



HR POLICIES & PROCEDURES

DBS POLICY & GUIDANCE

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EQUALITY IMPACT ASSESSMENT

1. INTRODUCTION & PURPOSE

- 1.1 This policy has been written to provide clarity and guidance to all those who are, or are planning to work with children or vulnerable adults and those recruiting them; it explains the processes necessary to protect them, these groups and the Trust.
- 1.2 To ensure the Trust complies with its obligations under the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and other relevant legislation in respect of the safe handling, use, storage, retention and disposal of disclosure information.
- 1.3 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.

2. SCOPE

- 2.1 This policy and guidance applies to all employees, candidates to whom a conditional offer of employment has been made, and volunteers for roles in which they have direct access to patients, vulnerable adults and children which is deemed regulated activity. It covers people with a permanent contract or a bank or honorary agreement.

- All front-line emergency staff;
- All frontline non-emergency Patient Transport Service staff (PTS);
- Managers undertaking emergency & non-emergency on-call duties;
- EOC and 111 staff;
- Volunteer Community Responders;
- Co-responders;
- First responders;
- Staff Responders;
- Volunteer PTS Car Drivers;
- Students who, as part of their professional qualification are required to carry out clinical placements and staff who provide emergency cover to SCAS on an Honorary Agreement but hold a substantive post in another NHS organisation (*refer to the Research Passport Procedures for Honorary Research Contracts*).
- MOD paramedics carrying out their clinical placements and/or operational shifts on an honorary agreement.

- 2.2 This list is not exhaustive: for further guidance on eligible positions and DBS levels, refer to the DBS Check Eligibility Tool on [DBS eligibility tool - NHS Employers](#).

3. EQUALITY STATEMENT

- 3.1 This procedure will be applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the afore mentioned protected characteristics

- 3.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community, within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 3.3 Where there are barriers to understanding, e.g., an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.
- 3.4 Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

4. DISCLOSURE AND BARRING SERVICE (DBS)

- 4.1 The Criminal Records Bureau (CRB), an Executive Agency of the Home Office and was established under part V of the Police Act 1997. The service was launched in March 2002 as a service for disclosure checks, replacing the old Police Check. The Independent Safeguarding Authority (ISA) was created to help prevent those with certain criminal records from working with children and vulnerable adults by working in partnership with the Criminal Records Bureau (CRB), and assess individuals working or wishing to work in regulated activities who are referred to them on the grounds that they have caused or incited harm, or pose a possible risk of harm to vulnerable groups in order to make independent barring decisions. On 1 December 2012 the CRB and the IAS merged to create the Disclosure and Barring Service (DBS) The DBS provides controlled access to criminal records and related information through its Disclosure Service, enabling employers to make safer recruitment decisions by identifying candidates who may be unsuitable for work involving direct contact with children and vulnerable adults, and/or have access to sensitive and/or confidential information about Children and Vulnerable Adults.
- 4.2 The DBS Code of Practice sets out the obligations that must be met by recipients of disclosure information, a copy of which is available on the home office website on the DBS homepage. <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 4.3 There are three levels of DBS disclosure, basic, standard and enhanced:
- A basic check will contain details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.
 - A Standard disclosure shows current and spent convictions, cautions, reprimands and warnings held on the Police National Computer;
 - An Enhanced disclosure contains the same information as the Standard disclosure plus any relevant and proportionate information held by local police forces as well as a check of the Children and / or Vulnerable Adults barred lists where requested.
- 4.4 The level at which a disclosure is processed depends on whether the individual is working in a "Regulated Activity" or not. The Trust pays for all eligible disclosures. Standard and enhanced disclosures for volunteers are processed free of charge. Basic disclosures for both employees and volunteers attract a fee which will be covered by the Trust (see 10.8).

4.5 Basic disclosures cannot be requested by the Trust and have to be requested directly by the individual. For the avoidance of doubt the Trust DBS lead should be contacted for guidance in the first instance.

4.6 SCAS complies fully with the DBS Code of Practice regarding the fair use and handling of disclosure information in assessing applicants' suitability for positions of trust.

