



Disclosure and Barring Service (DBS) Checks and Criminal Convictions Policy

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1 Statement of Aims and Objectives

- 1.1. This policy sets out the requirements of South East Coast Ambulance Service NHS Foundation Trust (the Trust) with regard to criminal records checks obtained through the Disclosure and Barring Service (DBS).
- 1.2. This document ensures that managers are aware of the legal obligations when assessing the suitability of successful candidates, and the continuing suitability of employment for eligible individuals, to protect themselves, patients, vulnerable persons and the Trust, by:
- Understanding the risks and implications of eligible candidates commencing employment without having undergone a DBS check and the need to take steps to prevent this from happening.
 - Understanding the Trust's internal procedure for addressing, dealing with and where possible, managing employment risks.
 - Understanding the Trust's obligations towards ex-offenders and colleagues.
 - Understanding the Data Protection Act issues associated with DBS Disclosures and risk assessments.
- 1.3. This document also defines the obligations that are placed on colleagues in regard to the disclosure of a criminal record.

2 Scope

- 2.1. This will be applied to all current and bank workers, colleagues transferred in via TUPE and candidates to whom a conditional offer of employment has been made via the recruitment process.
- 2.3. This also applies to posts that are considered honorary appointments: students, trainees, apprentices, some volunteers and any posts that are covered using temporary or contracted colleagues or on joint contracts with the Trust and another employer.
- 2.4 This policy includes the requirement for DBS re-checking for all those requiring standard or enhanced disclosure.

3 Definitions – See Appendix A.

4 Principles

- 4.1. The policy requirements are in line with the NHS Employment Check Standards, Working Together to Safeguard Children (2023) statutory guidance document, General Data Protection Regulation (GDPR), the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012 and the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975 (as amended)).
- 4.2. The DBS is an integral element of the NHS Employment Check Standard (see Recruitment and Selection Policy and Procedure). The Trust complies with the relevant legislation and good practice outlined in the NHS Employment Checks Standard - DBS and Barring Checks, which can be accessed at www.nhsemployers.org
- 4.3. To protect ex-offenders from unfair discrimination on the basis of non-relevant past convictions and to ensure a fair, safe and effective recruitment practice, a criminal record will not necessarily prevent an individual from working with the Trust. This will depend on the nature of the individual's position and the circumstances and background of any offences, balanced against other evidence gathered as part of the recruitment processes.
- 4.4. The Trust will require a DBS check at an appropriate level, in line with DBS guidelines.
- 4.5. All colleagues whose duties involve direct access to patients are contractually required to disclose to the Trust any arrest, caution, summons, reprimand, warning, charge or conviction, arising prior to or during their employment with the Trust.
- 4.6. Existing colleagues are expected to disclose new entries and failure to do so will be escalated to the relevant line manager and HR for further oversight, if they knowingly fail to disclose information regarding their criminal record or barred list status.
- 4.7. The Trust will undertake, and pay for, an initial check at the appropriate level on appointment, or renewal. The Trust will reimburse colleagues who register/ renew subscription to the DBS Update Service via the e-expenses system.
- 4.8. All Trust colleagues and volunteers who require a standard or enhanced DBS check may be rechecked during their employment as a result of changes in legislation, regulations or working practices. They may also be checked if their actions or activities give cause for concern, e.g. allegations of inappropriate behaviours made by a child or adult, or a colleague, parent, carer or member of the public.

- 4.9. The Trust complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

5 Responsibilities

5.1. Executive Director of Human Resources and Organisational Development (HRD)

The HRD has delegated responsibility from the Chief Executive Office to ensure this policy and procedure is properly implemented and monitored.

5.2 All Colleagues

5.2.1. All colleagues are responsible for adhering to this policy.

5.2.2. It is the responsibility of all colleagues to disclose all relevant information to the Trust and the DBS, throughout their employment with the Trust. This will include convictions (including spent convictions), cautions, reprimands and/or warnings.

5.2.3 All colleagues requiring a DBS renewal will be required to register an account on TRAC (the Trusts recruitment system) as part of the DBS application process, if they are not subscribed to the update service

5.2.4.4 All colleagues will respond to Trust requests for a new DBS check in a timely manner. Failure to do so may result in temporary removal from patient contact. For new starters this may result in an offer being withdrawn.

5.2.5 All colleagues, including new joiners to the Trust will be required to sign up to the DBS Update Service and maintain their annual subscription .

