

Disclosure and Barring Checks Policy

Board library reference	Document author	Assured by	Review cycle
P092	Associate Director of Human Resources	Quality and Standards	3 years

This document is version controlled. The master copy is on Ourspace.

Once printed, this document could become out of date.

Check Ourspace for the latest version.

Contents

1. Introduction	2
2. Purpose or aim	2
3. Scope	2
4. Definitions	3
5. Policy description	4
6. Roles and responsibilities	5
7. Training	6
8. Monitoring or audit	6
8.1 Responsibility	6
8.2 Processes to be tested	6
8.3 Testing and reporting arrangements	6
8.4 Policy review	6
8.5 Organisational learning	6
9. References	6
10. Associated and Related Documents	7

1. Introduction

The [Disclosure and Barring Service \(DBS\)](#) is an executive agency of the Home Office resulting from the merging of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012.

AWP has a duty of care to service users and their families, to ensure that all representatives of the organisation, including agency workers and volunteers, have a satisfactory disclosure and barring (DBS) check, where their work or activities fall under the definition of regulated activity.

The Trust requires a number of checks to be made as part of the appointment process for staff, of which a DBS check is one where applicable. This policy should also be read in conjunction with the [Recruitment and Selection Policy](#) and the [Practitioner Registration Policy](#).

2. Purpose or aim

The purpose of this policy is to set out the requirements for obtaining DBS checks and the processes to be followed to ensure that the Trust maintains a safe workforce and protects children and adults within its care.

3. Scope

The Trust will consider the eligibility for a DBS check for all job applicants and any other individuals who are associated with the Trust who may have access to service users or who carry out a role where a check has been deemed appropriate. The Trust will determine whether a DBS check is required and if so the appropriate level of check. This may be a basic, standard or enhanced check (see definitions in 10 below).

The Trust will use the Disclosure and Barring Service to obtain the criminal records and barring checks where applicable for:-

- AWP employees
- AWP bank workers
- Volunteers
- Individuals requiring a clinical license to practice
- Individuals with 'honorary contracts'
- Individuals seconded into the Trust
- Individuals on Work experience placements
- Any other individuals who will be engaging in "regulated activity".

Where a Trust employee moves to a new area of work a DBS check is not required unless:

- they have never had a DBS check before and are moving to a position that now requires them to have a check. The level of check is dependent on the roles and responsibilities of the job.

or

- their role has changed and they require a higher level of check, or a check against one or both barred lists.

Where applicable the Trust will request a "basic disclosure" (see 10. below) from Disclosure Scotland.

The Trust will obtain DBS checks for existing employees and workers where appropriate to ensure safeguarding standards.

Disclosure and Barring Checks Policy

It will be made clear to job applicants that any offer of employment will be subject to a satisfactory DBS check where this is applicable for the job role. The definitions in section 10 below outline the types of checks available and the eligibility requirements.

There is no requirement to obtain a disclosure for staff supplied through a [Government Procurement Service \(GPS\)](#) approved agency as, under the framework agreement, the agency is required to carry out the DBS check.

4. Definitions

Basic Level Check: A basic disclosure which only contains details of ‘unspent’ (current) convictions. Basic disclosures may be used for verifying information for applicants for posts that do not fall under the terms of the Rehabilitation of Offenders Act (Exceptions) Order, but where the individual is being considered for a “position of trust”. This may include chief executives, senior managers, board-level directors, or finance managers where the individual is in charge of public funds or internal budgets. This level of check is permissible where justifiable and it is at the discretion of the employer whether or not to undertake this level of check. The basic level check is only available from Disclosure Scotland.

Standard Level Check: Standard level checks contain details of both spent (old) and unspent (current) convictions, including cautions, reprimands and final warnings held in England and Wales on the Police National Computer (PNC). Most of the relevant convictions in Scotland and Northern Ireland may also be included. Standard checks may only be obtained if the individual will have direct, physical contact with service users as part of their day to day activities. It does not include individuals who only have access to records but no direct contact with service users.

Enhanced Level Check: In addition to the information contained in a standard check, an enhanced check includes any non-conviction information held by local police, where they consider it to be relevant to the post, as well as a check of the new Children and Vulnerable Adults barred lists where requested. This information is referred to as “approved information”. Enhanced checks with a barring list check may only be obtained if the individual’s role falls within the definition of “regulated activity.” (see below). An enhanced check without the barring list check may be obtained if considered necessary where the individual would previously have been eligible for an enhanced check prior to 10 September 2012 under the Safeguarding Vulnerable Groups Act (SVGA) 2006. (SVGA)

Regulated Activity: The definition of regulated activity relating to adults and children in the SVGA 2006 was amended by the Protection of Freedoms Act 2012. There are separate definitions for adults and children. In summary regulated activity in relation to adults (person over 18 years) includes any activity involving working or volunteering with adults that is of a specified nature:

- Providing health care
- Providing personal care (excluding hair care)
- Assistance with cash, bills and/or shopping
- Assistance in the conduct of a person’s affairs
- Conveying

For Children regulated activity includes any activity involving working or volunteering with children that is of specified nature:

- Unsupervised activities
- Work for a limited range of establishments with the opportunity for contact with children.
- Providing personal care or health care
- Registered child minding and foster caring

Individual engaging with the above regulated activities require an enhanced check with a barring list check.

