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## Disclosure & Barring Service (DBS) Procedure

### Introduction and Aim

Cardiff and Vale University Health Board (the UHB) is committed to ensuring that people in its care are safeguarded against exploitation and harm, from any of its actions or its staff. Disclosure & Barring Service (DBS) checks are an important tool in ensuring safer recruitment practices and patient safety.

Disclosure checks are a mandatory part of NHS recruitment and will apply to every new recruit who has access to patients as part of their normal duties. The UHB, through its recruitment and disciplinary processes, will ensure the safe recruitment and retention of staff and the protection of patients.

Although a criminal conviction does not preclude anyone from working in the NHS, certain offences may indicate an applicant's unsuitability for employment within the UHB. Failure to carry out these checks or make appropriate referrals to the DBS when the member of staff has harmed or poses a risk of harm to children or vulnerable adults could put the safety of patients at risk.

Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

### Objectives

- To ensure a robust and consistent approach in the DBS checking and referral process
- Ensure all parties understand their roles and responsibilities and the processes to be followed.
- Provide managers and staff with guidance on the legal framework
- Support managers in understanding the requirements around DBS checks, including when they should be undertaken and when the various levels of check are appropriate
- Provide managers with guidance on how to manage the information provided by the DBS service
- To ensure that managers know when a referral to the DBS service is appropriate and what the process to be followed is

### Scope

This procedure and the DBS Policy applies to all staff whose post requires them to have DBS clearance and recruiting / disciplining managers. For the purposes of this procedure,

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this includes permanent, temporary, bank and agency staff as well as honorary contract holders, secondees and volunteers.

<b>Equality &amp; Health Impact Assessment</b>	An Equality and Health Impact Assessment (EHIA) has not been completed because this procedure has been written to support the implementation the DBS Policy. The Equality and Health Impact Assessment completed for the policy found there to be a positive impact
<b>Documents to read alongside this Procedure</b>	<a href="#">Recruitment and Selection Policy and Procedure</a> <a href="#">Disciplinary Policy</a> Professional Registration Procedure Managing Safeguarding Allegations Procedure <a href="#">Supporting Transgender Staff Procedure</a>
<b>Accountable Executive or Clinical Board Director</b>	Executive Director of People and Culture
<b>Author(s)</b>	Head of Workforce Governance/ Workforce Governance Manager / RCN/ CSP

**Disclaimer**

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Governance Directorate.](#)**

**Summary of reviews/amendments**

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	10.05.2017		Separate procedure developed to support DBS Policy in line with UHB format. DBS referral process added Information relating to eligibility for a DBS check and regulated activity moved to appendix. Flow charts added for recruitment and referral process
1a	10.11.21	16.11.21	Interim review to ensure all elements from the rescinded DBS Policy have been incorporated

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			<p>Roll forwarded amended version for 12 months</p> <p>DBS Policy rescinded – this Procedure is now aligned to the Recruitment and Selection Policy</p>
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## 1 ROLES AND RESPONSIBILITIES

### **Executive Director Of Workforce & OD**

The Executive Director of Workforce & OD is the named manager responsible for ensuring the contents of the procedure are applied fairly and consistently within the UHB

### **NWSSP Employment Services / Medical Workforce Department / Temporary Staffing Department**

NHS Wales Shared Services Partnership (NWSSP) Employment Services are responsible, on behalf of the UHB, for undertaking all of the DBS checks for all non Medical/Dental applicants who have been made conditional offers of employment and for volunteers and contractors.

The Medical Workforce Department are responsible for undertaking all of the DBS checks for all Medical/Dental applicants who have been made conditional offers of employment.

The Temporary Staffing Department are responsible for undertaking all of the DBS checks for workers who have been made conditional offers to join the Temporary Staffing Department (Bank).

### **Recruiting Managers**

Recruiting Managers are responsible for ensuring that all appointees are recruited appropriately for their service in line with this procedure and that the appropriate level of check is requested.

At interview, or in a separate discussion, managers must ensure that an open and measured discussion takes place on the subject or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment or disciplinary action under the appropriate Disciplinary Policy.

