



## Disclosure and Barring Service Policy

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Lead Officer:	HR Manager
Equality Impact Assessment completed:	Yes

<b>Applicable Legislation/Regulations:</b>
Rehabilitation of Offenders Act 1974; Police Act 1997 Safeguarding Vulnerable Groups Act 2006; Health and Social Care Act 2008 Protection of Freedoms Act 2012; Data Protection Act 1998
<b>Codes of Practice:</b>
DBS Code of Practice
<b>Purpose:</b>
To ensure that Inmind Healthcare Group makes safe recruitment decisions through access to criminal information checks in accordance with all relevant legislation.

Version Control Table		
Date Ratified	Version Number	Status
	1.2	Live

Date	Key Revision
	Full policy review

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## 1.0 The Policy

- a) Disclosures are an important tool in facilitating safer recruitment practices and service user safety.
- b) A number of roles employed within Inmind Healthcare Group fall under the category of a regulated activity (see Appendix 2). As such, Inmind undertakes Disclosure and Barring Service (DBS) and (Adult) Barred List Checks on its employees, volunteers, and any other individual who will come into unsupervised contact with service users in the capacity of providing a service for the Company.
- c) All new employees, in qualifying roles, must undertake a DBS/Adult Barred List Check prior to being offered employment. Previous DBS disclosures gained through other Registered Bodies will not be accepted by Inmind, unless an applicant is registered with the DBS Update Service.
- d) Although a criminal conviction does not necessarily prevent anyone from working for Inmind, some offences, for example involving violence or sexual abuse, may indicate that an applicant is unsuitable to have access to service users and should not be employed.
- e) Applicants who appear on the Disclosure and Barring Service (DBS) barred list are not legally able to undertake a regulated activity. Inmind therefore has an obligation to ensure all employees undertaking a regulated activity are checked against this list.
- f) Unless on the DBS barred list, a criminal conviction should not necessarily debar a person from working for Inmind, as the weight given to the conviction will depend on the nature of the offence, the age at which it was committed and its relevance to the post.
- g) The DBS check forms only part of Inmind's pre-employment and post-employment checks, alongside references, a thorough interview process and any other appropriate procedures to ensure, as far as possible, that all applicants are 'fit' to undertake the work for which they are employed or contracted.
- h) Therefore Inmind will make the decision of whether to appoint an ex-offender in the context of all the relevant information (in accordance with the Rehabilitation of Offenders Act 1974), including discussion with the applicant, in order to balance the need to prevent unsuitable people from working in sensitive posts against the threat of discrimination against offenders who are rehabilitated. Please refer also to *Recruitment of Ex-Offenders Policy*.
- i) The DBS Adult First service allows an applicant to be checked against the DBS Adult Barred List while waiting for the full Disclosure check to be completed.
- j) However, it is Inmind's policy that no employee will commence their employment with Inmind without a DBS check having been first received, if required.

- k) In exceptional circumstances, an employee without direct service user contact may commence their employment following a DBS Adult First Check, and in line with The Care Act 2014. However this must be done only in consultation with the Group Operations Director.
- l) As a registered body, Inmind is required to comply fully with the DBS Code of Practice which is intended to ensure that the information released will be used fairly, and handled and stored appropriately.
- m) In particular, Inmind will:
  - Treat all applicants with a criminal record fairly and not to discriminate unfairly against the subject of a Disclosure, on the basis of conviction or other information revealed
  - Have a written policy on the recruitment of ex-offenders which can be given to all applicants for a position where a Disclosure is requested.
  - Have a written policy on the correct handling and safekeeping of Disclosure information
- n) Inmind will fully comply with the DBS Code of Practice and the Data Protection Act 1998 regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

## 2.0 The Procedure

### 2.1 DBS Checking for New Employees

- a) All application packs sent to potential applicants must include the Company's *Recruitment of Ex-Offenders Policy* and *Disclosure & Barring Service Policy*.
- b) All invitations to interview for qualifying roles, should include for the candidate's information, a copy of the document 'An applicant's guide to completing the DBS application form'.
- c) At interview it should be explained to all applicants that a post where a DBS Check and barred list check (adult) is required, all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. All convictions resulting in a custodial sentence, whether or not suspended, remain subject to disclosure; as will all convictions where more than one conviction is recorded.

Full details can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide> and should be provided to applicants on request.

- d) Any offer of employment is provisional prior to receipt of a suitable disclosure and DBS check. The applicant should therefore be given the opportunity to make appropriate additions to their application forms.
- e) Should the applicant inform the recruiting manager at interview that they have a conviction, the manager should only consider the conviction in relation to the job being offered. This also applies to information made available via the application form.
- f) Information disclosed by the applicant or following a DBS disclosure will only be disclosed to relevant individuals within the recruitment process.
- g) All applicants for qualifying roles should be asked to complete a DBS Application Form at interview. The necessary identification documentation should be photocopied and verified by the counter-signatory, using the document 'DBS identity checking guidelines' (see references).
- h) The Counter-signatory must then ensure the application form is fully completed using the document 'A counter signatory's guide to completing the DBS application form' and having determined the level of the DBS Check required by following link, (<https://www.gov.uk/find-out-dbs-check>). The counter-signatory should then send the DBS Application Form to the DBS
- i) The DBS will send the Disclosure to the applicant. The applicant must provide the original Disclosure to the Registered Manager. The Registered Manager should check that the Disclosure provided is authentic. Genuine DBS certificates have the following security features;

- a 'crown seal' watermark repeated down the right hand side, visible both on the surface and when holding it up to the light
  - a background design featuring the word 'Disclosure', which appears in a wave-like pattern across both sides of the certificate; the pattern's colour alternates between blue and green on the reverse of the certificate
  - ink and paper that change colour when wet
- j) Once the certificate's authenticity is confirmed, the Registered Manager should photocopy the certificate and sign to confirm they have seen and checked the original.
- k) On receipt of the applicant's Disclosure, a decision will be made as to whether to continue with the recruitment process.

