

Policy:

Disclosure and Barring Service (DBS) Checks Policy & Procedure



Sheffield Health
and Social Care
NHS Foundation Trust

Executive Director Lead	Executive Director of People
Policy Owner	HR Business Partner
Policy Author	HR Business Partner

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Summary of policy

This policy gives clear guidance on the processes that must be followed for the appointment and ongoing employment of all eligible individuals employed by SHSC in relation to criminal record checks. Ensuring that new and existing staff are suitable to work within the roles which they are employed. This policy is based on good practice and complies with the Rehabilitation of Offenders Act 1974, DBS Code of Practice and NHS Employers guidelines.

The changes made to this version of the policy are summarised in the enclosed amendment.

Target audience	All managers, employees, governors and volunteers of SHSC Trust
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Keywords	Criminal, records, checking, disclosure, barring, DBS, update service
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Storage

This is Version 5 and is stored and available through the SHSC Intranet/Internet. This version supersedes the previous Version 4 [March 2018]. Any copies of the previous policy held separately should be destroyed and replaced with this version.

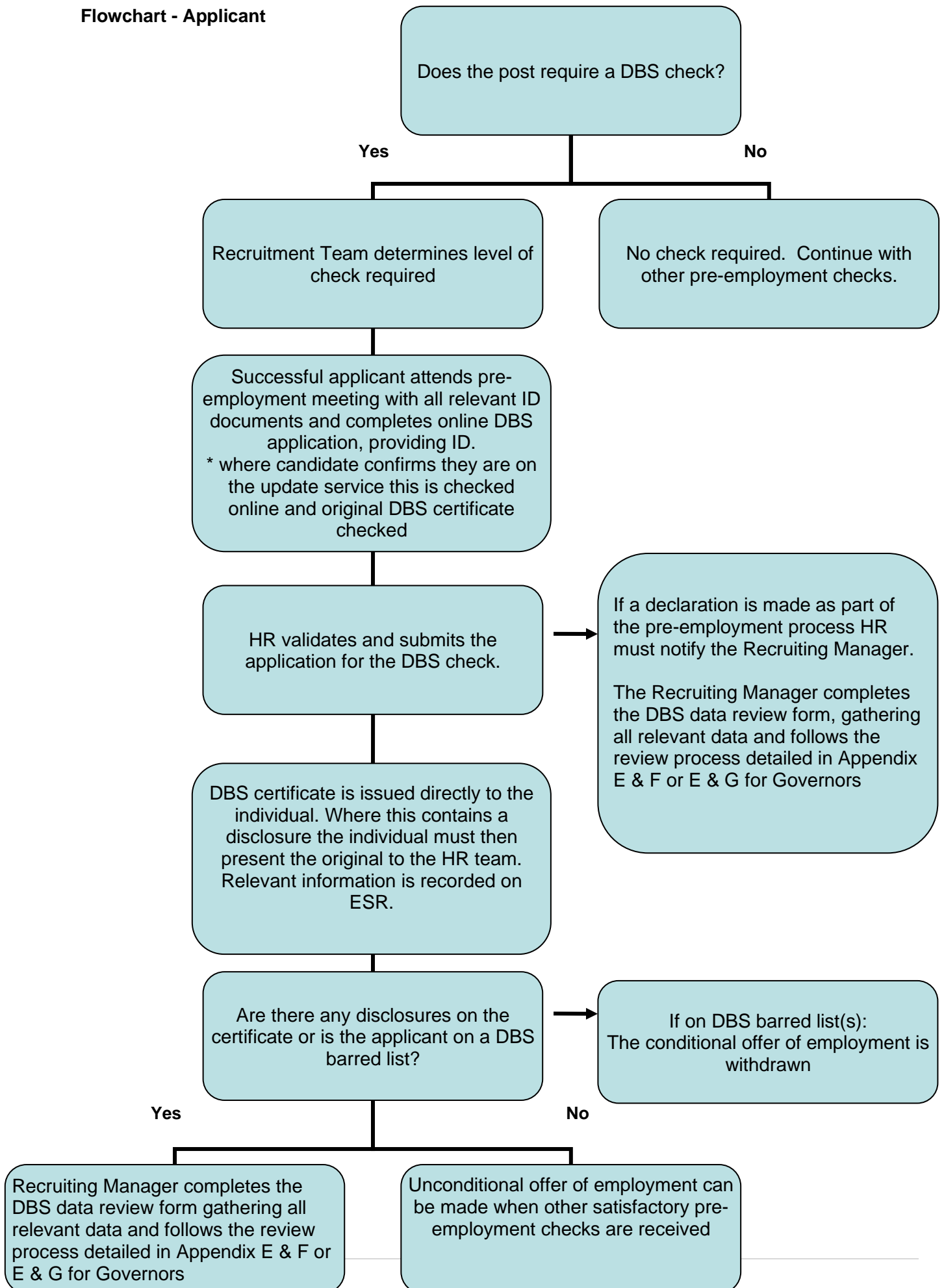
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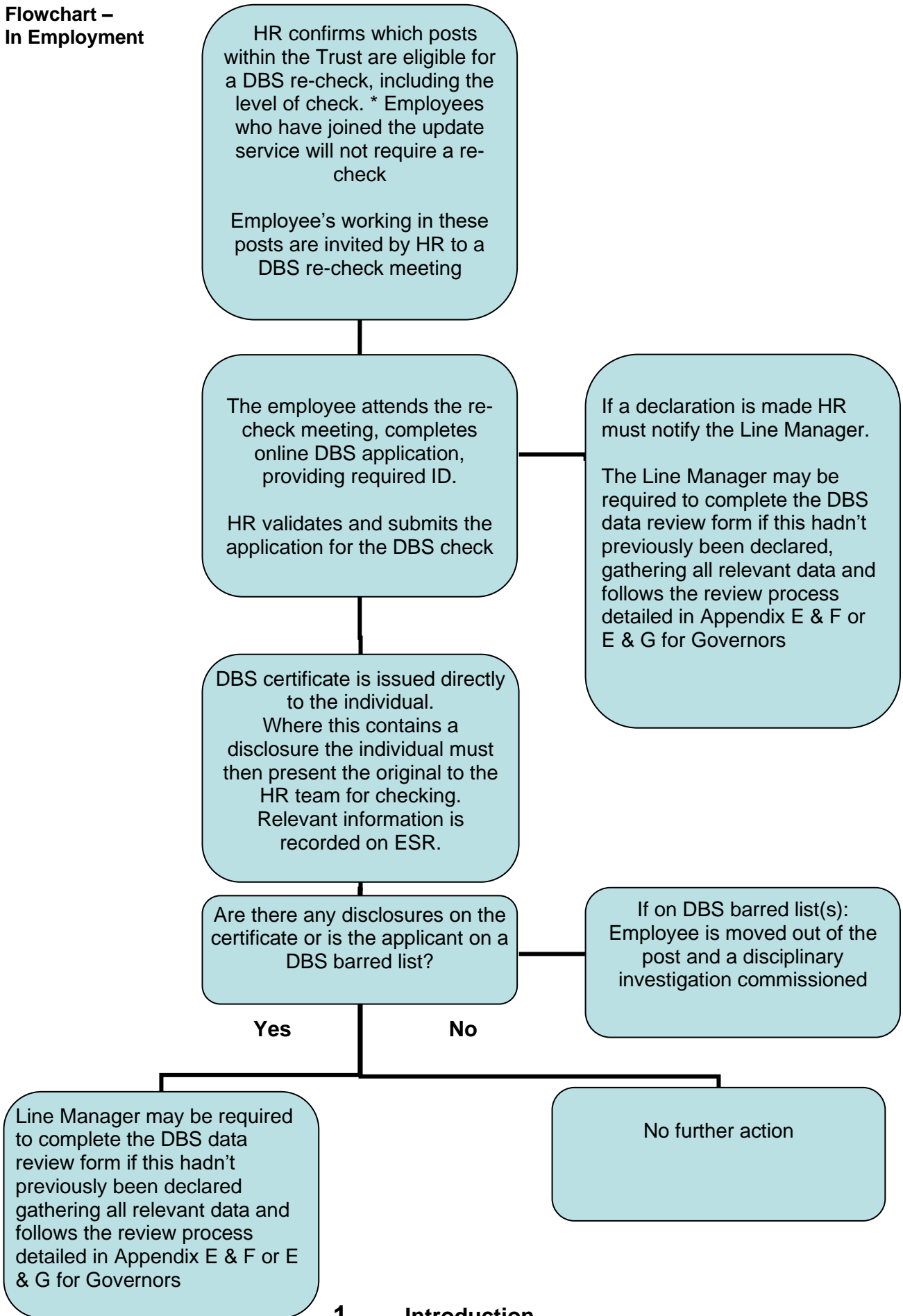
Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
4	Policy reviewed and consulted on.	January 2018	New policy written to incorporate changes in process for Governors
	Approval, ratification and issue	March 2018	Amendments made during consultation, prior to ratification are as above
5	Policy reviewed and consulted on.	July 2020	Early review undertaken to update the policy in order to provide clarity on regularity of DBS checks for staff during the course of employment. Other changes: Payment of DBS pre-employment where identified hard to recruit posts. Include greater guidance on using the update service
	Approval and issue	December 2020	
	Ratification	January 2021	

Flowchart - Applicant



**Flowchart –
In Employment**



1. Introduction

The Disclosure and Barring Service (DBS) was created following the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). A CRB check is now called DBS check and the two lists previously maintained by ISA of individuals who are unsuitable to work with children and adults are now call DBS 'barred lists'.

A DBS check may be needed for staff and volunteers with access to children under 18 years of age, vulnerable adults, those who carry out a regulated activity or who are in other positions of trust.

The Trust is committed to the fair treatment of its staff, governors, volunteers, potential staff and users of its services, regardless of offending background. DBS checks are conducted for both new appointments to the Trust and existing staff, governors and volunteers. This policy provides guidance for all.