Recruiting Managers must ensure that any information they receive regarding applicants convictions during the recruitment process remains confidential.

Recruiting Managers are responsible for ensuring that no member of staff requiring a DBS check commences employment without the appropriate level of check being undertaken.

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Ensure that DBS checks are not undertaken inappropriately as there are specific eligibility criteria, in relation to the role and activities, for each level of DBS check and it is illegal to request a higher level of check than is necessary for the post.

### **Disciplining Officer / Manager**

Disciplining Officers (or other appropriate managers) are responsible for ensuring that DBS referrals are made in a timely and accurate manner when the necessary conditions are met. They are also responsible for ensuring that the UHB Safeguarding team are advised of all DBS referrals made.

### **Workforce and OD**

The Workforce and OD function is responsible for supporting and advising managers if a DBS check reveals information relating to criminal convictions/cautions which may lead to an offer of employment being withdrawn.

The HR Advisor to a disciplinary panel, or the Head of Workforce and OD for that area, is responsible for supporting Disciplining Officers/Managers in making a DBS referral if the necessary conditions are met.

### **Employees**

Employees are responsible for taking due consideration of this procedure when they apply for a transfer or promotion, or in the event that they are subject to a caution or conviction or other relevant disposal by the Crown Justice System whilst in employment.

All individuals who are convicted or found guilty of a criminal offence are required to inform their manager as soon as possible. Failure to disclose such convictions or findings of guilt could result in disciplinary action, which may result in dismissal. This includes any charges or cautions.

Employees are also required to inform their manager of any child protection or vulnerable adult investigations which they may be subject to, both inside and outside of the workplace, at any time during the period of their employment,

## **2 ASSESSING THE NEED TO CONDUCT A DISCLOSURE & BARRING SERVICE (DBS) CHECK**

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Not all individuals applying for positions within the UHB will be eligible for a DBS check. The UHB has a legal responsibility to ensure that the position being appointed to is eligible under the current provisions before requiring employees and volunteers to have a DBS check.

The trigger for a DBS check and the level of check required should be determined by the type of activities undertaken in a specific role, and the level of access that permits the person in that role to have with patients.

In all circumstances, the decision taken to request a DBS check will need to be made in accordance with the Rehabilitation of Offenders Act 1974 and other relevant legislation.

Where a position is eligible for a DBS check, the UHB must make it clear to the applicant that any offer of employment will be subject to a satisfactory DBS disclosure and that any offer of employment may be withdrawn if they knowingly withhold information, or provide false or misleading information.

Existing staff may be subject to disciplinary action and possible dismissal if they knowingly fail to disclose relevant information in relation to their DBS disclosure or barred list status.

### 3 TYPES OF DBS CHECK

The following types of DBS check are available to employers in the NHS, each providing different types of information:

- Standard
- Enhanced without barred list information
- Enhanced with children's barred list information
- Enhanced with adults barred list information
- Enhanced with children's and adults barred list information

See **Appendix 1** for more information on the types of checks and regulated activity.

### 4 PROCESS FOR OBTAINING A DBS CHECK

#### 4.1 Advertising Posts Which Require Disclosure

Disclosure checks will be required for all posts which will require the person engaged in that work to have access to patients as part of their normal day to day duties. Other posts such as Finance and Accountancy staff are also checked as they are considered to be positions of responsibility and therefore

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eligible for Standard checks. In such cases the advertisement will clearly advise applicants of this requirement.

Recruiting managers are responsible for identifying if a post requires a DBS check as part of the Vacancy Authorisation process on the Trac Recruitment system. This will also include whether or not the post holder will have access to children or adults or both groups.

Further guidance on the level of checks required for posts within the UHB is available on the Trac Recruitment system and on the [NHS Employers website](#). Managers can also contact the Workforce & OD Department if they have any queries.

A statement is added to the advert to make applicants aware that the post is subject to the Rehabilitation of Offenders Act (Exceptions Order) 1974 and as such it will be necessary for a submission for Disclosure to be made to the Disclosure and Barring Service to check for any previous criminal convictions

All Doctors and Dentists require enhanced disclosure with barred lists checks which will be processed by the Medical Workforce Department. For information on DBS checks for Junior Doctors / Dentists see section 4.9 below.