5.3. DBS Applications

5.3.1 DBS applicants will declare 'spent' or 'unspent' convictions, in-line with DBS filtering rules on application

5.3.2 Disclose all necessary information to enable a DBS check to be made in a timely manner.

5.3.3 Complete the DBS self declaration form.

5.3.4 Provide the original disclosure certificate, if requested, in a timely manner to be verified and recorded by the Trust.

5.4. Recruitment Manager (RM)

- 5.4.1. Ensure the provision of guidance and support for managers on the operation of the policy.
- 5.4.2. Ensuring the provision of accurate and regular statistical information as requested.
- 5.4.3. The designated DBS Lead, as the principle point of contact for the DBS. Shared responsibility falls between Recruitment Manager and Assistant Director of HR Services.
- 5.4.4. Ensuring that the Trust practices and counter signatories comply with the requirements and guidance as outlined within the DBS Code of Practice.
- 5.4.5. Monitoring and ensuring all Trust job roles are allocated the correct level of disclosure check, seeking guidance and clarification from the Disclosure and Barring Service, as necessary.
- 5.4.6. Ensuring that the recruitment team process all offers of appointment in accordance with the DBS policy.
- 5.5. **HR Services Teams (Service Centre and Recruitment)**
- 5.5.1. Ensure DBS checks are identified at the appropriate level and recorded on the Electronic Staff Record System (ESR).
- 5.5.2. Ensure that all relevant job adverts clearly state that a DBS check will be required for the post.
- 5.5.3. Ensure that the relevant DBS self declaration form is completed.
- 5.5.4. Ensure that original identification documents and documents for the DBS application form are verified (photocopies taken, signed and dated), satisfying the Trust requirements of the identity of the person and that the evidence presented is genuine and in line with DBS requirements.
- 5.5.5. Ensure that the appropriate checks have been carried out for periods of non-UK residence.
- 5.5.6. Ensure that the offer letter states that the offer of employment is subject to a successful DBS check being obtained.
- 5.5.7. Record the result on ESR. This will include the disclosure certificate number and date, the level of check and outcome.
- 5.5.8. Ensure that DBS disclosures indicating a positive disclosure are brought to the attention of the DBS Panel.

- 5.5.9. Confirm that checks for agency colleagues and external contractors have been performed with relevant agency. Should there be any doubt, the Recruitment team must ensure that the Trust performs its own check prior to the agency worker/contractor commencing work.
- 5.5.10. Check the status of the DBS application and arrange for the original DBS disclosure check certificate to be verified in the department.
- 5.5.11. Will refer any positive disclosures, following the completion of the risk assessment, to the DBS Panel
- 5.5.12. Controlling the use, access and security of disclosure certificates.

5.6. **Recruiting/ Hiring Manager**

- 5.6.1. Identify positions that have direct access to patients, or where a role requires a high level of responsibility, accountability or trust. Seeking advice, in accordance with the DBS, from the Recruitment team.
- 5.6.2. Ensure that applicants are aware that they will not be able to commence employment/ placement with the Trust until their DBS disclosure has been verified or a risk assessment has been completed and approved prior to starting
- 5.6.3. Complete the interview record form, ensuring that the self declaration question is asked of each candidate. Advising the Recruitment team when information is disclosed.
- 5.6.4. Discuss information disclosed sensitively and appropriately with the candidate at interview stage regarding convictions, cautions, reprimands etc, ensuring that candidates are not unfairly discriminated against during the recruitment and selection process on the basis of criminal convictions held.
- 5.6.5. Ensure that confidentiality is maintained regarding any convictions disclosed by candidates at any stage of the recruitment process.
- 5.6.6. Advise applicants that any offer of employment may be withdrawn if they knowingly withhold information or provide false or misleading information.
- 5.6.7. Complete a risk assessment prior to applicant starting, as advised by recruitment team, should the DBS still be at stage 4 (police check) only. Risk assessment to be completed depending on level of DBS required and role.

5.7. **HR Business Partner Team**

- 5.7.1 Provide advice and guidance to managers in the implementation of the policy.
- 5.7.2. Assist managers with non-disclosure of criminal convictions from a colleague in post.
- 5.7.3. Contacting the safeguarding lead where individuals on a barred list apply for a position in a regulated activity.

