### DISCLOSURE & BARRING SERVICE POLICY (DBS)

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

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

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

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, permanent staff, staff on fixed term contracts, volunteers, honorary appointments, students, trainees and bank workers.

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). 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.

2 DEFINITIONS AND ABBREVIATIONS

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

4.1 Resourcing Lead and Director of People and Organisational Development – Responsible for ensuring that the DBS Policy is compliant with legal requirements and CQC standards.
4.2 Executive Lead: The Director of Workforce and Organisational Development has lead responsibility to ensure that appropriate systems are in place to address issues arising in relation to harassment of the workforce.

4.3 Resourcing Lead and Recruitment Services Managers - Responsibility for ensuring that appropriate systems to support this policy are designed, implemented, updated, monitored and audited to ensure compliance.

4.4 Recruitment Services Team. Responsible for ensuring that the relevant DBS check is undertaken for applicants and ensuring that they comply with the policy and work within the systems that support it.

4.5 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.

4.6 HR Lead/ Business Partners - Responsible for informing the police if anyone who has been barred aims to seek employment in a regulated activity role as this is a criminal offence. Recruitment Services will notify the relevant HR Lead/ Business Partner for this to be investigated.

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

4.8 Managers - Have responsibility for ensuring that they comply with this policy and that the required 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. 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.

4.9 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 7.

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

Recruiting Manager must never knowingly engage an individual in regulated activity work for which they are barred from undertaking.
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.

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 appointment.

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

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.

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.

5 POLICY STANDARDS AND PROCESSES

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 discuss any cases arising from a positive DBS disclosure with Recruitment Services/CMG HR Lead /HR Business Partner for advice prior to a final decision being taken. The assessment of disclosure of information (appendix 1) must be completed by the HR Lead/ Business Partner 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 and the

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, B and Internal 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:

- Standard
- Enhanced
- Enhanced with Barred Lists Checks

For enhanced requests there is the option of requesting barred list checks for roles that provide health and social care to patients (adults and children). See Regulated Activity definition (Appendix 2).

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 Appendix 5 details the level of check for the main categories of staff at UHL. 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 Portability

5.3.1 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.

5.3.2 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. 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 (refer to section 5.14). Separate arrangements exist for Doctors in educationally approved posts (refer to section 5.6)
5.3.3 In **exceptional circumstances** individuals may commence in post on a risk assessment (refer to section 5.5.3) whilst a DBS check is being processed, however if a barred list check for children is needed for the role then this will not be permitted.

For Doctors in educationally approved training programmes, separate arrangements exist and are detailed in section 5.6.

For applications received from Abroad separate arrangements exist and are detailed in section 5.8

5.4 **Retrospective Checks**

5.4.1 There is no legal requirement to carry out retrospective checks on existing staff members or DBS checks on staff who have been in post prior to the original CRB process commencing in 2002. UHL will not therefore be routinely undertaking retrospective checks.

5.5 **Recruitment Process**

5.5.1 **New appointments to UHL**

As part of the pre-employment checks, candidates will be asked to complete a declaration A or B form, or internal declaration form as appropriate. (Appendix 4).

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

The DBS will be progressed once the candidate has been made a conditional offer of employment and a face to face ID appointment has been completed.

The DBS application is submitted on TRAC recruitment system and TRAC are the counter signatory for UHL. If the outcome of the DBS is clear, TRAC will automatically update the system that this pre-employment check is complete and if the certificate contains information.

In the event that the certificate contains information and the disclosure outcome reveals some criminal history for a job applicant, the original of the disclosure certificate containing details of the offence(s) will be requested from the applicant and will be confidentially shared with the line manager and HR Generalist for their consideration.

Advice must be sought from the Generalist HR Team for the area as appropriate and prior to any final decision being made.

