



Disclosure Policy

Established in 1836, the USPCA is the second oldest animal welfare charity in the world and its purpose has remained unchanged over that time – the prevention of cruelty and relief of suffering in animals.

1.0 Introduction

This policy applies to all job applicants, internal and external and is made available to all Disclosure applicants at the outset of the recruitment process.

1.2 The USPCA complies fully with the Access NI Code of Practice, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Access NI under Part V of the Police Act 1997, for the purposes of assessing an applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes. The USPCA undertakes to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.

1.3 The USPCA actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of applicants, including those with criminal records. The selection of candidates for interview will be based on those who meet the required standard of skills, qualifications and experience as outlined in the essential and desirable criteria.

2. Responsibilities

Managers, in conjunction with HR, are responsible for ensuring that all those in the USPCA who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. A member of HR will provide guidance when required on a case-by-case basis on the relevant legislation relating to the employment of persons with convictions, the Rehabilitation of Offenders NI Order 1978, and the Rehabilitation of Offenders Exception Amendment Order CNI 2012 as amended, Part V of The Police Act 1997, and the Access NI Code of Practice.

Applicants are responsible for disclosing any relevant convictions/cautions upon request and for completing the relevant Access NI Disclosure or other relevant security checks applicable to the role which they are applying for.

The USPCA undertake to make every subject of an Access NI Disclosure aware of the existence of the Access NI Code of Practice, and to make a copy available on request.

3. Procedure

3.1. Requesting an Access NI Disclosure

3.1.1. We will request an Access NI Disclosure or other relevant security checks only where this is considered proportionate and relevant to the particular position, or there is a lawful requirement to do so. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Standard, Enhanced or Enhanced with Barred List Disclosure or other relevant security check is required for the position in question.

3.1.2. Where an Access NI Disclosure or other relevant security check is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure/ Security Check and that the USPCA will request the individual being offered the position to undergo an appropriate Access NI Disclosure check.

3.1.3. In line with the Rehabilitation of Offenders (Exceptions) (NI) Order 1979 (as amended in 2014) the USPCA will only ask about convictions which are defined as “not protected” for the purposes of obtaining a Standard or Enhanced disclosure.

3.2 Disclosure of Information

3.2.1 We undertake to ensure an open, measured and recorded discussion on the subject of any offences or other matters that might be considered relevant for the position concerned e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.

3.2.2 We can only discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by the PSNI with the subject of that Disclosure, before considering withdrawing a conditional offer of employment.

3.2.3 Having a criminal record will not necessarily debar you from working with the USPCA. This will depend on the nature of the position, together with the circumstances and background of your offences or other information contained on a Disclosure Certificate.

4. General Principles

As an organisation using AccessNI to help assess the suitability of applicants for positions of trust, the USPCA complies fully with AccessNI’s Code of Practice regarding the correct handling, use, storage retention and disposal of Disclosure Applications and Disclosure information. We also comply fully with obligations under the Data

Protection Act 2018 and other relevant legislative requirements with regards to the safe handling, storage, retention and disposal of Disclosure Information.

Consent

As we no longer receive a copy certificate from AccessNI, written consent will be obtained from the applicant when requesting and retaining a (copy of a) Disclosure certificate.

Storage and Access

Disclosure 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.

Handling

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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed. We recognise it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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.

Retention

Once a recruitment (or other relevant appointment, regulatory or licensing) decision has been taken, we do not keep Disclosure information for any longer than is necessary. We comply with AccessNI's Code of Practice requirement to ensure that it is not retained longer than is required for the specific purpose of taking a decision on the applicant's suitability.

Disclosure certificates will be returned to the applicant once a decision, recruitment or otherwise has been made and will be retained no longer than the agreed period.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means ie by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptacle (eg waste bin or confidential sack).

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non conviction information supplied by police. However, despite the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the AccessNI unique reference number of the Disclosure Certificate and the details of the recruitment decision.

5. Related Policies

Title
USPCA Staff Handbook
USPCA Equal Opportunities Policy
Related documentation
Access NI http://www.nidirect.gov.uk/publication/accessni-code-practice
The Rehabilitation of Offenders NI Order 1978 http://www.legislation.gov.uk/nisi/1978/1908/contents?text=NI%20Order#match-1
Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012 http://www.legislation.gov.uk/nisr/2012/318/made