

Disclosure and Barring Service (DBS) Policy Statement

Creative learning through the arts

October 2020

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Arts Council of Wales makes information available in large print, braille, audio, Easy Read and British Sign Language. We'll also try to provide information in languages other than Welsh or English on request.

Arts Council of Wales operates an equal opportunities policy.

Disclosure and Barring Service (DBS) Policy Statement

This Policy Statement refers to the requirement for, secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information.

This version of the Policy Statement was issued in August 2020 and will be reviewed every 2 years or sooner, should circumstances dictate.

1. 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, the Arts Council of Wales complies fully with the Disclosure and Barring Service Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

We also comply fully with our obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information, the detail of which is set out in the remainder of this Policy Statement and complements our published Privacy Policy.

All DBS checks will be undertaken on our behalf by Powys County Council, under the terms of their formal Umbrella Body Agreement. A copy of this Agreement is available upon request by emailing Governance@arts.wales Powys County Council will be responsible for the administration and processing of all DBS checks we request.

2. The requirement for a DBS check / certificate

To complement our Safeguarding Policy, we will require an enhanced DBS check and valid certificate for all work we directly commission that will involve young people and vulnerable adults.

We define a valid Certificate as follows:

- no less than 3 years from the date of issue, at the time the associated activity completes
- if you are registered on the update service and your original certificate was issued by the Arts Council of Wales

If you are registered on the update service and your original certificate was issued by another organisation or if you do not have a current DBS check then the Arts Council of Wales will undertake a new check for you.

3. Storage and access

Arts Council of Wales will only retain a record of the DBS check, certificate number and valid dates. This information will be kept securely, in restricted electronic folders with access controlled and limited to those who are entitled to see it as part of their duties. We will not retain copies of any Certificates.

4. Handling

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 information regarding the DBS check has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

We will retain proof of checks for a period of 2 years from the time of receipt. This retention period will enable us to demonstrate ‘safer recruitment’ practice for the purpose of safeguarding and other internal audits.

5. Usage

DBS checks are made to assist employers in making safer recruitment decisions. The [DBS Code of Practice](#) advises that it is a requirement to treat DBS applicants that have a criminal record fairly and not discriminate against them based on criminal activity that is not relevant to their job role. The Arts Council of Wales will consider the results of a DBS check in accordance with the nature of the work the individual is being contracted to undertake and make a decision on this basis.

Information resulting from the DBS check is only used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

6. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep DBS check information for any longer than is necessary. The retention period specified in Section 4 above will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding and other internal audits of our Governance arrangements.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

7. Disposal

Once the retention period has elapsed, we will ensure that any DBS check information is immediately destroyed by secure means, by deleting the electronic file from our internal

document management system. While awaiting destruction, this information will not be kept in any insecure folder or receptacle (e.g. waste bin or confidential waste sack).

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 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 certificates and the details of the recruitment decision taken.