#### 4.2 **Appointing To Posts Which Require Disclosure**

The interview panel should remind candidates during the interview process that appointment to the post is subject to a satisfactory Disclosure Check if applicable. They should also, as part of the interview, ask candidates if they have any criminal convictions, cautions, reprimands or other disposals that will show up on a DBS Check. It should be emphasised that this includes spent convictions and also includes details of driving offences, including speeding and drink-driving.

Where an appointment is subject to a satisfactory Disclosure, this will be outlined in the appointee's offer of employment letter.

To determine if existing NHS staff require a disclosure or not see section 4.8 below.

#### 4.3 **Requesting Disclosure**

If a candidate is made a conditional offer of employment to a post where Disclosure is required, the requirement for them to undertake a DBS check will be outlined in the offer letter and they will be sent an electronic link to the

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e-DBS system to complete before attending their Pre-Employment Check (PEC) meeting.

They will be required to bring a specified set of documentation with them to their PEC meeting for verification before the e-DBS form is submitted via the Trac system by secure electronic connection to the DBS.

The DBS performs the checks.

#### 4.4 **Receipt Of Disclosure**

When the checks are complete, Trac is notified via the secure electronic connection and the DBS post the certificate to the applicant.

Trac automatically updates the applicant's file on the Trac system to a *success* for clear DBS forms or *await DBS certificate* if there is something on the certificate. The actual details of the information included are not disclosed.

If the DBS check outcome states '*await DBS certificate*', for non Medical/Dental vacancies, an e-mail is sent from NWSSP Recruitment to the named appointing manager for the vacancy concerned, copied to the UHB Head of Workforce Governance requesting that they telephone the Shared Services Recruitment Help Desk to speak to a Supervisor to discuss, in confidence, a matter of concern regarding the Pre-Employment Checks for the applicant.

On receipt of the e-mail, the Head of Workforce Governance alerts the relevant Clinical Board Head of Workforce & OD and Assistant Head of Workforce & OD and advises them to discuss the matter with the appointing manager and determine whether the job offer needs to be rescinded.

#### 4.5 **Starting Work Prior To Receipt Of A DBS Check**

No member of staff will be allowed to commence employment prior to the receipt of their DBS check.

The only exception to this rule is when Medical and Dental staff have undertaken a full Risk Assessment and all documentation is in place to progress the DBS Check, but the check has not been received.

#### 4.6 **Dealing With Unsatisfactory Disclosures**

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When assessing applicants who declare convictions, cautions etc the criteria should allow for the fact that a conviction does not automatically stop a person gaining employment. However, someone who is barred must not be engaged in regulated activity as this is a criminal offence.

Recruiting managers should consider the situation carefully before making a conditional offer of employment to individuals who are:

- on probation (in a legal sense)
- under a suspended prison sentence
- released from prison on parole
- still under a conditional discharge
- subject to Terrorism Prevention and Investigation Measures.

A DBS disclosure will reveal if the individual has a criminal record, including details of convictions, cautions, reprimands or warnings. The certificate will 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 employers must assess:

- any legal or regulatory requirements
- the nature of the offence
- its relevance to the position being applied for
- the length and type of sentence issued
- at what age the individual committed the offence
- whether the applicant has a pattern of offending behaviour, for example, if there are multiple offences
- whether the applicant's circumstances have changed since the offending behaviour. For example, where the offence was time-limited or committed as a juvenile, and the individual has taken on responsibilities in life to enhance their standing in society, such as through education or voluntary work
- the circumstances surrounding the offending behaviour and the explanation offered by the individual.

Where criminal offences/convictions are revealed in the Disclosure information, the appointing officer should contact the Clinical Board Head of Workforce & OD /Senior Medical Workforce Manager to discuss the nature of the offence(s) before a final decision is made whether the offer of employment will be withdrawn.