2. Scope

This policy and guidance applies to all employees, candidates to whom a conditional offer of employment has been made, and volunteers for roles in which they have direct access to patients, vulnerable adults and children which is deemed regulated activity as well as governors and volunteers.

Rehabilitation of Offenders Act 1974

The Trust meets the requirements under section (2) of the Rehabilitation of Offenders Act 1974 to ask exempted questions. Individuals who are offered employment with or who during their existing employment have access to children less than 18 years of age, vulnerable adults or are in other positions of trust will be required to obtain criminal records check from the DBS.

Existing Employees

For the purposes of this policy existing employees will include anyone who holds a contract of employment with Sheffield Health and Social Care Trust. This includes employees with permanent, temporary, fixed term, flex and bank contracts. The policy also applies to honorary contract holders, volunteers working for the Trust, Non-Executive Directors, governors and Associate Managers.

Applicants

For the purposes of this policy applicants will include anyone who is offered a post with Sheffield Health and Social Care Trust, subject to pre-employment checks. This includes applicants for permanent, temporary, fixed term and bank positions. It also includes individuals applying for honorary contracts and to become governors, volunteers or Associate Managers.

Agency workers

For the purpose of this policy agency workers will include anyone who works into the Trust but is employed by an approved agency.

Self Employed Contractors

For the purpose of this policy self-employed contractors will include anyone who undertakes work on behalf of the Trust and for whom an 'off-payroll' arrangement is in place in relation to the payment of their fees.

3. Definitions

Regulated Activity Work which involves close and unsupervised contact with vulnerable groups and children. This covers the provision of health and / or social care by or under the supervision of a health professional, including triage services and medical advice provided over the phone. It covers the provision of personal care and / or household assistance to an adult who needs it because of their age, illness and / or disability.

Vulnerable Adult The new definition of regulated activity relating to adults no longer labels adults as vulnerable; instead the definition identifies the activities which, if any adult requires them lead to that adult being considered vulnerable at that particular time.

Disclosure Describes the service provided by the DBS and the document issued to the applicant and Registered Body when a DBS check has been completed.

Evidence Checker A person within the Trust who is authorised to check original Identity documents and record on the online form that they have verified the original documents supplied by the DBS applicant.

Counter-signatory A person within a Registered Body who is registered with the DBS to countersign paper applications.

Lead Counter-signatory An appointed figure within a Registered Body who has overall responsibility for the use of the DBS checks in their organisation.

PoCA Protection of Children's Act.

PoVA Protection of Vulnerable Adults.

DBS Update Service An online subscription service that allows individuals to keep their standard and enhanced DBS certificates up-to-date. It also allows employers to check a certificate online, with the individuals consent provided they are applying for a position which requires the same level of check.

4. Purpose

This policy has been written to provide clarity and guidance to all those who are, or are planning to work with children or vulnerable adults and those recruiting them; it explains the processes necessary to protect them, these groups and the Trust. It also provides guidance on dealing with any convictions that may arise from a DBS check.

5. Detail of the policy

The Department of Health has devolved responsibility for providing advice and guidance on safer recruitment to NHS Employers. This guidance covers all the pre- and post-employment checks that employers are required to make before appointing anyone to a position in the NHS and is designed to prevent unsuitable people obtaining employment in the Trust.

5.1 Levels of disclosure

There are three levels of DBS disclosure, basic, standard and enhanced:

Basic Check - this will contain details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

Standard check (Standard Disclosure) – will show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer;

Enhanced check (Enhanced Disclosure)- contains the same information as the Standard disclosure plus any relevant and proportionate information held by local police forces as well as a check of the new Children and / or Vulnerable Adults barred lists where requested.

The level at which a disclosure is processed depends on whether the individual is working in a “Regulated Activity” or not.

Basic disclosures are only processed as agreed by the Trust. The Trust DBS lead should be contacted for guidance in the first instance.

The Trust is restricted to only carrying out DBS checks at the appropriate level for the role.

6. Duties

Managers are responsible for;

Ensuring that staff have the required level of DBS check prior to commencement in post unless in exceptional cases an appropriate risk assessment has been completed and authorised.

Ensuring that staff understand their responsibilities in line with this policy taking appropriate action where a disclosure is made using the relevant documentation and escalate as appropriate.

The applicant is responsible for;

Completing the appropriate declarations honestly and accurately as required by the Trust.

Completing the online application form at the pre- employment meeting and providing the identification required.

Staff are also encouraged to sign up for the DBS update service.

The employee is responsible for

Informing their line manager immediately if they are subject to criminal proceedings as detailed in their contract of employment completing the online application form at the re-check meeting and providing the identification required.

Staff are encouraged to maintain registration with the DBS update service.

The Human Resources Department is responsible for;

Undertaking DBS checks at the pre-employment stage, administering the ongoing application process, checking ID documentation and processing checks with the DBS.

Updating ESR with DBS disclosure information in line with this policy providing advice on the next steps if a disclosure is made during the application process.

Providing advice on the next steps following receipt of a DBS certificate that details disclosures or bars an individual from working with children or vulnerable adults.

Escalating concerns to the relevant Directors, concerns may include employee continually failing to attend for a recheck meeting.

