



Public – To be published on the Trust external website

Title: Disclosure and Barring Service (DBS) Procedure

Ref: HR-0011-v7

Status: Approved

Document type: Procedure

Contents

1	Introduction.....	3
2	Purpose	3
3	Who this procedure applies to:-	3
3.1	Who this procedure does not apply to.....	3
4	Related Documents	4
5	Procedure.....	4
5.1	Disclosure and Barring (DBS) framework and process	5
5.1.1	Eligibility to undertake a DBS check.....	5
5.1.2	Level of Disclosure	5
5.1.3	Implementation.....	7
5.1.4	Procedure Statement on the Recruitment of Ex-offenders.....	8
5.1.5	Commencing Employment without DBS Clearance.....	9
5.1.6	Non-Disclosure of Criminal Convictions/Disclosures of Concern	9
5.1.7	DBS Update Service	10
5.1.8	Notifications for Other Agencies	11
5.1.9	Duty to Refer to DBS.....	11
6	Definitions	12
7	How this procedure will be implemented.....	12
7.1	Training Needs analysis.....	12
8	How the implementation of this procedure policy will be monitored.....	12
9	References	13
10	Document control (external)	13
Appendix 1 - Equality Analysis Screening Form		15
Appendix 2 – Approval checklist.....		18
Appendix 3 – Safe handling, use, storage and disposal of DBS certificate information procedure statement.....		20
Appendix 4 - Procedure statement on the recruitment of ex-offenders.....		21
Appendix 5 – Risk assessment form for staff awaiting DBS disclosure.....		23
Appendix 6 – Disclosure & Barring Service (DBS) risk assessment.....		25

1 Introduction

The Disclosure and Barring Service (DBS) is an executive agency of the Home Office and provides access to information about criminal convictions and other police records to help employers make an informed decision when recruiting staff. 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 to work with Vulnerable Groups.

This policy is critical to the delivery of OJTC and our ambition to co-create safe and personalised care that improves the lives of people with mental health needs, a learning disability or autism. It helps us deliver our three strategic goals as follows:-

This policy enables the trust to co-create a great experience for all patients, carers and families from its diverse population by helping to identify candidates who may be unsuitable to work with Vulnerable Groups.

This policy supports the trust to co-create a great experience for our colleagues by demonstrating we are well led and managed.

2 Purpose

Following this procedure will help the Trust to:-

- Ensure staff and managers are aware of the legal obligations placed on the Trust in relation to 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)).
- Ensure where needed enhanced DBS checks are undertaken. This is under The Police Act 1997 (section 113B) which enables organisations to undertake enhanced DBS checks to be requested for the purposes prescribed in the Police Act 1997 (Criminal Records) Regulations 2002.

3 Who this procedure applies to:-



This Procedure **applies to ALL prospective and existing employees** employed on a substantive, fixed term, temporary or secondment basis. The procedure also applies to bank and agency staff, clinical placements, honorary appointments and volunteers.

3.1 Who this procedure does not apply to

This Procedure **does not apply** to any person undertaking a short period of work experience as outlined in the Trust Work Experience Placement process. Work experience placements will be only offered on the basis that the roles being undertaken will involve participants observing or carrying out minor duties under full supervision.

4 Related Documents

[Recruitment and Selection Procedure.](#)

5 Procedure

This procedure sets out the actions we will take to ensure compliance with the legal obligations placed on the Trust in relation to 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)).

5.1 Disclosure and Barring (DBS) framework and process

5.1.1 Eligibility to undertake a DBS check

Action	Resources
<p>Eligibility to undertake a DBS check will be determined at the recruitment stage based on the requirements of the post as outlined within the job description and mandated guidance available from the DBS and NHS Employers Employment Standards.</p>	<p>Guidance and forms available on recruitment pages on staff intranet Recruitment TEWV Intranet. DBS guide to eligibility - GOV.UK Criminal record check - NHS Employers</p>

5.1.2 Level of Disclosure

Action	Resources
<p>Standard check: available for certain specified occupations, licences and entry into certain specified professions. These are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. It contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).</p> <p>A standard check will be used to assess a person's suitability to undertake work listed that enables the person to have 'access to persons in receipt of such services in the course of their normal duties' as outlined within the above named Act. This does not include positions which only allow limited or incidental contact with service users.</p>	<p>Guidance is available on recruitment pages on staff intranet Recruitment TEWV Intranet.</p>

Enhanced check without barred list information: is available for those positions described as working with adults in the Statutory Instrument – The Police Act 1997 (Criminal Records)(Amendment) Regulations 2013. These are listed in [Part V of the Police Act 1997](#). The check contains the same PNC information as the standard check but also includes a check of police records held locally.

