

## DISCLOSURE & BARRING SERVICE POLICY (DBS)

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<b>Author / Originator(s):</b>	Tamsin Parnham, HR Officer
<b>Name of Responsible Committee/Individual:</b>	Chief People Officer
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## **REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW**

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**2020** – This policy has been updated and sections reordered/ combined.

It now includes the requirement for DBS checks to be repeated every 3 years for individuals in volunteer roles.

The Declaration forms have been updated (appendix 4)

Addition of the annual declaration form (appendix 5)

**2019** - This policy has been updated to ensure that all of the external and local links to additional information are up to date and accurate.

It now confirms that transgender applicants are able to exclude previous names from the disclosure application form.

The DBS Checks Required for Posts at UHL (Appendix 5) has been updated following discussions with TRAC and the DBS to ensure that the Trust are applying for the appropriate level of check.

The statement of ex-offenders has been updated to the newest version.

The DBS Assurance form has been removed as no longer used.

Addition of new Declaration forms (appendix 4).

DBS referral information and process added (appendix 7).

This policy has been updated to include the revised Recruitment Process now that TRAC (Applicant Tracking system has been implemented).

The Assessment of Disclosure Information form has been added (appendix 1).

**2016** - This policy has been updated to ensure that all of the external and local links to additional information are up to date and accurate.

The policy now confirms that Candidates employed from Overseas positions will need to provide an Overseas Police Check and have a DBS Check Carried out once they have arrived in the UK.

The DBS Checks Required for Posts at UHL (Appendix 5) has been updated following discussions with the Atlantic Data and the DBS to ensure that we are applying for the appropriate level of check.

## **1 INTRODUCTION AND OVERVIEW**

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UHL has a duty of care to protect the safety and wellbeing of patients. The Trust must therefore have in place measures to ensure that it does not employ or continue to employ individuals who might be considered unsuitable to work with, or have access to vulnerable patients.

This document sets out the University Hospitals of Leicester (UHL) NHS Trust's Policy and Procedures for managing Disclosure & Barring Service (DBS) checks for existing and prospective staff and volunteers to UHL. UHL will never knowingly employ anyone in a post meeting the definition of "Regulated Activity" if the person is on one of the DBS's Barred

Lists. All other criminal information disclosed as part of a DBS check will be assessed on a case by case basis and in accordance with specific legislation and guidance, e.g. Rehabilitation of Offenders Act 1974. An explanation of the aim(s) of the document. All offers of employment to work at UHL are made conditional upon satisfactory completion of pre-employment checks, of which DBS is a part.

References are made throughout this document, to other Trust Policies, procedures guidelines and legislation, all of which should be read in conjunction with this policy to ensure a detailed and thorough understanding. A summary of these policies and legislation can be seen in section 10.

## **2 POLICY SCOPE**

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This policy applies to all UHL staff members involved in the recruitment and selection process of staff/workers who work within the Trust. This will include, but may not be limited to, substantive staff, staff on fixed term contracts, volunteers, honorary appointments, students, trainees and bank workers. Executive and Non-Executive Directors are also included, as directed by the Fit and Proper Persons Test.

It also applies to staff involved in the appointment of workers to the Trust, who are employed through a third party, e.g. agency workers, contractors, or highly mobile staff.

All existing UHL staff need to be aware of their responsibilities under this policy and their contract of employment in the event of any notifiable incidents occurring during the tenure of their employment with the Trust.

Adhering to this policy will ensure compliance with the NHS Employment Checks Standards, published by NHS Employers ([www.nhsemployers.org](http://www.nhsemployers.org)). The standards include those checks that are required by law, those that are required by the DoH Policy and those that are required for access to the NHS Care Records Service.

## **3 DEFINITIONS AND ABBREVIATIONS**

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DBS – Disclosure and Barring Service

CRB – Criminal Records Bureau

CMG – Clinical Management Group

ESR – Electronic Staff Record

TRAC – The application management system UHL started using in December 2016

DoH – Department of Health

CQC – Quality Care Commission

Social Care - all forms of personal care and other practical assistance for children, young people and adults who need extra support

## 4 ROLES AND RESPONSIBILITIES

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**4.1 Executive Lead** - The Chief People Officer has lead responsibility to ensure that appropriate systems are in place to address issues arising in relation to harassment of the workforce.

**4.2 Resourcing Lead** - The lead of Recruitment Services is responsible for ensuring that appropriate systems to support this policy are designed, implemented, updated, monitored and audited to ensure compliance. Also responsible for working alongside the HR Lead/ Business Partner to report anyone who has been barred and aims to seek employment in a regulated activity to the Police and the DBS, as this is a criminal offence.

**4.3 Recruitment Services Team** - Responsible for ensuring that the relevant DBS check is undertaken for candidates, and ensuring that they comply with the policy and work within the systems that support it.

**4.4 Staff Bank Manager/Locum Bookers Manager** - To ensure that the relevant DBS check is undertaken for temporary bank/locum workers or third party workers and that this is monitored and audited on a regular basis.

**4.5 Volunteer Services Co-ordinator** - Ensure that the relevant DBS checks are undertaken before volunteer staff commence and at 3 yearly intervals, and that this is monitored and audited on a regular basis.

**4.6 Recruiting Manager** - must never knowingly engage an individual in regulated activity work for which they are barred from undertaking. The Assessment of Disclosure Information form (appendix 1) will need to be completed with the HR Lead/ Business Partner to ensure the recruitment can continue. Particular attention should be given to offences which could result in the individual being barred from working with adults or children in a regulated activity role.

**4.7 Managers** - Have responsibility for ensuring that they comply with this policy and that the required DBS checking, monitoring or audit processes required for staff, placements or contractors within their sphere of responsibility are undertaken. Managers must immediately act upon any information provided to them by an existing or prospective employee regarding their criminal background. Managers must ensure the annual declaration of criminal offences is completed at the time of an employee's appraisal.

**4.8 Managers and HR professionals** - Managers and HR professionals involved in the dismissal or removal of an employee/worker from regulated activity duties, due to harming or posing a risk to vulnerable groups, are legally required to refer information to the DBS. This duty to refer applies in the event of an individual leaving the Trust's employment prior to a decision being taken. Please refer to the conditions set out in appendix 8.

**4.9 Head of Safeguarding** – Have responsibility for ensuring that the Trust promotes welfare, ensuring individuals are kept safe and protected from abuse or neglect.

**4.10 Staff, individuals who have successfully applied for a post at UHL, volunteers and workers (or any individual providing services to UHL)** have a responsibility for providing the Trust with information and documentation as appropriate in relation to the DBS and this policy. E.g. personal documentation required to undertake a DBS check if required. If this information is not provided, then applications for employment cannot be progressed. These requirements are made clear to employees who apply for posts at UHL.

**4.11 Every employee** is responsible for ensuring that they adhere to this policy, and the terms in their contract of employment relating to criminal records and disclosure. All contracts of employment include a requirement for staff to disclose to UHL any criminal conviction and police investigations / legal proceedings which could result in a conviction, caution, bind over or charges or warnings incurred since their initial appointment, bank or volunteer agreement.

Failure to inform / disclose details to the Trust is a disciplinary matter and may result in disciplinary action, up to, and including dismissal.

**4.12 Existing and prospective staff / workers** must not apply for a regulated activity role in the knowledge that they are barred from undertaking such work, as this is a criminal offence.

**4.13 Payroll Services** are responsible for ensuring that recovery of the DBS charge is deducted from the employee's salary over a three month period from the date of their commencement in post.

**4.14 TRAC e.DBS Countersigning Team** – These external administrators are responsible for countersigning UHL's DBS applications and checking the DBS levels being requested are justified.

## **5 POLICY STANDARDS AND PROCESSES**

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This policy aims to ensure that the Trust is fully compliant with legislation relating to criminal records and barring and is fully compliant with NHS Employers standards and has processes in place to ensure this compliance.

### **5.1 Criminal Convictions and Employment in the NHS**

**5.1.1** A criminal conviction does not necessarily prevent someone from working in the NHS. Some types of offences however e.g. violence or sexual abuse may indicate that an applicant is unsuitable to have access to patients and should not be employed. Any disclosure of a conviction will be considered in the light of all circumstances, including:

- Age of the applicant at the time of the offence,
- Applicant's subsequent record,
- Relevance of the offence to the post for which the application is made.

**5.1.2** Managers must follow the correct procedure following a positive DBS disclosure (see section 5.3) and use the assessment of disclosure of information (appendix 1). This must be completed to document the decision.

Any recruitment decisions must be made in accordance with the DBS’s Code of Conduct [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice) and the Rehabilitation of Offenders Act 1974. See UHL’s policy Statement on the Recruitment of Ex-Offenders, (Appendix 3).

**5.1.3** To prevent and limit any confusion for candidates, reference will be made throughout the recruitment process of the need for all criminal records to be disclosed along with the DBS being received. The DBS declaration forms A and B will be utilised to obtain this information from candidates at conditional offer stage (Appendix 4).

**5.2 Levels of Disclosure and Eligibility**

**5.2.1** The Trust is responsible for identifying whether a DBS disclosure is needed and the level required.

The level of DBS clearance for prospective staff wishing to work at UHL or take up a new job at the Trust will be determined by the type of work the individual will be undertaking and where the work is carried out.

**5.2.2** The DBS offers three levels of Disclosure, depending on the type of work involved in the post:

<b>Standard</b>	<b>Enhanced</b>	<b>Enhanced with Barred Lists (Adults and/or Children)</b>
<p>The standard DBS check shows spent and unspent convictions, cautions, reprimands and final warnings.</p> <p>This check is required for individuals in roles that involve regular patient contact, but who are not providing health or personal care. This could include a ward based administrator.</p>	<p>The enhanced DBS check shows the same as a standard check, plus any information held by local police that’s considered relevant to the role.</p> <p>This check is required for individuals in roles that have regular patient contact with those in vulnerable groups, but are not providing health or personal care. This could include a receptionist in the Childrens’ Hospital or a chaplain.</p>	<p>The enhanced with barred list DBS check shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role in the list specified (adults and/or children).</p> <p>This check is for roles that include regulated activity (providing health and personal care to patients) such as doctors, nurses and other qualified clinical staff.</p>

For further information on regulated activity and what that includes, see Regulated Activity definition (Appendix 2).