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However, where the disclosure indicates that the DBS has made a barring decision against regulated activity, it is illegal for an employer to allow them to engage in regulated activity from which they are barred.

A record of the decision made must be kept by the Recruiting Manager for six months

#### 4.7 **Withdrawing An Offer Of Employment**

If the nature of the additional information provided is such that the UHB feels that the offer of employment should be withdrawn, the applicant should ordinarily be informed only that 'during the course of the general recruitment process, they were found to be unsuitable.' Managers must discuss such cases with the Clinical Board Head of Workforce & OD /Senior Medical Workforce Manager before taking any action.

However, where a Disclosure check reveals that the DBS has made a barring decision against regulated activity, the offer of employment must be withdrawn immediately as it is illegal for the employer to allow them to engage in the regulated activity from which they are barred. The appointing officer must explain to the appointed employee that it is a criminal offence for the UHB to knowingly offer or give employment to any person who has been barred from working with children or adults or to fail to remove them from such work if it is discovered that they have been barred.

#### 4.8 **Internal Applicants (Internal To Department Or Organisation Or NHS Wales)**

Internal applicants who are moving to a post which demands the same or lower level of disclosure will not require another disclosure provided a satisfactory DBS check was carried out within the last 3 years prior to the application for the post.

The trigger for a new check is where:

- their current DBS check is more than 3 years old
- they have never had a DBS check before and are moving to a position that now requires them to have a check. The level of check is dependent on the roles and responsibilities of the job.
- they have made any positive declaration
- their role has changed and they now require a higher level check or a check against one or both of the barred lists
- there is concern about the individual's suitability for the post

If any of the above triggers apply, a new DBS check must be undertaken.

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Under no circumstances should a previous Standard DBS check be accepted for posts which require an Enhanced DBS check.

#### 4.9 Junior Doctors/Dentists

In line with Welsh Health Circular 2005 (029) Junior Doctors and Dentists should not be required to provide a new disclosure each time they move to a new training post. In general, if a check has been carried out within the last 3 years no further check should be required.

The procedure to be adopted will be as follows:-

- The Junior Doctor / Dentist will be responsible for providing their previous original disclosure, **in person**, to the Medical Workforce officer
- The Medical Workforce Officer will ask the doctor to sign a consent form. The Medical Workforce Officer will transpose the information from the original DBS certificate onto the consent form for retention on the doctor's personal file.
- At the same time the Medical Workforce Officer will check the identity of the Doctor / Dentist, via passport, birth certificate etc.
- The Medical Workforce Officer will ensure that a satisfactory 'declaration' is available for each period of the Doctor's employment.
- An on-line GMC / GDC registration check will be made to ensure that the Doctor is not "under investigation", and that there are no conditions on the registration.
- If 'not requested' is recorded in any section of the DBS certificate or if the Doctor/Dentist is in a non-training post, a new DBS check is carried out
- If an original copy of a previous check cannot be provided by the doctor, a new DBS check will need to be done
- For Medical posts within Obstetrics & Gynecology, Paediatrics and Mental Health, a new DBS check is always completed

If a Junior Doctor / Dentist does not have sufficient time left on their existing DBS certificate for it to cover their expected tenure of appointment in the UHB (i.e. within the three year period) then another check will be required.

#### 4.10 Recruiting from overseas

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Currently, the DBS cannot access criminal records held overseas apart from applications received from Dutch or Latvian nationals. If an applicant from the Netherlands or Latvia is applying for a post working with children, the DBS can request an enhanced level check from the authorities in the countries concerned.

If the UHB is recruiting individual staff from any overseas country, apart from the Netherlands or Latvia, NWSSP Recruitment will request a certificate of good conduct or overseas criminal record check at the offer stage.

If the UHB is recruiting a number of overseas applicants as part of a dedicated recruitment campaign, the UHB must ask the applicant to provide a certificate of good conduct or overseas criminal record check at the offer stage.

N.B. if the individual requires Tier 2 (general) visa and Certificate of Sponsorship in order to be able to work in the UK, a certificate will be required for applicants and from their partners covering the last 10 years.