Enhanced check with barring lists is only available for those individuals who are employed in **regulated activity** and a small number of positions listed in Police Act regulations. The check contains the same PNC 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. If your application includes a request to check the barred list(s), DBS has a statutory duty to consider any information that suggests an applicant may pose a risk of harm.

Regulated activity is where an individual is engaging either in paid work or as a volunteer, undertaking any one of the following activities as part of their role:

- healthcare
- personal care
- social work
- assistance with cash, bills or shopping
- assistance with the conduct of their own affairs
- conveying services.

[DBS workforce guides - GOV.UK](#)

5.1.3 Implementation

Action	Resources
<p>People who require a DBS Disclosure Check</p> <p>Advertisements and job descriptions will clearly state if a post is eligible for a DBS check. A copy of the Trust procedure statement on the Safe Handling, Use, Retention and Disposal of DBS certificate information is contained at Appendix 3.</p> <p>Successful applicants requiring a DBS check will be informed that their offer of employment is conditional and will be subject to a satisfactory DBS check and, if required, a check against the barred list. There will also be the requirement that the successful applicants subscribes to the DBS Update Service. Successful applicants will also be advised that any offer of employment may be withdrawn if they knowingly withhold information or provide false or misleading information. Guidance on the sensitive application process available for transgender applicants can be found Transgender applications - GOV.UK (www.gov.uk)</p> <p>Existing employees who require a DBS check as part of their role will be required to subscribe to the DBS Update Service and to renew their subscription each year. The costs associated with this will be met by the Trust. Failure to subscribe to the Update Service within 30 days of the DBS certificate being printed or failure to renew their subscription each year will render the staff member liable for the costs of a new DBS check and may lead to disciplinary action.</p> <p>Employees moving into a different post within the organisation will be required to complete a new disclosure, if the duties of the position are not compatible with those relating to the position for which their DBS disclosure was originally issued (for example if the individual will now be working with children or vulnerable adults).</p> <p>If after considering the above criteria, there is a requirement for a new disclosure then the employee should not commence in their new employment until a satisfactory DBS disclosure has been received.</p> <p>If the new position requires an enhanced check with a barred list check then the candidate must not commence in their new employment until a satisfactory disclosure has been received.</p> <p>It should be noted that the need for a new DBS disclosure will be assessed by the Operational HR team where the change of role is as a result of organisational change.</p>	<p>Guidance available on recruitment pages on staff intranet Recruitment TEWV Intranet.</p>

<p>Healthcare Students - the relevant Health Education Institution (HEI) organisation will request a DBS disclosure as part of the admission/application procedure. The Trust will receive confirmation that a satisfactory DBS disclosure has been undertaken prior to any placement being undertaken.</p> <p>Volunteers – the DBS service will issue a disclosure free of charge if the person satisfies the following criteria: ‘A person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out of pocket expenses), doing something which aims to benefit someone (individuals or groups) other than in or in addition to close relatives.’</p> <p>Agency/Locum Staff – Staff within the Trust who are authorised to book agency staff are required ensure that the person booked to work in a post which requires a DBS disclosure have a satisfactory disclosure check including a relevant barred list check (where applicable) for the work they will be doing before the individual can undertake that work within the Trust. Please refer to the Temporary Agency and Self Employed Worker Procedure.</p> <p><u>Doctors in Training</u></p> <p>Doctors on educationally-approved rotational training are regarded as being in continuous employment during the term of training and are therefore required to have a DBS check, as a minimum, once every three years, rather than each time they change rotation. The Trust must seek written assurances from the host/previous employer that appropriate clearances have been obtained, but any additional checks must be proportionate to risk. For example, where assurances cannot be obtained or where there is a specific concern about the individual’s practice or criminal behaviour.</p>	
--	--

5.1.4 Procedure Statement on the Recruitment of Ex-offenders

Action	Resources
<p>The Trust will treat DBS applicants who have a criminal record fairly and will not discriminate because of a conviction or other information revealed. A full copy of the written procedure statement will be made available to all applicants at the outset of recruitment episode and is contained at Appendix 4. Guidance and criteria on the filtering of old and minor cautions and convictions which are now protected and not subject to disclosure are available at Disclosure and Barring Service website.</p> <p>Successful applicants will be requested to complete a recruitment declaration form as part of the pre-employment screening activities.</p>	<p>DBS filtering guide - GOV.UK</p>