For further information on the main categories of staff and their DBS check requirements at UHL, see DBS Checks required for posts at UHL (Appendix 6).

**5.2.3** Basic disclosures which reveal current convictions are only available from Disclosures Scotland and will be requested when a DBS at this level is required.

**5.2.4** NHS Employers has a DBS Eligibility Tool which can also be used for determining the level of DBS required. This can be accessed online at <https://www.nhsemployers.org/case-studies-and-resources/2018/08/dbs-eligibility-tool>

### **5.3 Recruitment Process**

#### **5.3.1 New employment appointments to UHL**

The Recruitment Services Team is responsible for undertaking pre-employment checks for all new employment appointments to the Trust and will therefore arrange for a DBS check to be carried out at the appropriate level.

The Recruiting Manager will notify the Recruitment Services Team of an offer to be made and the level of DBS check required. The Recruitment Services Team will then check this is correct against appendix 6 and, if required, the DBS Eligibility Tool.

Once a conditional offer has been made, the pre-employment checks will commence and candidates will be asked to complete a declaration A or B form (Appendix 4) which will be reviewed by the Recruitment Services Team. If there are any offences declared it will be sent to the Recruiting Manager to review.

The candidate will receive an electronic DBS application via email to complete online, and will be required to attend a face to face ID appointment to produce original documentation acceptable to the DBS and NHS Employers. Once this is complete, the DBS application is submitted electronically via TRAC recruitment system. TRAC are the counter signatory for UHL and they will check the level of DBS is appropriate and submit the application to the DBS.

If the outcome of the DBS is clear, TRAC will automatically update the system that this pre-employment check is complete. If there is a positive disclosure outcome, Trac will notify the recruitment contact that the certificate contains information.

The certificate is only sent to the applicant. In the event that the certificate contains information and the disclosure outcome reveals criminal history, they will be asked to



bring the original of the disclosure certificate to Recruitment Services. The information will be confidentially shared with the Recruiting Manager and the below guidance of completing the Disclosure of Information form (appendix 1) will need to be followed:

<b>Guidance on completing the Disclosure of Information form (appendix 1)</b>	
<b>Part 1</b>	The Recruiting Manager will need to complete Part 1 of the form. This is to determine if they can continue with the recruitment without further investigation and check whether the offences were declared on the application form, at interview or on the declaration form, discussing with a representative of the HR Generalist Team if further advice is required.
<b>Part 2</b>	<p>If they are not able to sign off Part 1, Part 2 of the Disclosure of Information form needs to be completed. This is to be discussed with the aligned HR Lead/ HR Business Partner and Safeguarding Lead where appropriate, for their consideration.</p> <p>Together, the Recruiting Manager and the HR Lead/ HR Business Partner will review and determine if this is of sufficient concern to warrant withdrawal of an offer. Part 2 of the of the Assessment of Disclosure Information form is to be completed to confirm how to proceed, and then returned to Recruitment Services as a record of discussion</p>
<b>Outcome – Continue with Offer</b>	If the decision is made to continue with the recruitment, a copy of the DBS certificate will be held in a locked filing cabinet for 6 months to allow for consideration and resolution to any disputes or complaints
<b>Outcome – Withdraw Offer</b>	Any decision to withdraw the conditional job offer will be made after a full and fair assessment of the candidate's circumstances, including discussions with the candidate. It is the recruiting manager's responsibility to inform the candidate of any decision to withdraw a conditional offer of employment. Recruitment Services will then follow this up with an email sent from TRAC confirming the application has been withdrawn.

Unless the disclosure shows that the candidate is on one or both of the Barred Lists, the presence of a criminal history will not automatically be a barrier to employment at UHL. For example where there is no relevance to the post applied for. Each case will be considered as outlined in section 5.1.

A record of the DBS information will be retained for all candidates on ESR and in the personal record to include:

- The DBS certificate issue date
- The level of the check request – e.g. standard, enhanced
- The unique reference of the certificate
- The outcome – e.g. post to be offer, withdrawn

### 5.3.2 Risk Assessments

Risk assessments can only be completed in exceptional circumstances where there is a delay in receiving the DBS disclosure, and it is essential for the employee to commence in post. This must only be done in the following 2 circumstances: -

1. Where a full risk assessment and adequate supervisory arrangements are in place
2. Where the DBS application has been fully completed by the individual and the Trust, and has been submitted.

A risk assessment (appendix 7) must be carried out in relation to the particular post, including the level of supervision that can be guaranteed until the DBS is received.

Risk Assessments must not be considered for a post that involves working with children. In exceptional circumstances advice should be sought from a senior member of the HR Generalist team.

The agreement to proceed to appoint on the basis of a risk assessment, in exceptional circumstances can only be agreed between the Clinical Director/CMG General Head of Operations/CMG Head of Nursing or Midwifery or equivalent level of seniority as appropriate and the relevant CMG HR Lead / Resourcing Lead.

For Doctors in educationally approved training programmes, separate arrangements exist and are detailed in section 5.4.

For applications received from Abroad separate arrangements exist and are detailed in section 5.3.4

### 5.3.3 Exceptional Circumstances

During times of exceptional emergency circumstances that affect the wider NHS, NHS Employers will publish temporary check requirements which will provide a safe level of assurance and flexibility which UHL will comply with.

### 5.3.4 Staff Recruited from Abroad

A certificate of good conduct or overseas criminal record check must be provided from the candidate in accordance with that country's justice system and UK requirements when recruiting from abroad. Specific guidance can be found at: <https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-an-employer> .

A DBS check must also be requested for eligible posts even if the candidate claims they have never lived in the UK before as, in a small number of cases, overseas

criminal records are also held on the Police National Computer (PNC). This should be requested within 3 months of the staff member's commencement date.

Overseas criminal record information may be returned in a different language and may therefore have to be officially translated. Any associated costs will be met by the individual.

### 5.3.5 Existing Employees

There is no legal requirement to carry out retrospective or periodic DBS checks on existing employees. UHL does not therefore routinely undertake retrospective or periodic checks.

A new DBS check is not routinely required where an existing member of staff moves job and their roles and responsibilities have not changed (e.g. the post they are moving to would require the same level of DBS check that currently applies to their existing role). Existing staff will still be required to complete Declaration Forms A or B as relevant (see Appendix 4) However, a new DBS check will be required in the following circumstances:-

- When the individual has never had a DBS check at UHL and is moving to a position that requires a DBS check, or if there are no DBS details recorded on ESR.
- The role requires a higher level of DBS check or a DBS check with barred list check and this has not previously been undertaken.

Where there is a delay in obtaining a DBS check the individual can only commence work in the new post in accordance with the risk assessment in section 5.3.2.

All contracts of employment include a requirement for staff to disclose to UHL any criminal conviction and police investigations / legal proceedings which could result in a conviction, caution, bind over or charges or warnings incurred since their appointment. This requirement is also included on Bank Worker Agreements, Voluntary Worker Agreements and Unpaid Placement letters.

All employees are required to complete an annual declaration at their appraisal (see appendix 5) to declare any spent or unspent convictions, police cautions, final warnings or reprimands which are not protected (or filtered out) by Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order.

The employee is required to complete the declaration as part of their appraisal paperwork, in advance of their meeting. If a positive declaration is made then advice can be sought from the HR Generalist Team

If a positive DBS check is received containing information on an existing employee, or the employee declares a convictions during their employment/ annual declaration the line manager and a representative from the HR Generalist team will meet with the employee to discuss the implications this could have. It may lead to the Trust's disciplinary process being implemented which could result in the termination of employment.

#### **5.4 Doctors in Training**

- 541** Doctors in educationally-approved rotational training programmes are regarded as being in continuous employment during the term of their training and are therefore required to have a DBS check, as a minimum, once every three years, rather than each time they change rotation.
- 542** The onus is on the receiving employer to seek written assurances from the host/previous employer that appropriate clearances have been obtained within the last three years. UHL may undertake DBS checks more frequently, but any additional checks must be proportionate to risk, e.g. where assurances cannot be obtained, or where there is a specific concern about the individual's practice or criminal behaviour.
- 543** It is recommended that at the start of an educationally approved rotational training post an enhanced level check with both Barred Lists is undertaken. This is due to the likelihood of the individual working in regulated activity with both adults and children during the course of their training programme. The cost of this will be met by the Doctor.
- 544** For the purposes of this policy, UHL have interpreted educationally approved rotational training posts to include:
- Appointments to posts that attract a NTN (National Training Number)
  - LAT appointments (Locum Appointment to Training) unless there has been a break of service between appointments.
  - Foundation Years 1 & 2 (FY1,2)
  - Core Training Years 1 & 2 (CT1,2)
  - Specialty Training Years 1 and above for the East Midlands Region (ST1+)
- 545** If the initial appointment is made to UHL, an enhanced DBS with both barred lists will be undertaken and a summary of this information will be provided to other NHS organisations who are part of an approved training rotation, upon request.

**546** If the rotation commences with another employer, UHL accept a DBS originally requested by another NHS organisation or University dated within 3 years of the commencement of the rotation.

**547** If appropriate assurances cannot be received then the Doctor will either:

- Delay their commencement with UHL,
- Commence employment with UHL on a risk assessment if appropriate (see section 5.3.2 and appendix 7) and work under supervision until such assurances or a DBS has been received

**548** In the event of the educationally approved rotational training post being over three years in duration prior to the next rotation to UHL, then UHL will apply for a new DBS. The cost of this will be met by the Doctor. In such situations and where there are no concerns regarding the individual's practice or criminal behaviour then this should not delay the next rotation from commencing, providing the original check was at the appropriate level.

**5.4.10** UHL reserve the right to undertake a DBS check at any point during the educationally approved rotational training post should information be available that would warrant such action.

