new template. General review undertaken with minor amends. S.2.7.4 updated with link to CQC guidance added. | | Employee Relations & Policy Manager |

1. Exceptions may apply in line with Barnardo’s [Information Sharing Policy](https://inside.barnardos.org.uk/resources-and-guidance/information-governance-and-data-protection/information-sharing-policy) available on Inside.Barnardo’s [↑](#footnote-ref-2)