

## GP SYSTEMS

### UMBRELLA BODY CODE OF PRACTICE AND SERVICE LEVEL AGREEMENT

“I”, “Me” and “My” means Peter McKeown trading as “GP Systems”. “You” and “Your” means any person or organisation that requests my DBS Check service or asks me to submit an application to the DBS.

I undertake to comply with the DBS’s Code of Practice and to take reasonable steps to help you comply with the relevant obligations of the same code. For further details about these obligations please read the DBS’s Code of Practice, which can be found at:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

If asked, I will try to give advice but always on the understanding that it is without responsibility on my part. I will not take part in recruitment decisions but will give general advice if asked, on the understanding that I am not responsible for the consequences.

I shall keep you informed of any obstacles in the way of prompt submission of applications to the DBS, such as inadequacy of supporting documents or lack of information, but will not be responsible for the consequences of any delay on your part, that of the applicants or that of the DBS.

Once an application has been completed to my satisfaction I shall send it to the DBS without any delay.

I make no promises as to the time taken for receipt of the DBS certificate. However from my database I can provide anonymised statistical information on this subject.

Copies of application forms will be taken. Photocopies of identity documents are destroyed when the application is sent to the DBS.

You are responsible for:

- verifying the identity of the applicant in accordance with DBS guidelines
- the accuracy of any data you put on the application form
- ensuring there is a legal entitlement to apply for a DBS certificate

By submitting a DBS application form to me you confirm that you have diligently carried out the above.

At present I charge £9.00 per application form submitted to the DBS plus £9.00 for an External Verification if required, plus fees levied by the DBS. Any increase in fees will be notified to you by email. There is no VAT.

Deficient postage will be added to your invoice. Deficient postage will involve a delay in processing the application.

When I countersign an application form on your behalf, I confirm to the DBS that there is a legal entitlement to apply for the DBS certificate, that the information provided is true and accurate, and that I have not knowingly made a false declaration. The types of work, occupations or positions which can be DBS checked are listed in the Rehabilitation of Offenders Act 1974.

I shall not be responsible for the consequences of:

- Delay in the applicant making contact with you or me
- Loss or delay in the post
- Any actions or omissions of the DBS or Police
- Inaccuracy of any information contained in a DBS certificate except where directly due to error on my part.

You and I are each responsible for the correct storage and security of the information revealed in a DBS certificate. The information contained may only be seen by those that have a right to see it in the course of their normal duties. You must have a written security policy to govern the handling of information revealed in a DBS certificate.

I maintain a record of the contact details within your organisation and you must promptly inform me of any changes.

I maintain a database which stores information as allowed by my Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information. I do not keep any other details of the DBS certificate, and neither must you.

I have a policy on the recruitment of ex-offenders and you are also obliged to have such a policy. See below for sample policies.

If at any time I am not satisfied that you are able to ask an exempted question, or I believe that you may be acting illegally, I shall contact the DBS immediately. I shall contact the DBS at once if I have any concerns about the way you are handling DBS checking information. I will not act for you if you appear unable to adhere to the DBS Code of Practice.

This agreement is determinable without notice.

Signed

Peter McKeown

**Please delete one of the following statements:**

- Applicants are to pay for their own DBS checks.
- We will pay all GP Systems' invoices promptly.

Date \_\_\_\_\_

\_\_\_\_\_  
Please sign and date on the line above

Please state:

Your name

Your email address

Organisation name

Address

## **POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF CHECKS AND INFORMATION CONTAINED THEREIN**

### **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, [ORGANISATION] complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Checks and information contained therein. It 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 information and has a written policy on these matters, which is available to those who wish to see it on request.

### **Storage and Access**

Information is kept securely, in a lockable, non-portable, storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties. Access to information is controlled by [NAME] alone.

### **Handling**

In accordance with section 124 of the Police Act 1997, information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record in a secure database of all those to whom Checks or information has been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **Usage**

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, we do not keep information for any longer than is necessary. Information is normally destroyed immediately a decision has been made. There may be instances where we may keep information slightly longer, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep 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.

### **Disposal**

Once the retention period has elapsed, we will ensure that any information is immediately destroyed by shredding. While awaiting destruction, 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 Check or any copy or representation of the contents of any Check. However, notwithstanding the above, we may keep a record of the date of issue of a Check, the name of the subject, the type of Check requested, the position for which the Check was requested, the unique reference number of the Check and the details of the recruitment decision taken.

## **RECRUITMENT OF EX-OFFENDERS**

### **Processes**

Generally speaking, decisions on success and rejection will remain with the recruitment panel.

If an applicant reveals a criminal record then the Personnel Manager must be consulted. Generally a decision to reject an applicant because of, or partly because of, a criminal record should relate to an aspect of the person specification which is seen to be unmet. If possible, the Personnel Manager should advise the applicant of the reason for rejection.

All decisions to appoint someone with a criminal record must be referred to the Personnel Manager before the applicant is informed.

The recruitment panel must maintain strict confidentiality with regard to criminal records and their own deliberations during the recruitment process.

### **DBS Check Information**

The Personnel Manager will be the initial recipient of information and must ensure that it is handled in accordance with the Code. In particular:

- Information may only be passed to those with a legitimate interest within the meaning of the Code, and with the condition that they may not reveal it to anyone else.
- Checks must be stored securely with access physically restricted to the Personnel Manager and the General Manager.
- Information may not be recorded or referred to on any computer or in any manual record except under the control of the Personnel Manager.
- Recruitment paperwork must be retained in the personnel file of the individual with the exception of questions and answers concerning the recruitment of ex-offenders. These must be controlled in the same way as DBS Check information.
- Checks and other information relating to an individual's criminal record must be destroyed by the Personnel Manager once the recruitment decision has been made, or on the date on which any dispute has been resolved, whichever is the later. The only data that may subsequently be retained are the date and reference numbers of Checks. These will remain on the individual's personnel database record.

**Failure to comply can carry very severe penalties in law both for NHL and the individuals involved.**

### **Policy**

[ORGANISATION] uses the DBS checking service to assess applicants' suitability for positions of trust. It complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

We undertake not to discriminate unfairly against any subject of a Check on the basis of conviction or other information revealed.

We are committed to the fair treatment of its staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We have a written policy on the recruitment of ex-offenders, which is made available to all applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A Check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Check is required, all application forms, job adverts and recruitment briefs will contain a statement that a Check will be requested in the event of the individual being offered the position.

Where a Check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Personnel Manager and this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows us to ask questions about your entire criminal record we only ask about convictions that are not subject to “filtering”.

We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter 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.

We make every subject of a DBS Check aware of the existence of the DBS Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Check with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

## **RECRUITMENT AND SUITABILITY DECISIONS**

In making a recruitment decision, where a Check reveals a previous offence, we consider such things as:

- The relevance and seriousness of the offence
- elapsed time since the offence
- any history of offending
- circumstances surrounding the offence
- whether the applicant’s circumstances have since changed
- Any explanation offered by the applicant.

## **UNSUCCESSFUL JOB APPLICANTS**

Relevant and proportionate information held by the local police forces may accompany an Enhanced Check. Contingency procedures are in place should such information be received. The applicant will be informed that they were rejected on the basis of the usual pre-appointment checks and references that were requested. There will be no indication to suggest that the recruitment decision has been affected by further information being received as part of the Check process. We may also seek legal advice if this situation occurs or if the applicant is not satisfied with the explanation provided.

## **DISPUTES**

- A dispute will be raised with the DBS Disputes team if an applicant believes their Check to be inaccurate.
- No recruitment/suitability decision will be taken until the dispute has been fully resolved.