5. REFERRALS AND BARRING

5.1 The Trust has a legal duty to refer to the DBS individuals who have enhanced disclosures that have recorded offences that fall within the PoCA and PoVA sections and/or have current or pending cases under investigation for offences that fall within the PoCA and PoVA sections.

5.2 The DBS is responsible for decisions regarding the suitability or otherwise of such an individual to work with vulnerable groups or to be listed on one or both the PoCA and PoVA barred lists.

6. DEFINITIONS

6.1 **Regulated Activity** Work which involves close and unsupervised contact with vulnerable groups and children. This covers the provision of health and / or social care by or under the supervision of a health professional, including triage services and medical advice provided over the phone. It covers the provision of personal care and / or household assistance to an adult who needs it because of their age, illness and / or disability.

6.2 **Vulnerable Adult** The new definition of regulated activity relating to adults no longer labels adults as vulnerable; instead the definition identifies the activities which, if any adult requires them lead to that adult being considered vulnerable at that particular time.

6.3 **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.

6.4 **Evidence Checker** A person within the Trust who is authorised to check original Identity documents.

6.5 **PoCA** Protection of Children Act.

6.6 **PoVA** Protection of Vulnerable Groups Act.

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

7. REGULATORY AND LEGISLATIVE FRAMEWORK

7.1 The Department of Health has devolved responsibility for providing advice and guidance on safer recruitment to NHS Employers. This guidance covers all the pre- and post-employment checks that employers are required to make before appointing anyone – employees, volunteers, students, trainees – to a position in the NHS and is designed to prevent unsuitable people obtaining employment in the Trust.

7.2 It supersedes the Department of Health circular HSC 2002/008 (pre- and post-employment checks for all persons working in the NHS in England) and applies to all NHS organisations. The Trust complies fully with the recommendations which include DBS checks (see www.nhsemployers.org).

7.3 Not all roles are automatically eligible for a DBS check and only roles that undertake regulated activity should be checked. Eligibility for a DBS check can be verified on the NHS Employers website: [DBS eligibility tool - NHS Employers](#)

8. EMPLOYMENT CHECKS: process for posts subject to DBS checks

8.1 A disclosure carries no period of validity – disclosures are for use immediately after issue at the point of recruitment for a particular post. Recruitment will process an Enhanced Disclosure for existing staff already undertaking Regulated Activity, who move by secondment, promotion, or transfer to another Regulated Activity, and have never had a DBS disclosure carried out before, or has a disclosure that is more than five (5) years old. A new disclosure will also be processed where a previously issued disclosure does not contain an Adult or Child Barred List check where one is required.

8.2 Pre-employment

8.2.1 When writing a job description and advertising a role, due consideration needs to be given as to whether the role is eligible for a DBS check or not.

8.2.2 All relevant job adverts and recruitment information contain a statement that a DBS disclosure will be sought if an offer of employment is made, it should also state which level of disclosure is required.

8.2.3 These candidates, if successful at interview will be required to complete a preliminary Declaration of Mandatory Criminal Convictions which they will be instructed to return to Recruitment. The information on the form is not to be discussed at interview stage.

8.2.4 All potential employees will be notified of the potential effect of a criminal record history on the recruitment and selection pre-employment process and subsequent recruitment decision as part of the Conditional Offer Letter.

8.2.5 All interviewees are required to bring in ID and address verification documents to their interviews as instructed in the invitation to interview email. The same will be checked for authenticity and then photocopies or scans taken, verified and retained for filing.

8.2.6 Successful candidates will have their ID and address verification details keyed into the eDBS system. They will then be required to complete an on-line disclosure application form, which once processed they will receive a Disclosure and Barring Service Certificate to their home address.

8.2.7 Where there is information recorded on the Certificate, the candidate must present the original document to Recruitment for verification of the information recorded. In the event that a paper application has been processed, the candidate is required to present the Certificate to recruitment for verification, regardless of whether or not there is information recorded.

