

Disclosure and Barring Service (DBS) Policy and Procedure

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INTRODUCTION

This policy sets out the main principles that BrisDoc operates in relation to conducting Disclosure and Barring Service (DBS) checks at recruitment stage and during the course of employment. It also includes the process for dealing with the recruitment and employment of Ex-Offenders.

UCheck is a registered body for use of the Disclosure and Barring Service (DBS), and conducts DBS checks on behalf of BrisDoc.

This policy complies with the DBS Code of Practice (see Appendix 5).

In line with our main business focus, we are committed to:



<p>PATIENT CARE</p> <p>Ensuring that our patients – both adults and children – are protected as they are being treated by staff who are DBS checked in line with the DBS Code of Practice.</p>	<p>WORKFORCE CARE</p> <p>Ensuring that staff and applicants are treated fairly and protected from discrimination on the basis of non-relevant past convictions.</p> <p>Ensuring that our staff are protected as they are working alongside staff who are checked in line with the DBS Code of Practice.</p>
<p>QUALITY CARE</p> <p>Ensuring that we abide by our legal obligations to conduct DBS checks on all staff who have direct patient contact or access to medical records.</p> <p>Ensuring that DBS checks are updated if necessary and recorded appropriately in line with Care Quality Commission (CQC) procedures.</p> <p>Ensuring that sensitive, personal information is handled and stored appropriately and is kept for only as long as necessary.</p>	<p>RESOURCE CARE</p> <p>Ensuring the cost of DBS checks is accounted for in the recruitment budget.</p>

SCOPE

This policy applies to two different groups of people, collectively referred to as 'staff':

- **Employees** - this specifically relates to team members who are 'employed' on a salaried basis (whether fixed term or permanently) and have a regular hours contract with BrisDoc. They are 'employees' as legally defined by the Employment Rights Act 1996 and have specific employment rights.

- **Casual workers** (also known as bank staff) – this specifically relates to team members who have an ‘engagement’ with BrisDoc rather than ‘employment’. This staff group have no obligation to provide or perform work and therefore have no employment rights.

PRINCIPLES

- Due to the nature of the services that BrisDoc provides (i.e. health care to adults and children), the criteria of “working in regulated activity” is satisfied (See Appendix 2 for legal definitions).
- BrisDoc considers that all of its posts where staff have direct access to patients in the course of their normal duties, fall into one or more of the categories under the Rehabilitation of Offenders Act 1974. Therefore a Disclosure will be conducted – this will be either a Standard Disclosure or an Enhanced (with or without the barred list) Disclosure with list checks (See Appendix 2).
- In summary, individuals needing at least a standard DBS check are those who work in a GP/hospital setting. Staff working in an office block (even if they have access to medical information) would not be eligible for a DBS check.
- Adverts and job descriptions confirm whether a role requires a DBS Check.
- If the role does require an enhanced with lists DBS Check, the Rehabilitation of Offenders Act (Exceptions Order) 1975 applies which means the individual is required to declare all criminal convictions, cautions, reprimands or final warnings whether ‘spent’ or ‘unspent’.
- For many roles, BrisDoc requires a DBS Disclosure Certificate as one of the standard pre-employment checks (See Recruitment & Selection Policy for more information).
- BrisDoc complies fully with the DBS Code of Practice (See Appendix 5) and will not discriminate unfairly against any subject of a Disclosure Certificate following information received. BrisDoc is committed to the fair treatment of its staff, potential staff or users of its services, regardless of ‘protected characteristics’ as defined by the Equality Act 2010.
- Information about the recruitment and employment of ex-offenders is made available to all applicants who are required to undertake a Disclosure Application.
- Candidates may refuse to undertake a DBS disclosure, however if there is a refusal to cooperate with a disclosure application BrisDoc will withdraw the offer of employment, or in the case of an existing employee, consider whether disciplinary proceedings should be commenced.
- BrisDoc will pay for the DBS check on behalf of all staff.