5.8. **DBS Panel**

- 5.8.1. Will consider the relevance of disclosures to particular posts in line with the Trust's DBS Panel terms of reference. All disclosures will be presented at the DBS Panel in the form of a declaration from the candidate/existing colleague.
- 5.8.2. Appropriate support from colleagues will be available as required:
 - **Assistant Director of HR Services**
 - **HCP Consultant for Safeguarding/Safeguarding Lead**
 - **Operations – West, East**
 - **HR Business Partners**
 - **HR – Recruitment – Relevant Recruitment Advisor**
 - **EOC/111**
 - **Private Ambulance Provider (PAP) Assurance as required**
 - **HR – Service Centre – DBS renewal issues as required**
 - **CFRs – Head of Community engagement as required**

5.9. **HR Service Centre**

- 5.9.1. Process disclosures for existing colleagues who are required to be rechecked.
- 5.9.2. Control the use, access and security of disclosure certificates.
- 5.9.3. Record the result on ESR. This will include the disclosure certificate number and date, the level of check and outcome.
- 5.9.4. Ensure that DBS disclosures indicating a positive disclosure are brought to the attention of the DBS Panel.

6 DBS Check Eligibility and Levels

- 6.1. All applicants to the Trust will be notified, at the application stage which level of DBS check is required for the role.
- 6.2. All newly created job roles will have the level for a DBS check assessed through the DBS online eligibility tool.
- 6.3. Where an individual may be/ is required to undertake multiple job roles/ activities, DBS checks will be undertaken for each role, at the appropriate level.

6.4 Basic Disclosure

- 6.4.1. A basic disclosure will be requested for all roles that do not meet the eligibility criteria for a standard or enhanced check on recruitment. A basic check will contain details of convictions and conditional cautions from the Police National Computer (PNC) that are considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

6.5 Standard Disclosure

- 6.5.1. Standard checks must only be obtained for professions or positions which are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended). A standard level certificate contains details of all spent and unspent convictions and adult cautions from the Police National Computer (PNC) which have not been [filtered in line with legislation](#).
- 6.5.2. Where appointing to positions which are exempt, the Trust is permitted to ask for and consider criminal convictions, conditional cautions and conditional youth cautions (formerly reprimands and final warnings), unless they are eligible for removal through the DBS Filtering rules.
- 6.5.3. To meet the eligibility for a standard check, positions being appointed to must require the individual undertaking that role to be providing a health service which also allows them to have access to patients as part of their normal duties.
- 6.5.4. The standard disclosure does not apply to posts that have no contact with patients, or only limited or incidental contact with patients.
- 6.5.5. A standard DBS does not show if a person is barred from working with children or adults and therefore this level of check should not be used if the person will be engaging in 'regulated activity' (please refer to Enhanced Disclosure).

6.6. Enhanced Disclosure

- 6.6.1. An enhanced check is required for all posts that meet the definition of regulated activity. The enhanced check will provide the same information as a standard check. It will also include any other relevant information that is held on local police databases which a chief officer reasonably believes should be disclosed and considered by the employer. For example, further information about the offences committed or information about ongoing investigations.
- 6.6.2. **Enhanced check without barred list information** - To be eligible to request an enhanced check, the position must be identified as an exempt position and must also be included in the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 as work with adults and/or work with children.
- 6.6.3. **Enhanced check with barred list information** - To be eligible to request information held against the adults and/or barred lists, the position or activities must be listed as a regulated activity in the Safeguarding Vulnerable Groups Act 2006 as amended by Protection of Freedoms Act in 2012.
- 6.6.4. It is illegal to carry out an Enhanced DBS check on any post that is not exempt under the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (as amended), and to do so could render the Trust liable for legal action.

7 The Rehabilitation of Offenders Act 1974 (as amended)

- 7.1. The Rehabilitation of Offenders Act provides for anyone who has been convicted of a criminal offence and has a custodial sentence of less than four years in prison, to be regarded as rehabilitated after a specified period where no further convictions have been committed.
- 7.2. A rehabilitation period may vary from six months to ten years from the date of conviction. During this period the conviction is regarded as 'unspent' (current) and an individual is required to disclose this information to any prospective employer, or their current employer if the offence takes place during their term of employment.
- 7.3. Once this period of rehabilitation has passed, the conviction is regarded as 'spent' (old). In normal circumstances the convicted person does not have to reveal 'spent' convictions to a prospective employer when applying for a job. However, some professions within the Trust are exempt from this approach by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- 7.4. In the case of such excepted professions, employers are entitled to know about previous criminal record information, whether spent or unspent

(including reprimands, cautions, final warnings), unless they are eligible for removal through the DBS Filtering rules, and to take this information into account when assessing an individual's suitability for the post.