7. Procedure

A disclosure carries no period of validity – disclosures are for use immediately after issue at the point of recruitment for a particular post. Recruitment will process an Enhanced Disclosure for existing staff already undertaking Regulated Activity, who move by secondment, promotion, or transfer to another Regulated Activity, and have never had a CRB/ DBS disclosure carried out before, or has a disclosure that is more than three (3) years old.

The above will apply unless the employee has joined the DBS Update Service, in which case no check will be required unless a different level of check is now required. A new disclosure will also be processed where a previously issued disclosure does not contain a PoCA or PoVA check where one is required.

7.1 DBS checks for applicants

The requirement to have a DBS check is assessed on a job by job basis by the recruiting manager with advice from the DBS Lead where required. Recruiting Managers will state the level of check required within their recruitment requests. These requirements will be clearly stated on job adverts.

If it has been determined that the post requires a DBS check, applicants will be required to undertake a DBS check before an unconditional offer of appointment is made. The process is detailed in appendix C.

In exceptional circumstances employees may be allowed to start work before a full and satisfactory DBS check has been received. In these exceptional circumstances the Recruiting Manager would need to first discuss the case with the Service Director and evidence that they have considered the potential associated risks. Managers are required to complete the pre-employment risk assessment with appropriate consideration and sign off by the Service Director and submit this to the Recruitment Officer. The Recruitment Team will not progress an application without this being fully approved. Once approved by the Service Director the following additional safeguards must be put in place including a detailed plan within the risk assessment outlining appropriate measures to be taken.

If a new employee is going to care for or support children under the age of 18 a satisfactory enhanced DBS check must be **received before** they begin to do so.

Failure to reveal information at the application stage and/or preemployment meeting could lead to the withdrawal of an offer of employment, or action under the Trust's Disciplinary Procedure.

Having a criminal record will not necessarily bar individuals from working within the Trust, the nature of the position and the circumstances and background of the offence would be considered.

7.2 DBS checks for existing employees

Once an individual is working with the Trust in a position that requires a DBS check, the Trust will undertake re-checks on a rolling three yearly basis.

As detailed in the contract of employment employees must immediately notify their line manager if they are cautioned, charged or convicted of a criminal offence. Guidance upon what constitutes criminal proceedings is available from the Human Resources Department. Failure to reveal information that is directly relevant to their position could lead to action under the Trust's disciplinary procedures. Once a manager is aware of the new information an assessment on the impact of the caution, charge or conviction on the employee's ability to continue in their role must be undertaken in line with section 7.9 of this policy.

Where an existing employee changes roles within the Trust, the Recruitment Team and Recruiting Manager will assess if a DBS check is appropriate for the new post.

7.3 DBS checks for agency workers

The Trust will only use approved Agencies with a National Agency Framework Agreement with the Crown Commercial Services (CCS) to supply temporary staff, being confident that they can comply with the Trust's requirement to ensure satisfactory DBS checks are obtained. This will include the checking of the DBS lists (where the agency worker will have contact with vulnerable adults or children) before Agency workers commence working within the Trust. The providing Agency will be responsible for undertaking DBS checks and must notify the Trust immediately if they become aware of any criminal proceedings or the agency worker is barred from working with vulnerable adults or children

If the Trust discovers an agency worker has a criminal record that was not previously disclosed or the individual is currently being investigated for a criminal offence or placement on one of the barred lists, the engagement with the worker will be terminated immediately, and the Agency should be notified. The worker will not be allowed to work for the Trust again until the Trust has been satisfied that the offence does not have an impact on their work.

7.4 DBS checks for self-employed contractors

Where the Trust engages the services of self-employed contractors, they will be required to undertake a DBS check with the Trust at the appropriate level as per all new starters to the Trust. The manager is responsible for sharing the DBS information with the Recruitment Team who will retain a record of this.

7.5 DBS checks for Governors

Governors who are newly elected or newly appointed by a stakeholder organisation will be required to undertake a DBS. The Trust will undertake re-checks on a rolling three yearly basis.

As detailed in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 5 Fit and Proper Persons Requirement, governors must immediately notify the Director of Corporate Governance (Board Secretary) if they are cautioned, charged or convicted of a criminal offence. Guidance upon what constitutes criminal proceedings is available from the Human Resources Department. Failure to reveal information that is directly relevant to their position could lead to action taken in line with the Trust's Constitution. Once the Director of Corporate Governance (Board Secretary) is aware of the new information an assessment on the impact of the caution, charge or conviction on the governor's ability to continue in their role must be undertaken in line with section 7.9 of this policy.

7.6 Payment for DBS checks

Applicants are normally required to fund the DBS check, however where recruiting managers identify the posts are 'hard to recruit' the fee may be waived. This will be determined at the recruitment planning stage.

Where a post is identified as 'Hard to recruit' the Trust will fund the initial DBS check and candidates are asked to join the DBS update service and maintain registration during employment with the Trust. This attracts an annual fee to be paid by the individual. It is not mandatory to join the update service, although staff are strongly encouraged to do so.

