

<b>Reference Number:</b> UHB 179 <b>Version Number:</b> 2	<b>Date of Next Review:</b> 16 May 2020 <b>Previous Trust/LHB Reference Number:</b> T 260
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## DISCLOSURE & BARRING SERVICE POLICY

### Policy Statement

To ensure the Health Board delivers its aims, objectives, responsibilities and legal requirements transparently and consistently, the UHB recognises the importance of pre-employment Disclosure & Barring Service (DBS) checks on newly appointed employees in accordance with the following legislation:

- Rehabilitation of Offenders Act and Exceptions Order (1974)
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Police Act (Part V) (1997)
- Police Act (Criminal Records) (Amendment) Regulations 2013
- Safeguarding Vulnerable Groups Act 2006)
- The Protection of Freedoms Act 2012
- Data Protection Act 1998
- Welsh Health Circular WHC (2005) 029: Mandatory DBS Checks for all Eligible New NHS Staff
- Welsh Health Circular WHC (2005) 071: Safer Recruitment

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. This includes staff recruited from abroad. The UHB, through its recruitment and disciplinary processes, will ensure the safe recruitment and retention of staff, and the protection of patients (children and vulnerable adults).

### Policy Commitment

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. The purpose of this Policy and accompanying Procedure is to ensure a robust and consistent approach in the DBS checking and referral processes. To ensure this:

- The UHB recognises that Disclosure & Barring Service checks are an important tool in ensuring safer recruitment practices and patient safety.
- 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 could put the safety of patients at risk. All staff will be recruited appropriately in line with this Policy and the accompanying procedure.
- No staff will commence in post until completion of the full DBS process, where applicable
- At interview, or in a separate discussion, we will ensure that an open and measured

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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 or disciplinary action under the appropriate Disciplinary Policy

- In determining whether disclosure of a criminal record will lead to the withdrawal of an offer of employment, or may lead to termination of employment, consideration will be given to the nature, circumstances and background to the offences committed.
- 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.
- DBS checks will only be taken into account for recruitment purposes when a conviction is relevant, so having spent or unspent convictions, cautions, reprimands or final warning on a criminal record will not necessarily prevent:
  - successful candidates from taking up employment with the UHB.
  - Existing employees from continuing their employment with the UHB
- The UHB will meet its legal duty to inform the Disclosure and Barring Service of any member of staff who is dismissed due to safeguarding concerns, (or if action short of dismissal is taken or they resign during the investigation process) through completion of the DBS Referral form.

### **Supporting Procedures and Written Control Documents**

This Policy and the Disclosure and Barring Service (DBS) Procedure describe the following with regard to DBS checks and referrals:

- Roles and responsibilities
- Assessing the need to conduct a DBS check
- Frequency and portability of DBS disclosures
- The process for obtaining a DBS check
- Actions to be taken on receipt of a disclosure, including withdrawing an offer of employment
- Referrals to the DBS regarding safeguarding issues

**Other supporting documents are:**

[Recruitment and Selection Policy](#)  
[Disciplinary Policy](#)  
[Professional Registration Policy](#)  
[Professional Abuse Policy](#) and [Procedure](#)  
[Supporting Transgender Staff Procedure](#)

### **Scope**

This policy applies to all staff whose post requires them to have DBS clearance. For the purposes of this policy, this includes permanent, temporary, bank and agency staff as well

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as honorary contracts holders, secondees and volunteers.

<b>Equality &amp; Health Impact Assessment</b>	An Equality and Health Impact Assessment (EHIA) has been completed and this found there to be a positive impact. Key actions have been identified and these have been incorporated within this supporting procedure.
<b>Policy Approved by</b>	People, Planning and Performance Committee
<b>Groups Consulted</b>	Clinical Boards, Executive Directors, Workforce and OD, Staff Representatives, Safeguarding
<b>Outcome of Consultation</b>	No changes
<b>Group with authority to approve procedures written to explain how this policy will be implemented</b>	Employment Policy Sub Group
<b>Accountable Executive or Clinical Board Director</b>	Executive Director of Workforce and OD

**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](#).

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	29/01/2013	03/04/2013	Updated to reflect changes to disclosure and barring scheme following implementation of Protection of Freedoms Act 2012 Replaces the Disclosure of a Criminal Background Policy ref no: 260 1
2	16/05/2017	17/05/2017	Separate procedures developed in line with UHB format. DBS Referral process added.