8 Portability of Disclosures

8.1. The Trust will accept previous DBS checks, undertaken in the last 12 months from other NHS employers; NHS framework approved agencies and further education institutes for students who undertake a placement and for those working on honorary agreements and secondment, on the basis that the following criteria are met and evidenced:

- The DBS check is at the correct level for the new post.
- The candidate produces the original certificate for verification.
- A DBS self declaration form is completed to mandate the disclosure of any changes since the last check, Appendix B or Appendix C, as appropriate.
- The date and level of the last DBS check is included on the factual reference template.

8.2. Where the above conditions are not met and in all other cases, a new DBS will be required to ensure that the Trust has accurate information on which to base recruitment and selection decisions.

9 DBS self declaration

9.1. The DBS self declaration is mandatory within the NHS and relies on the honesty of applicants to provide complete and accurate information. The DBS self declaration forms part of the appointment process and must be completed by all individuals prior to undertaking a position/ placement with the Trust. Failure to do so may result in the withdrawal of an offer of employment/ placement.

9.2. The DBS self declaration information must be handled, stored and destroyed in line with the DBS code of practice.

10 DBS Checks

10.1. Initial Application

10.1.1. All eligible individuals will be required to complete an online application for a DBS check when they are made a conditional offer of employment. It is a condition of this offer that this check is returned to the satisfaction of the Trust.

Leavers returning on a bank agreement that have less than 6 months left on their certificate will be required to complete a new application.

- 10.1.2. The Disclosure certificate is issued to the applicant only. The Trust receives details of the disclosure check via the online DBS application system.
- 10.1.3. In cases where a positive disclosure is indicated, the applicant will need to provide the original DBS Disclosure certificate. Candidates will need to provide to the recruitment team, and renewals to the Service Centre.
- 10.1.4. It is the responsibility of new entrants to sign up to the DBS Update service within 28 days of their certificate being issued, and maintain their annual subscription. The Trust will reimburse the initial sign up fee and annual subscription fee upon receipt of a valid claim via e-expenses

10.2. **Overseas Applicants**

- 10.2.1. Where an applicant who lives overseas or has disclosed that they have spent a continuous period of 6 months or more outside the UK, they must supply a certificate of good standing (CoS) from their country's police or overseas criminal check, that is dated within the last 3 months. Applicants are responsible for obtaining it together with any translation that is necessary, and will be responsible to cover all costs involved in this. The original certificate must be seen by the Recruitment team.
- 10.2.2. The Trust will also request a disclosure check in addition to the individual's overseas police check.
- 10.2.3. Undertaking these checks is likely to extend the pre-employment checking process.

10.3. **Agency Workers, Contractors & Private Providers**

- 10.3.1. To ensure that agency workers meet the DBS requirements, the Trust will use agencies on the approved NHS Framework. Any exceptions to this must be agreed through the Recruitment Team. The Framework requires the agency to undertake the same level of pre-employment checks as would be required for a Trust employee. Written confirmation, including status and date of issue, must be provided to the Trust. Where this assurance cannot be provided, individuals may not commence duties/work for the Trust.
- 10.3.2. Contract managers will ensure that contractors/ private providers maintain the NHS employment standard checks for colleagues working within the

Trust, and that relevant clauses are included in any contracts and /or Service Level Agreements.

- 10.3.3. If anything is disclosed prior to employment or a positive disclosure is received, this must be declared to the Trust and a risk assessment (see Appendix D) must be completed prior to the worker undertaking duties. The agency/ contractor/ private provider must keep the Trust informed of any changes, throughout the duration of the contract.

10.4. **Students, Research & Honorary Contracts, Secondments**

- 10.4.1. Where an individual is joining the Trust from a Health Education Institute (HEI), training body or NHS Trust these establishments are responsible for requesting a DBS disclosure, in line with the NHS standards as part of their admission/application procedure. Written assurance, including the date of issue and the status, must be provided to the Trust.

- 10.4.2. The HEI/ training body/ substantive organisation must keep the Trust informed of any changes to an individual's criminal record, throughout the duration of their time with the Trust.

- 10.4.3. If anything is disclosed prior to placement or a positive disclosure is received, this must be declared to Trust, and a risk assessment must be completed prior to commencing with the Trust.

10.5. **Volunteers**

- 10.5.1. Volunteers must have a DBS check prior to taking up duties with the Trust. This will enable the Trust to meet its obligations to ensure safer recruitment practices and to protect its patients, clients and staff.

- 10.5.2. Checks for volunteers will initially be processed by the Recruitment team. Follow up DBS checks will be processed by the the HR Service Centre.