The above definitions are a summary only, for full details refer to [Criminal record check - NHS Employers](#) and see references below. Further information is also available on [Ourspace](#).

5. Policy description

The Trust will comply with NHS Employers guidance - [Criminal record check - NHS Employers](#)

The Trust uses a Third Party organisation which is a Registered Body with the DBS and complies fully with the DBS Code of Practice regarding the fair use and handling of disclosure information. It also complies with the Data Protection Act and other relevant legislation in respect of the safe storage, retention and disposal of disclosure information. Where it is identified that a DBS check is required, the Trust will use the services of the [Disclosure and Barring Service \(DBS\)](#) to obtain the appropriate level of check, or, where the NHS Employment Checks Standards makes provision for a portable check or written confirmation to be obtained (e.g. doctors in training and temporary workers supplied by an agency), the Trust will ensure that this has been received. (see 4 above).

Where it is identified that a DBS check is required, any offer of employment or other work will be made subject to the Trust obtaining a satisfactory disclosure.

The Trust will normally pay for DBS checks. In some circumstances it may require the individual to meet the cost, e.g. work experience placements.

Where a DBS check is required the individual will not be permitted to commence work until a satisfactory check has been received. In certain exceptional circumstances and in line with the express needs of the business the Head of Safeguarding may consider individual cases, and with the appointing manager decide on the level of risk associated with allowing the individual to commence work before a DBS check has been received. However, this will not extend to allowing the employee to undertake work defined as "Regulated Activity" (see 10. below).

Students undertaking formal practitioner training at a higher education institution should have completed a disclosure and met satisfactory provisions for placement requirements as part of their course requirements. Some trainees require a licence to practice and must comply with the provisions thereof.

Doctors on educationally-approved rotational training programmes are regarded as being in continuous employment during the term of their training and are therefore required to have a DBS check, as a minimum once every 3 years. If documentary evidence that an enhanced check has been carried out in the last three years is provided, there is no need for a new DBS application to be made. A flow chart of the process is found in the [Procedure for Administering CR&B Checks for Junior Doctors](#).

Existing employees and workers will have their DBS status re-checked, where they are in eligible roles (see definitions in 10 below), and a programme is in place to achieve this. Existing employees and workers are required to comply with request to complete the relevant forms to facilitate this process. Failure to do so may result in disciplinary action being taken in accordance with the Trust's [Disciplinary Policy and Procedure](#).

Where there is an agreement between NHS employers an approved portability scheme for pre-employment checks may be used. A list of all agreed schemes will be held by the HR Service.

Where a potential employee or volunteer attends for the purposes of a preliminary review day or for work shadowing, a DBS check will not normally be required for less than 3 days, provided they are fully supervised at all times and they have confirmed in writing that they do not have any criminal convictions or cautions.

The Trust will fully consider any disclosures or criminal convictions highlighted on returned checks, whether for new appointees or existing employees.

- A new appointee will be given the opportunity to discuss the issues with the appointing manager and/or a member of the ER Team. The appointing manager will receive advice from the Head of Safeguarding before making a decision on whether or not to appoint.

Disclosure and Barring Checks Policy

- Existing employees will have the opportunity to discuss the disclosures with their manager who will, in liaison with the ER Team and the Head of Safeguarding, take a decision on the most appropriate course of action, which may include formal action up to and including dismissal.

All notes of discussions relating to a positive DBS disclosure will be confidentially disposed of within 6 months, unless an unresolved dispute is in progress.

Where an existing employee or worker does not comply with requests to complete criminal records and barring process to enable checks to be carried out, they may be subject to disciplinary action under the Trust's [Disciplinary Policy and Procedure](#).

6. Roles and responsibilities

The Interview Panel will give the applicant the opportunity to discuss any criminal convictions that they have disclosed on their application form and then to establish the background to the convictions and assess job related risks.

For new employees or workers, the Recruitment Team will:

- Initiate an on line DBS application
- Inform the line manager if the form is returned with no convictions
- Liaise with the ER Team and appointing manager if the disclosure reveals any convictions or other relevant information
- Write to individuals who do not complete the relevant documentation in reasonable time to confirm withdrawal of the offer of employment.