RESPONSIBILITIES

HR Department are responsible for:

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- Anonymising all application forms at recruitment stage ensuring that the shortlisting and interview panel are not aware of any disclosed criminal convictions or cautions before the interview – managers will only learn of this information post interview stage.
- Ensuring that BrisDoc comply with requirements and guidance in line with the DBS Code of Practice and BrisDoc's DBS Policy and Procedure.
- Ensuring that the correct level of Disclosure is requested and for the right role.
- Ensuring that appropriate checks have been carried out for all relevant staff.
- Gaining an Applicant's permission to check their DBS certificate online using the DBS Update Service if they subscribe to that service.
- Ensuring that the new recruit's offer letter contains a clause stating that the offer of employment is subject to receipt of a satisfactory disclosure from the Disclosure and Barring Service.
- Controlling the use, access and security of Disclosure certificates to satisfy Care Quality Commission (CQC) standards.
- Satisfying themselves of the identity of the person applying for a disclosure.
- Satisfying themselves that the evidence presented is genuine and in line with DBS requirements.
- Ensuring that an original disclosure is undertaken and sighted.
- Informing line managers when a Disclosure form has been returned for their team member.
- Supporting the line manager and staff member or potential new recruit in the addressing of a declared or non-declared criminal record following a DBS check.

Line managers are responsible for:

- Ensuring that employees and casual workers do not commence employment/sessions unless BrisDoc has received the relevant Disclosure certificate.
- Informing the HR Department if they are concerned about a member of their team's suitability in post; this may include a change in the individual's criminal record status or a noticeable behavioural change.
- Ensuring safeguarding measures are put in place should there be exceptional circumstances when a new recruit commences employment before receipt of a DBS disclosure (see section 7).
- Recording the discussion (Appendix 3) for dealing with a staff member's criminal record either self-disclosed or by a DBS check and passing documentation to the HR Department.

Disclosure Applicants are responsible for:

- Providing the necessary evidence of identity checks (Appendix 1) in a timely manner.
- Disclosing all necessary information in order to process a DBS check in a timely manner.
- Disclosing all information that could be relevant to DBS throughout the duration of their work for BrisDoc.
- If the individual has a criminal record that is recorded on the DBS certificate, uCheck will automatically issue a copy of the applicant's DBS Certificate to the applicant without a copy being sent to BrisDoc. Once received the applicant must provide the original DBS certificate to HR Department as soon as possible.

RECRUITMENT AND EMPLOYMENT OF EX-OFFENDERS

- BrisDoc will not unfairly discriminate against ex-offenders. Having a criminal record will not necessarily bar potential candidates, existing employees and casual workers from working with us. It will depend on factors such as the nature of the position, the circumstances and background of the offence, and what the individual disclosed.
- If an applicant discloses in their application form that they have a criminal record the Head of HR/HR Advisor will call them for further information to determine if progressing their application to shortlisting is appropriate in relation to the role being applied for. The information provided by the applicant will be discussed with a Director and the risk of progressing to the next stage will be assessed. The recruiting manager, at this stage, will not be made aware of the disclosure until shortlisting has taken place.
- If the progressed anonymised application is shortlisted the recruiting manager will be informed of the applicant's disclosure. The recruiting manager will invite the applicant to offer more information during the interview, in order to inform suitability for the role being interviewed for.
- If this applicant is the preferred candidate for the role a DBS check will be conducted in the usual way and once received will be risk assessed in accordance with section 5.5. No candidate with a disclosed criminal record will be allowed to commence their employment, even under supervision to start their induction, until their DBS and references (in particular their most recent employer) have been received and reviewed.
- As a disclosure will usually only provide the basic facts such as the name and date of offence(s) and, if applicable, details of any sentence(s), it will not put them into context. When considering disclosure information, the HR Department and line managers will therefore assess the following within a Risk Assessment (Appendix 3) employed prior to making any decision about whether or not to withdraw a conditional offer or terminate employment:
 - the nature of the offence
 - the age at which it was committed
 - its relevance to the post in question

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- the circumstances surrounding the offending behaviour and the explanation offered by the convicted individual
- whether the applicant's circumstances have changed since the offending behaviour
- whether the applicant has a pattern of offending behaviour
- whether the individual declared the conviction/caution on their application form in full (if a new recruit) or as soon as the 'event' happened (if during the course of their employment).