## **5.5 Professional Students on Placement with UHL**

**5.5.1** DBS Disclosures should be requested by Higher Educational Institutions (HEIs) as part of their admissions procedure for healthcare students where a training placement has been arranged and the candidate has been provisionally accepted.

**5.5.2** Where appropriate assurances cannot be obtained prior to the commencement of the placement, a new DBS will be requested, the cost of which will be met by the student.

**5.5.3** Where there is a delay in obtaining appropriate assurances / a new DBS, students may take up their placement providing appropriate safeguards are put in place. This will include a risk assessment (section 5.3.2 and appendix 7) which, if approved will ensure that the student works only in a supervised capacity. In the event that constant supervision cannot be guaranteed, the placement will not commence.

## **5.6 Agency Workers, Locums and Bank Staff**

All Bank and Temporary workers who work for UHL are subject to the same pre-employment checks as those recruited to substantive posts. A satisfactory DBS check must be undertaken prior to the Bank or Temporary staff commencing their induction for the organisation.

Please refer to the *Temporary Staffing Policy & Procedure (B58/2011)* for further information.

## 5.7 **Contractors**

The contractor must undertake DBS checks where the role of the contracted person(s) requires it. This must be made clear in the terms of the agreement between UHL and the contractor and regular monitoring of this should take place. Where there is no agreement to this requirement, then that contractor should not be used.

## 5.8 **Voluntary Staff**

*Please refer to Volunteer UHL Policy (B23/2013)*

The eligibility criterion for a DBS check is the same regardless of whether the individual is a paid employee or volunteer and the full principles of this policy will apply.

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 the purposes of this policy the term unpaid means that the individual must not:

- Receive payment for the activities (other than travel or 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.

Voluntary staff meeting the above criteria will be eligible for free of charge DBS checks which will be carried out on application and at 3 yearly intervals by Volunteer Services.

## 5.9 **Work Placement Students, Clinical Attachments and Honorary Appointments**

*Please refer to UHL Policy for Unpaid Placements and Work Experience Policy (B7/2016)*

The minimum age at which a DBS can be requested is 16 years old.

Students aged 16-19 years who are on work experience placements engaging in activity with vulnerable groups will not be required to have a DBS on the basis that the roles they are undertaking will involve them observing or carrying out minor duties under full direct supervision. Provided the constant level of direct supervision can be

maintained a DBS will not be required. If constant direct supervision cannot be maintained then the post will not be considered for work placement/ experience.

Clinical Attachments are also supervised posts and provided the constant level of supervision can be maintained, a DBS will not be required.

Applicants coming into the Trust on an honorary contract/ letter of authority will not require a DBS for UHL, providing assurances can be received from the organisation they are employed with, that they have an appropriate level DBS using the application form in the Unpaid Placement Policy. If this cannot be confirmed or if the applicant is not already employed, then UHL Recruitment Services must apply for a DBS at the applicant's expense.

## **5.10 Transgender Applicants**

*Please refer to UHL Policy Trans and Non-Binary Employees (B38/2011)*

The DBS has a separate application procedure, which allows Trans applicants to exclude previous names from the Disclosure Application Form. Applicants however will still be required to send details of their previous identity in a separate letter directly to the 'Sensitive Casework Manager' within the DBS. The DBS will then check the data sources held against both current and previous names. This avoids the need for disclosure about gender history or former name to the employer at the application stage, but allows the DBS to carry out the requisite checks against any previously held identities.

## **5.11 DBS Portability and the Update Service**

**5.11.1** Portability refers to the reuse of a DBS disclosure obtained for a position in one organisation and later used for another position in another organisation.

**5.11.2** A DBS has no term of validity and only provides information known at the point of issue; therefore UHL will not accept disclosures undertaken by other organisations for the use in the Trusts standard recruitment process. The only exceptions to this will be where the candidate has signed up to the DBS Update service where UHL can check to determine if the DBS still remains active and that there have been no changes. Separate arrangements exist for Doctors in educationally approved posts (refer to section 5.4) and for Work Placement Students, Clinical Attachments and Honorary Appointments (refer to section 5.9)

**5.11.3** The Disclosure and Barring Service Update Service enables individuals to be able to transfer their DBS check between organisations. This service also enables real time checks on DBS status to be undertaken. Applicants can choose to subscribe to the DBS Update Service for an annual fee. Registration needs to be made within 28 days of receiving the DBS certificate. The service has been designed to allow those who are eligible for a DBS check to move posts including between different organisations

more quickly where their activities do not change the level of check required or the type of access to vulnerable groups.

**5.11.4** No new DBS would be required for a candidate who has already subscribed to the update service, providing the necessary on line check has been made and there is no change in status (through the unique identifier provided by the candidate) and that the original DBS certificate has been seen. The DBS also needs to be the exact same level as the one required in the new role due to the legal declaration required. If the level already held is higher or lower a new DBS will need to be carried out.

## **5.12 Storage, Handling, Retention and Disposal of DBS Disclosures and Information**

**5.12.1** The principles and requirements for secure storage, handling, use, retention and disposal of disclosures, and disclosure information will be in accordance with the DBS guidance.

**5.12.2** Once a decision has been made and the candidate has been issued with a contract of employment, details of the DBS check to include certificate number, date issued and the level of DBS will be entered onto the Trust's Electronic Staff Record (ESR).

**5.12.3** DBS checks are undertaken on line via an external company, TRAC, who are UHL's countersignatory (with the exception of Volunteer Services). The system is secure and access is granted to the Recruitment Services team, who as part of their role have a legitimate need to access and process such information.

**5.12.4** Prior to June 2013 details of relevant criminal convictions were issued to employers on a Disclosure Certificate. From June 2013 Disclosure Certificates are no longer routinely issued to employers and are received by the individual on whom the check is made. Copies of certificates will be requested from the candidate when there has been notification received that there may be information of potential importance to roles at UHL.

**5.12.5** For appointed candidates where a criminal history has been disclosed and a paper copy of the disclosure certificate received by UHL, copies will be stored in a lockable filing cabinet for a period of 6 months. This retention period allows for consideration and resolution of any disputes or complaints. The disclosure certificates will be destroyed using the Trusts agreed confidential waste procedures after 6 months.

**5.12.6** Only in exceptional circumstances will the original/copies of disclosure certificate be retained for longer than the 6 month period and only when such actions can be reasonably justified.

**5.12.7** An acceptable DBS does not necessarily mean that the successful candidate does not have the potential to be a risk to vulnerable patients. Appointing decisions must therefore be made in conjunction with all of the other pre-employment checks



including employment history and references (refer to UHL's Recruitment and Selection Policy (B43/2009) for more details).

**5.12.8** Once in post, managers must continue to be vigilant. If there are any concerns about a worker or employee's conduct in relation to their contact with patients, then the manager needs to take immediate action and seek advice from their CMG HR Lead/ Business Partner.

### **5.13 Making a referral to DBS**

**5.13.1** A referral is information about a person and tells the DBS of concerns that an individual may have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm. Employers in the NHS have a legal duty to refer to the Disclosure and Barring Service (DBS) in certain situations, including where the worker has been supplied by a personnel supplier, for example, an agency or third-party contractor. The legal duty still applies if the individual has resigned before a formal decision to either dismiss or remove them from regulated activity has been made.

When a person has been referred, the DBS consider if they need to be added to a barred list(s). Once a person is placed on a barred list(s) it is a criminal offence for them to apply for a role that requires a DBS check with that barred list(s).

Please refer to appendix 8 for the conditions for referring an individual to the DBS.

**5.13.2** To make a referral to the DBS, UHL managers must first discuss the individual cases/ concerns with their HR Lead/ Business Partner. They will then work together on the referral after seeking advice from the UHL Head of Safeguarding.

### **5.14 Costs**

**5.14.1** DBS applications made by the Trust will be done electronically and will incur a cost: The costs will be met as follows:

- New recruits including Doctors in educationally approved training posts in UHL will be required to meet the cost of the DBS check. The cost will initially be met by the Trust and claimed back from the individual directly from their monthly salary over a three month period. The only exception to this is as follows:-
  - Apprentices - The local department will meet the costs of the DBS.
- Existing staff will meet the cost of a DBS (as required) if they voluntarily move position within UHL.
- The Trust will meet the costs of a DBS (as required) for existing staff moving position at the request of the organisation e.g. management of change situations.

- Students will meet the cost of a DBS in the event that appropriate assurances cannot be obtained from the HEI prior to them commencing a placement with UHL.

**5.14.2** The cost of any additional DBS check required by the organisation for an existing employee may be met by the local departmental/CMG e.g. for course requirements as agreed by the manager/ budget holder. The individual must be advised that this check is required.

**5.14.3** Volunteers are exempt from the DBS charge.

## **6 EDUCATION AND TRAINING REQUIREMENTS**

Education and training on this policy will be provided to members of Recruitment Services upon commencement in the role by the training Recruitment Officer. Updates are provided to the department as required, and when policy/ legislative changes are made. Recruitment and Selection training will include reference to the DBS requirements. This policy is also available on Insite (*Recruitment and Selection B43/2009*)

## **7 PROCESS FOR MONITORING COMPLIANCE**

A record of the application for a DBS will be recorded on the electronic system used by UHL (*Currently TRAC*) or the Volunteer Services Database.