10.6. **Current colleagues changing job role / undertaking an alternative role or duties / retiring and returning**

- 10.6.1. An application for a DBS disclosure will be necessary where any of the following apply:

- The individual has never had a DBS check before and is moving to a position/activity that now requires them to have a check.
- The individual is moving into a role/undertaking duties that requires a higher level of DBS check.

- The position/duties requires them to work with a different vulnerable group and they are required to have a check against one or both barred lists.
- The position/duties requires an enhanced check and ESR records show that they have not had an enhanced check in the last three years, or less than 6 months left on their current certificate.
- There has been a break of service of 12 months or more.

10.6.2. All colleagues in this category will be advised on how to progress and provide identification for a disclosure. Failure to follow this requirement within the timeframe set may lead to the offer for the new post being withdrawn or alternative tasks/duties being withdrawn.

10.7. **Work Experience, 3rd Crewing/Observer**

10.7.1. Individuals who are on work experience placements/ 3rd crewing observer shifts and are engaging in an activity with vulnerable groups will not be required to have a DBS check, in-line with the Observer Policy, provided that a full DBS risk assessment has been undertaken.

10.8 **Transgender Applicants**

10.8.1. The DBS has a separate application procedure, which allows Trans applicants to exclude previous names from the disclosure application form. Applicants will be required to send details of their previous identity in a separate letter directly to the 'Sensitive Casework Manager' within the DBS. The DBS will then check the data sources held against both current and previous names. This avoids the need for disclosure about gender history or former name to the Trust at the application stage but allows the DBS to carry out the requisite checks against any previously held identities.

11 **Incomplete Applications or Lost DBS Disclosure Certificate**

11.1. Colleagues are responsible for keeping their certificates safe once received. Failure to produce a DBS disclosure certificate may result in a new one being requested.

11.2. Where applications have been submitted that the DBS find to have missing address information, the application will be withdrawn, and a new application will need to be submitted.

12 **Commencing Employment without DBS Clearance**

12.1. Following interview, the Trust will issue a conditional offer of employment, subject to a satisfactory DBS check and other pre-employment checks.

- 12.2. Individuals should not be allowed to commence employment without a satisfactory DBS disclosure to ensure that the Trust meets its obligations to ensure safer recruitment practices and to protect its patients, clients and staff.
- 12.3. In exceptional circumstances, usually where there would be a significant impact on service provision, a risk-based decision can be made to allow staff to start work before the DBS check is received, but must be at stage 4 (police checks). On these occasions, a DBS risk assessment form (Appendix B) must be completed by the recruiting manager and as a minimum the following must apply:
- A Trust DBS check is being processed and at stage 4
 - A clear DBS self declaration has been verified.
 - Satisfactory references have been received.
 - They are commencing employment into a non-regulated activity role or
 - for those requiring enhanced disclosure they will not be undertaking or supervising any regulated activities until such time that a satisfactory disclosure is received.
 - If appropriate, an Adult First Check has been received.
- 12.4. Authorisation must be gained from the HR Business Partner and the relevant Associate Director or equivalent prior to anyone starting on a risk assessment basis. Appendix B and C refer.

13 Positive DBS Disclosures

- 13.1. It is a criminal offence for anyone to seek or accept work in a 'regulated position' knowing they are on a barred list and also for the Trust, with this knowledge, to offer work or to employ a person in such a position. Should inclusion on the list be identified the appointment offer will be immediately withdrawn. An HR Business Partner/ HR Advisor must be contacted immediately and will contact the police to take appropriate action.
- 13.2. Where a criminal record is disclosed at the appointment stage, the Recruitment team will refer to the DBS Panel, who will consider the relevance of offences to particular posts and the associated risk.

14 Re-Checking

- 14.1. The Trust reserves the right to ask existing employees in relevant positions to undertake a fresh DBS check if their actions or activities give cause for concern. In such circumstances, the Trust's Managing

Safeguarding Allegations Policy and Procedure must be followed. A full investigation will be carried out in accordance with the relevant Trust policies.

