

## **PRESCRIPTION PRICING AUTHORITY**

### **RECRUITING EX-OFFENDERS AND USING THE 'DISCLOSURE' SERVICE**

#### **1. POLICY STATEMENT**

- 1.1 The PPA uses the Disclosure service provided by the Criminal Records Bureau (CRB) to assess applicants' suitability for positions of trust. The PPA complies fully with the CRB Code of Practice and undertakes to treat all applicants fairly. The PPA also undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information received.
- 1.2 This policy regarding the recruitment of ex-offenders and the handling, storage, security and disposal of Disclosure's is made available to all applicants who are required to provide a Disclosure, at the beginning of the recruitment process.

#### **2. PRINCIPLES**

- 2.1 The policy and procedure will be reviewed periodically by the Human Resources Department and UNISON giving due consideration to legislative changes.
- 2.2 In accordance with the Authority's Equal Opportunities policy, this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religious beliefs, age, trade union membership, disability, offending background or any other personal characteristic.

#### Recruiting Ex-Offenders

- 2.3 The PPA actively promote equality of opportunity for all and welcome applications from a wide range of candidates, including those with criminal records, as we select all candidates for interview based on their skills, qualifications and experience.
- 2.4 Disclosures are only requested after a thorough risk assessment has indicated that it is proportionate and relevant to the post concerned. For those posts that require a Disclosure, all adverts, recruitment briefs and application forms will contain a statement indicating what level of Disclosure will be required in the event of an individual being offered a position.
- 2.5 Normally, the PPA will only ask for details of 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974. However the PPA reserves the right, if necessary, to ask details about an applicant's entire criminal record.

- 2.6 The PPA ensures that all employees who are involved in the recruitment process have been suitably trained to identify and assess the circumstances and relevance of offences. The PPA also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders and that they are registered with the CRB as a person authorised to handle Disclosures.
- 2.7 The PPA undertakes to discuss any matter revealed in a Disclosure with the person seeking employment, before withdrawing a conditional offer of employment. The PPA may conduct an interview to enable an open and measured discussion to take place regarding any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to position sought, could lead to the withdrawal of an offer of employment.
- 2.8 The PPA abides by the CRB Code of Practice. Every person who is subject to a Disclosure will be made aware of this Code of Practice and copies will be available on request.
- 2.9 Having a criminal record will not necessarily bar a potential employee from working with the PPA. This will depend on the nature of the position and the circumstance and background of the offence(s).
- 2.10 This policy and procedure will be reviewed periodically by the Human Resources Department. Where review is necessary due to legislative change this will happen immediately.

#### Security, Storage, Handling, Use, Retention, And Disposal Of Disclosures And Disclosure Information

- 2.11 The PPA complies fully with the CRB 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.

#### Storage & Access

- 2.12 All Disclosure information is not kept on individual files and is kept separately and securely in a non-portable, lockable storage unit. Access is strictly controlled and limited to those who are entitled to see it as part of their duties.

#### Handling

- 2.13 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. The PPA maintain a record of all people to

whom Disclosures and Disclosure information has been revealed and the PPA recognise that is a *criminal offence* to pass this information on to anyone who is not entitled to receive it.

#### Usage

- 2.14 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.

#### Disposal

- 2.15 Once the retention period of 6 months has elapsed, we will ensure that any Disclosure information is destroyed by secure means i.e. burning. Whilst awaiting destruction Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The PPA will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, for record purposes only the PPA will keep the following information: the date of issue of a Disclosure; the name of the subject; the level 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.

#### Acting As An Umbrella Body

- 2.16 As an Umbrella Body, the PPA will take all reasonable steps to ensure that all organisations for whom it receives Disclosure information comply fully with the CRB Code of Practice. The PPA will also take all reasonable steps to satisfy itself that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy. The PPA will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy.

### **3. PROCEDURE**

- 3.1 When recruiting for a vacancy the recruiting manager needs to answer the questions on the Request To Fill a Vacancy Form. If the answers to those questions result in a CRB check being necessary the Recruiting Manager needs to contact their Human Resources Adviser.
- 3.2 The Human Resources Adviser will ensure that the advert for the vacancy includes notification that it is essential that the successful applicant obtains a satisfactory CRB check and at what level that check must be (basic, standard, enhanced).
- 3.3 The Human Resources Department will ensure that all applicants receive an additional sheet with their application form which explains the requirement for a CRB check.

- 3.4 Following shortlisting, the Human Resources Department will send out a Disclosure Application Form and Guidance Booklet to all candidates invited for interview with the instruction that the completed form must be returned at the interview.
- 3.5 The successful candidates' form will be verified and countersigned by one of the Human Resources Advisers who are registered with the CRB and sent for processing.
- 3.6 Once the form has been received from the CRB it will be processed by the Human Resources Adviser who countersigned the form.
- 3.7 The Human Resources Adviser will inform the Recruiting Manager if the Disclosure Application was satisfactory or if it contains any information that may affect the appointment decision. If the Disclosure Application contains such information, the Human Resources Adviser will discuss this with the Recruiting Manager (in all instances), and the individual concerned, where appropriate.
- 3.8 Where the information contained on the Disclosure application form significantly impacts on a candidates ability to undertake the post for which they have been appointed, the offer of employment must be withdrawn.
- 3.9 If the Disclosure Application contains no information, or information that is not relevant to the post, the offer of employment can be confirmed (subject to all other pre-employment checks having been completed)
- 3.10 Any decision to withdraw an offer of employment must be reached by the agreement of the Human Resources Adviser and Recruiting Manager. Where both parties fail to agree the decision will be referred to the Authority's Lead Countersignatory (Director of Human Resources) for a final decision.
- 3.11 The decision to withdraw an offer of employment must be confirmed both verbally and in writing to the candidate concerned.
- 3.12 All completed Disclosure Application Forms will be recorded and retained by the Human Resources Department. The forms will be recorded, stored and destroyed in line with the Data Protection Act, this policy and CRB guidance.