5.1.5 Commencing Employment without DBS Clearance

Action	Resources
<p>Commencing Employment without Receipt of a DBS Disclosure</p> <p>Individuals should not be allowed to commence employment without a DBS disclosure to ensure that the Trust meets its obligations to ensure safer recruitment practices and to protect its patients, clients and staff.</p> <p>There may, however, be very exceptional circumstances where there may be a delay which is severely affecting service delivery, where the Trust may approve that an individual may commence work before the DBS disclosure check is received.</p> <p>On these rare occasions a risk assessment form must be completed (Appendix 5) and authorised by General Manager / Head of Service for the area concerned.</p>	<p>Guidance available on recruitment pages on staff intranet Recruitment TEWV Intranet.</p> <p>Risk Assessment – Appendix 3</p>

5.1.6 Non-Disclosure of Criminal Convictions/Disclosures of Concern

Action	Resources
<p>The Trust expects honesty and integrity from all its employees and potential employees. Consequently those employees or potential employees who fail to disclose convictions may be considered by the Trust to have compromised this element of the employment relationship.</p> <p>External Applicants – where a disclosure indicates any criminal convictions which have not been previously declared during the recruitment process, a representative of the Operational HR team will advise the Recruiting Manager of the non-disclosed convictions.</p> <p>A meeting will be arranged between the applicant, the Recruiting Manager and a relevant Human Resource representative where a decision will be made as to whether the Trust will continue with the offer of employment. A DBS Discussion Meeting Record Form will be completed as part of this meeting (Appendix 5).</p> <p>Existing Employees – It is a requirement and on-going obligation for all staff employed by the Trust, as part of their Terms and Conditions of employment, to inform their manager, in writing – for example by letter or email – of any criminal convictions, police investigations, cautions, warnings or bindovers received during their employment</p>	<p>Disclosure of Concern – Appendix 6--</p>

with the Trust, whether or not they are related to their employment. All employees are required to complete and return the Annual Declaration of Good Standing. The Trust will determine any action necessary according to individual circumstances.

Where concerns arise regarding the possible non-reporting of a conviction obtained whilst employed by the Trust, the Trust will reserve the right to require the employee to undergo a new DBS check. If the DBS disclosure reveals that the employee has undeclared criminal convictions, this will be dealt with under the Trust's Disciplinary Procedure. Similarly, if an undeclared conviction comes to light during recruitment to a post internally, this may be dealt with under the Trust's Disciplinary Procedure.

It should also be noted that a criminal conviction does not necessarily imply any impact on an individual's employment with the Trust.

5.1.7 DBS Update Service

Action	Resources
<p>The DBS update service is an online subscription service that lets you keep your DBS certificates up to date and allows employers to check a certificate online, with the consent of the disclosure applicant. The disclosure applicant can use their certificate again when applying for a position in the same workforce, where the same type and level of check is required. The DBS Update Service enhances our safeguarding processes by enabling the Trust to undertake instant online checks on certificates and will negate the need for periodic DBS checks on staff or volunteers who are already in the workforce and not changing posts.</p> <p>All staff will be asked to complete an Annual Declaration form which will be retained on the personal file to check for any convictions or charges not previously declared.</p> <p>In addition to the above, it should be noted that if a post is one that requires a disclosure at whatever level from the DBS, the Trust retains the right to request a further disclosure at any time and in accordance with Trust or national policy.</p>	<p>Guidance available on recruitment pages on staff intranet Recruitment TEWV Intranet.</p>

5.1.8 Notifications for Other Agencies

Action	Resources
<p>Staff working in Children’s Services/Prison Services who are required to access schools/prisons/external organisations as part of their role may need to provide evidence to confirm a valid DBS check has been undertaken prior to being given access to the site or the child. Confirmation of this can be provided by contacting the Workforce Information Department where a memo style document will be generated providing the relevant information.</p>	

5.1.9 Duty to Refer to DBS

Action	Resources
<p>The Trust is legally required to refer the details of any employee to the DBS where there are concerns that the employee has caused harm, or poses a future risk of harm to vulnerable groups, including children. The decision to refer will be taken following an assessment of the available information by either the Director of Nursing or their nominated representative, the Professional Head of Service or the Director of People and Culture or their nominated representative.</p>	<p>Making barring referrals to the DBS - GOV.UK</p>

6 Definitions

Term	Definition
DBS	Disclosure and Barring Service

7 How this procedure will be implemented



This procedure will be published on the Trust's intranet and external website. Line managers will disseminate this procedure to all Trust employees through a line management briefing. The People and Culture Directorate and Medical Development will implement robust processes to enable adherence to the DBS requirements.