- 14.2. All individuals who hold a standard or enhanced disclosure certificate will be required to sign up to the DBS update service and renew annually. Any that are not on the update service will be required to apply for a new DBS check every three years. The three yearly status checks will be initiated and recorded by the HR Service Centre. Colleagues who are registered with the DBS update service and have provided consent for the Trust to access their DBS records, will have their status check undertaken by the HR Service Centre.
- 14.3. It is an individual's responsibility to sign up and keep ongoing the yearly subscription to the update service. The update charge is claimable on the e-expenses system.
- 14.4. Where a disclosure application or update status check for an existing colleague returns a recorded offence, which has not been previously declared, this will be considered on a risk assessment basis accompanied by a self-declaration, by the DBS Panel, and may be investigated in accordance with the relevant Trust Policy.
- 14.5. If an individual has made no attempt to start the renewal process they will be removed from frontline duties and assigned restricted duties decided by the OUM/Senior manager for a maximum of 14 days. Unsocial hours pay will not be protected if assigned to a role that does not attract unsocial pay. If the recheck has not been initiated in 14 days then the OUM/Senior manager will seek advice from a HR Advisor as to next steps which could include disciplinary action.
- 14.6. If the individual has submitted the application in a timely manner and the delay is with the DBS service provider a risk assessment (appendix D) will be completed by the OUM/Senior manager and reviewed by the relevant ADO or equivalent. If not deemed acceptable the individual will be assigned restricted duties until the DBS certificate is received.

15 Self-Declaration of Criminal Offence During Employment

- 15.1. Employees are required to declare if during the course of employment, they are:
 - arrested, charged, cautioned or convicted of any criminal offence, including any conditional cautions and conditional youth cautions (formerly reprimands and final warnings).

- This includes any pending court appearance, bind-overs, absolute and conditional discharges, and police investigations, in the UK or abroad, which may lead to one of the above sanctions.
- 15.2. Individuals must notify their line manager as of the circumstances as soon as practically possible and before the start of the next shift.
- 15.3. The Line Manager must discuss such disclosure of information with their HR Business Partner, as soon as practicably possible. In addition, the manager must notify DBSEmployee.checks@secamb.nhs.uk.
- 15.4. The Trust will firstly establish whether the offence is relevant to the post through a DBS risk assessment. Appendix C refers Depending on the nature of the offence the Trust may consider a range of actions including a restriction of duties through to suspending the employee whilst an investigation is carried out, and while a new disclosure is being processed in line with the relevant Trust Policy
- Depending on the nature of the disclosed offence, the Trust's Safeguarding Lead may follow up concerns with the Local Authority Designated Officer for Safeguarding
- 15.5. A failure to disclose such information to the Trust may result in disciplinary action, in line with the Trust Disciplinary Policy.

16 Referral to the DBS

- 16.1. If the Trust dismisses or removes a person from regulated activity (or may have done so had they not left) because they have harmed or posed a risk of harm to a child or adult at risk, the Trust has a legal 'duty to refer' the person to the DBS.
- 16.2. In the first instance the line manager should seek advice from the Trust's Safeguarding leads and the HR Business Partner.
- 16.3. The Safeguarding Lead will liaise with the HR Business Partner and together they will be responsible for making any referral to the DBS, in line with the Disciplinary Policy. Any such notification to the DBS would only be made after the Safeguarding Team and HR have reviewed and agreed that it does relate to a safeguarding threshold and concern.'

17 Monitoring compliance

- 17.1. All NHS organisations are required to provide evidence to the Care Quality Commission that they comply with the NHS employment check standards.

- 17.2. The HR Services teams will ensure that this policy is followed for all new and existing employees requiring a DBS check. DBS check details will be recorded on ESR.

18 Audit and Review (evaluating effectiveness)

- 18.1. This policy will have its effectiveness audited by the HRSMT at regular intervals, and initially six months after a new policy is approved and disseminated.
- 18.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 18.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.
- 18.4. All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

19 Associated Trust Documentation

- Recruitment & Selection Policy & Procedure
- Managing Safeguarding Allegations Policy
- Managing Concerns (Disciplinary) Policy & Procedure
- Anti-Fraud & Bribery Policy
- Observer Policy

20 References

- Protection of Freedoms Act 2012
- The Rehabilitation of Offenders Act 1974
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013
- Part V of the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013
- Safeguarding Vulnerable Groups Act 2006
- [Find out which DBS check is right for your employee - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-out-which-dbs-check-is-right-for-your-employee)
- [Police role in the DBS checking process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/police-role-in-the-dbs-checking-process)

21 Equality Analysis

- 21.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 21.2. Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

Appendix A: Definitions

Adult At Risk

The Care Act 2014 defines an Adult at Risk a person is 18yrs or over, has needs for care and support and is experiencing, or is at risk of abuse or neglect and as a result of their care and support needs, is unable to protect him or herself against abuse or neglect, or the risk of it

Disclosure

Describes the service provided by the DBS and the document issued to the applicant and Registered Body when a DBS check has been completed.