For guidance on how to obtain certificates visit [www.gov.uk](http://www.gov.uk)

## 5 ARRANGEMENTS FOR CHECKING STAFF NOT EMPLOYED BY THE UHB

### Agency Workers/Locums

It is important that all workers or locums provided via an Agency are subject to checks that are no less rigorous than for employees.

Where agencies provide staff who work in positions which require a DBS check, the Agency should carry out the required level of DBS Disclosure check at least once a year. This will include Enhanced Checks for regulated activity if required.

The UHB reserves the right to conduct random audits of the DBS checks completed by agencies.

The requirement of agencies to undertake disclosure on their staff will be written into and form part of their contract with the UHB.

### Temporary Staffing Office

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All Bank-only workers recruited via the UHB Temporary Staffing Office to positions which require a DBS check, will be required to undertake the appropriate level of DBS Disclosure

All workers engaged with the Temporary Staffing Department should be checked at least once a year, unless they have substantive roles within the UHB, in which case they will be treated as permanent substantive members of staff.

### **Contractors**

Where private contractors provide staff who work in positions giving them access to patients, they must carry out an appropriate level of DBS Disclosure checks in respect of each member of their staff with the Disclosure and Barring Service. This must happen at least once a year, and they must be able to provide the results of the Disclosure to the UHB upon request.

The requirement of private contractors to undertake disclosure on their staff will be written into and form part of their contract with the UHB.

### **Honorary Contract Holders and Placement Students**

It is the responsibility of the relevant university or college to carry out DBS checks on any of their students who will be undertaking clinical placements where they will undertake work that falls within the Exceptions Order, Police Act regulations and/or regulated activity within UHB.

The level of Disclosure must be agreed with the UHB in advance. The UHB will advise on any placement that meets this criterion.

The UHB will not issue honorary contracts to placement students who will have regular contact with vulnerable groups until the university or college provides a written assurance that students have been suitably checked and provides details of the student's unique DBS Disclosure Reference Number. The university or college must also confirm that an enhanced barred list check has been completed if the placement requires it.

For all other Honorary contracts it is the responsibility of the employing organisation to carry out DBS checks and to ensure that the correct level of Disclosure check is undertaken. A DBS Eligibility Checklist should be completed and provided with the Honorary Contract request to ensure the correct level of check.

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DBS Checks that are more than 3 years old will not be accepted. This also applies to requests for an extension to an Honorary Contract.

### **Work Experience/Placements**

A minimum age limit for DBS checks has been set in the Protection of Freedom Act 2012. This means that employers must not apply for a DBS check for individuals aged 16 or under.

Students aged 16-18 who are on work experience placements engaging in activity with vulnerable groups will also not be required to have a DBS check on the basis that the roles they are undertaking will involve them observing or carrying out minor duties under full supervision.

### **Volunteers**

The eligibility criterion for a DBS check is the same regardless of whether the individual is a paid employee or unpaid volunteer.

If a volunteer requires a DBS check because of their volunteering role and responsibilities, consideration will be given as to whether the position satisfies certain criteria to qualify for a free of charge Disclosure. The definition of a 'volunteer' is outlined within the Police Act 1997 (Criminal Records) Regulations 2002 as:

*“A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.”*

For DBS purposes it is deemed that 'unpaid' means not in receipt of any payment (for example, remuneration, allowance, financial benefit, payment in kind, or other means of support) in relation to the activity. The applicant must not therefore:

- receive payment for activities (except for travel and other approved out of pocket expenses)
- be on a placement/work experience;
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full-time role/qualification.

## **6 USE OF THE DBS UPDATE SERVICE**

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The DBS Update Service is a facility where an individual may choose to have their DBS disclosure certificate kept up to date and take it with them from role to role – where the new role does not change the level of check required or the workforce they will be working or volunteering with i.e. children, adults or both.

If an applicant declares that they have subscribed to the Update Service, the UHB can go online, with their consent, and carry out a free, instant check to find out if the information released on the DBS certificate is current and up-to-date.