8.2.8 Correct identification of any job applicant is the cornerstone of the Disclosure and Barring Service. Evidence Checkers must ensure that the identity and current address of each disclosure applicant is verified beyond any doubt. In order to establish identity, applicants will be asked to produce documents from the List of Valid Identity Documents in the ID Checking Guidelines on <https://www.gov.uk/guidance/documents-the-applicant-must-provide>.

Please note that the documents required for the DBS check may be different to those required for right to work or NHS Standards checks.

8.2.9 Where a potential new employee has signed up for the DBS Update Service they can provide their reference number and confirmation that they are happy for SCAS to carry

out an update check. The Recruitment Team can then perform a free check to see the status of the certificate. When checking the details on the original certificate they need to verify the level of DBS check to ensure that it matches the requirement for the new role. The information from this update check is then recorded on ESR as per a new check.

Where a potential new employee can provide an original DBS certificate from an alternative organisation and that certificate is dated less than 12 months from their planned start date with SCAS and it meets the status and covers Adult and Child Barred List checks (if appropriate), then the Recruitment Team will accept this certificate in lieu of a new one and will add the certificate and date details to ESR.

- 8.2.10 The recruitment team follows the DBS process for confidential checking for transgender applicants in accordance with the Gender Recognition Act 2004. The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route, and is available for all levels of DBS check - basic, standard and enhanced.

The sensitive applications route gives transgender applicants the choice not to have any gender or name information disclosed on their DBS certificate, that could reveal their previous identity.

- 8.2.11 A copy of the DBS Code of Practice for Registered Persons and other Recipients of Disclosure Information and the Trust's Policy Statement on the Secure Storage of disclosure information will be provided on request.

8.3 **International Recruitment**

- 8.3.1 Where a candidate is currently living overseas or has declared that they have spent a significant period of time outside the UK, then they will be asked to provide evidence of a police certificate or certificate of good conduct from the relevant country or countries. A DBS check will then be carried out as normal when they have a permanent address in the UK.

8.4 **Existing Staff – new check**

- 8.4.1 Staff who have never been DBS-checked will undergo the same process of going through identity and address verification and then having a DBS application processed as new employees.

- 8.4.2 DBS checks will be carried out every five (5) years for all eligible staff (with the exception of volunteers who will be required to submit a new DBS certificate every three (3) years. Volunteers should be encouraged to sign up to the free update service). Letters will be sent to employees advising that they are due to be re-checked, and are given instructions on documents to be brought in and where they are to be brought to for checking. See appendix 2.

- 8.4.3 If an existing employee has voluntarily signed up for the DBS Update Service then they can provide their reference number and confirm they are happy for SCAS to do an update check. A free check can then be completed to see the status of the certificate. When checking the details the level of DBS check needs to be verified to ensure that it matches the requirement for the role. The information from this update check is then recorded on ESR as per normal.

- 8.4.4 Where a disclosure application for an existing member of staff returns a recorded offence, which has not been previously declared, this will be considered on a risk assessment basis, and where appropriate be handled in accordance with the Trust's

disciplinary procedure.

8.5 Internal job transfer/promotion/secondment

- 8.5.1 Where existing staff move into a post where they will have significant contact with children or vulnerable adults and they have not had an enhanced check done in the last five (5) years then a DBS check will be processed for them so they will need to provide ID and address verification documents as per the process above. If ESR records show that they have had an enhanced check in the last five (5) years then a new check is not required until the standard schedule as per 8.4.1.

8.6 Agency Workers, Contractors & Private Providers

- 8.6.1 To ensure that agency workers meet the requirements for DBS for relevant positions, Managers will only use Agencies that are approved under the Government Procurement Service (GPS) or Crown Commercial Services as they are required to meet the NHS requirements for standard pre-employment checks, including enhanced DBS checks where appropriate.
- 8.6.2 For agency workers, the agency must provide a Certificate of Completion which will confirm in writing that an enhanced DBS check has been completed. If anything is declared by the agency worker prior to employment or comes up on the Certificate, then this must be declared by the agency to the Recruitment Manager and a risk assessment must be completed prior to the agency worker starting with SCAS.
- 8.6.3 Contract Managers shall ensure that private providers maintain the NHS standard checks for staff working within SCAS, and that relevant clauses are included in any contracts and /or Service Level Agreements such as; The private provider shall ensure that all DBS checks are carried out and are of a suitable level for relevant position, including staff employed or subcontracted to the provider, and that checks are up to date and that evidence (not content) shall be available on request by the Trust for audit purposes.

