



DISCLOSURE AND BARRING SERVICE

INTRODUCTION

The Disclosure and Barring Service (DBS) was formed on 1 December 2012 combining the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

DBS checks offer employers with safeguards when appointing people who work or volunteer with vulnerable groups in England and Wales.

The DBS covers two main functions:

- Checking and maintaining the list of barred individuals
- Checking criminal records in varying levels of detail

There are mandatory requirements in the NHS to complete DBS checks and the failure to do so could result in substantial fines as regulated by the Safeguarding Vulnerable Groups Act.

As of 10th March 2015, it is a criminal offence for employers to require an employee or applicant to provide results of a criminal records check which they have made themselves through a subject access request. Suitability of employment should be decided through the official; DBS or PVG scheme where appropriate.

Definitions

Barred lists

There are two barred lists which individuals may be placed on: The Children's Barred List and the Adults' Barred List.

Any individuals working or volunteering in a regulated activity should be checked against the list.

- A person who is barred from working with children or vulnerable adults will be breaking the law if they work, volunteer or try to work or volunteer with those groups.
- An organisation which knowingly employs someone who is barred to work with those groups will also be guilty of breaking the law.
- If your organisation dismisses a member of staff because they have harmed a child or vulnerable adult they have worked with, or if they resigned before you could dismiss them then you must inform the DBS.

Regulated activities refer to any activities that could place an individual in a vulnerable position. The following are examples of regulated activities.

Children:

- Unsupervised activities: teaching, training, caring for or supervising children; driving a vehicle solely for children; providing advice/guidance on well-being
- Work for a limited range of establishments where there is opportunity for contact (for example children's homes, schools, childcare premises.)
- Relevant personal care, for example washing, dressing, health care supervised by a professional.
- Registered child minding and foster caring.



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Adults carrying out or supervising:

- Those providing health care.
- Those providing personal care (for example help with washing and feeding).
- Those providing social care.
- Those providing assistance with handling cash, paying bills or shopping.
- Those assisting a person in his/her personal management of his/her affairs.
- Those who transport an adult because of their age, illness or disability from their place of residence to a place where they are receiving health or social care. This does not include taxi drivers or family and friends.

Criminal Records

If an individual is to engage with a regulated activity an enhanced disclosure (criminal record check) will be required along with a check of the barred list.

It is common practice to use a third party organisation to request DBS checks. NICS use uCheck .
www.ucheck.co.uk.

NICS pay for the DBS check.

NICS have risk assessed the DBS checks and decided:

- All employees will have a DBS
- All employees should renew their DBS every 5 years.

DBS certificates are issued to the individual concerned rather than be sent to registered body or employer. This allows the individual to challenge the check before the certificate is released to the employer.

Applicability

Failure to provide the certificates could result in the termination of the contract of employment. Where delays occur, employee maybe prevented from working in situations which would meet the criteria previously mentioned.

Role

Role	DBS Check
GP (Salaried/Partner), Nurses or Health Care Assistants	Enhanced check with barred lists
Service Manager	Enhanced check with barred lists
IT Manager	Standard
Account/Finance Administrator or Receptionist	Basic check for fraud related convictions
Receptionist	standard
Receptionist with chaperone duties	Enhanced check with barred lists
Administrators	Standard

Locum DBS checks should be verified with the appropriate agency.



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Previously Issued DBS Checks

Where a previously issued DBS is provided at recruitment stage, it is at the discretion of COO as to whether to accept this. However, in the majority of cases, applicants will be asked to apply for a new DBS check due to the access to children and vulnerable adults.

Where a certificate is accepted for lower risk positions, authenticity will be verified with the appropriate authority.

England and Wales DBS: 03000 200 190.

EXISTING STAFF DBS POLICY

Any DBS check is only valid on the day of the check. It is not practical to re-check staff on a regular basis. NICS policy is to commission a DBS check of existing staff every 5 years, or earlier for individuals if the Manager or Directors have a specific reason for doing so. This may include a significant change of role, or serious allegations of misconduct against a staff member in relation to children or vulnerable adults.

Existing staff are required to report criminal offences to the Chief Operating Officer (excluding minor traffic offences).

DBS will be arranged through uCheck. Employee is sent a link to start the process.

Manager completing the form requests to see the following:

- Passport -ID
- Driving license -ID
- Birth certificate -ID
- Bank Statement -proof of address
- Council bill – Proof of address.

Data is added and uCheck verify the information sending the certificate to the employee.

NICS will receive an email stating the outcome of the DBS.

DATA PROTECTION

Nics treats special categories of personal data collected during risk assessments in accordance with its Data Protection Policy. Information about how data is used and the basis for processing the data is provided in NICS employee privacy notice.