Lead Counter signatory

An appointed figure within a Registered Body who has overall responsibility for the use of the DBS checks in their organisation.

Registered Body Organisations that have registered directly with the DBS to use its services.

Adult First Service

A criminal record check

Is to help the Trust make safe recruitment decisions by checking information that may be held on the Police National Computer (PNC).

DBS - Disclosure and Barring Service

The DBS service provides the Trust with factual information on which to base decisions about an individual's suitability for employment, in regard to a person's criminal convictions (spent and unspent) plus any conditional cautions and conditional youth cautions (formerly reprimands and final warnings) held on the Police National Computer (PNC). It may also include traffic offences such as speeding and drink-driving.

Stages of the DBS checking process

Stage 1: Application received and validated

Stage 2: Police National Computer (PNC) searched

Stage 3: Adults' and Children's Barred Lists check

Stage 4: Search of records held by the police

Regulated Activity

In general terms, "regulated activity" is any work that involves close and unsupervised contact with adults at risk/ and or children, including triage services and medical advice provided over the phone. The Trust must request an enhanced DBS check with a check against the appropriate barred lists.

- Child – Someone under the age of 18.
- Adult – Someone over the age of 18.

Disclosure certificate

This is the term that is used to describe the document issued to the applicant when a DBS check has been completed.

A rehabilitation period

Is a set length of time from the date of conviction.

Portability

The DBS defines portability as meaning the reuse of a disclosure certificate which has been obtained for a position in one organisation and is later used for another position in a different organisation.

Conditional cautions

Are not a form of punishment but are rather issued as a means of handling less serious offences or first offences which the Court considers reasonable to be dealt with by placing conditions of restorative rehabilitation.

Exceptions to the Rehabilitation of Offenders Act

The Exceptions Order overrules the employment rights an ex-offender would otherwise have in respect of spent convictions. Ex-offenders must disclose information about spent, as well as unspent convictions, provided the employer states clearly on the application form or at the interview that the job applied for is exempted.

DBS Filtering Rules

Filtering is the term used to describe the process that identifies which criminal records will be disclosed on a Standard or Enhanced DBS certificate (DBS check).

DBS Update Service

The Disclosure and Barring Service (DBS) Update Service allows:

- applicants to keep their DBS certificates up to date
- employers to check a DBS certificate

The service is for standard and enhanced DBS checks only.

Appendix B: DBS Risk Assessment - (New Starters awaiting the outcome of a DBS Disclosure application)

In the vast majority of cases, all pre-employment checks will have been completed prior to a formal offer of employment being made. However, in exceptional circumstances, new recruits may be allowed to commence work within the Trust provided the following requirements are met:

- all other pre-employment checks, including reference and professional registration etc. have been completed and found to be satisfactory;
- the specific risks associated with the new recruit starting work prior to receipt of their DBS have been identified and assessed;
- measures to be put in place to mitigate this risk have been identified.
- monitoring arrangements to cover the period from the employee's commencement until DBS clearance is confirmed have been identified; and
- DBS is at stage 4

These requirements should be documented on the below form and authorised by the relevant Senior Manager and HR Business Partner. For roles at Associate Director or above the below form should be reviewed and authorised by either the Deputy Director or Director of HR and L&OD. This form should then be forwarded to the relevant recruitment advisor to enable this information to be handled, stored, and retained in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act.

Section 1 – Employee & Post Details (To be completed by the recruitment team prior to sending to hiring manager)

Candidate Name	
Position applied for	
Department & Directorate	
Date of Assessment	
Name of Assessor	1. 2. 3.
Satisfactory pre-employment checks (except DBS) complete:	Please note that this DBS form should not be completed until all other pre-employment checks have been completed and found to be satisfactory. Yes No

Have gaps in employment been accounted for?	Yes No
Has the applicant declared any matters on the Self Declaration form and/ or at interview?	Yes No If yes, please give brief details.
Level of Disclosure Required	Enhanced (Barred) Enhanced Standard Basic <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Section 2 – Risk Assessment (To be completed by the hiring manager)

What is the impact on the service and how detrimental would it be for the Trust if this individual did not start until the DBS disclosure is received?	
Does the post involve one to one contact with children, adults at risk or other vulnerable groups?	
Does the post involve any direct responsibility for finance or items of value?	
Please detail what measures/safeguards will be put in place to ensure the safety of patients pending the return of a satisfactory DBS disclosure. (This should include no access to patients unless supervised at all times, training, non-patient contact duties etc)	
Please state who will be responsible for the supervision of this individual whilst you await the outcome of their DBS disclosure?	