7.7 The Application Process

Whenever an individual is required to undertake a DBS check they will be required to attend a meeting with a member of the HR Team. The application is made online and takes around half an hour. Details of the I.D. documents required at the meeting are confirmed with the individual in advance by a member of the HR team, information and advice can also be found at www.gov.uk.

Where an individual applying for a disclosure makes a declaration at the application stage, HR must immediately share this information with the relevant manager and a DBS review form be completed and considered by the relevant Director and Safeguarding.

7.8 DBS Update Service

The DBS update service aims to improve the speed of the recruitment process and enable efficient re- checking on a 3-yearly basis. The DBS update service will enable people to move roles within the NHS or to other sectors without the need for a new DBS check, provided there have been no updates to their certificate since the date of last issue. Employees would only need a new DBS check if they were changing the type of vulnerable group they were working with. Further information about the update service can be found by following this link, <https://www.gov.uk/dbs-update-service>.

Joining the update service is voluntary and does carry an annual charge which

employees would be responsible for paying. Employees would need to join the update service at the same time that they are applying for a new DBS check, or within 28 days of receipt of their certificate. Joining the update service is free for volunteers.

7.9 Reviewing Disclosure Information

Where a Disclosure received by the Trust reveals previously undisclosed convictions, the manager must be immediately informed and in discussion with HR any immediate actions required including completion of the DBS Review Form (Appendix E). Completion of the form will allow the parties to gather all the relevant information needed when considering the disclosure. When considering what action needs to be taken, the following factors should be taken into consideration:

- Whether the conviction revealed is relevant to the position in question
- The nature of the offence
- The length of time since the offence
- Whether the individual has a pattern of offending behaviour
- Is there a potential risk to others?
- If so, what is the degree and nature of this risk?
- Whether the individual's circumstances have changed since the offending behaviour
- The circumstances surrounding the offence and the explanations offered by the individual
- Has the individual declared this conviction at the earliest stage, e.g. at the time of completing the DBS documentation or at another stage in the recruitment procedure is applicable?
- Does further information need to be gathered as part of this review?
- Is it appropriate to contact other relevant authorities e.g. police, safeguarding etc for further investigation? In these cases the Line Manager, or the Director or Corporate Governance (Board Secretary) in the case of governors, would co-ordinate this with the support of the HRDP.

Once the review has been completed, the relevant Executive Director, in conjunction with a Safeguarding Representative will make a decision as to whether the individual can be accepted for employment or continue in their current role given the nature of the offence/conviction. Following investigation if it is felt that an individual has misled the Trust or withheld relevant information on the DBS documentation or during the recruitment process their offer of employment will be withdrawn (if they are a prospective employee). If the individual is a current employee this may constitute gross misconduct and disciplinary action will be taken in line with the Trust's Disciplinary Procedure.

In the case of governors, the Trust Chair will make the decision with advice from the Director of Corporate Governance (Board Secretary), Executive Director of People and a Safeguarding Representative as to whether the Governor can continue in the role. If a review identifies any specific disqualification criteria detailed within Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Fit and Proper Persons Requirement or the Trust's Constitution paragraph 15.1.3 and Annex 6, paragraph 3, the governor will no longer be eligible to hold office and termination will take place in line with the requirements of the Trust's Constitution, Annex 6, paragraph 3.3.

The suitability for engagement of any kind with the Trust of a person with a criminal record will vary, depending on the nature of the position. An assessment of an applicant's skills, experience and nature of the conviction should be weighed up against the level of risk to

cause harm or damage in that position. This decision will be discussed with the individual and confirmed in writing, with reasons for the decision. If the outcome is a recommendation to consider the dismissal of an existing employee as a result of this matter, the appropriate disciplinary proceedings will be held in line with the Trust's Disciplinary Procedure.

In these cases, the DBS documentation and relevant investigation notes will be kept on the individual's personal file or recruitment file in a sealed envelope addressed 'Only to be opened by the Executive Director of People or Deputy and an Executive Director or Deputy or Director of Corporate Governance in the case of a governor.

In instances where no further action is taken, the matter must still be discussed with the individual concerned and their attention brought to the requirement of them to notify the Trust of warnings, reprimands, cautions or convictions that will show on their next Disclosure.

The DBS Review forms to be used are available at appendix E, F and G.

7.10 Enhanced Disclosure Reveals Individual Is Barred

If an enhanced DBS with list checks is completed and reveals that the applicant is on the DBS barred list the offer of employment will be withdrawn. Should an existing employee be on a DBS barred list the Trusts Disciplinary Policy will apply and the individuals will be suspended, placed on restriction of duties or moved to another work location.

8. Development, consultation and approval

As an organisation using the DBS Disclosure service, the Trust complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligation under the Data Protection Act (2018) and other relevant legislation in the handling of such information. Further details are contained in appendix H.

Staff Side colleagues were consulted on at the Joint Policy Group in October 2020. The policy will be submitted to Policy Governance Group for approval in December 2020. Recommendation from PGG will be submitted to the People Committee in January 2021 and ratification obtained.

The Joint Consultative Forum minutes record the status of this policy – dated October, November, December 2020 and January 2021.