<b>Element to be monitored</b>	<b>Lead</b>	<b>Tool</b>	<b>Frequency</b>	<b>Reporting Arrangements</b>
Ensuring applicants have had a DBS check with details recorded	Recruitment Services, Bank Office, Volunteer Services	TRAC, ESR, Volunteer Database	Monthly	The Lead will gain assurances that checks have been carried out by checking TRAC, ESR, Volunteer Database
Compliance with the terms of this policy	Recruitment Services, Bank Office, Volunteer Services	TRAC, ESR, Volunteer Database - Volunteer Services use the database to check each month for individuals reaching the 3 year point and will recheck against the update service or carry out a new check. The new date is recorded on the database to check again in 3 years. Compliance is reported to the Safeguarding Assurance Committee on a quarterly basis.	Monthly	Recruitment Services Officers, Bank Lead, Volunteer Services Lead

## **8 EQUALITY IMPACT ASSESSMENT**

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- 8.1** The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2** As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

## **9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES**

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This policy has been written in line with and in accordance with the requirements of the following:

### **Legislation**

- Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012)
- The Rehabilitation of Offenders Act (1974) and Exemptions Order (1975)
- Equality Act 2010
- Current Data Protection Legislation (Data Protection Act 2018 and GDPR 2016)

### **National Guidance**

- NHS Employment Check Standards <http://www.nhsemployers.org/your-workforce/recruit/employment-checks/criminal-record-check>
- CQC, (Care Quality Commission)
- DBS (Disclosure and Barring Services) <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- DoH (Department of Health Policy)
- NHS Care Records Service
- Access to the NHS Care Record Service
- Information Governance and Assurance Standards

### **Key UHL Policies**

- Recruitment and Selection (B43/2009)
- Recruitment and Selection Procedure for Medical Consultants (B26/2018)
- Temporary Staffing Policy (B58/2011)
- UHL's Disciplinary Policy and Procedure (A6/2004)
- Work Experience Policy (B7/2016)
- Policy for Unpaid Placements (B8/2019)
- Volunteer Policy (B23/2013)
- Fit and Proper Persons Procedure (B17/2016)

## **11 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW**

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This document will be uploaded on to SharePoint and available for access by Staff through INsite. It will be stored and archived through this system.

## Appendix 1

### Assessment of Disclosure Information

This form **must** be completed by **all** Recruiting Managers in all cases where information about a warning, reprimand, caution, criminal conviction, barred decision and any details held by the police, is shown on an individual's Disclosure certificate.

#### Part 1: To be completed by Recruiting Manager

Candidate Name..... Job Title.....  
 Department.....

Does the Disclosure certificate indicate that the person is on either the ISA's Children's Barred List or Barred Vulnerable Adults' List?	Yes/No
Does the Disclosure certificate show more than one entry?	Yes/No
If an enhanced check is there any additional information provide by Chief Constable?	Yes/No
Was the offence committed within the last 10 years?	Yes/No
Did the individual serve a custodial sentence for the offence(s) committed?	Yes/No
Did the offence involve violence of any kind?	Yes/No
Did the offence involve any crime of a sexual nature?	Yes/No
Is the offence of such a nature that it might question the person's suitability to working with children, young people or vulnerable adults?	Yes/No
Is the offence of such a nature that it might question the person's suitability to carry out the day to day duties of the job appointed to? (e.g. driving, access to finances etc.?)	Yes/No
Are there any doubts/concerns regarding any of the other pre-employment checks (references, identity checks, health etc.)	Yes/No
Has this applicant withheld information about their criminal conviction, caution, reprimand, warning or bind over during the selection process	Yes/No

If answers to **all** of the above questions are "**No**" the Recruiting Manager should sign the following declaration and can independently make the decision to proceed. This must be completed within 5 working days.

If the answers to **any** of the questions above are "**Yes**" then the Recruiting Manager needs to complete the details in conjunction with the aligned HR Business Partner and the Safeguarding Lead (where appropriate).

#### Declaration

I have reviewed the information on the above person's disclosure and based on the questions above do not consider the offences reported to a bar to employment in this case.

**If the above declaration cannot be made the Recruiting Manager should proceed with part 2 of this assessment form on the next page.**

Signed.....Name.....

Date.....

This form is to be returned to the Recruitment Services team as record of decision.

A copy of the DBS disclosure will be retained by Recruitment Services for 6 months to allow consideration and resolution of any disputes or complaints.

**Part 2: To be completed by the Recruiting Manager in conjunction with the HR Business Partner / Lead and Safeguarding Lead where appropriate**

If there are any Yes answers on the preceding page this section must be completed

**Details of the offence(s):**

**Factors taken into account:**

**Decision**

The Disclosure information for..... (candidate name)  
has been reviewed with.....  
.....(names)

A decision has been made to: (please tick)

- 1. To continue with conditional offer of employment.
- 2. To withdraw conditional offer of employment.

Signed.....Name.....

Job Title..... Date.....

This form is to be returned to the Recruitment Services team as record of decision. The recruiting manager is responsible to notify the candidate if the offer has been withdrawn.

A copy of the DBS disclosure will be retained by Recruitment Services for 6 months to allow consideration and resolution of any disputes or complaints.

## Appendix 2

### Definition of Regulated Activity

Adults	Children
<p>Any activity involving working, volunteering or managing staff working with adults that is of a specific nature.</p> <p>An adult refers to any individual who is aged 18 years or over.</p> <p>There are 6 categories of roles that will fall within regulated activity (as does anyone who provides day to day management or supervision of those people):</p>	<p>Any activity involving working or volunteering with children that is of a specific nature.</p> <p>A child refers to any individual who is aged less than 18 years.</p> <p>Regulated activity refers to unsupervised activities and specified places:</p>
<p><b>1 Providing health care</b> Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.</p> <p><b>2 Providing personal care</b> Anyone who provides physical assistance; prompts and supervises; and/or trains, instructs or offers advice to adults because of their age, illness or disability relating to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails. (This excludes any physical assistance for hair care).</p> <p><b>3 Providing social work</b> Activities include assessing or reviewing the need for health or social care services, and providing on-going support to clients.</p> <p><b>4 Assistance with cash, bills and/or shopping for an adult because of their age, illness or disability.</b></p> <p><b>5 Assistance in the conduct of a person's own affairs</b> e.g. power of attorney.</p> <p><b>6 Conveying</b> Providing transport to an adult because of their age, illness or disability to or from places where they are able to receive health care, personal care or social care. E.g. patient transport service driver, ambulance</p>	<p><b>1 Unsupervised activities:</b> teaching, training, instruction, caring for or supervising children, or providing advice / guidance on well-being, or driving a vehicle only for children.</p> <p><b>2 Work for a limited range of establishments ('specified place') with the opportunity for contact with children</b>, e.g. schools, children's homes, childcare premises. Not work by supervised volunteers NOTE: Children's hospitals are no longer categorised as a 'specific place. As such employees not engaged in regulated activity are not eligible for an Enhanced DBS check.</p> <p><b>3 Providing personal care</b> e.g. washing or dressing or health care by or supervised by a professional.</p> <p><b>4 Registered child minding and foster-caring</b></p>

## Appendix 3

### University Hospitals of Leicester NHS Trust (UHL) Statement on the Recruitment of Ex-Offenders

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

The University Hospitals of Leicester NHS Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

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

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

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. At conditional offer stage, we ask applicants to complete a declaration form. This is only seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the University Hospitals of Leicester NHS Trust to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. We will discuss any matter revealed in a Disclosure with the person seeking the position should a situation arise where we are required to withdrawal conditional offer of employment. We have a specialist team who is available on hand to provide support and guidance on these matters.

There is a DBS Code of Practice details of which are available at: <https://www.gov.uk/government/publications/dbs-code-of-practice>

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

### UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST

#### DECLARATION FORM (A) STANDARD / ENHANCED DBS

### MODEL DECLARATION FORM A

#### Guidance for applicants (please read fully before completing the attached form)

When assessing your suitability for NHS appointments **University Hospitals of Leicester** is required to ask for certain information as part of our recruitment process, in accordance with the [NHS Employment Check Standards](#).

These standards outline a range of checks that organisations in England must undertake when appointing to NHS positions. This includes information about criminal records and/or registration with any professional regulatory or licensing body (including investigations or formal action in relation to fitness to practise) as may be applicable to the role. It also includes obtaining employment history and/or other references which may provide information about any relevant conduct and/or behaviour that might need to be considered as part of our overall assessment of an applicant's suitability for the position in question.

Asking applicants to complete a self-declaration enables us to have an open discussion, should we need to, to gain a better understanding about the circumstances surrounding any information disclosed. It also provides applicants with the chance to present any additional evidence they may wish us to consider in support of their application, and/or to ask questions, if anything is unclear. Should additional information be required, we will contact you to arrange a mutually convenient time to have a face to face meeting or discussion over the telephone.

Under normal circumstances, we will only ask *successful* applicants to complete model declaration form A once a conditional offer of appointment has been issued. We may require applicants to complete this form earlier in the recruitment process, where there is a safeguarding requirement for us to recruit quickly (for instance, to allow us to mitigate risks to patient services or care). Any requirements for you to complete this form earlier in the recruitment process will have been made clear to you when you first applied for this position.

Once we have received your completed form, we may be required to carry out a follow-up check with any relevant bodies such as the Disclosure and Barring Service (DBS), professional regulatory or licensing bodies, as may be appropriate to the role being applied for, and, in accordance with the NHS Employment Check Standards.

#### IMPORTANT INFORMATION:

The role you have applied for is exempt from the provisions normally afforded to individuals under the Rehabilitation of Offenders Act 1974. This means that we are required to obtain a standard or enhanced disclosure through the Disclosure and Barring Service (known as a DBS check) as defined under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended). It also means that you need to carefully consider the type of information you will need to declare when answering questions 1-4 in Model declaration form A (attached).

**Before answering questions 1-4** you must ensure you read and understand the section about [disclosing information about criminal record history](#) below, which explains what information is required and signposts you to where you can seek free confidential and independent advice, if you are unsure.



## Fair recruitment promise

It is important for us to stipulate that answering YES to any of the questions in the attached form does not mean an automatic bar to being considered for a position in the NHS.

**The University Hospitals of Leicester NHS Trust** is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties of the role being applied for. This is regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

Suitable applicants will also not be refused positions because of criminal record information or other information declared, where it has no bearing on the role for which you are applying, and/or no risks have been identified against the duties you would be expected to perform as part of this role. The only exception to this rule is where there is a legal or regulatory reason which would prevent you from working or volunteering in certain positions. For instance, individuals who appear on the adults and/or children's barred list(s) managed by the Disclosure and Barring Service (DBS) would be committing a criminal offence if they apply for a regulated activity from which they are barred from working or volunteering in. In such circumstances, it would also be illegal for an employer to allow that individual to engage in a regulated activity from which they are barred.