The suitability for employment of a person with a criminal record will vary, depending on the nature of the position. An assessment of an applicant's skills, experience and conviction circumstances will be weighed up against the level of risk, or the opportunity to cause harm or damage, in that position.

Advice should always be sought from HR Department prior to any offer of employment being withdrawn. A form for recording the meeting with the prospective applicant, employee, casual worker or locum can be found in Appendix 3.

From May 2013 DBS introduced Filtering Rules where certain specified old and minor offences from criminal record certificates issued from this date were removed.

An adult conviction (for those 18 or over at the time of the offence) will be removed from a DBS certificate if:

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence

Even then, it will only be removed if it does not appear on the list of offences which will never be removed from a certificate. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.
For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years.
- The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

PROCEDURE WHEN MAKING A DBS APPLICATION

- Successful candidates at interview will be made an offer of employment subject to satisfactory pre-employment checks, one of which includes DBS.
- The candidate is then issued with a website address to complete a DBS Application Form online, together with DBS guidance notes and DBS Policy by the HR Department

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- Three **original** ID documents must be verified by the HR Department or appointing manager face-to-face and will enable the HR Department or manager to confirm the identity of the person. The verifier will sign each of the copies of the documents as proof that they have seen the originals.
- If a candidate has indicated on their recruitment application form (in response to the vacant role) that they have a conviction, and have provided the HR Department with details of their criminal record prior to interview, full details of the conviction/criminal record will not be discussed with the Recruiting Manager until **after** the selection/interview process has taken place. Should the candidate be successful then a meeting will be arranged post interview – see section 5.2.
- Once the individual has completed the DBS application form, they should inform the HR Department in order that the final 'Employers section' is completed before HR send to uCheck.
- The HR Department will ensure that the applicants' details are recorded on the DBS Database to assist processing and monitoring. The completed application form will be forwarded to the uCheck and payment made.
- Once Disclosures are complete, DBS will notify BrisDoc's HR Department and the HR Department will print off a copy of the certificate. In cases where there is a criminal conviction, the applicant will be sent a Disclosure Certificate directly to their home address (without a copy sent to the HR Department). Where this happens, the individual will need to deliver the original DBS certificate to the HR Department and subsequently meet with a manager/HR member to complete a Risk Assessment (see section 5.2).
- The HR Department will review the Disclosure and ensure that permitted basic information is recorded on the DBS database and will notify the line manager that the disclosure has been returned and is acceptable.
- Candidates will only be notified of their start date once all employment checks are successfully completed. In the event of failure of one or more employment checks, the candidate will be notified that the offer of employment has been withdrawn as a result of an inability to meet employment standards.
- In the case of enhanced DBS disclosures, where a successful applicant has a substantial period of overseas residency or has not resided in the UK for the preceding 5 year period, DBS may access the overseas criminal records. This can sometimes delay the return of a Disclosure form and in turn, a start date. BrisDoc will utilise DBS advice and guidance and may seek supporting information from the appropriate overseas authorities. The level of information varies from country to country. However, some do have arrangements allowing their citizens to obtain certificates of good conduct or make available extracts from the criminal record to show prospective employers.
- Applicants who apply for disclosure will have the right of appeal against any information disclosed on them, if they or the registered body dispute its accuracy. An appeal must be lodged directly with the DBS within 3 months of the date of issue of the certificate. There are two types of dispute:
 - A data entry dispute i.e. name, gender, place of birth etc.;
 - Or a data source dispute i.e. where either conviction details not relating to the applicant have been disclosed but some elements of the conviction are

incorrect or where the approved information is considered to be inaccurate or irrelevant.