7.1 Training Needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
People and Culture Operational staff	DBS process training	Approx. 1 hour	on commencement of role or refresher as required
All trust managers	HR policy update session / Recruitment process training (includes DBS)	Approx. 2 hours	on commencement of role or refresher as required

8 How the implementation of this procedure policy will be monitored

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	100% of recruits who require a DBS as part of pre-employment screening.	Frequency = Annual Method = Audit One undertaken on sample of records Person Responsible = Associate Director of Operational Delivery and Resources will receive Audit report and ensure action plan is implemented	Executive People and Culture and Diversity Sub-Group will monitor progress against action plans.
2	100% of eligible staff will maintain ongoing registration with the DBS Update Service.	Frequency = Monthly Method = compliance reports are produced Responsible = done by the Workforce Information Team and circulated to Care Groups.	Executive People Culture and Diversity Group will monitor compliance rates on a monthly basis.

9 References

NHS Employers, NHS Employment Check Standards.
DBS Code of Practice

10 Document control (external)

To be recorded on the policy register by Policy Coordinator

Date of approval	16 March 2023
Next review date	01 March 2026
This document replaces	HR-0011-v6 Disclosure and Barring Service (DBS) Procedure
This document was approved by	PWG
This document was approved	21 October 2022
This document was approved by	JCC
This document was approved	16 March 23

An equality analysis was completed on this policy on	11 May 2023
Document type	Public
FOI Clause (Private documents only)	n/a

Change record

Version	Date	Amendment details	Status
7	16 Mar 2023	<p>Full review with changes:-</p> <ul style="list-style-type: none"> • Description of Disclosure and Barring Service has moved from Purpose to Introduction. • Objectives section 1.2 removed. • Roles and Responsibilities section 2.3 removed. • Section 6 reference to policy produced and agreed by JSCC and EMT removed. Reference to Equality and Diversity training has been removed. • Updated to current template. 	Approved

Appendix 1 - Equality Analysis Screening Form

Please note: [The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet](#)

Section 1	Scope
Name of service area/directorate/department	People and Culture
Title	The Disclosure and Barring Service Procedure
Type	Procedure
Geographical area covered	Trust wide
Aims and objectives	<p>Ensure staff and managers are aware of the legal obligations placed on the Trust in relation to 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)).</p> <p>The Police Act 1997 (section 113B) enables organisations to undertake enhanced DBS checks to be requested for the purposes prescribed in the Police Act 1997 (Criminal Records) Regulations 2002.</p>
Start date of Equality Analysis Screening	08 August 2022
End date of Equality Analysis Screening	11 May 2023

Section 2	Impacts
Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	Vulnerable people accessing Trust services.
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or	<p>Race (including Gypsy and Traveller) NO</p> <p>Disability (includes physical, learning, mental health, sensory and medical disabilities) NO</p> <p>Sex (Men, women and gender neutral etc.) NO</p>

<p>Business plan impact negatively on any of the protected characteristic groups?</p>	<p>Gender reassignment (Transgender and gender identity) NO Sexual Orientation (Lesbian, Gay, Bisexual, Heterosexual, Pansexual and Asexual etc.) NO Age (includes, young people, older people – people of all ages) NO Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave) NO Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO Armed Forces (includes serving armed forces personnel, reservists, veterans and their families) NO</p>
<p>Describe any negative impacts</p>	<p>This procedure hyperlinks to guidance on the Gov.uk website, providing further advice and guidance in relation to those covered by Gender Reassignment. Adhering to this guidance should minimise any negative impact.</p>
<p>Describe any positive impacts</p>	<p>The procedure enables a fair and consistent approach for the DBS process, providing advice and guidance to managers in the event that disclosures are made or are received for both internal and external candidates.</p> <p>The risk assessment, allows the Trust to assess any potential risk to the organisation, allowing staff to commence post (in exceptional circumstances) prior to the receipt of the DBS, this will aid the recruitment process.</p>

<p>Section 3</p>	<p>Research and involvement</p>
<p>What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)</p>	<p>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)).</p> <p>The Police Act 1997 (Criminal Records) Regulations 2002.</p> <p>NHS Employers Mandatory CRB Standard</p>

Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes
If you answered Yes above, describe the engagement and involvement that has taken place	Staff side representatives via the Policy Working Group
If you answered No above, describe future plans that you may have to engage and involve people from different groups	

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	No
Describe any training needs for Trust staff	
Describe any training needs for patients	
Describe any training needs for contractors or other outside agencies	

Check the information you have provided and ensure additional evidence can be provided if asked

Appendix 2 – Approval checklist

	Title of document being reviewed:	Yes/No/ Not applicable	Comments
1.	Title: The Disclosure and Barring Service Procedure		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2.	Rationale		
	Are reasons for development of the document stated?	Yes	
3.	Development Process		
	Are people involved in the development identified?	Yes	Staff Policy Working Group
	Has relevant expertise has been sought/used?	Yes	NHS Employers Employment Standard. DBS Code of Practice
	Is there evidence of consultation with stakeholders and users?	Yes	
	Have any related documents or documents that are impacted by this change been identified and updated?	No	
4.	Content		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are supporting documents referenced?	Yes	
6.	Training		
	Have training needs been considered?	Yes	
	Are training needs included in the document?	No	
7.	Implementation and monitoring		
	Does the document identify how it will be implemented and monitored?	Yes	
8.	Equality analysis		

	Title of document being reviewed:	Yes/No/ Not applicable	Comments
	Has an equality analysis been completed for the document?	Yes	
	Have Equality and Diversity reviewed and approved the equality analysis?	Yes	15 March 2023
9.	Approval		
	Does the document identify which committee/group will approve it?	yes	HR PWG and JCC
10.	Publication		
	Has the document been reviewed for harm?	Yes	
	Does the document identify whether it is private or public?	yes	public
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	n/a	

Appendix 3 – Safe handling, use, storage and disposal of DBS certificate information procedure statement.

General principles As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Tees, Esk and Wear Valleys NHS Foundation Trust complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. The following is the Trust written procedure on these matters, which is available to those who wish to see it on request.

Storage and access Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Trust will maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage Certificate information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Appendix 4 - Procedure statement on the recruitment of ex-offenders

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Tees, Esk and Wear Valleys NHS Foundation Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Tees, Esk and Wear Valleys NHS Foundation Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. A copy of this written procedure statement is made available to all DBS applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process, except for certain spent convictions and cautions which are 'protected' so not subject to disclosure to employers and that cannot be taken into account. We request that any information not subject to this filtering is sent under separate, confidential cover, to a designated person within Tees, Esk and Wear Valleys NHS Foundation Trust and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process. Unless the nature of the position allows the Trust to ask questions about your entire criminal record, except for certain spent convictions and cautions which are 'protected' so not subject to disclosure to employers and that cannot be taken into account, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

Appendix 5 – Risk assessment form for staff awaiting DBS disclosure

COMMENCING WORK WITHOUT A DBS DISCLOSURE – RISK ASSESSMENT

The Trust will be committing a criminal offence under the Safeguarding Vulnerable Groups Act, if it knowingly permits a person to engage in regulated activity from which the person is barred.

Any person barred from engaging in regulated activity will also be committing a criminal offence.

The Trust may in exceptional circumstances, make a risk based decision to appoint applicants while they are awaiting the outcomes of a DBS check for the purpose of undertaking induction training, or to undertake other duties which would **not include them engaging in any form of regulated activity**.

Where a satisfactory disclosure is awaited and the post must be filled urgently, the Trust will permit employees to commence in post, provided that the following conditions are met:

1. Their employment is conditional upon receipt of a satisfactory disclosure and an appropriate DBS check has been applied for; **and**
2. The manager has seen a completed recruitment declaration form **and**
3. The manager is able to ensure that the employee will:
 - a. **either** have modified duties that ensure that they have no access to children or vulnerable adults;
 - b. **or** be continually supervised whilst with children or vulnerable adults; **and**
4. a record of the actions taken at 2. above are recorded on this document with the DBS disclosure request.

To be completed by General Manager/Head of Service/Associate Director (original must be forwarded to Head of HR and Workforce Supply, Human Resources Department, copy to employee's personal file)

Name of Employee _____

Job Title _____

Location/Ward/Dept _____

I have the necessary authority to permit the above employee to commence in post prior to obtaining a satisfactory 'Disclosure Certificate' from the DBS, I confirm that I have seen the recruitment declaration form and have agreed that the above employee can commence in post on a conditional basis prior to receipt of a satisfactory DBS Disclosure.