Section 3 – Authorisation (To be completed by Senior Manager and HR Business Partner, or for Associate Director and above roles, authorisation is to be provided by Deputy Director or Director of HR and L&OD)

Please note that by signing this DBS Risk Assessment form, you are aware that you are agreeing to start this applicant without following the Trust’s recruitment protocols and the NHS Safer Recruitment protocols.

Based on the criteria and recommendations provided on this form my decision is as follows:
--

Name		Name	
Signature		Signature	
Position		Position	
Date		Date	

Appendix C: DBS Risk Assessment - (New disclosure for existing staff; Enhanced and Standard checks)

Employees are required to declare if during the course of employment, they are:

- arrested, charged, cautioned or convicted of any criminal offence, including any conditional cautions and conditional youth cautions (formerly reprimands and final warnings).
- This includes any pending court appearance, bind-overs, absolute and conditional discharges, and police investigations, in the UK or abroad, which may lead to one of the above sanctions.

A role based risk assessment must be carried out and documented on the below form. This needs to be authorised by the relevant Senior Manager and HR Business Partner. For roles at Associate Director or above the below form should be reviewed and authorised by either the Deputy Director or Director of HR and L&OD. This form should then be forwarded to the relevant HR advisor to enable this information to be handled, stored, and retained in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act.

Section 1 – Employee & Post Details (To be completed by the line manager)

Employee Name	
Position	
Department & Directorate	
Date of Assessment	
Name of Assessor	1. 2. 3.

Level of Disclosure Required	Enhanced (Barred)	Enhanced	Standard	Basic
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2 – Risk Assessment (To be completed by line manager)

Does the post involve one to one contact with children, adults at risk or other vulnerable groups?	
Does the post involve any direct responsibility for finance or items of value?	
Please detail what measures/safeguards will be put in place to ensure the safety of patients pending the outcome of the DBS panel (This should include no access to patients unless supervised at all times, training, non-patient contact duties etc)	
Please state who will be responsible for the supervision of this individual whilst you await the outcome of the DBS Panel review.	

Section 3 – Authorisation (To be completed by Senior Manager and HR Business Partner, or for Associate Director and above roles, authorisation is to be provided by Deputy Director or Director of HR and L&OD)

Based on the criteria and recommendations provided on this form my decision is as follows:			
Name		Name	
Signature		Signature	
Position		Position	
Date		Date	

Appendix D: DBS Risk Assessment - (Expired DBS - existing staff; Enhanced and Standard checks)

Employees are required to declare if during the course of employment, they are:

- arrested, charged, cautioned or convicted of any criminal offence, including any conditional cautions and conditional youth cautions (formerly reprimands and final warnings).
- This includes any pending court appearance, bind-overs, absolute and conditional discharges, and police investigations, in the UK or abroad, which may lead to one of the above sanctions.

A role based risk assessment must be carried out and documented on the below form. This needs to be authorised by the relevant Associate Director. For roles at Associate Director or above the below form should be reviewed and authorised by either the Deputy Director or Director of HR and L&OD. This form should then be forwarded to the relevant HR advisor to enable this information to be handled, stored, and retained in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act.

Section 1 – Employee & Post Details (To be completed by the line manager)

Employee Name	
Position	
Department & Directorate	
Date of Assessment	
Name of Assessor	1. 2. 3.
Level of Disclosure Required	Enhanced (Barred) Enhanced Standard Basic <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Section 2 – Risk Assessment (To be completed by line manager)

Does the post involve one to one contact with children, adults at risk or other vulnerable groups?	
Does the post involve any direct responsibility for finance or items of value?	
Please detail what measures/safeguards will be put in place to ensure the safety	

<p>of patients pending the outcome of the DBS panel (This should include no access to patients unless supervised at all times, training, non-patient contact duties etc)</p>	
<p>Please state who will be responsible for the supervision of this individual whilst you await the outcome of the DBS Panel review.</p>	

Section 3 – Authorisation (To be completed by Associate Director, or for Associate Director and above roles, authorisation is to be provided by Deputy Director or Director of HR and L&OD)

<p>Based on the criteria and recommendations provided on this form my decision is as follows:</p>			
<p> </p>			
Name		Name	
Signature		Signature	
Position		Position	
Date		Date	