## 7 REFERRALS TO THE DBS REGARDING SAFEGUARDING ISSUES

### Legal Duty To Refer

If the UHB employs or engages a person to work or volunteer in a regulated activity we have a **legal duty** to refer the person to the DBS, where certain conditions are met. This includes where the worker has been supplied by an agency or third party contractor

The duty to refer also applies even when the UHB has already referred the individual to another body, such as a professional regulatory body. This helps the DBS to make sure they have all the relevant information to fully consider a case and decide whether the individual needs to be added to one or both of the children's and adults barred lists.

### When to refer

The UHB must make a referral to the DBS when the following two conditions are met:

#### Condition 1

The UHB dismisses or removes a person from regulated activity (i.e. working with children or vulnerable adults) or would have done so if the person had not left, resigned, retired, been made redundant or moved to another post.

#### Condition 2

It is believed that the person has:

- engaged in relevant conduct (i.e. has harmed a child and/or adult through their action/inaction) – see below

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- satisfied the harm test (i.e. poses a risk of harm to children or adults) - see below
- received a caution or conviction for a relevant offence (either with or without the right to make representations); and therefore is subject to an automatic bar from engaging in a regulated activity

The referral should not be made when an allegation is first made. The referral should be made to the DBS when an investigation is undertaken and evidence is gathered to establish if the allegation has any foundation.

It is important to note that withdrawal from regulated activity does not necessitate an automatic referral. A referral should be made at the point where there is evidence to support the allegation that a person has engaged **in relevant conduct** and the **harm test** is satisfied.

### Relevant conduct

Relevant conduct in relation to children may include, but is not limited to:

- any action or inaction that causes emotional or psychological anguish
- any intentional physical contact that results in discomfort, pain or injury
- any form of sexual activity with a person under the age of consent. This also includes the possession of sexually explicit materials relating to children or materials depicting sexual violence to children
- any form of neglect i.e. failure to identify and/or meet their care needs

Relevant conduct in relation to adults may include, but is not limited to:

- any action or inaction that causes emotional or psychological anguish
- any financial abuse, for example, this would include the misuse of money, valuables or property belonging to an adult.
- any intentional physical contact that results in discomfort, pain or injury
- any form of coercion or force to take part in sexual acts
- any form of neglect i.e. failure to identify and/or meet their care needs
- any verbal remark or comment that is deliberately intended to cause distress

### The Harm Test

To satisfy the harm test, there needs to be credible evidence of a risk to harm to children and/or adults receiving a regulated activity or service. This may include statements made by an individual regarding a workers conduct or behaviour which would raise a patient safety concern.

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For a case to be considered as a risk of harm, relevant conduct does not need to have occurred but there must be tangible evidence, rather than a 'feeling' that a person represents a risk to children and/or adults receiving a regulated activity or service.

### **Making a Referral**

The Disciplining Officer is usually responsible for ensuring that a referral is made if the two conditions described above are met, though in some circumstances it may be agreed that another senior manager within the Clinical Board will take on this responsibility.

The Disciplining Officer will be supported by the HR Advisor to the panel or the Clinical Board Head of Workforce and OD.

The DBS referral form and information about how to make a referral is available on the DBS website:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

It is **essential** that the safeguarding team are made aware of all DBS referrals.