COMMENCING EMPLOYMENT BEFORE RECEIPT OF DBS DISCLOSURE

The Disclosure and Barring Service (DBS) helps BrisDoc make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children. In exceptional circumstances, there may be occasions where BrisDoc makes a risk-based decision to appoint applicants before the outcomes of a DBS check are received. This may happen if there is an urgent need to appoint because of an identified risk to patient safety or welfare or where the individual is required to undertake induction training. In any such cases, two satisfactory references must have been received as well as occupational health clearance, and safeguards put in place by the line manager beforehand. Safeguards may include the employee's manager ensuring restricted access to children or vulnerable adults, or adequate supervision until the disclosure has been obtained.

Written Director approval must be obtained by the line manager and forwarded to the HR Department in order for a new recruit to commence employment before the DBS Disclosure has been received.

The new recruit will be notified in writing that if a DBS disclosure proves unsatisfactory, employment will be terminated.

STAFF RECRUITED FROM OVERSEAS

When recruiting staff from overseas, BrisDoc, where possible, will request a certificate of good conduct or an overseas criminal record check. Currently the DBS cannot access criminal records held overseas. However, in a small number of cases, overseas criminal records are also held on the Police National Computer (PNC) and these would be revealed as part of a DBS check. Where the position meets the criteria for a disclosure, even if the applicant claims they have never lived in the UK before, a DBS disclosure should still be obtained in addition to the individual's overseas criminal record check.

It is important to note that criminal record checks from overseas may be returned in a different language. BrisDoc will make provisions to have it translated.

COST OF DBS CHECKS

The cost of an enhanced check is £52 and the cost of a standard check is £34. BrisDoc will pay 100% of cost up front on behalf of the member of staff (i.e. employee and casual worker).

REPEAT CHECKS

We do not carry out repeat checks as a DBS check does not run out and makes up only part of the picture about suitability. We do, however, reserve the right to repeat any employment check – including DBS – if we get information that suggests a person may no longer be suitable for the post in which they are employed.

Individuals can subscribe to an online update service (on payment of an annual fee) to apply for a criminal record check once and then if they need a similar check they can reuse their

existing certificate with the employer checking online to see if it is still up to date. This is called a Status Check.

If the individual is registered with the repeat service, they can provide BrisDoc with a copy of their DBS certificate in order for the HR team to perform a Status check. A Status check reduces the need to ask the individual to apply for multiple certificates if they work for more than one organisation. The outcome of a valid Status check will be one of the following;

- The Certificate does not reveal any information and remains current as no further information has been identified since its initial issue. This meaning the certificate contains **no** criminality or barring information and **no** new information.
- The Certificate remains current as no further information has been identified since its issue. This meaning that the Certificate **did** contain criminality or barring information and **no** new information is available.
- The Certificate is no longer current. This will mean that a new DBS check will need to be applied for in order to get the most up to date information. This means that the individual's repeat check / certificate will not be relied upon as new information is now available which needs to be confirm via a new check.

A new DBS check is not usually required where an existing member of staff has previously had a DBS check and is moving internally to a new job. However, if there are significant changes to the individual's duties and level of contact with patients e.g. they are moving into a regulated activity which requires a higher level of check, then a repeat check will be requested.

Retrospective checks for tupe staff

BrisDoc has a responsibility to operate robust recruitment procedures so it is assured all its staff are fit to practise. In a TUPE situation not all staff transferring from another organisation may have had a DBS check undertaken, nor may their previous contract have considered them to be eligible for a check. As part of the TUPE consultation process BrisDoc will discuss with staff its need for assurance of their fitness to practise and need to apply for a retrospective check, relevant to the individual's role, in this situation.

STORAGE

The DBS Disclosure certificate will be retained confidentially in a locked cabinet within BrisDoc's Head Office for a total of 6 months and will then be confidentially destroyed unless further retention has been authorised by the Criminal Records Bureau or the Police. Basic information – in line with CQC requirements - will remain on the DBS Database as a point of reference for the future.