The Generalist HR Team will review whether the offences were detailed on the application form and on the declaration form, both of which will be available from the Recruitment Services team and determine if this is of sufficient concern to warrant
withdrawal of an offer. The HR Lead/ Business Partner will complete the Assessment of Disclosure Information form (appendix 1) to determine how to proceed, and return to Recruitment Services as record of discussion. If the decision is made to continue with the recruitment, a copy of the DBS will be held in a locked filing cabinet for 6 months to allow consideration and resolution to any disputes or complaints.

Unless the disclosure shows that the applicant 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.

Any decision to withdraw the conditional job offer will be made after a full and fair assessment of the applicant’s circumstances, including discussions with the applicant. It is the appointing 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.

5.5.2 Existing Staff

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 at UHL and is moving to a position that requires a DBS, or if there are no DBS details recorded on ESR.
- The role requires a higher level of DBS or a DBS with barred list check and this has not previously been undertaken.

Where there is a delay in obtaining a DBS the individual can only commence work in the new post in accordance with section 5.5.3.

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.

If a negative DBS check is received on an existing employee, the line manager and HR 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.
5.5.3 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 circumstances:

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

A risk assessment (appendix 6) 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.

5.6 Doctors in Training

5.6.1 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.

5.6.2 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.

5.6.3 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.

5.6.4 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+)

5.6.5 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.

5.6.6 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.

5.6.7 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 5.5.3 and appendix 6) and work under supervision until such assurances or a DBS has been received

5.6.8 In the event of the educationally approved rotational training post being over three years in duration prior to the next rotation to UHL, or within UHL, then UHL will at the three year mark require and 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.

5.6.10 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.

5.7 DBS Checks for Professional Students on Placement with UHL

5.7.1 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 applicant has been provisionally accepted.

5.7.2 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.
5.7.3 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 5.5.3 and appendix 6) 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.

5.8 Staff Recruited from Abroad

5.8.1 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.

5.8.2 A DBS check must also be requested for eligible posts even if the applicant 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.

5.8.3 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.

5.9 Agency Workers, Locums and Bank Staff

A satisfactory Disclosure and Barring Service (DBS) check must be undertaken prior to the Temporary staff commencing their induction for the organisation. Any fees applicable to this check will be paid in advance by the applicant.

Please refer to the UHL Temporary Staffing Policy (B58/2011)

5.10 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.

5.11 Voluntary Staff

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 to a free of charge DBS check.

5.12 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.
5.13 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.

5.14 DBS Update Service

5.14.1 The Disclosure and Barring Service introduced an Update Service to enable 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.

5.14.2 No new DBS would be required for an applicant who has 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 applicant) 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.

5.15 Storage, Handling, Retention and Disposal of DBS Disclosures and Information

5.15.1 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.

5.15.2 Once a decision has been made and the applicant has been issued 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).

5.15.3 DBS checks are undertaken on line via an external company, TRAC, who are UHL’s countersignatory. 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.
5.15.4 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 applicant when there has been notification received that there may be information of potential importance to roles at UHL.

5.15.5 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.

5.15.6 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.

5.15.7 An acceptable DBS does not necessarily mean that the successful applicant 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).

5.15.8 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.

5.16 Making a referral to DBS

5.16.1 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).

Please refer to appendix 7 for the conditions for referring an individual to the DBS.
5.16.2 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.

5.17 Costs

5.17.1 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.

5.17.2 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.

6 Education and Training Requirements

Education and training on this policy will be provided to all members of the Recruitment Services and provide updates as required. 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).