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## Appendix 1

<b>ELIGIBILITY FOR A DBS CHECK</b>
<b>STANDARD CHECK</b>
Whilst not a legal requirement, the UHB is permitted to obtain a standard check for any work or activity listed in the Rehabilitation of Offenders Act 1974 which is concerned with the <b>provision of health services</b> and is of such a kind as to enable the worker or the person engaged in that activity to have <b>access to (patients) in receipt of such services in the course of their normal duties.</b>
'Access' does not include positions which only allow limited or incidental contact with patients i.e. where there is no more opportunity for contact with patients than that of a visitor to the site, or where staff are required to pass through patient areas to get to their normal place of work.
Standard checks show details of convictions held on the Police National Computer (PNC), including all spent (old) and unspent (current) convictions, together with including cautions, reprimands and final warnings which are not subject to protection under the DBS filtering rules. It may also include details of driving offences, including speeding and drink-driving.
A standard check does not show whether a person is barred from working with adults or children. If the nature of the post requires an enhanced DBS check you must obtain one.
<b>ENHANCED DBS CHECK <i>WITHOUT</i> BARRED LIST INFORMATION</b>
In addition to the information obtained in a standard disclosure certificate, an enhanced certificate may also include any additional information from local police records and any other data sources that may be relevant to the position being recruited to.
<b>ENHANCED DBS CHECK WITH BARRED LIST INFORMATION</b>
Barred list information is not routinely given with an enhanced DBS check. Only people undertaking a role falling within the definition of <b>regulated activity</b> in the Safeguarding Vulnerable Groups Act will be subject to this regime.
The level of check includes the same criminal record information as the enhanced disclosure but will also detail whether the person is barred from working with children, adults or both.
<b>REGULATED ACITIVITY</b>

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## Regulated activity in relation to children

The activities described below are regarded as a regulated activity; irrespective of how many times the individual in that role will carry out these duties with children.

- a) Registered child minder or foster carer
- b) Healthcare\* for children provided by, or under the direction or supervision of a regulated healthcare professional
- c) Physical help in connection with eating, drinking, toileting, washing, bathing and dressing for reasons of the child's age, illness or disability, or prompting with supervision or training or advice in relation to these examples, where the child is unable to decide to carry out these activities for themselves.
- d) A person who manages or supervises someone who undertakes any of the above activities will also be regarded as being in regulated activity

Healthcare includes all forms of health care relating to physical or mental health including palliative care and procedures similar to medical and surgical care.

The activities described below are **only** regarded as a regulated activity when these duties are carried out with children **regularly**.

Regularly is defined as where the activity is carried out by the same person:

- Frequently – this is more than once a month
  - Intensively – four times or more in any 30 day period
  - Overnight – between 2am and 6am
- e) Teaching, training, caring or supervising children where the activity is being carried out in an unsupervised activity
  - f) Driving a vehicle exclusively for the purpose of transporting children, where provided frequently or intensively
  - g) Working in a specified establishment where there is opportunity for contact with children (this excludes supervised contact by volunteers). A specified establishment includes education institutions which are exclusively or mainly for the provision of full time education to children, children's homes and childcare premises (this excludes children's hospitals)

## Regulated activity in relation to adults

An adult refers to any individual who is aged 18 years or over.

The definition of regulated activity in relation to adults identifies the activities which, if any adult requires them, lead to that adult being vulnerable at that particular time. The focus, therefore, is on the activities required by the adult, not the setting in which the

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activities occur, nor the personal characteristics or circumstances of the adult receiving the activities.

There are six categories of activity which fall within the definition of regulated activity for adults. These activities only need to be carried out once before they are considered to be a regulated activity:

**Healthcare** provided by, or under the direction or supervision of a regulated healthcare professional

A healthcare professional is a person who is regulated by one of the following professional regulators:

- General Medical Council
- General Dental Council
- General Optical Council
- General Osteopathic Council
- General Chiropractic Council
- General Pharmaceutical Council
- Pharmaceutical Society of Northern Ireland
- Nursing and Midwifery Council
- Health and Care Professions Council

Healthcare includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. Healthcare also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with a medical condition. An example of this is taking blood from a blood donor or cosmetic surgery

**Personal care** involving hands-on physical assistance with washing, toileting, dressing, eating, drinking, prompting and supervising an adult with any of these tasks because of their age, illness or disability, or teaching someone to do these tasks

**Provision of social work** by a social care worker which is regulated in connection with any health or social care activities.