Failure to provide accurate and truthful information is considered a serious matter. If, as part of our checking process, it becomes apparent that an applicant has provided us with inaccurate information or they have not provided relevant information, we will need to discuss this with them to establish why. Any finding of serious misdirection or deliberate intent to deceive will result in their application being disqualified or disciplinary action and/or dismissal, if they are already in post.

If you have any questions or would like further advice about what information we might require as part of our recruitment process, please feel free to contact **Recruitment Services 0116 258 5495**. All queries will be dealt with in strict confidence.

## Disclosing criminal record information

When completing questions 1-4 in Model declaration form A (attached), you will need to declare all convictions that **are not protected** (i.e. eligible for filtering) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

In April 2013, youth cautions and youth conditional cautions were introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) to replace reprimands and final warnings. When completing this form, you will also need to declare all cautions and/or reprimands and final warnings which are not protected.

This includes any cautions and/or reprimands and final warnings that may have been issued in another country, where an equivalent offence in England and Wales is not protected.

Convictions, cautions, reprimands and final warnings must be declared regardless as to whether they are **spent** or are still considered **unspent**. This requirement applies to certain NHS positions which involve high levels of contact with children and adults who are receiving or accessing health and care services.

If the position is eligible for an **enhanced disclosure**, any subsequent check we carry out with the Disclosure and Barring Service (known as a DBS check) may include other relevant non-conviction information held on police databases, at the discretion of the Chief Constable of the relevant police force.

If the position you are applying for is a **regulated activity** as defined under the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act in 2012), the enhanced disclosure may also include any information that is held about you on the children's and/or adults barred list(s). As outlined in the section above, applicants must not apply for or engage in a regulated activity that they are barred from working or volunteering with.

Any criminal record information disclosed will be considered on a case-by-case basis. We will only take into account information that is relevant to the position for which you are applying. This information will be balanced against the skills and competencies you have demonstrated throughout the recruitment process alongside other information we have obtained about you as part of our pre-employment check process.

If you declare information that is relevant to the role for which you are applying, we will also take into account:

- the seriousness of the offence(s)
- your age when you committed the offence(s)
- the length of time since the offence(s) occurred
- if there is a repeated or pattern of offending behaviour
- the circumstances surrounding the offence(s)
- any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

This mirrors the Code of Practice issued by the Disclosure and Barring Service (DBS). Although the Code outlines what needs to be considered when criminal record information is disclosed as part of a DBS check, the NHS Employment Check Standards require employers to take the same approach when considering criminal record information that might be self-declared by applicants using **model declaration form A** (attached).

We appreciate that the criminal record disclosure regime is complex and difficult to understand, it is therefore essential for us to signpost applicants to where they can seek further information and advice about what may be included on their criminal record (if they have one), what they need to declare to any organisation they may be working or volunteering with, and their legal rights when doing so.

The following charities are experts in this field, offering free, independent and confidential advice to individuals who have a criminal record:

- [Nacro](https://www.nacro.org.uk) – Tel: 0300 123 1999, or email: [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)
- [Unlock](https://www.unlock.org.uk) – Tel: 01634 247350 (Mon-Fri 10am – 4pm), **Text or WhatsApp: 07824 113848**, email [advice@unlock.org.uk](mailto:advice@unlock.org.uk) or complete the [online form on the Unlock website](https://www.unlock.org.uk).

## How will my information be used?

The information you provide using model declaration form A (attached) will be used for determining your suitability for the position you have applied for, and in accordance with the [NHS Employment Check Standards](#). It will also be used for enquiries in relation to the prevention and detection of fraud.

Under the Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR) organisations must provide you with detailed information which explains why certain information is required as part of the recruitment process, the lawful basis for collecting it, how it will be processed, and with whom information will be shared and under what circumstances. **Please ensure that you**

read the supplementary guidance we provided when you first applied for this role as this explains how we may process your data and your rights under data protection laws.

## How will information be retained and for how long?

Once a recruitment (or other relevant) decision has been made, we will not keep any information declared in model declaration form A for any longer than is necessary. As a minimum this should be for a period of six months to allow for considerations and resolution of any disputes or complaints.

There may be

circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

Information will be held in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act. The form and any supplementary information provided by applicants with this form, will be kept securely and separately from any personnel records and access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to. While the form and any supplementary information applicant's chose to provide will be destroyed, we will need to keep a record of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

## MODEL DECLARATION FORM A

Please complete and return the form only to: **The University Hospitals of Leicester NHS Trust.**

**Before completing this form, it is important for you to note the following points.**

1. You must answer all the questions in this form.
2. Before ticking "yes" or "no" please ensure you read the explanatory notes underneath each question. These notes outline what information you should consider providing to support your answer.
3. If you answer "yes" to any of the questions, please use the space provided to include any information that may be relevant to the position for which you are applying.
4. If you would like to submit any additional supplementary evidence for us to consider in support of your application, please attach or upload this with the form when you return it to us.
5. When answering questions 1-4 you are not required to disclose information about parking offences.
6. You should notify us, at the earliest opportunity, if any information provided in this form subsequently changes once you have submitted it to us and before taking up the appointment.

Applicant details			
Full name (in block capitals)		Contact telephone no:	
Role applied for		Contact email address:	

<p><b>1. Do you have any convictions that are not protected (i.e. eligible for filtering) as outlined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) (the Exceptions Order)?</b></p> <p>It also includes all convictions or Summary Hearings that have been issued under military law while serving in the Armed Forces, either in the UK or any other country, where the equivalent offence in England and Wales is not protected.</p> <p>You <b>are not</b> required to disclose any information in relation to the above if ALL convictions are protected (i.e. eligible for filtering) as outlined in the Exceptions Order. In these circumstances you should tick <b>NO</b> to this question.</p> <p>This requirement is regardless as to whether any conviction is spent or remains unspent.</p> <p><b>Please ensure that you read guidance in the section on <a href="#">disclosing criminal history information</a> before completing this question.</b></p> <p>If you have ticked YES, you now have two options on how to disclose this information.</p>			Yes	No
<p><b>Option 1:</b> Please provide details of the conviction or Summary Hearing, including the date and reason administered in the space below.</p>				

**Option 2:** You can disclose your record separately together with any statement detailing your conviction or Summary Hearing. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.

To do this you must mark an "X" against the statement below.

I have attached details of my conviction separately ..... (please mark with an "X")

<p><b>2. Do you have any cautions, reprimands or final warnings that are not protected (i.e. eligible for filtering) as outlined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) (the Exceptions Order)?</b></p> <p>It also includes all cautions, reprimands or final warnings that have been issued under military law while serving in the Armed Forces, either in the UK or any other country, where the equivalent offence in England and Wales is not protected. You <b>are not</b> required to disclose any information in relation to the above if ALL convictions are protected (i.e. eligible for filtering) as outlined in the Exceptions Order. In these circumstances you should tick <b>NO</b> to this question.</p> <p>This requirement is regardless as to whether any caution, reprimand or final warning is spent or remains unspent. <b>Please ensure that you read guidance in the section on <a href="#">disclosing criminal history information</a> before completing this question.</b></p> <p>If you have ticked YES, you now have two options on how to disclose this information.</p>			Yes	No
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**Option 1:** Please provide details of the caution, reprimand or final warning, including the date and reason administered in the space below.

**Option 2:** You can disclose your record separately together with any statement detailing your caution, reprimand, or final warning. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.

To do this you must mark an "X" against the statement below.

I have attached details of my conviction separately ..... (please mark with an "X")

**3. Have you been formally charged with any other offence which has not yet been disposed of?**

**Yes**

**No**

This includes where you have been formally charged of any offence that has been issued in any other country which has not yet been disposed of.

Please note that you must inform us immediately if you are formally charged with any offence after you complete this form and before taking up any position offered to you.

If you have ticked YES, please provide details of the nature of the offence with which you have been formally charged, date on which you were charged, and details of any on-going proceedings, if any, by a prosecuting body.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

**4. Are you currently subject to any criminal investigations or pending prosecutions by the police which may have a bearing on your suitability for this post?**

**Yes**

**No**

This may also include any current criminal investigations or pending prosecutions by the police in any other country.

If you have ticked YES, please provide details of the nature of the allegations made against you and, if known to you, any action to be taken against you by the police.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

<p><b>5. Have you ever been subject to any formal action being taken against you by the NHS Counter Fraud Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body in relation to allegations of fraud, which may have a bearing on your suitability for this post?</b></p> <p>Any other investigatory bodies may include: HM Revenue &amp; Customs, Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade &amp; Industry), Local Authorities, Department of Work and Pensions, Home Office, and UK Visas and Immigration.</p> <p>This list is not exhaustive and should be taken as a guide only. You must declare any action taken against you by an investigatory body, following allegations of fraud.</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>If you have ticked YES, please provide details of the offence, formal action taken, dates and investigatory or prosecuting body, as may be relevant.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		

<p><b>6. Have you ever been dismissed for misconduct from any employment, volunteering, office, or other position previously held by you, in circumstances which may have a bearing on your suitability for this post?</b></p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>If you have ticked YES, please provide details of the employment, volunteering, office, or other position held, the date that you were dismissed and the nature of allegations of misconduct made against you.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body, which may have a bearing on your suitability for the position you are applying for?</b></p> <p>This may include any fitness to practise investigation and/or proceedings of any nature that are being undertaken by a regulatory or licensing body in any other country.</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>If you have ticked YES, please provide the reasons given for the investigation and (where applicable) the details of any warnings, conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your professional registration and, the name and address of the regulatory or licensing body concerned.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		

<p><b>8. Have you ever been removed from the register, or have conditions or sanctions been placed on your registration, or have you been issued with a warning by a regulatory or licensing body in the UK or in any other country?</b></p> <p>You are not required to disclose any information in relation to the above where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated. In these circumstances you should tick <b>NO</b> to this question.</p>	Yes	No
--	-----	----

If you have ticked YES, please provide details of any conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your registration and/or any warnings issued, where relevant and, the name and address of the regulatory or licensing body concerned.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

**Declaration**

**IMPORTANT INFORMATION**

The Data Protection Act 2018 and General Data Protection Regulation 2018 (GDPR) requires us to provide you with detailed information which explains the lawful basis for collecting special categories of personal data (previously known as sensitive personal data), how it will be processed, who information will be shared with and under what circumstances.