<table>
<thead>
<tr>
<th>Element to be monitored</th>
<th>Lead</th>
<th>Tool</th>
<th>Frequency</th>
<th>Reporting Arrangements</th>
<th>Acting on recommendations</th>
<th>Change in practice and lessons learned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensuring DBS records exist</td>
<td>Recruitment Services Staff</td>
<td>TRAC</td>
<td>Daily</td>
<td>System will automatically record when a DBS check has been returned and its status</td>
<td>Any concerns will be highlighted to recruiting manager/HR Generalist team</td>
<td></td>
</tr>
<tr>
<td>Ensuring applicants have had a DBS check with reference number recorded</td>
<td>Recruitment Services Team Leaders and Management</td>
<td>TRAC and ESR</td>
<td>Weekly</td>
<td>Team Leader will gain assurances that checks have been carried out by using TRAC</td>
<td>Team Leader will confirm compliance with NHS Employers standards</td>
<td>Retraining for staff who are not compliant</td>
</tr>
<tr>
<td>Compliance with the terms of this policy</td>
<td>Recruitment Services Team Leaders</td>
<td>TRAC and ESR</td>
<td>Monthly</td>
<td>To Recruitment Services Management</td>
<td>To retrain where appropriate Communications and training sessions when updates have been made.</td>
<td></td>
</tr>
</tbody>
</table>

8  EQUALITY IMPACT ASSESSMENT

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  LEGAL LIABILITY

9.1 It is recommended that staff have professional Indemnity Insurance cover in place for their own protection in respect of those circumstances where the Trust does not automatically assume vicarious liability and where Trust support is not generally available.
Such circumstances will include Samaritan acts and criminal investigations against the staff member concerned

9.2 Suitable Professional Indemnity Insurance Cover is generally available from the various Royal Colleges and Professional Institutions and Bodies. For further advice contact Head of Legal Services on 0116 258 8960
See section 6.4 of the UHL Policy for Policies for details of the Trust Legal Liability statement for Policy documents

10 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

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
- CQC, (Care Quality Commission)
- DBS (Disclosure and Barring Services) [https://www.gov.uk/government/organisations/disclosure-and-barring-service](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)
- Work Experience Policy (B7/2016)
- Policy for Unpaid Placements (Currently being developed)
- Volunteer Policy (B23/2013)

11 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

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

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

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 .......................... (applicant 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**

Disclosure and Barring Service Policy


Next Review: March 2022

NB: Paper copies of this document may not be most recent version. The definitive version is held on INsite Documents
**Definition of Regulated Activity**

**Adults**
Any activity involving working, volunteering or managing staff working with adults that is of a specific nature.

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

There are 6 categories of regulated activity:

1. **Providing health care**
   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.

2. **Providing personal care**
   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).

3. **Providing social work**
   Activities include assessing or reviewing the need for health or social care services, and providing on-going support to clients.

4. **Assistance with cash, bills and/or shopping**
   for an adult because of their age, illness or disability.

5. **Assistance in the conduct of a person’s own affairs**
   e.g. power of attorney.

6. **Conveying**
   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 technicians, hospital porters for patients.

**Children**
An activity involving working or volunteering which children that is of a specific nature.

A child refers to any individual who is aged less than 18 years.

Regulated activity refers to unsupervised activities and specified places:

1. **Unsupervised activities**: teaching, training, instruction, caring for or supervising children, or providing advice / guidance on well-being, or driving a vehicle only for children.

2. **Work for a limited range of establishments (‘specified place’) with the opportunity for contact with children**, 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.

3. **Providing personal care**
   e.g. washing or dressing or health care by or supervised by a professional.

4. **Registered child minding and foster-caring**
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.

Appendix 4
The position you have applied for is exempt from the Rehabilitation of Offenders Act 1974 (as amended in England and Wales).

When University Hospitals of Leicester NHS Trust is assessing your character and suitability for any such appointment, it is legally permitted to ask for and consider any information relating to unspent (current) and spent (old) criminal convictions, police cautions, final warnings or reprimands which are not protected (or filtered out) by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

You are not legally obliged to declare any convictions or cautions which are protected under the Exceptions Order. Employers must not ask for, or consider any such information as part of their recruitment process. Before completing this form it will be important for you to read the useful guidance section on page two which provides additional advice about the type of criminal history information you must declare.

Where relevant to the role, the organisation may also ask you to provide any information about any investigations and/or formal action taken against you by a regulatory or licencing body which may have had an impact on your professional registration and/or fitness to practise in your chosen profession.