For existing employees or workers, the Recruitment Team will:

- Initiate an online DBS application inform the line manager and ER Team if the DBS disclosure documentation not been completed by the employee in reasonable time.
- Inform the line manager and the ER Team if the disclosure reveals any convictions or other information

The prospective employee or existing employee or worker will:

- On receipt of log on details via email complete and submit an on line DBS application as soon as possible
- Where required, identify what evidence they will supply to support their DBS application if they haven't already done so at interview
- Make an appointment to see a named ID Checker if they haven't already provided original documents at interview
- Send a copy of their disclosure certificate when received to the Recruitment team in a timely manner. The copy should include the certificate number and date.

ER Specialists/Advisors will provide advice to managers on the appropriate actions to take where a disclosure for a prospective employee or worker, or an existing employee reveals any convictions or other information. This may include meeting the individual with the manager and consulting with the Head of Safeguarding.

Line Managers will:

- Make the final decision on whether or not to confirm the appointment, in liaison with ER Specialists/Advisors and Head of Safeguarding where appropriate.
- Refer decisions regarding significant disclosures relating to an existing member of staff to the appropriate Strategic Business Unit or Executive.

Associate Director of HR will:

Disclosure and Barring Checks Policy

- Ensure that the standards and procedures contained within this policy are monitored and maintained.
- Maintain a list of any approved portability schemes for pre-employment checks.

All Managers will not enter into contracts without considering the need for DBS checks.

LDU / Specialist Services / Executive Directors will make decisions regarding significant disclosures relating to an existing member of staff.

7. Training

Further information and advice is available via [Ourspace](#).

8. Monitoring or audit

8.1 Responsibility

The Head of Human Resources is responsible for monitoring that the requirements of this policy have been met.

8.2 Processes to be tested

The application of the policy with respect to:

- The processes for identifying whether a disclosure is appropriate and which level of disclosure is appropriate
- The processes for administering DBS checks for new staff
- The processes for administering DBS checks for existing staff

8.3 Testing and reporting arrangements

If an exception occurs, a specific performance report will be provided for noting at the assurance group of the Board. The Associate Director of HR will supervise interim developments to policy or practice as appropriate.

Spot checks will be undertaken every 6 months concerning the processes identified above and the results will be in a report to the assurance group of the Board.

A summary of these reports will be provided in an Annual Assurance Report to the assurance group of the Board.

8.4 Policy review

In anticipation of the expiry of this policy a review of its working will be provided to GNG. This review will address its effectiveness and efficiency and will draw from previous analysis and additionally the experience of operational management.

8.5 Organisational learning

Any issues arising from the monitoring of this policy that will aid and inform wider learning may be shared through the operational management structure of the organisation.

9. References

- [NHS Employers](#)
- [Criminal record check - NHS Employers](#)

- [Disclosure and Barring Service](#)

10. Associated and Related Documents

- [Recruitment and Selection Policy](#)
- [Practitioner Registration Policy](#)

Version History

Version	Date	Revision description	Editor	Status
1.0	31 Mar 2008	Approved by The Board on 2008-03-31	AM	Approved
2.0	17 Dec 2008	Approved by Board	AM	Approved
2.1	06 Oct 2009	Administrative development to Appendix 2 supported by MWG. No change in review date	AM	Approved
2.2	02 Dec 2009	Administrative development to section 2 supported by MEG. No change in review date	AM	Approved
2.3	18 Jan 2011	CNST administrative amendments approved by Quality & Healthcare Governance on 18.01.11 with no change in review date	TW	Approved
3.0	13 Dec 2011	CNST administrative amendments approved by Quality & Healthcare Governance on 18.01.11 with no change in review date	TW	Approved
4.0	30 Nov 2012	Amendments agreed by GNG on 30 October for a one year review period. Approved by ESEC on 30 Nov 12.	TW	Approved
5.0	24 Sept 2013	Amendments agreed by GNG on 24 September for a 3 year review period.	TW	Draft
5.1	14 Nov 2013	Approved by ESEC on 14 November for a 3 year review period.	ADP	Approved
5.2	17 June 2014	Administrative updates to change Occupational Health details	SJ	Approved
5.2	18 October 2016	Amendments agreed at GNG. Policy name changed to Disclosure and Barring Checks Policy.	CY	Approved
6.0	1 November 2016	Approved by associate director of HR		Approved
7.0	4 July 2017	Removal of procedure for existing staff	Resourcing Lead	Approved
7.1	02/12/2019	Extended until end March 2020	HRD	Approved