The General Data Protection Regulation defines special categories of personal data as racial or ethnic original, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. It also includes data relating to criminal convictions, criminal offences or related security measures. It is important that you read the supplementary guidance we provided at the time of your application, which explains our policy on the retention and erasure of any such information in greater detail. This information also outlines your rights under the data protection and human rights laws.

The information you provide using model declaration form A will be processed in accordance with data protection law, as described above. It will used for the purpose of determining your suitability for the position you have applied for, in accordance with the NHS Employment Check Standards. It will also be used for enquiries in relation to the prevention and detection of fraud.

Once a recruitment (or other relevant) decision has been made **the University Hospitals of Leicester NHS Trust** will not keep any information declared in this form for any longer than is necessary. As a minimum this will be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

The form and any supplementary information provided by applicants with this form, will be kept securely and separately from any personnel records and access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to.

While the form and any supplementary information applicant's chose to provide will be destroyed, a record will be retained of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

**Please sign and date this form as indicated below**

If you need any assistance or advice before returning this form to us, or you wish to withdraw your consent at any time after you have submitted this form, please contact **Recruitment Services 0116 258 5495**.

All enquiries will be treated in strict confidence.

In signing this form, you are agreeing to the following statements:

1. I confirm that I have read and understood guidance provided to me which explains how my data will be processed and give my consent for enquiries to be made, as outlined.
2. I declare that the information I have provided in this form and in any accompanying documentation, is true to the best of my knowledge and belief.
3. I understand and accept that if I knowingly withhold relevant information or provide false or misleading information, this may result in my application being rejected; or, if I am appointed, my dismissal; and, where applicable, this may result in the employing organisation making a referral to any relevant regulatory or licensing body.
4. I agree to notify the employing organisation of any subsequent change to the information supplied in this form before I take up appointment.

Full name (in block capitals)		Signature	
Date			

**Continuation sheet:**

**Full name:**

**Position applied for:**

If you have ticked YES to any of the questions above, please use the space below to provide any additional information you may wish us to consider in support of your application.

Please clearly indicate the number of the question to which the information relates. You can continue on a separate sheet or attach other pieces of evidence to this form, if you wish to do so.

--

**UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST**



## DECLARATION FORM (B)

### NO DBS REQUIRED

## MODEL DECLARATION FORM B

### Guidance for applicants (please read fully before completing the attached form)

When assessing your suitability for NHS appointments the **University Hospitals of Leicester** is required to ask for certain information as part of our recruitment process, in accordance with the [NHS Employment Check Standards](#).

These standards outline a range of checks that organisations in England must undertake when appointing to NHS positions. This includes information about criminal records and/or registration with any professional regulatory or licensing body (including investigations or formal action in relation to fitness to practise) as may be applicable to the role. It also includes obtaining employment history and/or other references which may provide information about any relevant conduct and/or behaviour that might need to be considered as part of our overall assessment of an applicant's suitability for the position in question.

Asking applicants to complete a self-declaration enables us to have an open discussion, should we need to, to gain a better understanding about the circumstances surrounding any information disclosed. It also provides applicants with the chance to present any additional evidence they may wish us to consider in support of their application, and/or to ask questions, if anything is unclear. Should additional information be required, we will contact you to arrange a mutually convenient time to have a face to face meeting or discussion over the telephone.

Under normal circumstances, we will only ask *successful* applicants to complete model declaration form B once a conditional offer of appointment has been issued. We may require applicants to complete this form earlier in the recruitment process, where there is a safeguarding requirement for us to recruit quickly (for instance to allow us to mitigate risks to patient services or care). Any requirements for you to complete this form earlier in the recruitment process will have been made clear to you when you first applied for this position.

Once we have received your completed form, we may be required to carry out a follow-up check with any relevant bodies such as the Disclosure and Barring Service (DBS), professional regulatory or licensing bodies, as may be appropriate to the role being applied for as outlined in the NHS Employment Check Standards.

### IMPORTANT INFORMATION

The role you have applied for is covered by the Rehabilitation of Offenders Act 1974. These positions are sometimes called "non-exempt" positions. This means that we can only ask applicants about unspent convictions and cautions and may obtain a basic disclosure through the Disclosure and Barring Service as a means of verifying this information. Eligibility for a basic disclosure is outlined in the NHS Employment Check Standards. It also means that you need to carefully consider the type of information you will need to declare when answering questions 1-4 in Model declaration form B (attached).

**Before completing questions 1-4** you must ensure you read and understand the section about [disclosing information about criminal record history](#) below, which explains what information is required and signposts you to where you can seek free confidential and independent advice, if you are unsure.

## Fair recruitment promise

It is important for us to stipulate that answering YES to any of the questions in the attached form does not mean an automatic bar to being considered for a position in the NHS.

**The University Hospitals of Leicester NHS Trust** is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties of the role being applied for. This is regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

Suitable applicants will not be refused positions because of criminal record information or other information declared, where it has no bearing on the role for which you are applying, and/or no risks have been identified against the duties you would be expected to perform as part of this role.

Failure to provide accurate and truthful information is considered a serious matter. If, as part of our checking process, it becomes apparent that an applicant has provided us with inaccurate information or they have not provided relevant information, we will need to discuss this with them to establish why. Any finding of serious misdirection or deliberate intent to deceive will result in their application being disqualified or disciplinary action and/or dismissal, if they are already in post.

If you have any questions or would like further advice about what information we might require as part of our recruitment process, please feel free to contact **Recruitment Services 0116 258 5495**. All queries will be dealt with in strict confidence.

## Disclosing criminal record information

When completing questions 1-4 in Model declaration form B (attached), you will need to declare all **unspent** criminal convictions and cautions as outlined in the Rehabilitation of Offenders Act 1974.

In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) introduced conditional cautions and youth conditional cautions to replace reprimands and final warnings. When completing this form, you are required to declare any such information if it remains **unspent**. This also includes any unspent cautions that may have been issued in any other country, where it would be considered an equivalent offence in England and Wales.

When applying for a role which has been identified as eligible for a basic disclosure only, you **are not** legally required to provide any information about criminal convictions or cautions that have become spent. Certain criminal offences can be regarded as spent after a specified rehabilitation period as outlined by the Rehabilitation of Offenders Act 1974. Once this rehabilitation period has elapsed, you do not need to declare this information when applying to work or volunteer in any role covered by the Rehabilitation of Offenders Act in an NHS organisation, nor will this information be disclosed as part of any subsequent request for a **basic disclosure** through the Disclosure and Barring Service (known as a DBS check).

Any criminal record information will be considered on a case-by-case basis. We will only take into account information that is relevant to the position for which you are applying (i.e. where potential risks have been identified against the duties and/or responsibilities of the role). This information will be balanced against the skills and competencies you have demonstrated throughout the recruitment process alongside other information we have obtained about you as part of our pre-employment check process.

If you declare information that is relevant to the role for which you are applying, we will also take into account:

- the seriousness of the offence(s)
- your age when you committed the offence(s)
- the length of time since the offence(s) occurred
- if there is a repeated or pattern of offending behaviour
- the circumstances surrounding the offence(s)
- any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

This mirrors the requirements in the Code of Practice issued by the Disclosure and Barring Service (DBS). Although the Code outlines what needs to be considered when criminal record information is disclosed as

part of the DBS check, the NHS Employment Check Standards require employers to take the same approach when considering criminal record information that might be self-declared by applicants using **Model Declaration Form B** (attached).

We appreciate that the criminal records disclosure regime is complex and difficult to understand, it is therefore essential for us to signpost applicants to where they can seek further information and advice about what may be included on their criminal record (if they have one), what they need to declare to any organisation they may be working or volunteering with, and, their legal rights when doing so.

The following charities are experts in this field, offering free, independent and confidential advice to individuals who have a criminal record:

- [Nacro](#) – Tel: 0300 123 1999, or email: [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)
- [Unlock](#) – Tel: 01634 247350 (Mon-Fri 10am – 4pm), **Text or WhatsApp: 07824 113848**, email [advice@unlock.org.uk](mailto:advice@unlock.org.uk) or **complete the [online form on the Unlock website](#). Unlock also have a useful [calculator](#) which can be used to help you to identify any unspent offences that you are required to declare when completing the attached form.**

## How will my information be used?

The information you provide using model declaration form B (attached) will be used for determining your suitability for the position you have applied for, and in accordance with the [NHS Employment Check Standards](#). It will also be used for enquiries in relation to the prevention and detection of fraud.

Under the Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR) organisations must provide you with detailed information which explains why certain information is required as part of the recruitment process, the lawful basis for collecting it, how it will be processed, and with whom information will be shared and under what circumstances. **Please ensure that you read the supplementary guidance we provided when you first applied for this role** as this explains how we may process your data and your rights under data protection laws.

## How will information be retained and how long for?

Once a recruitment (or other relevant) decision has been made, we will not keep any information declared in model declaration form B for any longer than is necessary. As a minimum this should be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

Information will be held in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act. The form and any supplementary information provided by applicants with this form will be kept securely and separately from any personnel records, and, access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to. While the form and any supplementary information applicant's chose to provide will be destroyed, we will need to keep a record of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

## MODEL DECLARATION FORM B

Please complete and return the form only to: **University Hospitals of Leicester.**

**Before completing this form, it is important for you to note the following points.**

7. You must answer all the questions in this form.
8. Before ticking "yes" or "no" please ensure you read the explanatory notes underneath each question. These notes outline what information you should consider providing to support your answer.
9. If you answer "yes" to any of the questions, please use the space provided to include any information that might be relevant to the position for which you are applying.
10. If you would like to submit any additional supplementary evidence for us to consider in support of your application, please attach or upload this with the form when you return it to us.
11. When answering questions 1-4 you are not required to disclose information about parking offences.
12. You should notify us, at the earliest opportunity, if any information provided in this form should subsequently change **after** you have submitted it to us and **before** you take up your appointment.