Any information you declare when completing this form will be verified by undertaking a follow-up check with the relevant body. It will also include carrying out a standard or enhanced disclosure through the Disclosure and Barring Services (known as a DBS check).

Enhanced disclosures may also include other non-conviction information which may be held on central police databases, where this is regarded as relevant to the position you are applying for. If the position has, in addition, been identified as a 'regulated activity' under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedom’s Act 2012), the enhanced disclosure will also include any information that may be held about you on the children’s and/or adults barred list(s).

The University Hospitals of Leicester NHS Trust aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

The organisation does not discriminate unfairly against applicants on the basis of criminal conviction or other such information declared. If we believe that the information you have declared is relevant to the position you are applying for, we will discuss this with you prior to making our final recruitment decision. If information is not raised with you, this is because we do not believe that this should be taken into account. In any event, you remain free to discuss the matter with the recruiting manager or human resources department should you wish to do so.

All information will be examined on a case-by-case basis alongside the full range of information we gain about you as part of our recruitment process. It is important to stress that answering yes to any of the questions in the attached form does not mean that you will be prevented from taking up an appointment in the NHS.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In any event, you remain free to discuss the matter with the recruiting manager or human resources department should you wish to do so.

All information will be examined on a case-by-case basis alongside the full range of information we gain.
about you as part of our recruitment process. It is important to stress that answering yes to any of the questions below does not mean that you will be prevented from taking up an appointment in the NHS

How will my information be used?
The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 2018. It will only be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

If you have declared any information relating to criminal convictions or other such offences, we will consider the following:

- The relevancy of the conviction/offence to the position being applied for.
- 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 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.

It is important to be aware, that the failure to disclose all spent and unspent convictions which you are legally obliged to declare (i.e. those that are not protected by Exceptions Order of the Rehabilitation of Offenders Act (as amended in England and Wales), could result in disciplinary proceedings or dismissal.

Useful guidance
If you have a criminal history, it will be important for you to refer to the easy to read guidance documents http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/

Unlock is a charity body that provides information and advice to individuals to help them gain a greater understanding about the type of information employers are likely to seek about their criminal history, which convictions and cautions are protected under the Exceptions Order (i.e. will never be disclosed as part of a DBS check and do not need to be declared when completing this form) and their rights.

Please answer all of the following questions. If you answer ‘yes’ to any of the questions, please provide full details in the space indicated.

Answering ‘yes’ to any of the questions below will not necessarily prevent your appointment within the NHS. This will depend on the nature of the position for which you are applying and the particular circumstances.

“Should there be changes to the information you have provided above and / or your application for employment with University Hospitals of Leicester NHS Trust, you must inform the Trust of these changes immediately. Failure to do so could result in the withdrawal of an offer of employment or dismissal if you have already commenced in post”

The cost of undertaking a DBS disclosure at the required level and associated processing costs will be met by the individual/applicant. To expedite the process the Trust will meet the initial costs of the disclosure which will be deducted from the individual’s salary over a three month period commencing on their first months payment.

<table>
<thead>
<tr>
<th>1. Are you currently bound over, or have you ever been convicted of any offence by a Court or Court-Martial in the United Kingdom or in any other country?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please note: you do not need to tell us about parking offences

If YES, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing.
2. Have you ever received a police caution, reprimand or final warning in the United Kingdom or in any other country?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If **YES**, please provide details of the caution, reprimand or final warning, including the date and reason administered.

3. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Please note that you **must** inform us immediately if you are charged with any offence in the United Kingdom or in any other country **after** you complete this form and **before** taking up any position offered to you. You will also need to notify us **throughout** your employment with the Trust.

**Please note**: you do not need to tell us about parking offences.

If **YES**, please provide details of the nature of the offence with which you are charged, date on which you were charged, and details of any ongoing proceedings by a prosecuting body.

