

**DRAFT VERSION 2**

**Wiltshire Council Human Resources**

**Storage of Disclosure Information Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy explains the council's position regarding the handling, use, storage, retention and disposal of information obtained through the criminal records bureau (CRB) disclosure service to help assess the suitability of applicants for positions of trust as well as for current employees who may need a new check carried out.

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**Who does it apply to?**

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees including for employees in schools.

## **When does it apply?**

This policy applies when the council obtains confidential information about applicants for roles and about current employees via a criminal records bureau (CRB) disclosure check.

## **What are the main points?**

### Criminal record bureau disclosures

1. It will be necessary from time to time for the council to obtain confidential information from the criminal records bureau about employees, volunteers and job applicants in order to understand past criminal convictions.
2. New employees and new volunteers being recruited into roles which bring them into contact with children and vulnerable adults will always have a CRB check carried out before starting work.
3. Disclosure information is contained in criminal record certificates under section 113 of the [Police Act 1997](#), in enhanced criminal record certificates of the Act or in information provided by the police under section 115 of the Act.
4. There are three types of disclosures:
  - criminal conviction certificates (or basic disclosures)
  - criminal record certificates (or standard disclosures)
  - enhanced criminal record certificates (or enhanced disclosures).

Standard and enhanced disclosures are in the main ones required for those working with children and vulnerable adults.

5. Information obtained via disclosures is highly confidential and the council will ensure the safe storage, access, handling, usage and destruction of such information.
6. As an organisation using the criminal records bureau service to help assess the suitability of applicants for positions of trust, Wiltshire Council complies fully with the [CRB code of practice](#) regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
7. The council also complies fully with its obligations under the [Data Protection Act 1998](#) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information

and has produced this written policy on these matters, which is available to those who wish to see it.

#### Storage and access

8. 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.
9. Keys or combinations for such storage units will not be freely available and access will be restricted to named individuals only, normally the CRB and recruitment teams.

#### Handling

10. 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.
11. The council maintains 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.

#### Usage

12. 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.

#### Retention

13. Once a recruitment (or other relevant) decision has been made, the council 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.
14. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the council will consult the criminal records bureau 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.

#### Disposal

15. Once the retention period has elapsed, the council will ensure that any certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning.

16. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).
17. The council will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.
18. However, notwithstanding the above, the council 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 certificate and details of the recruitment decision taken.

#### Acting as an umbrella body

19. Before acting as an umbrella body (one which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), the council will take all reasonable steps to be satisfied that they will handle, use, store, retain and dispose of certificate information in full compliance with the CRB code and in full accordance with this policy.
20. The council will also ensure that any body or individual, at whose request applications for CRB certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

#### Reporting issues to the CRB

21. Where the council becomes aware that this policy has been contravened, it will immediately report this to the criminal records bureau.

#### **Roles and responsibilities**

##### Employee responsibilities

22. To provide all information requested by the CRB/recruitment team in order that a CRB check can be carried out.

##### Line manager responsibilities

23. To ensure CRB checks are carried out before an employee joins the council.
24. To comply fully with this policy.

25. To immediately contact the recruitment team if you feel any aspect of this policy has been breached.
26. To ensure appropriate storage and use of confidential information as per this policy.
27. To seek the advice and support of the CRB/recruitment team if you do not understand any aspect of this policy.

#### Recruitment team responsibilities

28. To provide advice and guidance on the interpretation of this policy.
29. To work with the CRB in order to undertake CRB disclosure checks on behalf of managers.
30. Where there is doubt about whether this policy has been complied with, to flag concerns to the HR Director and to the HR Lead on Safeguarding.

#### Frequently asked questions

31. **I have been told a CRB check will be carried out for my role. What does this mean?**

You should refer to the [criminal records disclosures](#) but if you have been told you will need a CRB check before commencing your role, this means that the council will work with the criminal records bureau and the independent safeguarding authority in order to carry out background checks. Any information disclosed to the council will be treated very strictly and only used in the way expressed in this policy.

32. **I am concerned about the way in which data will be held by the council about me, as a result of a CRB check.**

The law is very strict about how information the council receives about you from a CRB disclosure check is held. The council has therefore written this policy to explain that it will adhere carefully to the CRB code and that such information will only be held in accordance with the data protection act.

#### Definitions

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| CRB check | A background check carried out by the criminal records bureau into employees before they start work or when a recheck is undertaken for current employees. |
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**Criminal records bureau** A government body responsible for carrying out background checks into employees.

**Disclosure information** Information obtained from background checks about an applicant or employee before they start work with the council and when still working in a role working with children and vulnerable adults where a recheck is required.

### **Equal opportunities**

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the [guidance on equal opportunities in the storage of disclosure information](#).

### **Legislation**

- [CRB code of practice](#)
- [Data protection act](#)
- [Police act 1997](#)

This policy has been reviewed by an internal legal organisation to ensure compliance with (the above legislation and) our statutory duties.

### **Further advice and information**

There are a number of related policies and procedures that you should be aware of including:

- [recruitment of ex-offenders](#)
- [criminal records disclosures](#)
- [employment of children and young persons](#)
- [CRB code of practice](#)

For further information please speak to your supervisor, manager, service director or contact an [HR advisor](#) .

Policy author	HR Policy and Reward Team – MCL
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