

The Saint Benedict Academy

DBS Policy Statement

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The Saint Benedict Academy DBS policy statement

1.1 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, the Saint Benedict Academy 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 GDPR and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and will have a written policy on these matters, which will be available to those who wish to see it on request.

1.2 Storage and access

Certificate information should 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.

1.3 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.

To note: those registered care homes which are inspected by the Care Quality Commission (CQC), those organisations which are inspected by Ofsted and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may retain the certificate until the next inspection.

Once the inspection has taken place the certificate should be destroyed in accordance with the [code of practice](#).

1.4 Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

1.5 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate 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 certificate 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.

1.6 Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. 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 may 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.

1.7 Rechecking

The SBA may ask its staff for permission to recheck their DBS status after 3 years.

Appendix: Status checking

Before you carry out a status check you will be asked to complete a legal declaration confirming you have permission of the individual and that you have the legal right to ask the exempted question.

The declaration you need to agree with is:

I confirm I have the authority of the individual to which this DBS certificate number relates to receive up-to-date information (within the meaning of section 116a of the Police Act 1997) in relation to their criminal record DBS certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.

An exempted question means that you have the right to see spent conviction information which is not [protected](#) and a prescribed purpose means that the role is listed in Police Act regulations which give the entitlement to submit an enhanced level DBS certificate. Some prescribed purposes can also have children and adult suitability information included in the enhanced certificate.

This means that apart from spent and unspent conviction information that is not protected, enhanced certificates may also contain relevant non conviction information which ought to be disclosed and in some cases a child or adult barred list status.

By making that declaration you are saying that you have the right to be given that information to make a suitability assessment and the information is at the level you are legally entitled to request in relation to the role you are recruiting for.

If you access certificate information you have to comply with the [DBS code of practice](#) and have a policy on the [recruitment of ex-offenders](#).

You can check the [security features of a DBS certificate](#) to make sure it's genuine. You must be able to say 'yes' to the following questions before you carry out a status check. If you answer 'no' to any question you can't carry out a status check:

- have you seen the applicant's original certificate?
- have you checked their ID to confirm their identity?
- do you have the applicant's permission?
- are you legally entitled to the same level of DBS certificate - standard or enhanced?
- does the DBS certificate only contain the exact workforce that you are entitled to know about for the role you are recruiting for?

This will be listed in the 'position applied for' section and will show which workforce has been used to determine the relevancy of any locally held police information which may appear on an enhanced DBS certificate.

Where the workforce is "other" then the police will assess the relevance of locally held information in relation specifically to the position being applied for. The 3 workforces are child, adult and other.

Certificates may show a single workforce or a combination of child and adult but no other combination.

- if you're legally entitled to a barred list check, does the DBS certificate only contain the one (s) you need eg: children's list, adults' list, both. Some enhanced certificates will show that a check of the barred list has not been requested by the original organisation

You can read more about workforces on the [DBS eligibility guidance page](#).

If a person leaves your organisation, moves to a position where there is no legal entitlement to the same DBS check, or withdraws their consent, you must stop any further status checks.

If you continue to carry out status checks on their certificate you are breaking the law by accessing data you are not entitled to see.

You should always have the consent of the person when carrying out a status check. All status checks are recorded and can be viewed by the individual on their update service account.

How to do a status check

After viewing the original DBS certificate, if you are legally entitled to carry out a status check and have the individual's permission go to the [update service](#) page and read the employers section.

You won't need to create an account to do free of charge status checks.

Carrying out a status check on a subscription is quick and simple. You must read all instructions carefully and give:

- the name of your organisation
- your forename and surname
- the details of the DBS certificate being checked.
- the DBS certificate number
- the current surname of the DBS certificate holder as shown on their DBS certificate
- the date of birth of the DBS certificate holder in the format DD/MM/YYYY, as shown on the DBS certificate

Please make sure there are no spaces after entering the information. Then read the legal declaration and tick if you agree to it.

Once you have successfully carried out a status check you will see the result of the check which you can print out and then store safely and securely in line with the [Information Commissioner's Office employment practices code](#) and [handling of DBS certificate information policy](#).