The only information that will be recorded electronically and stored on a database includes:

- Name
- DOB
- The position for which the check was requested
- The type of check requested e.g. Enhanced / standard
- Form number
- Whether the children's and/or adults barred list was checked and the outcome
- Outcome
- Disclosure number - the unique reference number of the check (add 00 before number)
- The date of issue of the check

- Date that DBS disclosure form needs to be destroyed - 6 months after the date the disclosure was issued
- Criminal record comments
- The details of the employment decision taken e.g. appointed after risk assessment undertaken, not appointed

REFERRING SOMEONE TO DBS

BrisDoc recognises its legal obligation to refer someone to DBS if they:

- Dismissed them because they harmed a child or adult
- Dismissed them or removed them from working in regulated activity because they might have harmed a child or adult otherwise
- Were planning to dismiss them for either of these reasons, but the person resigned first

APPENDIX 1: IDENTITY DOCUMENTS FOR DBS APPLICATION FORMS

The DBS has produced guidance on the type and range of identity documents that must be used by approved person (Recruiting Manger or HR Department), to validate the applicant's identity.

All documents must be in your current name and at least one document must show the current address and at least one document must show the date of birth.

These documents are divided into two groups. You will be asked to provide 3 original documents (no photocopies) to the HR Department or Recruiting Manager.

3 documents must be seen. One document from Group 1 plus any two from Groups 1 or 2.

Route 1

The applicant must be able to show:

- one document from Group 1, below
- 2 further documents from either Group 1, or Group 2a or 2b, below

At least one of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Group 1, then they must be able to show:

- one document from Group 2a
- 2 further documents from either Group 2a or 2b

At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

Route 3

Route 3 can only be used if it's impossible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- one document from Group 2a
- 3 further documents from Group 2a or 2b

At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photo card	UK/Isle of Man/Channel Islands and EU (full or provisional)
Birth certificate - issued within 12 months of birth	UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption Certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence photo card	All countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months

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Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from Head Teacher or College Principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid

APPENDIX 2: DEFINITIONS

Criminal record check applicants must be 16 or over.

Types of criminal records check

There are 3 types of check:

Standard

This will check for spent and unspent convictions, cautions, reprimands and final warnings.

Enhanced (excluding the barred list check)

This includes the same as the standard check plus any additional information held by local police that's reasonably considered relevant to the workforce being applied for (adult, child or 'other' workforce).

'Other' workforce means those who don't work with children or adults specifically, but potentially both, e.g. taxi drivers. In this case, the police will only release information that's relevant to the post being applied for.

An enhanced check is available for those carrying out certain activities or **working in regulated activity** with children or adults; applicants for gaming and lottery licences; and judicial appointments. These are listed in Part V of the Police Act 1997 .

It contains the Police National Computer information as the standard check but also includes a check of police records held locally.

Enhanced (including the barred list check)

This is like the enhanced check, but includes a check of the DBS barred lists.

An enhanced check with barring lists is only available for those individuals who are in regulated activity and a small number of positions listed in Police Act regulations, for example, prospective adoptive parents.

It contains the Police National Computer information and check of police records held locally as an enhanced check but in addition will check against the children's and/or adults barring lists.

Regulated activity

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).

Regulated activity – Adults

The Protection of Freedoms Act 2012 amends the definition of regulated activity relating to adults from September 2012. There are now only six types of activity which can be classed as regulated activity relating to adults:

- healthcare for adults provided by, or under the direction or supervision of a regulated health care professional

- personal care for adults involving hand-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
- social work - provision by a social care worker of social work which is required in connection with any health services or social services
- assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party
- assisting in the conduct of an adult's own affairs under a formal appointment
- conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party

The new definition no longer refers to the word "vulnerable" for regulated activity relating to adults

The frequency test has been removed – an individual only needs to engage in the activities listed above once to be carrying out regulated activity relating to adults.

The definition focuses on those activities which, should they be needed by any adult, mean that an adult is considered vulnerable at the point of receiving them.