Applicant details			
Full name (in block capitals)		Contact details	
Role applied for			

<p><b>1. Do you have any UNSPENT convictions as outlined in the Rehabilitation of Offenders Act 1974?</b></p> <p>This includes any unspent convictions that may have been issued in any other country, where it would be an equivalent offence in England and Wales.</p> <p>It also includes all unspent convictions or Summary Hearings that have been issued under military law while serving in the Armed Forces in the UK or any other country, where it would be an equivalent offence in England and Wales.</p> <p>You <b>are not</b> required to disclose any information in relation to convictions that have become SPENT. In these circumstances you should tick NO to this question.</p> <p><b>Please ensure you read guidance in the section on <a href="#">disclosing criminal history information</a> before completing this question.</b></p> <p>If you have ticked YES, you now have two options on how to disclose this information.</p>	Ye s	No
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**Option 1:** Please provide details of the conviction or Summary Hearing including the date and sentence administered in the space below.

**Option 2:** You can disclose your record separately together with any statement detailing your unspent conviction, or Summary Hearing. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.

To do this you must mark an “X” against the statement below.

I have attached details of my conviction separately ..... **(please mark with an “X”)**

<p><b>2. Do you have any UNSPENT cautions, reprimands or final warnings as outlined in the Rehabilitation of Offenders Act 1974?</b></p> <p>This includes any unspent cautions, reprimands or final warnings that may have been issued in any other country, where it would be an equivalent offence in England and Wales.</p> <p>It also includes all unspent cautions that have been issued under military law while serving in the Armed Forces in the UK or any other country, where it would be an equivalent offence in England and Wales.</p> <p>You <b>are not</b> required to disclose any information in relation to cautions, reprimands or final warnings that have become SPENT. In these circumstances you should tick NO to this question.</p> <p><b>Please ensure you read guidance in the section on <a href="#">disclosing criminal history information</a> before completing this question.</b></p> <p>If you have ticked YES, you now have two options on how to disclose this information.</p>	Ye s	No
---	---------	----

**Option 1:** Please provide details of the cautions, reprimands or final warnings including the date and sentence administered in the space below.

**Option 2:** You can disclose your record separately together with any statement detailing your unspent cautions or reprimands, final warnings. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.

To do this you must mark an “X” against the statement below.

I have attached details of my conviction separately ..... **(please mark with an “X”)**

<p><b>3. Have you been formally charged with any other offence which has not yet been disposed of?</b></p> <p>This includes where you have been formally charged of any offence that has been issued in any other country which has not yet been disposed of.</p> <p>Please note that you must inform us immediately if you are formally charged with any offence <b>after</b> you complete this form and <b>before</b> taking up any position offered to you.</p>	Ye s	No
--	---------	----

If you have ticked YES, please provide details of the nature of the offence with which you have been formally charged, date on which you were charged, and details of any on-going proceedings, if any, by a prosecuting body.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

<p><b>4. Are you currently subject to any criminal investigations and any pending prosecutions by the police which may have a bearing on your suitability for this post?</b></p> <p>This may include any current criminal investigations or pending prosecution by the police in any other country.</p>	Ye s	No
---	---------	----

If you have ticked YES, please provide details of the nature of the allegations made against you and, if known to you, any action to be taken against you by the police.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

<p><b>5. Have you ever been subject to any action being taken against you by the NHS Counter Fraud Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body in relation to allegations of fraud which may have a bearing on your suitability for this post?</b></p> <p>Any other investigatory bodies may include: HM Revenue &amp; Customs, Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade &amp; Industry), Local Authorities, Department of Work and Pensions, Home Office, and UK Visas and Immigration.</p>	Ye s	No
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<p>This list is not exhaustive and should be taken as a guide only. You must declare any action taken against you by an investigatory body, following allegations of fraud.</p>		
<p>If you have ticked YES, please provide details of the offence, formal action taken, dates and investigatory or prosecuting body, as may be relevant.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>6. Have you ever been dismissed for misconduct from any employment, volunteering, office, or other position previously held by you, in circumstances which may have a bearing on your suitability for this post?</b></p>	<p>Ye s</p>	<p>No</p>
<p>If you have ticked YES, please provide details of the employment, volunteering, office, or other position held, the date that you were dismissed and the nature of allegations of misconduct made against you.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		

<p><b>7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body which may have a bearing on your suitability for the position you are applying for?</b></p> <p>This may include any fitness to practise investigation and/or proceedings of any nature that are being undertaken by a regulatory or licensing body in any other country.</p>	<p>Ye s</p>	<p>No</p>
<p>If you have ticked YES, please provide the reasons given for the investigation and, where applicable, the details of any warnings, conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your professional registration and, the name and address of the regulatory or licensing body concerned.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>8. Have you ever been removed from the register, or have conditions or sanctions been placed on your registration, or have you been issued with a warning by a regulatory or licensing body in the UK or in any other country?</b></p> <p>You are not required to disclose any information in relation to the above where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated. In these circumstances you should tick <b>NO</b> to this question.</p>	<p>Ye s</p>	<p>No</p>
<p>If you have ticked YES, please provide details of any conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your registration and/or any warnings issued, where relevant, and the name and address of the regulatory or licensing body concerned.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		

## Declaration

### IMPORTANT INFORMATION

The Data Protection Act 2018 and General Data Protection Regulation 2018 (GDPR) requires us to provide you with detailed information which explains the lawful basis for collecting special categories of personal data (previously known as sensitive personal data), how it will be processed, who information will be shared with and under what circumstances.

The General Data Protection Regulation defines special categories of personal data as racial or ethnic original, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. It also includes data relating to criminal convictions, criminal offences or related security measures. It is important that you read the supplementary guidance we provided at the time of your application, which explains our policy on the retention and erasure of any such information in greater detail. This information also outlines your rights under the data protection and human rights laws.

The information you provide using model declaration form B will be processed in accordance with data protection law, as described above. It will be used for the purpose of determining your suitability for the position you have applied for, in accordance with the NHS Employment Check Standards. It will also be used for enquiries in relation to the prevention and detection of fraud.

Once a recruitment (or other relevant) decision has been made **the University Hospitals of Leicester NHS Trust** will not keep any information declared in this form for any longer than is necessary. As a minimum this will be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

The form and any supplementary information provided by applicants with this form, will be kept securely and separately from any personnel records and access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to.

While the form and any supplementary information applicant's chose to provide will be destroyed, a record will be retained of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

### Please sign and date this form as indicated below

If you need any assistance or advice before returning this form to us, or you wish to withdraw your consent at any time after you have submitted this form, please contact **Recruitment Services 0116 258 5495**.

All enquiries will be treated in strict confidence.

In signing this form, you are agreeing to the following statements:

5. I confirm that I have read and understood guidance provided to me which explains how my data will be processed and give my consent for enquiries to be made, as outlined.
6. I declare that the information I have provided in this form and in any accompanying documentation, is true to the best of my knowledge and belief.



7. I understand and accept that if I knowingly withhold relevant information or provide false or misleading information, this may result in my application being rejected; or, if I am appointed, my dismissal; and, where applicable, this may result in the employing organisation making a referral to any relevant regulatory or licensing body.

8. I agree to notify the employing organisation of any subsequent change to the information supplied in this form before I take up appointment.

Full name (in block capitals)		Signature	
Date			

### Continuation sheet

Full name:

Position applied for:

If you have ticked YES to any of the questions above, please use the space below to provide any additional information you may wish us to consider in support of your application.

Please clearly indicate the number of the question to which the information relates. You can continue on a separate sheet or attach other pieces of evidence to this form, if you wish to do so.

--

## Appendix 5

### UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST

#### Annual Declaration: Disclosure of Criminal Offences

All UHL NHS Trust employees are required to complete an annual declaration at the time of their appraisal with regards to the disclosure of any criminal offences. Please therefore respond to the set of relevant questions to your post below:

<b>Posts Exempt from the Rehabilitation of Offenders Act (ROA)*</b> (This will cover most front line posts in the Trust).		
1. Do you have any convictions, cautions, reprimands or final warnings that are not protected (i.e. eligible for filtering) as outlined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) (the Exceptions Order)?	Yes** (please provide further detail below).	No
2. Have you been formally charged with any other offence which has not yet been disposed of?	Yes** (please provide further detail below).	No
3. Are you currently subject to any criminal investigations and any pending prosecutions by the police which may have a bearing on your suitability for this post?	Yes** (please provide further detail below).	No

<b>Posts <u>Not</u> Exempt from the Rehabilitation of Offenders Act (ROA)*</b>		
1. Do you have any <b>UNSPENT</b> convictions, cautions, reprimands or final warnings as outlined in the Rehabilitation of Offenders Act 1974?	Yes** (please provide further detail below).	No
2. Have you been formally charged with any other offence which has not yet been disposed of?	Yes** (please provide further detail below).	No
3. Are you currently subject to any criminal investigations and any pending prosecutions by the police which may have a bearing on your suitability for this post?	Yes** (please provide further detail below).	No

**\*(To check whether the post is exempt from the ROA, please refer to Appendix 6 of the UHL DBS Policy <http://insitotogether.xuhltr.nhs.uk/pag/pagdocuments/Disclosure%20and%20Barring%20Service%20UHL%20Policy.pdf>**

**\*\* If you have responded “yes” to any of the questions above, please provide further information here:**

.....  
 .....

#### **Please sign and date this form as indicated below**

In signing this form, you are agreeing to the following statements:

1. I declare that the information I have provided in this form is true to the best of my knowledge and belief.
2. I understand and accept that if I knowingly withhold relevant information or provide false or misleading information, this may result in my dismissal; and, where applicable, this may result in the Trust making a referral to any relevant regulatory or licensing body.
3. I agree to notify the Trust immediately of any subsequent change to the information supplied in this form.