4. Are you aware of any current investigations being undertaken by the police following allegations being made against you in the United Kingdom or in any other country?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If **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.

5. Have you ever been investigated by the NHS Business Services Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body resulting in a current or past conviction or any formal action being taken against you?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

**Investigatory bodies** may include:

- HM Revenue & Customs, the Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade & Industry), Department of Work and Pensions, Home Office, UK Visas and Immigration and local authorities.

This list is intended as a guide only; you **must** declare any investigation conducted by an investigatory body.

If **YES**, please provide details of the offence.
6. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office, or other position previously held by you?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If 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.

7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body in the UK or in any other country?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If 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.

8. Have you ever been removed from a professional 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?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

You should tick no, where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated.

If 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.

9. Are you subject to any other prohibition, limitation, or restriction that means we are/or may be unable to consider you for the position for which you are applying?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If YES, please include details of the nature of the prohibition, restriction or limitation and by whom it was made.

Continuation:

If you have answered yes to any of the questions above, please use the space below to provide any additional information you wish us to consider as part of your application.
The Trust has legal obligations to protect the safety and welfare of patients and must ensure, as far as possible that staff are able to undertake the tasks required of them and attend work on a regular basis. The Trust has similar obligations to protect the health and safety of staff at work, so far as is reasonably practicable. As part of your pre-employment check and in accordance with NHS recruitment practice standards, we are required to health screen all prospective employees. For some people (i.e. those in exposure prone posts, food handlers or drivers – you will have received minimal screening at interview).

If at this stage you have any concerns about your ability, in relation to the post for which you have applied, the relevant Occupational Health Department will be happy to discuss this with you.

*Leicester General Hospital 0116 2584930
*Leicester Royal Infirmary 0116 2585307
*Glenfield Hospital 0116 2257961

The information provided will not necessarily prevent an applicant from being appointed to any post. The information is indeed to assist both yourself and the Trust to consult and resolve any issues which may affect the suitability of a particular appointment

Please tick and indicate below the statement which applies to you:

I am not aware of any health conditions or disability which might impair my ability to undertake effectively the duties of the position which I have been offered.

I do have a health condition or disability which might affect my work and which might require special adjustments to my work or at my place of work.

DECLARATION

Data Protection Law requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Law defines ‘sensitive personal data’ as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence and any barring decisions made against the Children’s or Adults Lists under the terms of the Safeguarding Vulnerable Adults Act (2006), (as amended by the Protection of Freedoms Act 2012).
The information that you provide in this declaration form will be processed in accordance with Data Protection Law. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment the University Hospitals of Leicester NHS Trust will not retain this declaration form any longer than necessary. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the trust who are authorised to view it as a necessary part of their work.

In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.

I consent to the information provided in this declaration form being used by the University Hospitals of Leicester NHS Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE.................................................................................................

NAME (in block capitals) ..................................................................................

DATE.............................................................................................................
The position you have applied for is non-exempt from the Rehabilitation of Offenders Act 1974 (as amended in England and Wales).

When University Hospitals of Leicester NHS Trust is assessing your character and suitability for any such appointment, it is legally permitted to ask for and consider any information relating to unspent (current) criminal convictions, police cautions, final warnings or reprimands which are not protected (or filtered out) by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

You are not legally obliged to declare any convictions or cautions which are protected under the Exceptions Order or have become spent (old). Employers must not ask for, or consider any such information as part of their recruitment process. Before completing this form it will be important for you to read the useful guidance section on page two which provides additional advice about the type of criminal history information you must declare.

Where relevant to the role, the organisation may also ask you to provide any information about any investigations and/or formal action taken against you by a regulatory or licencing body which may have had an impact on your professional registration and/or fitness to practise in your chosen profession.

Any information you declare when completing this form will be verified by undertaking a follow-up check with the relevant body. It will also include carrying out a standard or enhanced disclosure through the Disclosure and Barring Services (known as a DBS check).