This policy will be posted on the Sheffield Health and Social Care NHS Foundation Trusts website and available to all staff, governors and volunteers. It will be accessed via the Human Resources web pages and available on the policies and procedures page. All previous versions of the policy will be deleted.

An e-mail will be sent to managers within the Trust informing them of the changes to the policy.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
Audit at recruitment and re-checking stages	Audit	HR Senior Management Team	Quarterly	People Committee	HR Senior Management Team	People Committee

The policy review date is 31st December 2023.

10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Upload new policy onto intranet and remove old version	Communications Team via Corporate Governance	Dec 2020	January 2021
Make HR team aware of new policy and any changes to processing	HR Business Partner	Dec 2020	As required
Overall accountability	Executive Director of People	~	~

11. Dissemination, storage and archiving (version control)

This section should describe how the new policy will be disseminated. It says where the policy will be made available and to whom. This will normally be that the policy is available on the Trust's intranet and available to all staff.

It makes it plain that any previous versions must be deleted and describes the archiving and storage arrangements for the current and previous versions of the policy. It says who is responsible for archiving and version control, and what they should do.

Version	Date on website and internet	Date of entry in Connect (all staff communication)	Any other promotion/ dissemination (include dates)
5	Dec 2020	Dec 2020	N/A

This is Version 5 and is stored and available through the SHSC Intranet/Internet.

This version supersedes the previous Version 4 [March 2018].

Any copies of the previous policy held separately should be destroyed and replaced with this version.

All versions of HR policies are stored on the HR Shared Drive by the policy author and the PA to the Executive Director of People.

Word copies of final versions of policies can be obtained from Policy Governance via the PA to the Executive Director of People.

12. Training and other resource implications

The Recruitment & Selection training for recruiting managers in the Trust will make reference to this policy. The training will go through the process for obtaining DBS checks and give managers the opportunity to discuss any issues and seek further clarification.

Those individuals responsible for conducting the checks will receive training on document verification and the relevant systems as required. The implementation of the 3 yearly DBS check will require additional administrative resource within the HR Team.

13. Links to other policies, standards, references, legislation (associated documents) and national guidance

Links to other policies include;

Recruitment Policy

Management of Personal Files Policy

Disciplinary Policy

Engaging Individual Self-Employed Contractors - Procurement Policy

This Policy is based on good practice and complies with the Rehabilitation of Offenders Act 1974, DBS Code of Practice and NHS Employers guidelines.

14. Contact details

Job Title	Name	Phone	Email
Executive Director of People	Caroline Parry	0114 22 63960	Caroline.Parry@shsc.nhs.uk
Recruitment	Recruitment Team	0114 22 63301	

The Recruitment Team should be contacted for advice regarding processing DBS checks for applicants and employees. Contact the Recruitment Officers via the HR Department on 0114 22 63301.

Members of the Human Resources Advice Team should be contacted for advice and support for other issues relating to criminal convictions. Contact an HR Adviser via the HR Department on 0114 22 63301.

15. References

NHS Employers

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

DBS

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

DBS Update Service

<https://www.gov.uk/dbs-update-service>.

<https://www.nhsemployers.org/case-studies-and-resources/2019/07/dbs-update-service-guidance>

Equality Impact Assessment Process and Record for Written Policies

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public? This should be considered as part of the Case of Need for new policies.

NO – No further action is required – please sign and date the following statement.
I confirm that this policy does not impact on staff, patients or the public.

I confirm that this policy does not impact on staff, patients or the public.

Name/Date: SEE BELOW

YES, Go to Stage 2

Stage 2 Policy Screening and Drafting Policy - Public authorities are legally required to have ‘due regard’ to eliminating discrimination, advancing equal opportunity and fostering good relations in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
Age	No	No	No
Disability	No	No	No
Gender Reassignment	No	No	No
Pregnancy and Maternity	No	No	No
Race	No	No	No

Religion or Belief	No	No	No
Sex	No	No	No
Sexual Orientation	No	No	No
Marriage or Civil Partnership	No		

Please delete as appropriate: - Policy Amended

Impact Assessment Completed by:
Name /Date Emily Seville, HR Business Partner

Commencing employment prior to receipt of DBS - Supervision form

To be completed by the Recruiting Manager and returned to the Recruitment Team.

In exceptional circumstances, prior to the receipt of the DBS disclosure form, if you have put systems in place to ensure that the successful candidate for this post can be supervised AT ALL TIMES, they may be allowed to start in employment with the Trust provided that the DBS Adult First check has been undertaken. You must sign and return this form to the Recruitment Team, confirming that until a satisfactory DBS Disclosure is received you will not allow the appointed applicant to work without supervision. In addition the following additional safeguards should be put in place:

- The line manager should contact service users, or others acting on their behalf at weekly intervals to monitor their satisfaction with the care provided by the new employee and any complaints which may arise
- The line manager should inform service users or others acting on their behalf, about the outstanding information, and tell them when it is received.
- The Trust ends the new employee's contact with service users, or others acting on their behalf where it is considered that the outstanding information (when received) is not satisfactory.