8.7 Students, Research Contracts, & Honorary Agreement Holders

- 8.7.1 Existing NHS employees requiring clinical placement or research with SCAS will be required to provide written assurance from their host/substantive Trust, confirming that the correct level disclosure check has been completed as appropriate for the activity they will be carrying out.
- 8.7.2 Recruitment or Placement Officers will request written confirmation from the Substantive Trust – confirmation should give assurance that all disclosure checks – where appropriate, have been completed in accordance with the NHS Pre-employment checks standards and providing the date of issue and the status, not content and the disclosure certificate number.
- 8.7.3 Researchers from outside the NHS will be required to complete the appropriate disclosure check with SCAS before permission can be granted to undertake any research in a role that is deemed Regulated Activity.
- 8.7.4 Researchers whose host/substantive employers are external to the NHS, who have already done part of their research in an NHS Trust can have their request for confirmation of appropriate DBS disclosure and other pre-engagement checks managed via the National Institute of Health Research (NIHR) Research Passport Scheme. (Further information regarding Research contractors is available in the Research Passport Procedures.)
- 8.7.5 Where SCAS is the first NHS Trust for their Research, a disclosure check will be completed by the SCAS HR Recruitment Team under the NIHR Research Passport

procedure.

9. THE FAIR USE OF DISCLOSURE INFORMATION

- 9.1 The Trust recognises that candidates with convictions, cautions, reprimands and formal warnings can often find difficulty in obtaining employment and will only consider the relevance of these in the context of the post that is being applied for and candidates will not be rejected purely on this basis.
- 9.2 Disclosure of convictions, cautions, reprimands or formal warnings will be requested at the application stage (application form) and then at conditional offer stage (mandatory declaration form and DBS check) and will be treated confidentially. The Recruitment Department will liaise with the Recruiting Manager and arrange for a risk assessment to be completed and assess whether these have any relevance to the post the candidate is applying for. If there is any doubt, the matter be discussed with the recruiting manager and a decision made about the suitability of the candidate for the post using the criteria detailed in the Trust's Recruitment and Selection Policy and associated procedures and guidelines.
- 9.3 Individual staff have the responsibility for informing the Trust if they incur any convictions, cautions or investigations that would appear on an Enhanced Disclosure. Failure to declare such offences may constitute a disciplinary offence.
- 9.4 Any existing staff with new offences will be considered by the head of the appropriate department and HR and will be measured based on a risk assessment.
- 9.5 The employment of ex-Offenders and the effect of the Rehabilitation of Offenders Act 1974 is covered in the Trust's Recruitment and Selection Policy and associated procedures and guidelines and is also explained during Recruitment and Selection training. In addition, guidance and advice is readily available from the HR Department.
- 9.6 The Trust will ensure that all candidates are aware of the need for a disclosure in the event of a successful application and encourage candidates to declare convictions, cautions, reprimands and formal warnings before disclosure is requested. This requirement will be included within all relevant job descriptions and job advertisements.
- 9.7 The Trust has a duty to refer to the DBS any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with.
- 9.8 Where an individual has been referred to the DBS due to harming; causing harm; putting at risk to harm; attempting to harm; or inciting another person to harm a child or vulnerable adult, the DBS will consider all relevant information in deciding if its appropriate to add that person to one or both the barred lists.