The University Hospitals of Leicester NHS Trust aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

The organisation does not discriminate unfairly against applicants on the basis of criminal conviction or other such information declared. If we believe that the information you have declared is relevant to the position you are applying for, we will discuss this with you prior to making our final recruitment decision. If information is not raised with you, this is because we do not believe that this should be taken into account. In any event, you remain free to discuss the matter with the recruiting manager or human resources department should you wish to do so.

All information will be examined on a case-by-case basis alongside the full range of information we gain about you as part of our recruitment process. It is important to stress that answering yes to any of the questions in the attached form does not mean that you will be prevented from taking up an appointment in the NHS.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In any event, you remain free to discuss the matter with the recruiting manager or human resources department should you wish to do so.

All information will be examined on a case-by-case basis alongside the full range of information we gain about you as part of our recruitment process. It is important to stress that answering yes to any of the questions below does not mean that you will be prevented from taking up an appointment in the NHS.

How will my information be used?
The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will only be used for the purpose of determining your application for this position. It
will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

If you have declared any information relating to criminal convictions or other such offences, we will consider the following:

- The relevancy of the conviction/offence to the position being applied for.
- 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 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.

It is important to be aware, that the failure to disclose all spent and unspent convictions which you are legally obliged to declare (i.e. those that are not protected by Exceptions Order of the Rehabilitation of Offenders Act (as amended in England and Wales), could result in disciplinary proceedings or dismissal.

Useful guidance
If you have a criminal history, it will be important for you to refer to the easy to read guidance documents

http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/

Unlock is a charity body that provides information and advice to individuals to help them gain a greater understanding about the type of information employers are likely to seek about their criminal history, which convictions and cautions are protected under the Exceptions Order (i.e. will never be disclosed as part of a DBS check and do not need to be declared when completing this form) and their rights.

Please answer all of the following questions. If you answer ‘yes’ to any of the questions, please provide full details in the space indicated.

Answering ‘yes’ to any of the questions below will not necessarily prevent your appointment within the NHS. This will depend on the nature of the position for which you are applying and the particular circumstances.

“Should there be changes to the information you have provided above and / or your application for employment with University Hospitals of Leicester NHS Trust, you must inform the Trust of these changes immediately. Failure to do so could result in the withdrawal of an offer of employment or dismissal if you have already commenced in post”

The cost of undertaking a DBS disclosure at the required level and associated processing costs will be met by the individual/applicant. To expedite the process the Trust will meet the initial costs of the disclosure which will be deducted from the individual’s salary over a three month period commencing on their first months payment.

1. Are you currently bound over, or have any current unspent convictions by a Court or Court-Martial in the United Kingdom or in any other country?  

Please note: you do not need to tell us about parking offences

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If YES, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing.
2. **Do you have any current unspent police caution, reprimand or final warning in the United Kingdom or in any other country?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If **YES**, please provide details of the caution, reprimand or final warning, including the date and reason administered.

3. **Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please note that you **must** inform us immediately if you are charged with any offence in the United Kingdom or in any other country after you complete this form and before taking up any position offered to you. You will also need to notify us **throughout** your employment with the Trust.

Please note: you do not need to tell us about parking offences.

If **YES**, please provide details of the nature of the offence with which you are charged, date on which you were charged, and details of any ongoing proceedings by a prosecuting body.

4. **Are you aware of any current investigations being undertaken by the police following allegations being made against you in the United Kingdom or in any other country?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If **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.

5. **Have you ever been investigated by the NHS Business Services Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body resulting in a current or past conviction or any formal action being taken against you?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Investigatory bodies** may include:

HM Revenue & Customs, the Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade & Industry), Department of Work and Pensions, Home Office, UK Visas and Immigration and local authorities.

This list is intended as a guide only; **you must** declare any investigation conducted by an investigatory body.

If **YES**, please provide details of the offence.
6. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office, or other position previously held by you?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If 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.

7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body in the UK or in any other country?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If 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.