Position:			
DBS Reference Number:			
Applicant Name:			
Line Manager:			
I confirm that the person appointed to the above post is able to commence in post and will be supervised at all times until a satisfactory DBS Disclosure is received. I understand that in order to commence in employment a completed Disclosure Application Form must be submitted to the Recruitment Team.			
Signed Hiring Manager		Signed by Service Director *	
Date:		Date:	
Details of first review or arrangements	(to be completed by line manager and recruitment officer and agreed with Director)		
Date:			
Details of second review of arrangements	(to be completed by line manager and recruitment officer and agreed with Director)		
Date:			

Please continue on a separate sheet as necessary, *can be delegated to Assistant Service Director or Equivalent

Completing a Disclosure Application Process - Applicants

1. Once a conditional offer of employment has been made candidates are invited to a pre-employment meeting with a member of the Recruitment Team where the process of pre-employment checks begins. This includes making an online application for a DBS certificate or for candidates who are registered with the DBS Update Service, checking the DBS Update Service along with associated original DBS certificate.
2. At the pre-employment meeting, where an online DBS check is required the prospective employee and the member of the Recruitment team complete the online application for a DBS Certificate, this includes checks of relevant I.D. documentation being undertaken and certified copies being taken.
3. The prospective employee, whether they are on the Update Service or not, is required to sign a disclosure providing details of anything that may be disclosed on the DBS certificate. For candidates who require a DBS check to be undertaken a repayment form will need to be completed to confirm that they agree to the cost of the check being deducted from their first month's salary, should they be appointed to the post. If anything is disclosed or identified at this point the information must be reviewed as per section 7.9 of this policy and the relevant forms completed and retained.
4. For those requiring a DBS check, once the application is completed a DBS Disclosure Certificate is produced and confirmation of this is updated online through the DBS application system for the Recruitment Team to review. A copy of the DBS certificate will also be posted to the candidate's home. The Recruitment Team will take a note of the issue date and certificate number and the details will be logged on the ESR system and NHS Jobs.
 - a. In instances where nothing is declared ESR is updated. The hiring manager is notified and subject to other pre-recruitment checks being completed, employment can commence.
 - b. In instances where there is a declaration to be reviewed the candidate is required to show the original certificate to show the details for consideration. The hiring manager is notified and they undertake a review in line with section 7.9 of this policy completing the relevant forms. Once the Disclosure information has been gathered and reviewed it is referred to the relevant Executive Director, who in conjunction with the Executive Director of People and Safeguarding Representative make a decision if the conditional offer of employment will be withdrawn or if the recruitment can continue. The forms are to be retained by the recruitment team.

Where an offer of employment is to be withdrawn the relevant HRDP or HRA will advise on the process to be followed. In instances where the applicant has already started work with the Trust, disciplinary action may be considered instead of withdrawing the offer of employment.

5. Where it has been agreed that the applicant can commence work with the Trust the recruitment process will continue, the signed DBS Repayment form is sent to Victoria Pay Services and the cost of the certificate is deducted from the first available salary.

Completing a Disclosure Application Process – Existing Employees

1. When the renewal time is reached for conducting a criminal record check, eligible employees (those whose roles require a DBS check and are not registered with the update service) will be asked to attend a re-check meeting with a member of the HR team. Failure to comply with a request to attend a meeting to undertake a criminal record check may result in action under the Trust's Disciplinary Procedures.
2. At the re-check meeting the employee and the member of the HR team complete the online application for a DBS Certificate; this includes checks of the required I.D. documentation being undertaken and certified copies being taken.
3. The employee is required to sign a disclosure providing details of anything that may be disclosed on the DBS certificate. If anything is disclosed at this point the information must be reviewed as per section 7.9 of this policy and the relevant forms completed and retained by HR.
4. Once the application is completed a DBS Disclosure Certificate is produced and confirmation of this is updated online through the DBS application system for the HR Team to review. A copy of the DBS certificate will also be posted to the candidate's home. The HR Team will take a note of the issue date and certificate number and the details will be logged on the ESR system.
5. In instances where there is nothing declared there is no further action and details of the check will be stored in ESR.
6. In instances where there is a declaration or disclosure to be reviewed, the employee is required to present the original DBS certificate to the HR Team for review and will take a photocopy of the certificate. HR will inform the line manager who will be required to undertake a review in line with section 7.9 of this policy completing the relevant forms.
7. Once the Disclosure information has been gathered and reviewed the information is referred to the relevant Executive Director, who in conjunction with the Executive Director of People and Safeguarding Representative make a decision on any further action required, outcomes at this stage could include;
 - a. Take no further action. The line manager will speak to the employee to inform them of the Disclosure and the review that took place and remind them of their requirement to notify the Trust in a timely manner of any incidents that will appear on their next Disclosure and that failure to notify the Trust may result in Disciplinary action under the Disciplinary Procedures
 - b. In instances where the DBS review has indicated that further investigation and possible action may be required under the Disciplinary Procedures, the line manager will notify the employee as soon as possible.
 - c. In instances where the Disclosure is of a very serious nature the employee may be suspended from work, placed on restricted duties or moved to another work location while investigations are completed under the Trust Disciplinary Policy.

