

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting and help to ensure the needs of all children are met.



Policy for the Security, Storage and Retention of Applicant/Staff Criminal Records Information

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, Crofton Early Learners complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

The following guidelines apply to all forms of criminal records check information, including applications, the outcomes of criminal records check requests and all related documentation. These guidelines are in line with Crofton Early Learners' policy on the Recruitment and Employment of Ex-offenders and must be adhered to at all times, failure to do so will be subject to formal investigation and may lead to disciplinary action.

Handling

Criminal records check information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. 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. We maintain 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.

Security and Storage

Criminal records check information received on behalf of the Crofton Early Learners are kept securely and only those entitled to see that information in the course of their duties have access – usually the Leader and Administrator. In the case of Disclosure applications, the Disclosure and Barring Service (DBS) operates strict guidelines regarding access to this information, and passing on Disclosure information in circumstances which do not conform with these requirements could be considered a criminal offence. Disclosures and other confidential documents received in relation to appointee/staff are stored in secure conditions, separately from the individual's personal file in line with DBS requirements.

Retention

Once a recruitment decision has been made, the Disclosure and any related correspondence will not be retained for longer than is necessary for that particular purpose. In general this will be for a maximum of 6 months following the date of the recruitment decision, to allow for any disputes about the accuracy of a Disclosure or a recruitment decision to be made and considered.

In the case of a dispute, Disclosure information may be retained for a longer period, but in general this should be for no longer than 6 months after resolution of the dispute. If in exceptional cases it is considered necessary to retain Disclosure information for a longer period, the DBS will be consulted and full consideration to the Data Protection and Human Rights of the individual will be given 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 DBS certificate information is immediately destroyed by secure means, for example by shredding or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle. 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 will 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.

Concerns re Criminal Records Check activity

If any member of staff or applicant has concerns regarding the use of criminal records checks in the staff recruitment process, or any element of the storage, retention or disposal of this information, she/he may raise this in the strictest confidence .

Legal framework

Primary legislation

- Children Act (1989 s47)
- The Children and Families Act 2014
- Protection of Children Act (1999)
- Data Protection Act (1998)
- The Children Act (Every Child Matters) (2004)
- Safeguarding Vulnerable Groups Act (2006)
- Childcare Act 2006
- Adoption and Children Act 2002
- Police Act 1997
- The General Data Protection Regulation (May 2018)

Secondary legislation

- Sexual Offences Act (2003)
- Criminal Justice and Court Services Act (2000)
- Equalities Act (2010)
- Data Protection Act (1998) Non Statutory Guidance
- Childcare (Disqualification) Regulations 2009
- Serious Crime Act 2015
- Care Act (2014)
- Counter-Terrorism and Security Act (2015)

Further guidance

www.bromleysafeguarding.org

- Working Together to Safeguard Children (2018)
- Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (HMG 2007)
- Information Sharing: Guidance for Practitioners providing Safeguarding Services (DfE 2015)
- Disclosure and Barring Service: www.gov.uk/disclosure-barring-service-check
- Keeping Children Safe in Education (2022)
- DBS Code of Practice 2015

This policy was adopted by

CEL TRUSTEES

On

March 2023

Date to be reviewed

March 2025