10. HANDLING DISCLOSURE INFORMATION FOR POTENTIAL NEW EMPLOYEES

- 10.1 Recruitment will request to have sight of the Disclosure certificate where the eDBS process reveals the certificate has information recorded. The Recruitment Department will not reveal the content of the disclosure to any other member of staff, including managers, unless a conviction, caution, reprimand, formal warning or other information is revealed that the employee has not previously disclosed. Disclosure information will only be shared with relevant persons in the course of specific duties relevant to recruitment, vetting processes, and appointment decisions, e.g. carrying out a pre-employment risk assessment.

10.2 Disclosure information must only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

10.3 Information relating to the DBS check will be recorded on the Electronic Staff Record (ESR).

Any positive disclosures will be noted and any discussions held with the employee around this will be recorded and filed on the individual's personnel file. No other record of the DBS check will be held on the personnel file. If the candidate is on the update service, then the relevant information will be entered onto the staff record.

10.4 It should be noted that there are some offences which effectively ban individuals from working with children and/or vulnerable adults. It is a criminal offence to knowingly employ such individuals in such a role.

10.5 Where a disclosure is received which reveals convictions, caution, reprimand or warning under DBS PoCA or PoVA barred lists section of the DBS, such an individual should not be allowed to undertake Regulated Activity – it is a criminal offence to appoint such a person to Regulated Activity.

10.6 If any matters are revealed in disclosure information, the Trust will discuss these matters with the candidate before a decision is made about the job offer, this will be reviewed by the recruiting manager and Recruitment on a risk assessment basis (Appendix 1), with consideration being given to:

- The Trust's legal responsibilities;
- The Trust's reputation;
- The seriousness of the offence and its relevance to the safety of patients, other employees and property;
- The length of time since the offence occurred;
- Whether the offence was a one off, or part of a history of offending, and efforts to avoid re-offending;
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed;
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

10.7 The applicant or employee must be given the opportunity to discuss the disclosure information before the final employment or volunteer decision is made.

10.8 The Trust will pay for all elements of the DBS process where costs are incurred.

11. **REVIEW**

The effectiveness of this policy will be monitored regularly by HR who will provide data on the use of the policy as and when required. Annual report will be provided to the Trust board at the end of each financial year. The results of the annual staff survey will also provide a valuable indicator of any problems.

In advance of the review date, the HR team will review and produce recommendations which will be shared via the recognised policy approval process (HR Policy Review Group) in time for the policy review date. An early review can be triggered by the Trust Board, HR or joint staff side if they have serious concerns about the policy or its implementation.

12. FURTHER READING/INFORMATION

- SCAS Protection of Vulnerable Adults & Children Policy
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions Order), as amended
- NHS Safer Recruitment Guide 2006
- NHS Employment Check Standards 2019, comprising: Employment history, Right to work, DBS, Occupational Health Checks, Registration and Qualification, Verification Checks.
- Disclosure and Barring Service – making barring referrals guidance.
- Health and Social Care Act 2008 (Schedule1) – Regulated Activities.
- CQC Guide to regulated activities by service type.

Websites and Links:

- NHS Employers – www.nhsemployers.org
- DBS check eligibility tool - [DBS eligibility tool - NHS Employers](#) or [DBS eligibility guidance - GOV.UK \(www.gov.uk\)](#)
- Information and access to services for DBS applicants and the general public – <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- Information for registered bodies and other associated businesses and organisations using the DBS service – <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

13. RELATED POLICIES

- Recruitment & Selection Policy
- Discipline & Conduct Policy
- Probationary Policy

Pre-employment Risk Assessment Form

Many of our policies have an 'Internal staff form' attached that is relevant to the document. The 'Pre-employment Risk Assessment' form is included with this policy but for security and accessibility reasons it is only available on our [Staff Intranet](#).

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DBS Re-Check Process Map

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SOUTH CENTRAL AMBULANCE NHS TRUST

Equality Impact Assessment Form Section One – Screening

A full Equality Impact Assessment has been carried out on this policy and is available on request to the public and internally via our [Staff Intranet](#).

Equality Impact Assessment Form Section Two – Full Assessment

A full Equality Impact Assessment has been carried out on this policy and is available on request to the public and internally via our [Staff Intranet](#).