## 2.2 DBS Checking for Existing Employees

- a) In line with CQC guidance, Inmind will require all employees to renew their DBS check every 3 years, or as deemed 'necessary' by the Registered Manager.
- b) It is the responsibility of the Registered Manager at each location to keep a full and accurate record of the dates DBS checks are required for all employees within their service and ensure that the above criteria are met.

## 2.3 Secure Handling, Storage and Retention of Disclosure Information

- a) Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to the Counter-signatory who completed the disclosure documentation, and the lead Counter-signatory for the Inmind.
- b) Copies of disclosures should be stored separately to personnel files in a sealed envelope and a Record of Disclosure completed and attached to the envelope. A copy of this form should be kept in the individual's personnel file. The front of the envelope should include the following detail from the disclosure form:
- The employee's name
  - The DBS disclosure number
  - The date the disclosure was issued
- c) In accordance with section 124 of the Police Act 1997, Disclosure Information is only to be passed to those who are authorised to receive it in the course of their duties. Inmind recognise it is a criminal offence to pass Disclosure information to anyone who is not entitled to receive it.
- d) As part of the Record of Disclosure, a record must be kept including detail of all those to whom the Disclosure or Disclosure Information has been revealed.
- e) Disclosure Information must only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

- f) Once a recruitment (or other relevant) decision has been made, Inmind will not keep Disclosure Information for any longer than is absolutely necessary.
- g) As the services provided by Inmind are regulated by the Care Quality Commission (CQC), disclosures should be kept until a Regulatory Inspection has been conducted to enable the CQC to sample disclosures at inspection. After a Regulatory inspection the retention period for disclosures will be considered as elapsed, the disclosure can then be appropriately disposed of, and the Record of Disclosure fully completed and retained.
- h) The Counter-signatory for each location must keep an up-to-date record of all DBS receipt and disposal dates, ensuring Record of Disclosure forms are kept up to date.

#### 2.4 Disposal of Disclosure Information

- a) Once the retention period has elapsed, Inmind will ensure that the Disclosure certificate and any additional disclosure information is immediately destroyed by secure means i.e. by cross shredding, pulping or burning.
- b) While awaiting destruction, Disclosure information will be kept securely in accordance with 2.3 of this policy.
- c) Inmind will not keep any photocopy or other image of the Disclosure, nor will Inmind keep any copy or representation of the contents of a Disclosure. However, Inmind will keep the DBS Disclosure Record form as a record of events, and a date entry will also be stored on the Counter-Signature's electronic record.

#### 2.5 Audit

- a) The Counter-signatory for each location should conduct regular audit of their DBS storage system and report any issues to the Lead Signature.

**Appendix 1**

**Equality Impact Assessment for this policy**

<b>Protected Characteristic (domain)</b>	<b>Area of conflict</b>	<b>Resolution</b>
Age	Nil	N/A
Disability	Nil	N/A
Gender Reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual Orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you feel you are disadvantaged by this policy, please contact the Registered Manager and the service will actively respond to the enquiry.

## Appendix 2

<p><u>Definitions</u></p>
<p><b>Regulated Activity</b></p> <p>The following types of activity can be classed as regulated activity relating to adults:</p> <ul style="list-style-type: none"> <li>• healthcare for adults provided by, or under the direction or supervision of a regulated health care professional</li> <li>• personal care for adults involving hand-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these task</li> <li>• social work - provision by a social care worker of social work which is required in connection with any health services or social services</li> <li>• assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party</li> <li>• assisting in the conduct of an adult's own affairs under a formal appointment</li> <li>• conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party</li> <li>• a person whose role includes the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity</li> </ul>
<p><b>Basic DBS Check</b></p> <p>A basic disclosure certificate shows any 'unspent' criminal convictions you may have in the UK. Unspent means you need to declare them. You can <u>apply for a basic disclosure</u> yourself for any reason, for example: a job application or voluntary work</p> <p>(<a href="https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure/?via=http://www.disclosurescotland.co.uk/basicdisclosureonline/index.htm">https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure/?via=http://www.disclosurescotland.co.uk/basicdisclosureonline/index.htm</a>)</p>
<p><b>Standard DBS Check</b></p> <p>Standard checks contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions.</p>
<p><b>Enhanced DBS Check</b></p> <p>An enhanced check contains the same details as a standard check, together with any information held locally by police forces that it is reasonably considered might be relevant to the post applied for.</p>
<p><b>Enhanced DBS &amp; barred list check (child)</b></p> <p>An enhanced check with information from the DBS's children's barred list is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act regulations, for example prospective adoptive parents.</p>
<p><b>Enhanced DBS &amp; barred list check (adult)</b></p> <p>An enhanced check with information from the DBS's adults barred list is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act regulations.</p>

**Enhanced DBS & barred list check (child and adult)**

An enhanced check with information from the DBS's children and adults barred list is only available for those individuals engaged in regulated activity with both vulnerable groups including children and a small number of posts as listed in the Police Act regulations.

**Counter-signatory**

An individual designated by the Company and authorised by the DBS to sign DBS applications. It is the counter-signatories responsibility to ensure that:

- All the information required on DBS applications is complete
- Individual's forms of identification are appropriate
- All documentation relating to this is appropriately stored.

**Lead Counter-signatory**

An individual designated by the Company who is responsible for ensuring that the Company complies with its responsibilities as a Registered Body under the DBS Code of Practice.