8. Have you ever been removed from a professional 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?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

You should tick no, where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated.

If 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.

9. Are you subject to any other prohibition, limitation, or restriction that means we are/or may be unable to consider you for the position for which you are applying?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If YES, please include details of the nature of the prohibition, restriction or limitation and by whom it was made.

Continuation:

If you have answered yes to any of the questions above, please use the space below to provide any additional information you wish us to consider as part of your application.
NON CONFIDENTIAL HEALTH QUESTIONNAIRE

The Trust has legal obligations to protect the safety and welfare of patients and must ensure, as far as possible that staff are able to undertake the tasks required of them and attend work on a regular basis. The Trust has similar obligations to protect the health and safety of staff at work, so far as is reasonably practicable. As part of your pre-employment check and in accordance with NHS recruitment practice standards, we are required to health screen all prospective employees. For some people (i.e. those in exposure prone posts, food handlers or drivers – you will have received minimal screening at interview).

If at this stage you have any concerns about your ability, in relation to the post for which you have applied, the relevant Occupational Health Department will be happy to discuss this with you.

*Leicester General Hospital 0116 2584930
*Leicester Royal Infirmary 0116 2585307
*Glenfield Hospital 0116 2257961

The information provided will not necessarily prevent an applicant from being appointed to any post. The information is indeed to assist both yourself and the Trust to consult and resolve any issues which may affect the suitability of a particular appointment

Please tick and indicate below the statement which applies to you:

I am not aware of any health conditions or disability which might impair my ability to undertake effectively the duties of the position which I have been offered.

I do have a health condition or disability which might affect my work and which might require special adjustments to my work or at my place of work.

DECLARATION

Data Protection Law requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Law defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence and any barring decisions made against the Children’s or Adults Lists under the terms of the Safeguarding Vulnerable Adults Act (2006), (as amended by the Protection of Freedoms Act 2012).
The information that you provide in this declaration form will be processed in accordance with Data Protection Law. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment the University Hospitals of Leicester NHS Trust will not retain this declaration form any longer than necessary. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the trust who are authorised to view it as a necessary part of their work.

In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.

I consent to the information provided in this declaration form being used by the University Hospitals of Leicester NHS Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE..................................................................................................

NAME (in block capitals) .............................................................................

DATE...........................................................................................................
CONFIDENTIAL

UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST

SELF DECLARATION FORM

INTERNAL STAFF

Please read the following statement and complete the declaration:

I confirm that there have been no criminal proceedings against me since my initial appointment with University Hospitals of Leicester

I fully understand that failure to disclose any convictions against me could result in disciplinary action and ultimately dismissal

Please sign and date this declaration.

SIGNATURE................................................................................................

NAME (in block capitals) ............................................................................

DATE...........................................................................................................

NON CONFIDENTIAL HEALTH QUESTIONNAIRE

The Trust has legal obligations to protect the safety and welfare of patients and must ensure, as far as possible that staff are able to undertake the tasks required of them and attend work on a regular basis. The Trust has similar obligations to protect the health and safety of staff at work, so far as is reasonably practicable. As part of your pre-employment check and in accordance with NHS recruitment practice standards, we are required to health screen all prospective employees. For some people (i.e. those in exposure prone posts, food handlers or drivers – you will have received minimal screening at interview).

If at this stage you have any concerns about your ability, in relation to the post for which you have applied, the relevant Occupational Health Department will be happy to discuss this with you.

*Leicester General Hospital  0116 2584930
*Leicester Royal Infirmary  0116 2585307
*Glenfield Hospital  0116 2257961

The information provided will not necessarily prevent an applicant from being appointed to any post. The information is indeed to assist both yourself and the Trust to consult and resolve any issues which may affect the suitability of a particular appointment.
Please tick and indicate below the statement which applies to you:

<table>
<thead>
<tr>
<th>Statement</th>
<th>Ticked</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am not aware of any health conditions or disability which might impair my ability to undertake effectively the duties of the position which I have been offered.</td>
<td></td>
</tr>
<tr>
<td>I do have a health condition or disability which might affect my work and which might require special adjustments to my work or at my place of work.</td>
<td></td>
</tr>
</tbody>
</table>

I consent to the information provided in this declaration form being used by the University Hospitals of Leicester NHS Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE........................................................................................................

