

BEE ACTIVE

Level of DBS Check, Filtering & Data Handling

1. Requesting a DBS certificate

1.1. The level of DBS check that the Company is entitled to request will depend on the position for which the prospective employee's suitability is being assessed. The Company may request:

1.1.1. a criminal record certificate (CRC) if the position is excepted from the protections of the Rehabilitation of Offenders Act 1974 (ie included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended);

1.1.2. an enhanced criminal record certificate (ECRC) if the position is:

(a) excepted from the protections of the Rehabilitation of Offenders Act 1974 (ie included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended); and

(b) prescribed in the Police Act 1997 (Criminal Records) Regulations 2002; and

1.1.3. in addition, a search of the children's or adults' barred list if the position is:

(a) eligible for an ECRC; and

(b) prescribed in the Police Act 1997 (Criminal Records) Regulations 2009 as one for which the children's or adults' barred list may be checked.

2. Filtering of protected convictions and cautions

2.1. Certain old and minor convictions and cautions are 'protected', which means:

2.1.1. they are filtered out of a DBS check;

2.1.2. they need not be disclosed by prospective employees to the Company; and

2.1.3. they will not be taken into account by the Company in making decisions about employing a prospective employee.

2.2. Certain 'listed offences' will never be filtered out. The list includes offences which are particularly serious, relate to sexual or violent offending or are relevant in the context of safeguarding.

2.3. A conviction will be a protected conviction (ie filtered) if:

2.3.1. the offence was not a listed offence;

2.3.2. it did not result in a custodial sentence (or sentence of service detention);

2.3.3. it is the individual's only conviction; and

2.3.4. where the individual was an adult at the time of conviction, 11 years or more have passed since the date of the conviction (or five years six months or more have passed since the date of conviction if the individual was under 18 at the time of conviction).

2.4. A caution will be a protected caution (ie filtered) if:

2.4.1. the offence was not a listed offence; and

2.4.2. where the individual was an adult at the time of the caution, six years or more have passed since the date of the caution (or two years or more have passed since the date of conviction if the individual was under 18 at the time of conviction).

2.5. As part of an ECRC, the police may also disclose information that they reasonably believe is relevant and ought to be included.

2.6. For further guidance on filtering, see the DBS filtering guidance.

DBS Data Handling

1. Storage and access

The Company will ensure that DBS certificate information is 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. Handling

2.1. In accordance with section 124 of the Police Act 1997, the Company will ensure that certificate information is only passed to those who are authorised to receive it in the course of their duties. The Company maintains a record of all those to whom certificates or certificate information has been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

2.2. Once the DBS certificate has been inspected, it will be destroyed in accordance with the code of practice.

3. Usage

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

4. Retention

4.1. Once a recruitment (or other relevant) decision has been made, the Company does 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.

4.2. 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.

4.3. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

5. Disposal

5.1. Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, eg by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (eg waste bin or confidential waste sack).

5.2. 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.

6. DBS logo

The Company will not copy or use the DBS logo without prior approval of the DBS