Regulated activity - children

The Protection of Freedoms Act 2012 amends the definition of regulated activity relating to children from September 2012. The revised definition of regulated activity can be found in Part V of the Protection of Freedoms Act 2012.

The new definition of regulated activity relating to children still applies to individuals undertaking the following:

- Registered child-minders.
- Registered foster carers.
- A person who manages or supervises someone who undertakes a regulated activity is also counted as undertaking a regulated activity. A person who manages someone who is not in regulated activity (but would be except for the fact that they are supervised) is also in regulated activity
- any specified position based in Wales as detailed in the amended Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.

The following are newly defined regulated activities relating to children in Health care:

- Health care for children provided by, or under the direction or supervision of a regulated health care professional

This is regulated activity even if the activity is only carried out once.

Under the Protection of Freedoms Act (2012) Health Care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

Regulated Activity Frequency Test for Children

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To meet the criteria for a regulated activity for children, the activity must be carried out as outlined in the table below:

Frequently/ intensively or Overnight	Means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am, where there is opportunity for face-to-face contact)..
Opportunity for contact	Where staff are not carrying out an activity but their work takes place in a specified establishment do they meet the frequency or intensively condition and have opportunity for contact with children while carrying out their duties?
Occasional or temporary Services	Additionally where staff are not carrying out an activity but their work takes place in a specified establishment is their work to provide occasional or temporary services?

BrisDoc will consider whether an individual meets the following conditions:

- Do they meet the definition of the activity?
- Do they need to consider the DFE supervision statutory guidance?
- Do they meet the relevant frequency or intensively condition?

Barred Lists

There are two barred lists administered by the Disclosure and Barring Service Checks against these lists apply to any regulated activity (as defined above) that involves the individual working or volunteering with adults or children.

Appendix 3: Risk Assessment Form

For dealing with a criminal record either self-disclosed or by a DBS check

Line manager and/or HR Department will conduct a risk assessment in relation to the disclosure based on a discussion with the member of staff/potential member of staff, using this form, and initial advice received from HR Department.

This form is to be returned fully completed to the HR Department for follow up action of either:

- a) Prospective staff member: proceeding with recruitment or withdrawing tentative offer and/or arranging letter from HR Department to the individual or
- b) Existing staff member: instigating disciplinary process and removal of individual from present post if considered unsafe to patients and/or staff to continue in post.

RECORD OF DISCUSSION

Name of person:	Job Title:		
Current work location (if already employed by BrisDoc):	Potential work location (if risk assessment is part of pre-employment check):	Date of DBS check:	Current Date:
Date of last recorded conviction:	Criminal record disclosed on application form in full: Yes/No		
Offence(s) recorded on DBS disclosure and date(s) of offence(s):			

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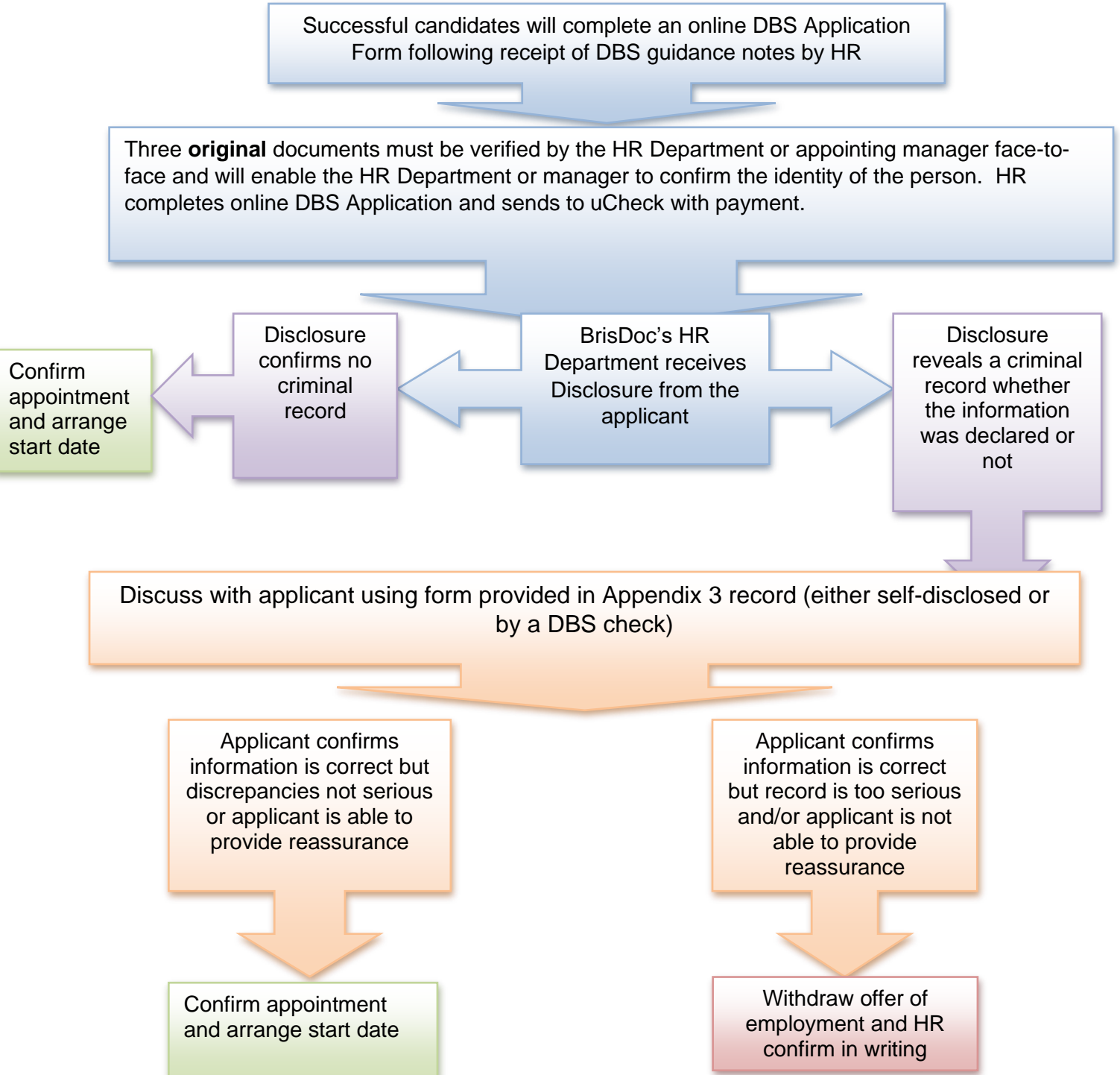
Is the disclosed information accurate: Yes/No	Is/are the conviction(s) recent (within last 5 years): Yes/No	Is/are the convictions acquired since joining BrisDoc: Yes/No
The person's age at the time of the conviction(s):	Is/are the conviction(s) spent under the Rehabilitation of Offenders Act: Yes/No	
Relevant or underlying factors/mitigating circumstances:		
How do/es the conviction(s) impact on the individual's role and how could the conviction(s) impact on the service group or BrisDoc Healthcare Services (particularly bearing in mind the client group):		
Names of people present at discussion:		
Decision	1. The above disclosure means that it is inappropriate for him/her to continue his/her* service as _____ (Job Title) in the _____ (Name of Dept) 2. Although _____ has the above disclosure(s) on his/her* DBS certificate, I agree that he/she can continue his/her* service as _____ in the _____ (Name of Dept) <p style="text-align: center;"><i>This form will be recorded on a database and kept in your file</i></p>	

Manager's Signature: _____

Individual's signature: _____

Date: _____

APPENDIX 4: SUMMARY OF DBS PROCEDURE FOR EMPLOYEES / CASUAL WORKERS



APPENDIX 5: THE DBS CODE OF PRACTICE

Under the DBS Code of Practice, employers are required to:

- Treat all applicants fairly and without discrimination
- Ensure that all applicants for eligible positions are notified in advance that criminal record information will be obtained
- Have a written policy on the recruitment of ex-offenders that can be given to all applicants where criminal record information will be requested
- Have a written policy on the correct handling and safe storage of criminal record information
- Ensure that criminal record information is only supplied for the purpose of a recruitment (or other relevant) decision
- Discuss the content of the DBS certificate with the applicant before withdrawing any offer of employment. *(Employers must not, however, share any additional information that has been provided by the local police force and is addressed to the employer only)*
- Ensure that they comply with DBS guidance on the portability of DBS checks and their contents.