NAME (in block capitals) .................................................................

DATE..............................................................................................................
### Disclosure and Barring Service (DBS) Policy

**Appendix 5**

**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*

<table>
<thead>
<tr>
<th>Role Types</th>
<th>Enhanced with Barred lists</th>
<th>Enhanced Only</th>
<th>Standard</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulated activity (Providing health or social care to patients)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Staff who supervise/ manage those undertaking regulated activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Providing physical assistance with personal care - eating, drinking, going to the toilet, washing, bathing, dressing, oral care or care of the skin</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>• Conveying adult patients - transporting them between vehicles, wards, theatre, patient areas</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>• Conveying child patients – driving a vehicle arranged to carry patients</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Providing training/ education/ advise on personal care to patients with a vulnerable characteristic (age, illness, disability)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Assembling and dispensing medications</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Clinical Director level appointments where the Fit and Proper Person check is required</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• <em>Examples include Nurses, Midwives, Radiographers, OT’s, Physio, Doctors, HCA’s, Housekeepers, Porters, Phlebotomists, Play workers, Support Workers, registered pharmacy dispensers</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Children’s Areas</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>• <em>Examples include Receptionists and Ward Clerks (who work within the children’s hospital/ ED/ Maternity), Domestics, Caterers and Security etc.</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working with Adults with a vulnerable characteristic (age, illness, disability)</strong></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>• Providing care, supervision, treatment or therapy (excluding personal care)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- Providing teaching, training, advice and guidance on emotional or physical well being

- *Examples include Chaplains, Domestics, Caterers and Security etc.*

## Role Types

<table>
<thead>
<tr>
<th>Access to patients in the course of normal duties</th>
<th>Enhanced with Barred Lists</th>
<th>Enhanced Only</th>
<th>Standard</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>The frequency is outlined as requiring patient contact once a week or more, or four or more times in a 30 day period</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Posts that involve access to patient and patient areas, but where contact does not involve the provision of care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Handing out medications to patients</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Non-clinical Director level appointments where the Fit and Proper Person check is required</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- <em>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.</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Senior Positions of Trust and Senior Managers

- 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

## Roles that do not involve access to patients

- 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)

- *Examples include back office functions such as Admin, HR, Audio Typists, Medical Secretaries, Laboratory staff*
Appendix 6

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

<table>
<thead>
<tr>
<th>1. Does this role involve working with children?</th>
<th>No</th>
<th>Yes</th>
<th>If ‘yes’ please answer question 1a. If ‘no’ go to question 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>If you answer “no” the person must not commence work in this position until the DBS disclosure is received – they cannot commence on a risk assessment.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Are you able to ensure that a new starter will be supervised?
You need to consider:
- Are you able to sustain an appropriate level of supervision in this post?
- Is there adequate staffing to allow you to do this?
- Is it appropriate for the individual to commence work prior to clearance in this area and in this role?

I can confirm that it is essential for the individual to commence because:

A. There is a risk that staffing level will otherwise fall below the numbers required to meet statutory obligations. ______________

B. It is deemed at CMG manager level to be service critical. __________

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.

Managers Name: …………………………………………      Signature: ……………………………………….
(Head of Operations / Head of Nursing or Midwifery / or equivalent level of seniority – please state job title: …………………………………………………………………….
Date: …………………………………….

Resourcing Lead/ Recruitment Services Manager/ Deputy Manager/ Recruitment Officer
Name:…………………………………………………………..      Signature:…...…………………………………….
Date: …………………………………….

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.
Appendix 7

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](https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs)