

Disclosure and Barring Service (DBS) Applications and The Recruitment of Offenders Policy

Policy Statement:

This Policy outlines the responsibilities of KTM Care Ltd regarding Disclosure and Barring Service (DBS) and the recruitment of ex-offenders. It also details the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.

Aim, Principles and Scope:

- To ensure compliance with the Disclosure and Barring Service Code of Practice
- To ensure compliance with Legislation and Best Practice
- To adopt a consistent and thorough process regarding the recruitment of ex-offenders
- To follow the principles of the Data Protection Act, DBS Code of Practice and other such guidance with regards to storage, handling, use, retention and disposal of Disclosures and Disclosure information

Secure storage, handling, use, retention and disposal of Disclosure and Disclosure information:

General Principles

As a Company using the DBS Disclosure service (via an Umbrella Body) to help assess the suitability of applicants for positions of trust KTM Care Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. DBS checks are only requested for staff that have direct contact with vulnerable adults or children in the course of their normal duties.

Storage and Access

Disclosure information is never openly held on an applicant's Personal file, and is always kept separately and securely in lockable storage containers with access strictly controlled and limited only to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. KTM Care Ltd recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Retention

Once a recruitment (or other relevant) decision has been made, KTM Care Ltd will not keep Disclosure information for any longer than is absolutely 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 Disclosure information for longer than six months, the Company will normally consult the DBS about this and will give full consideration to the Data Protection and Human Rights before doing so. It may be that the Care Quality Commission require retention for a longer period, KTM Care Ltd are governed by their Care Standards. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has lapsed, KTM Care Ltd will ensure that any Disclosure information is immediately destroyed by secure means (ie by shredding, pulping or burning). KTM Care Ltd will not keep any photocopy or other image of the Disclosure, or any copy or representation of the contents of the Disclosure. However, KTM Care Ltd may keep a record of the date of issue of the Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

The recruitment of ex-offenders

The use of the Disclosure and Barring Service (DBS) in the recruitment of ex-offenders

As a Company using the DBS Disclosure service to assess applicant's suitability for positions of trust, via an umbrella body, KTM Care Ltd complies fully with the 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.

KTM Care Ltd is committed to the fair treatment of its staff, potential staff or users of its services regardless of race, gender, sexual orientation, responsibilities for dependents, age, physical / mental disability or offending background.

KTM Care Ltd actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. KTM Care Ltd selects all candidates for interview based on their skills, qualifications and experience. Having a criminal record is not necessarily a bar to working within the organisation. This will depend on the nature of the position and the circumstances and the background of the offences.

Disclosures at the Application Stage

Obtaining a Disclosure from the DBS forms part of the recruitment process, KTM Care Ltd encourages all applicants to provide details of their criminal record at the outset of the application process.

The Company requests that this information is disclosed within the application form. KTM Care Ltd guarantees that this information will only be seen by those who need to see it as part of the recruitment process.

KTM Care Ltd ensures that all those involved in its recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. KTM Care Ltd also ensures that signatories have received appropriate guidance and training in the relevant legislation (Rehabilitation of Offenders Act 1974) relating to the employment of ex-offenders.

The Applicants Interview

At interview KTM Care Ltd ensures that an open and measured discussion takes place on the subject of any offences or any other matter(s) that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

DBS Code of Practice

KTM Care Ltd makes all applicants subject to a DBS Disclosure aware of the existence of the DBS Code of Practice and makes copies available on request.

Withdrawing a Conditional Offer of Employment

KTM Care Ltd undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Inaccurate Disclosures

If a Disclosure is believed to be inaccurate, KTM Care Ltd will contact the Umbrella Body, who will in turn contact the DBS Disputes Team. No recruitment decision shall be taken until the dispute has been fully resolved.