

## Scope

This policy applies to all employees at the Care Group. This policy does not form part of any contract of employment and it may be amended at any time following approval from the Board.

## Introduction

This policy provides guidance on the effective use of the DBS Disclosure process to safeguard the children and adults who access our services.

Tower Hamlets GP Care Group [THGPCG] is committed to safeguarding the welfare of people accessing our services and will use the Disclosure & Barring Service [DBS] to support this.

## DBS checks and when to use them

THGPCG uses the DBS process as part of a range of checks for assessing the suitability of job applicants, volunteers, contractors, agency staff, people changing job roles within the organisation and in relation to the continued employment of people in relevant job roles.

There are five types of check available:

Standard DBS Check - used for post with specific organisational responsibilities, such as legal and accountancy roles. Standard DBS checks only include a check of the police national computer and do not include police information or the children's or adults barred lists.

Enhanced DBS Check - used where someone has patient contact in the course of their work but does not directly provide care to the patient and is therefore not working in a regulated activity. This level of check involves a check of the police national computer and police information.

Enhanced Check for Regulated Activity [Children] - used when someone is undertaking regulated activity relating to children. This involves a check of the police national computer, police information and the children's barred list.

Enhanced Check for Regulated Activity [Adults] - used when someone is undertaking regulated activity relating to adults. This involves a check of the police national computer, police information and the adults barred list.

Enhanced Check for Regulated Activity [Children and Adults] - used when someone is undertaking regulated activity relating to both children and adults. This involves a check of the police national computer, police information and the children's and adults barred list.

Enhanced checks will be carried out for all prospective employees working in regulated activities. In relation to the provision of healthcare, regulated activities are:

#### Regulated activity – children

- 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]

#### Regulated activity – adults

- Healthcare provided to adults by, or under the direction or supervision of, a regulated health care professional
- Personal care for adults involving hands-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

#### **Transgender process**

DBS offers a confidential checking process for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS certificate.

Further details are available from the DBS website.

#### **Validity of DBS Disclosures**

There is no period of validity for a DBS Disclosure. A DBS Disclosure is technically out of date on the day it is issued as new information can be recorded at any time after the check has been completed.

Under THGPCG contracts of employment individuals are required to inform their manager if they are cautioned, charged, summonsed or convicted of a criminal offence during their period of employment. Failure to disclose such information can lead to disciplinary action being taken.

#### **DBS Update Service and Portability**

Individuals can subscribe to the DBS Update Service when they are having a DBS check or receive a DBS disclosure certificate, and there is an annual charge for this. Subscription for volunteers is free of charge.

Portability refers to the re-use of a DBS Disclosure, obtained for a position in one organisation and later used for a position in a new organisation.

To enable portability the employer carries out a free online status check. This confirms whether an individual's disclosure certificate is up to date. If there is new information related to the individual this is shown in the online status check and a new DBS check is required.

Subscription to the DBS update service is voluntary but where an individual does subscribe they should inform their manager as this is likely to speed up any recruitment process and any rechecking.

### **Receipt of DBS Disclosure**

When a DBS check is carried out the Disclosure document is provided to the individual employee or job applicant.

A copy must be presented to the relevant manager for inspection within three days of receipt. The following details will be recorded:

- Date of issue of the check
- Full name and date of birth of the subject
- Type of check requested
- Whether the children's and/or adults barred list was checked and the outcome
- Position for which the check was requested
- The unique reference number of the check
- Details of any employment decision taken following receipt of the check

### **Commencing work before the DBS Disclosure has been received**

Depending on the job role, a new employee would not usually start until a relevant DBS Disclosure is received. However, this is possible in exceptional circumstances, where there is an urgent need to appoint because of the risk to patient safety.

Approval to commence work prior to receipt of a satisfactory DBS Disclosure is subject to risk assessment and the following conditions and appropriate safeguards being put in place:

- All other pre-employment checks have been satisfactorily completed
- The CRB application has been fully completed and is being processed
- The employee can be accompanied by another healthcare professional with a satisfactory DBS Disclosure when working with patients
- There is evidence of a previous check that has been done within the last three years

A written record will be kept of the assessment carried out and any safeguards put in place. Approval from the Safeguarding lead for the organisation and the relevant Clinical Director is required.

### **DBS Disclosure requirements for people changing job roles in the organisation**

If an individual with a DBS Disclosure undertaken at THGPCG moves to a different job role in the organisation the existing check will be sufficient if all the following criteria are satisfied:

1. The type of DBS Disclosure required [Standard / Enhanced / Enhanced + relevant barred list check] is the same for the old and new post
2. The individual has not had a break in service of more than three months
3. The new role does not involve a significant increase in responsibility for and contact with children and/or adults

### **DBS Disclosure - rechecking employees**

DBS checks are carried out as part of the unusual pre-employment checking procedures when an employee joins the organisation.

New DBS checks are carried out for existing employees in relevant posts every three years.

Where an existing worker's DBS Disclosure reveals a criminal background or any cause for concern the guidance in the following section should be used.

### **DBS Disclosure with information of concern**

If the DBS Disclosure reveals a criminal record or details that may be of concern this may not automatically prevent the individual from working with THGPCG, or continuing to do so. However, THGPCG will not employ anyone who is barred from working with children and/or vulnerable adults. In all other cases an assessment is required to determine the risk of employing or continuing to employ the individual and identify any safeguards that should be put in place.

The risk assessment should consider the following:

- the requirements of the role and the level of supervision the individual will receive
- the seriousness of the offence/issue raised and its relevance to the safety of employees, service users, clients or property
- how relevant the offence is to the role being undertaken
- How much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of offending
- whether the individual's circumstances have changed since the offence was committed making re-offending less likely
- whether the individual was open and transparent about their past and declared their criminal background prior to receiving the DBS Disclosure

To assist the assessment it may be appropriate to meet the individual and discuss the matter in more detail.

Possible outcomes of the assessment:

- Job offer withdrawn
- Disciplinary action commenced
- Safeguards put in place

- Individual offered redeployment

The Adverse DBS Risk Assessment – New Recruits form should be completed. A copy should be kept on the recruitment file and also on the employee file if the individual is appointed.

Approval from the relevant Care Group Director is required.

### **DBS Disclosures for agency workers, contractors, subcontractors or volunteers**

Agencies are required to give written assurance that any staff placed in relevant posts have been DBS checked within the last 12 months.

Bank staff covering eligible posts are required to have a DBS check every 12 months.

### **Referral to DBS**

Individual employees should be referred to DBS in the following circumstances:

1. They have been permanently removed from 'regulated activity' through dismissal or permanent transfer or they would have been removed or transferred if they had not left, resigned, retired or been made redundant
2. It is believed that they have been cautioned or convicted of a relevant offence, engaged in behaviour that has harmed a child or adult or put them at risk of harm
3. Regardless of points 1 and 2, it is believed that a risk of harm to a child or adult exists

In these circumstances there is a legal duty to refer and this overrides any obligation to withhold information on the grounds of confidentiality.

A referral should only be made once an investigation into the conduct of concern has taken place.

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Produced 17 July 2017



DBS Risk Assessment  
Form - July 17.docx