

Since the DSA have started doing criminal record checks of its own examiners, I would like to know (up to the nearest date available);

a) How many DSA examiners were found to have had criminal records that had not been disclosed to the DSA?

We began carrying out enhanced criminal records bureau (CRB) checks on our examiners in February 2009. We hold information on an examiner's enhanced CRB check for six months and the CRB's Code of Practice (section 3), which applies to bodies using disclosures, states that: *no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the CRB or as a result of a stipulated requirement relating to the e-channel service.*

Based on the information currently held we have a record of 133 existing employees whose enhanced CRB check showed a conviction or a caution. The enhanced CRB also shows spent convictions or cautions. Therefore, of the 133 existing employees some of the convictions or cautions may be spent. However, in line with the CRB's Code of Practice we do not continue to hold any detailed information in relation to the convictions or cautions and whether they were spent.

In addition, we do not hold in a central record the number of the 133 existing examiners that did not previously disclose their conviction or caution to us. To compile this information would require us to manually review each individual employee's personal file.

We have estimated that to review one individual employee's personal file to determine whether there conviction or caution hadn't been disclosed to us previously would take around three to four hours. Therefore to review the personal file of all of the 133 existing employees would equate to a minimum of 399 hours, which would exceed the 24 working hour limit prescribed.

This information is exempt from release under section 12 (1) (cost of compliance exceeds appropriate limit) of the FoIA. A full breakdown of this exemption can be found at Annex B.

The appropriate limit, as prescribed by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, is £600 for Central Government and £450 for other public authorities, with staff costs calculated at a rate of £25 per hour. When calculating whether the appropriate limit is exceeded, authorities can take account of the costs of determining whether the information is held, locating and retrieving the information, and extracting the information from other documents. They cannot take account of the costs involved with considering whether information is exempt under the Act.

b) How many (if any) of these examiners were either dismissed or asked to leave?

We do not hold, in a central record, the number of examiners that we have dismissed as a result of finding out they had a criminal record that had not been previously disclosed to us.

To compile this information would require us to manually review the personal file of those employees that has been dismissed from DSA since February 2009 for reasons that could be related to criminal convictions.

We have dismissed 18 employees between February 2009 and 18 September 2012 for reasons that could possibly be related to criminal convictions. To review the personal file of one of these employees to determine whether their dismissal was related to criminal convictions and if their conviction or caution wasn't previously disclosed to us would take around three to four hours. Therefore to review the personal file of the 18 employees would equate to between 54 and 72 hours, which would exceed the 24 working hour limit prescribed.

This information is, therefore, also exempt from release under section 12 (1) (cost of compliance exceeds appropriate limit) of the FoIA.

Please note that if an examiner has or receives a criminal conviction the matter is looked into to see whether there is a risk to the discharge of an examiner's duties. This also includes how long ago the offence took place.

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