Commencement in post cannot wait until the receipt of a satisfactory DBS Disclosure Certificate because: _____

I have ensured that the above employee:

- has conditional employment
- have no access to children, or vulnerable adults
- be continually supervised whilst with children and/or vulnerable adults until a satisfactory Disclosure is received
- have ensured the following measures are put in place to eliminate the risks until a satisfactory Disclosure is received

Individuals Start Date: _____

Signed: _____ **Print name:** _____

Position: _____

Appendix 6 – Disclosure & Barring Service (DBS) risk assessment

Please complete the information below and send to the Recruitment Team at Flatts Lane Centre. A copy should also be retained on the individual's personal file.

Section A

Please complete in full:

Name of applicant:	
Post applied for/current post:	

Level of disclosure required:	Enhanced and barred <input type="checkbox"/>	Enhanced <input type="checkbox"/>	Standard <input type="checkbox"/>	Basic <input type="checkbox"/>
-------------------------------	---	--------------------------------------	--------------------------------------	-----------------------------------

Directorate:	
Date of assessment:	
Name of assessor (line manager):	

Question	Yes/No	Please provide details
Has the applicant declared any cautions, convictions, reprimands, final warnings or bind overs in the UK or any other country, or are they under police investigation?		
Is this a single offence or has there been more than one offence?		
Has any police intelligence been disclosed at chief police officer discretion which causes concern (if applicable)?		

Nature of conviction(s) or police intelligence disclosed (Continue on separate sheet if necessary)

Offence(s):	
Date of conviction(s):	
Sentence(s) received:	
Age at time of offence(s):	
Length of time since conviction(s):	

Section B

Question (Please provide details)		
What were the circumstances surrounding the offence(s)?		
Attitude to the offence(s)		
Efforts made to not reoffend		
Question	Yes/No	Please provide details
Have the individual's circumstances changed since the offence(s)? If so, how?		
Are the offence(s) relevant to the post?		
Does the post involve regular one-to-one/ unsupervised contact with vulnerable people?		
Does the post involve direct contact with the public?		
Does the post involve direct responsibility for finance or items of value?		
Does the post involve a significant level of trust i.e. nursing or caring for people?		
Is the individual barred from working in regulated activity? (If applicable)		

Were suitable references obtained and ID checked? (If references gave cause for concern please state details)		
What level of supervision does the post-holder receive?		

Enter below any further questions you feel may be relevant to the post in relation to criminal convictions.

Question	Please provide details

Signed:		Print name:		Date:	
----------------	--	--------------------	--	--------------	--

Section C To be completed by line manager after risk assessment meeting has taken place

Please enter below any precautionary measures recommended for the individual in light of the above information to minimise the risk of any reoccurrence of any potential criminal activity or associated behaviour. This can be expanded on as necessary for the particular role as required.

1.	
2.	
3.	
4.	
5.	

Section D Criminal record risk hazard form

Please record below any organisational risk of harm. This should relate specifically to the impact on the organisation and not the individual.

<p>Nature of hazard? e.g. reputational risk, risk of sexual harm, risk of theft</p>
<p>Who might be harmed?</p>
<p>What is already/will be done to minimise risk?</p>
<p>Likelihood of hazard/risk occurring? Please select from: 1 = Rare 2 = Unlikely 3 = Possible 4 = Likely 5 = Almost certain</p>
<p>Impact of hazard/risk? Please select from: 1 = Negligible 2 = Minor impact 3 = Moderate impact 4 = Major Impact 5 = Catastrophic</p>
<p>What is the remaining risk based on likelihood and impact? e.g. low/medium/high (Please refer to risk grid)</p>
<p>What further action is required?</p>

Who is responsible for taking this action and by when?

--

Section E To be completed by all parties carrying out the risk assessment

The information above has been considered and we are/are not satisfied that it is safe to allow the named applicant/employee to commence/continue work.

Detail action to be taken below:

--

Signed: Relevant member of HR team/ line manager	
Print name and job title	Date:
Signed: Relevant member of HR team/ line manager	
Print name and job title	Date:

			Risk Matrix				
			Consequence				
			Negligible	Minor	Moderate	Major	Catastrophic
			1	3	5	7	9
Likelihood	Rare	1	1	3	5	7	9
	Unlikely	2	2	6	10	14	18
	Possible	3	3	9	15	21	27
	Likely	4	4	12	20	28	36
	Almost certain	5	5	15	25	35	45

Key:

	Yes Appoint
	Further Discussion and advice required
	Do not employ