**Assistance with cash**, bills, and/or shopping where, due to an individual's age, illness or disability, this is arranged by a third party

**Assistance in the conduct of a person's own affairs** under a formal appointment

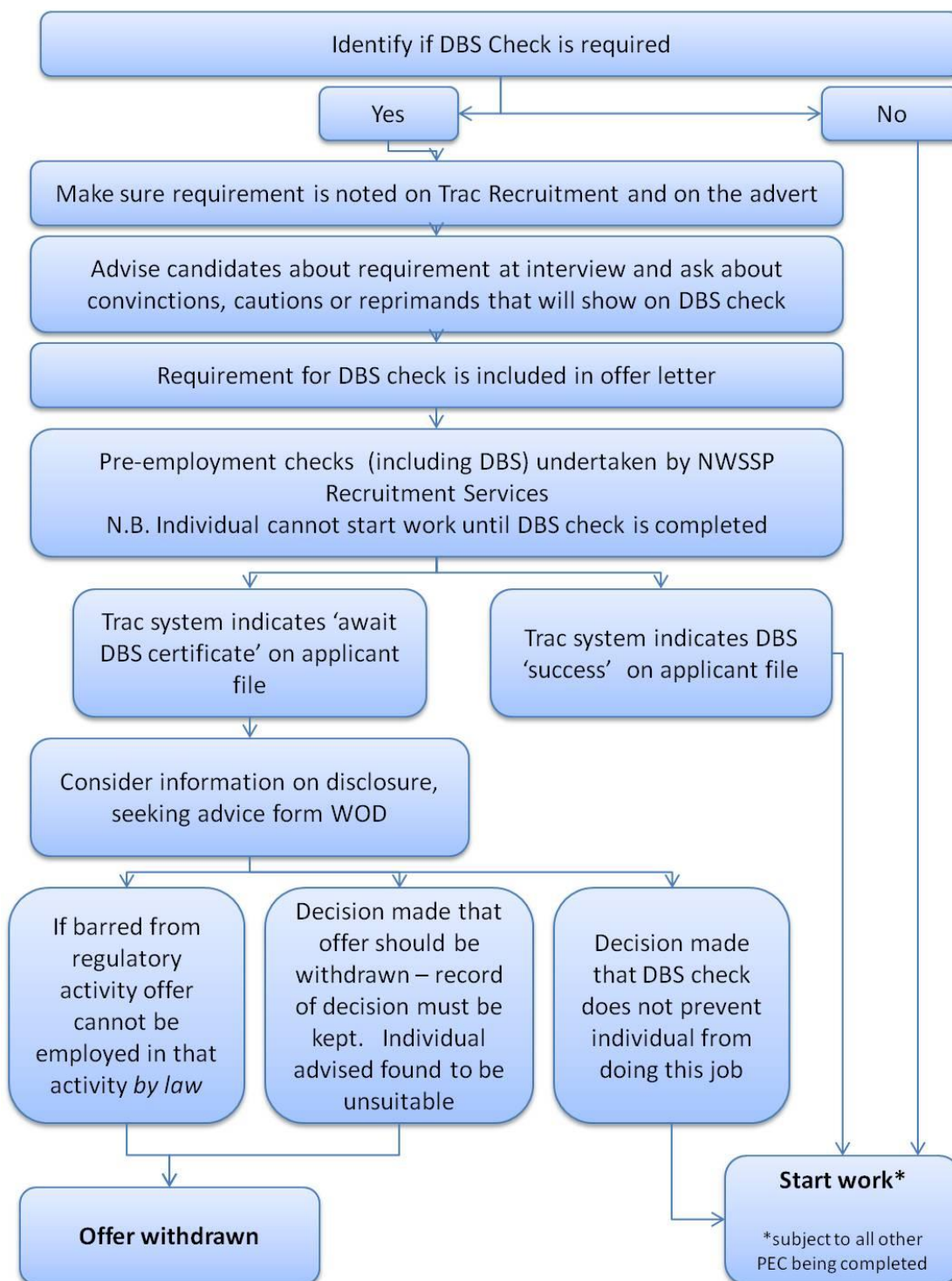
**Conveying adults** for reasons of their age, illness or disability to/from/between places where they will receive any form of healthcare, personal care, or social work arranged by a third party.

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A person whose role includes the day to day management or supervision of any person engaging in a regulated activity, will also be in regulated activity.

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### Appendix 2 – DBS Recruitment Process



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Appendix 3 – DBS Referral Process