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Appendix 6: BrisDoc Posts requiring a DBS Check

The following provides an example of the type of DBS check needed for roles at BrisDoc with effect from January 2016. This list is not exhaustive.

JOB TITLE	LEVEL OF CHECK (standard / enhanced with/out barred list / no check)	REASON FOR CHECK / COMMENTS
Driver	Enhanced with barred list (both children and adult barred list if they transport children too. If there is always an adult present, then only 'adult barred list' needs checking	(Definition of 'Child' is up to but not including 18 years old)
Call Handler / Hosts / Receptionists / medical note summarisers	Standard check	In line with legislation – Protection of Freedoms 2012. Note Hosts will be asked to undertake chaperone duties in accordance with the Chaperone policy.
HR / Finance / Governance / IT	No check	IT roles based in a surgery OR hospital setting will require a standard check
Practice or Assistant Practice Manager / Service Delivery / Shift Manager	Enhanced check with barred list (both children and adult) because the roles are overseeing care on shift.	
Clinical Staff (including HCAs)	Enhanced check with barred list (both children and adult) because the roles are overseeing care	

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RELATED POLICIES

- Recruitment and Selection Policy
- Equality & Diversity Policy
- Chaperone Policy

Additional Resources:

For more information on DBS, please visit:

<https://www.gov.uk/disclosure-barring-service-check/overview>

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

NHS Employment Check Standards:

<http://www.nhsemployers.org/your-workforce/recruit/employment-checks/criminal-record-check>

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CHANGE REGISTER

Date	Version	Author	Change Details
Nov 2011	1	Ewa Jany	
April 2014	2	Ewa Jany	
Nov 2016	3	Keystone HR Consultancy Ltd, Cath Edmunds, Charlotte Kerrigan & Clare-Louise Nicholls	
Jan 2020	4	Sarah Aubertin	
27/002/2024	4.1	MD	Changed owner

The following changes have been made between the April 2014 DBS policy and November 2016 policy:

Section	Change
1	Included relevant CQC standards and new values slide. Updated the name of the organisation that now provides DBS checks on behalf of BrisDoc. Deleted reference to 'access to medical records' under Quality Care focus area because this no longer necessary to warrant a DBS check.
3	Paragraphs 3.2, 3.3, 3.4, and 3.7 have been updated
4	Added the following bullet point: <ul style="list-style-type: none"> <i>Anonymising all application forms at recruitment stage ensuring that the shortlisting and interview panel are not aware of any disclosed criminal convictions or cautions before the interview – managers will only learn of this information post interview stage.</i>
4	Amending the last bullet point to be in line with the uCheck process.
5.	Inclusion of process to be followed if applicant discloses a criminal conviction on their application form.
5	Added the bullet point: <ul style="list-style-type: none"> <i>whether the individual declared the conviction/caution on their application form in full (if a new recruit) or as soon as the 'event' happened (if during the course of their employment).</i>
6	Amended this section to be in line with the uCheck process. Also added the applicant's right to appeal against any information on them – this appeal is lodged directly with DBS.
9	Updated the cost of DBS checks
10	Updated to include Status Check and the use of Repeat Service
11	Added retrospective checks for TUPE'd staff
Appendix 1	Updated in line with current required ID documents as per uCheck process
Appendix 2	Included definition of 'barred list'
Appendix 4	Updated to include reference to and process under uCheck

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Appendix 6	Added this
Additional Resources	Updated links to resources