Full name (in block capitals)		Signature
Date		

## Appendix 6

### DBS Checks Required for Posts at UHL

*If a role does not involve contact with patients, or managing staff carrying out regulated activities, it is unlikely that any DBS check can be done*

Role Types	Enhanced with Barred lists	Enhanced Only	Standard	Not Required
<p><b><u>Regulated activity (Providing health or social care to patients)</u></b></p> <ul style="list-style-type: none"> <li>Health care work (physical, mental and palliative) undertaken by (or under supervision from) a regulated Health Care Professional e.g. regulated by GMC, NMC, HCPC, GPC etc</li> <li>Staff who supervise/ manage those undertaking regulated activity</li> <li>Providing physical assistance with personal care - eating, drinking, going to the toilet, washing , bathing, dressing, oral care or care of the skin</li> <li>Conveying adult patients - transporting them between vehicles, wards, theatre, patient areas</li> <li>Conveying child patients – driving a vehicle arranged to carry patients</li> <li>Providing training/ education/ advise on personal care to patients with a vulnerable characteristic (age, illness, disability)</li> <li>Assembling and dispensing medications</li> <li>Appropriate Clinical Director level appointments where the Fit and Proper Person check is required</li> <li><i>Examples include Nurses, Midwives, Radiographers, OT's, Physio, Doctors, HCA's, Housekeepers, Porters, Phlebotomists, Play workers, Support Workers, registered pharmacy dispensers</i></li> </ul>	X			
<p><b><u>Children's Areas</u></b></p> <ul style="list-style-type: none"> <li>For roles that have regular unsupervised contact with children in children's areas, but are not involved in regulated activity/ providing health or personal care</li> <li><i>Examples include Receptionists and Ward Clerks (who work within the children's hospital/ Children's ED/ Maternity), Domestic, Caterers and Security etc.</i></li> </ul> <p><b><u>Working with Adults with a vulnerable characteristic (age, illness, disability)</u></b></p> <ul style="list-style-type: none"> <li>Providing care, supervision, treatment or therapy (excluding health and personal care)</li> </ul>		X		

<ul style="list-style-type: none"> <li>• Providing teaching, training, advice and guidance on emotional or physical well being</li> <li>• <i>Examples include Chaplains, Domestic, Caterers and Security etc.</i></li> </ul>				
<b>Role Types</b>	<b>Enhanced with Barred Lists</b>	<b>Enhanced Only</b>	<b>Standard</b>	<b>Not Required</b>
<p><b><u>Access to patients in the course of normal duties</u></b> The frequency is outlined as must having patient contact once a week or more, or four or more times in a 30 day period</p> <ul style="list-style-type: none"> <li>• Posts that involve access to patient and patient areas, but where contact does not involve the provision of care</li> <li>• Handing out medications to patients</li> <li>• Appropriate Non-clinical Director level appointments where the Fit and Proper Person check is required</li> <li>• <i>Examples include Clinic Co-ordinators, Service Co-ordinators, Theatre Resource Co-ordinators, Reception Staff, Medical Records Clerks, Service and General managers (who don't directly manager staff in regulated activity), Ward Clerk etc.</i></li> </ul>			<b>X</b>	
<p><b><u>Senior Positions of Trust and Senior Managers</u></b></p> <ul style="list-style-type: none"> <li>• Those who have responsibilities and accountability for corporate functions such as HR, IT or finance, and those with responsibilities for managing patient identifiable data, budgets or handling cash</li> </ul>				<b>X</b>
<p><b><u>Roles that do not involve access to patients</u></b></p> <ul style="list-style-type: none"> <li>• These are 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 hospital site, or where staff are required to pass through patient areas to get to their normal place of work)</li> <li>• <i>Examples include back office functions such as Admin, HR, Audio Typists, Medical Secretaries, Laboratory staff</i></li> </ul>				<b>X</b>

**Please note - the Recruiting Manager will need to assess the role, and determine the level of contact with patients the role will have.**

**If Recruitment Services require clarification on how a role requires a level of DBS so the application can be progressed, they will contact the Recruiting Manager who will need to provide this**

**If you are unsure if a particular role requires a DBS, please use the NHS Employers toolkit for assistance: <http://www.nhsemployers.org/case-studies-and-resources/2017/04/dbs-eligibility-tool>**

## Appendix 7

### **CANDIDATES COMMENCING EMPLOYMENT PENDING FULL DISCLOSURE AND BARRING SERVICE CLEARANCE – RISK ASSESSMENT**

It is recommended that in all posts where it is identified that a Disclosure and Barring Service (DBS) check is required, the candidate **does not** start work until the DBS check has been received. Offers of employment will be conditional on the receipt of a satisfactory DBS disclosure check. **This includes internal transfers/promotions where a DBS check is required for the duties of the post.**

If, in **exceptional** cases, there is a delay in receipt of a DBS disclosure and it is **essential** for the individual to commence either because **there is a risk that staffing levels will otherwise fall below the numbers required to meet statutory obligations or it is deemed at CMG level to be service critical**, a risk assessment can be completed in line with the following:-

A risk assessment must be carried out in relation to the particular post by completing this form (overleaf).

If, in these exceptional circumstances the post is “a position whose normal duties include caring for, training, supervising or being in sole charge of children”, then a Children’s Barred List Check will be required alongside the enhanced DBS check. A risk assessment is not appropriate in these circumstances and the full DBS Enhanced plus Barred List Check must be received before the individual can commence work. The only exception to this is where the candidate is an existing UHL employee moving to another post and whose previous post involved ‘caring for, training, supervising or being in sole charge of children’ – the risk is therefore no greater in them starting a new role working with children and a risk assessment can be completed.

The individual should work in a supervised capacity until a satisfactory DBS disclosure certificate has been received. It is for the Clinical Director / CMG Head of Operations/Head of Nursing or Midwifery to decide whether the appropriate level of supervision can be provided having sought advice from the Resourcing Lead, Recruitment Services Manager/ Deputy Manager or Recruitment Officer if required.

The letter confirming appointment makes it clear that the Trust reserves the right to terminate the individual’s employment if the DBS disclosure certificate is subsequently found to be unsatisfactory.

The agreement to proceed with a risk assessment can only be agreed between the Head of Operations/Head of Nursing or equivalent level of seniority, as appropriate, **and** the Resourcing Lead, Recruitment Services Manager/ Deputy Manager or Recruitment Officer.

Before signing, the Recruitment Services Manager/ Team Manager will check the candidate’s application form and self-declaration to ensure that they have not declared any convictions and check that satisfactory references and occupational health clearance have been received. Under no circumstances should arrangements be made with the candidate to start until authorisation is given by the Resourcing Lead, Recruitment Services Manager/ Deputy Manager or Recruitment Officer.

**UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST**  
**RISK ASSESSMENT FORM – NEW STARTER PENDING DBS**  
**CLEARANCE**

Name:

Post Title:

Ward/Department:

CMG:

Date of Interview:

Internal/External Candidate:

Date DBS Submitted:

Date completed DBS returned:

Please read the guidance notes regarding risk assessments before completing this form

	No	Yes	Advice/Action
<b>1. Does this role involve working with children?</b>			<b>If 'yes' please answer question 1a. If 'no' go to question 2.</b>
<b>1a. Is the candidate an existing UHL employee moving to another post whose current position has normal duties which include caring for, training, supervising or being in sole charge of children?</b>			If you answer "no" the person <b>must not</b> commence work in this position until the DBS disclosure is received – they <b>cannot</b> commence on a risk assessment.
<b>2. Are you able to ensure that a new starter will be supervised?</b>  You need to consider: <ul style="list-style-type: none"> <li>▪ Are you able to sustain an appropriate level of supervision in this post?</li> <li>▪ Is there adequate staffing to allow you to do this?</li> <li>▪ Is it appropriate for the individual to commence work prior to clearance in this area and in this role?</li> </ul>			
<b>I can confirm that it is essential for the individual to commence because:</b>  <b>A. There is a risk that staffing level will otherwise fall below the numbers required to meet statutory obligations. _____</b>  <b>B. It is deemed at CMG manager level to be service critical. _____</b>			
I have assessed the risks associated with the appointment of the individual to the post detailed above (pending DBS clearance), and I will take responsibility for ensuring that they are fully supervised.			
I understand that upon receipt of the disclosure the Trust will either confirm that the disclosure is satisfactory, or invite the person to discuss any matter revealed in the disclosure. Should the Trust consider, following discussion, that the criminal record or other information renders them unsuitable for the post; their employment will be terminated with immediate effect.			
<b>Managers Name:</b> ..... <b>Signature:</b> ..... (Head of Operations / Head of Nursing or Midwifery / or equivalent level of seniority – please state job title: ..... <b>Date:</b> .....			
<b>Resourcing Lead/ Recruitment Services Manager/ Deputy Manager/ Recruitment Officer</b>  <b>Name:</b> ..... <b>Signature:</b> .....  <b>Date:</b> .....			
<b>Please note that under no circumstances should the individual commence employment until this risk assessment is signed by both recruitment and management and confirmation has been given by Recruitment Services.</b>			

## Appendix 8

### Referring an individual to the DBS

Once the following 2 conditions have been met, you must make a referral:

#### Condition 1

- You withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that isn't regulated activity.

This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left.

#### Condition 2

You think the person has carried out one of the following:

- **An action with satisfies the harm test** in relation to children and / or vulnerable groups. A person meets the harm test if they cause harm, cause someone to be harmed, put them at risk of harm, attempt to harm or incite another to harm.
- **They have engaged in relevant conduct.** This is conduct which endangers or is likely to endanger a child or someone from a vulnerable group, may endanger if repeated again, involves sexual material relating to children (including possession), or conduct of a sexual nature.
- **They have been cautioned or convicted of a relevant offence** for example, automatic barring from working with adults or children in regulated activity, either with or without the right to make representations).

Further information regarding the referral duties can be found on the DBS website: <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>