DBS Disclosure Information Review Form

DBS Ref Number		Date Presented to SHSC or Date Disclosure Made	
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Section 1 (to be completed by Line Manager/HR)

Individual's Name					
Individual's Role					
Individual's Department & Location					
Individual's Managers Name					
Applicant	Y / N	Working Under Supervision	Y / N	Existing Employee	Y / N
Nature of disclosure(s) to be considered: (provide all details including dates)					
What information would the individual like to be taken into account, if any, in relation to the disclosure:					

Section 2 (to be completed by Manager / HR)

1. Did the individual bring this matter to the attention of the Trust at the earliest opportunity, either on the application form, at the pre-employment meeting, during the selection process or during the re-check meeting?			
Yes		No	
If no, what reason has the individual given for failing to disclose the information?			
2. What implication does it have for the individual's suitability to undertake the role? (you must be specific, commenting on specific tasks required of the role and the impact the disclosure would have please refer to section 6.9 of the DBS policy)			
3. Please provide any other information you feel is relevant:			

Please complete and return this form to Human Resources as soon as possible, it will then be shared with the relevant Director, Executive Director of People and Safeguarding who will agree any action to be taken.

Signed: Manager		Dated:	
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DBS Decision Form

DBS Ref Number	
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Section 1 (to be completed by HR)

Individual's Name	
Managers Name	
<p>When reviewing the information gathered consideration should be given to;</p> <ul style="list-style-type: none"> • Whether the conviction revealed is relevant to the position in question • The nature of the offence • The length of time since the offence • Whether the individual has a pattern of offending behaviour • Is there a potential risk to others? • If so, what is the degree and nature of this risk? • Whether the individual's circumstances have changed since the offending behaviour • The circumstances surrounding the offence and the explanations offered by the employee • Why has the individual not declared this conviction at an earlier stage, e.g. at the time of completing the DBS documentation or at another stage in the recruitment procedure? • Does further information need to be gathered as part of this review? • Is it appropriate to contact other relevant authorities e.g. police, safeguarding etc for further investigation? In these cases the Line Manager would co-ordinate this with the support of the HRDP. 	

Section 2 - to be completed by Exec Director / Executive Director of People / Safeguarding representative

1. Is the conviction relevant to the individual's role with SHSC?		
Yes		No
2. What implication does it have on the individual's suitability to continue in their role?		
<p><i>(It may help to think in percentage terms, for example: DBS notification identifies a driving offence. The employee is not required to drive as part of their role and the offence will not stop them from performing in their role = 0% impact.)</i></p>		

3. Has the relationship of trust broken down?			
Yes		No	
4. For Applicants should the conditional offer of employment be withdrawn?			
Yes		No	
4. For employees does the matter need to be addressed under the disciplinary procedure? Please provide details of action to be taken:			
5. If action is being taken under the disciplinary procedure does suspension, restriction of duties of a move to another location need to be considered?			
Yes		No	
If yes please provide further details:			
Signed: Executive Director		Dated:	
Signed: Executive Director of People		Dated:	
Signed: On Behalf of Safeguarding		Dated:	

DBS Decision Form -Governor

DBS Ref Number	
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Section 1 (to be completed by HR)

Governor's Name	
Director of Corporate Governance (Board Secretary)	
<p>When reviewing the information gathered consideration should be given to;</p> <ul style="list-style-type: none"> • Whether the conviction revealed is relevant to the position in question • The nature of the offence • The length of time since the offence • Whether the individual has a pattern of offending behaviour • Is there a potential risk to others? • If so, what is the degree and nature of this risk? • Whether the individual's circumstances have changed since the offending behaviour • The circumstances surrounding the offence and the explanations offered by the individual • If not, why has the individual not declared this conviction at an earlier stage, e.g. at the time of completing the DBS documentation or at another stage in the procedure? • Does further information need to be gathered as part of this review? • Is it appropriate to contact other relevant authorities e.g. police, safeguarding etc for further investigation? 	

Section 2 - to be completed by Board Secretary / Safeguarding representative

1. Is the conviction relevant to the individual's role with SHSC?		
Yes		No
2. What implication does it have on the individual's suitability to continue in their role?		
<p><i>(It may help to think in percentage terms, for example: DBS notification identifies a driving offence. The individual is not required to drive as part of their role and the offence will not stop them from performing in their role = 0% impact.)</i></p>		

3. Has the relationship of trust broken down?			
Yes		No	
4. Does the matter need to be addressed in line with the Trust constitution? Please provide details of action to be taken:			
Signed: Director of Corporate Governance		Dated:	
Signed: On Behalf of Safeguarding		Dated:	
Signed: Trust Chair		Dated:	

Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure information

General principles

Sheffield Health and Social Care 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 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should 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. We 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 is only 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.

To note: those registered care homes which are inspected by the Care Quality Commission (CQC), those organisations which are inspected by Ofsted and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may retain the certificate until the next inspection. Once the inspection has taken place the certificate should be destroyed in accordance with the code of practice.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example 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.