

Disclosure and Barring Service Policy (DBS)

Introduction

Elizabeth Finn Homes (EFH) recognises the importance of pre-employment checks on newly appointed employees and volunteers. This document details the Disclosure and Barring Service (DBS) checks that are required to ensure that employees and volunteers that are recruited are of good character and are reliable. Its purpose is to protect residents, employees and visitors.

Types of Checks Required – DBS check levels

All employees and volunteers within EFH are subjected to pre-employment Disclosure and Barring Service (DBS) checks. There are four levels of disclosure as follows:

1. Basic
2. Standard
3. Enhanced without Barred List
4. Enhanced with Barred List

The Barred List information relates to the lists of people, held by the DBS, who are barred from working in regulated activity.

Enhanced levels of disclosure are applicable for all employees working within the care home.

Care colleagues (including agency) also need the Adults Barred List information.

An Enhanced DBS check shows full details of a person's criminal record such as cautions, reprimands, warnings, spent and unspent convictions.

Employment Group	Level of Disclosure	Notes
All employees (Non care)	Enhanced	Completed prior to employment.
Care Employees	Enhanced with Adults Barred List	Completed prior to employment.
Agency Staff	Enhanced with Adults Barred List	Completed by Employment Agency – checked at induction. Our homes must obtain and keep written confirmation from an employment agency that eligible members of staff that are supplied to them have had a satisfactory DBS check at the right level for their role.
Volunteers (who spend time with resident on a one to one basis)	Enhanced	Completed prior to obtaining volunteer role.
Contractors	Enhanced	Only 'regular' contractors – see definition below. This process is managed by the Estates Manager.

Hairdressers	Enhanced	Completed every 3 years.
Physiotherapists	Enhanced with Adults Barred List	Completed every 3 years.
Visiting health professionals (Dr, Nurses) etc	Not Required	Assumed that employer has completed DBS check.
Work Experience	Not Required	These individuals will be closely supervised at all times.
Visitors (including providers who perform to a group)	Not Required	These individuals will be closely supervised at all times except when they are family members visiting their relative in a private space.

If an employee transfers from any department into a care facing role such as a Nurse or Care Assistant then they will require an Adult Barring List check.

DBS Checks on Contractors

Contractors working in any one care home more frequently than two occasions within a 30-day period, or for one period longer than 14 days, must complete an Enhanced DBS check. Only the date, name and unique DBS number (rather than copies of the document) needs to be held on the Contractors Assessment Database within the Access system.

Occasional contractors (fewer than two occasions within a 30-day period; or less than 14 days duration) are not required to complete a DBS check.

Self-employed individuals can only get a Standard DBS check themselves, in these situations EFH can request an Enhanced check with the individual's consent.

This process is administered by Estates Manager who will hold the relevant records.

Non-UK DBS checks

If an employee has lived or worked in a country other than the UK for more than six months in the last five years, we are required to complete a non-UK criminal record check. To complete this check, the Business Support Administrator should contact the People team for further advice.

What information will the Enhanced DBS show?

In May 2013, the government introduced a filtering system on DBS information, meaning that not all cautions and convictions are revealed by DBS checks. The filtering process identifies and removes certain 'protected' cautions and convictions so that they don't show up on DBS disclosures. Filtered cautions and convictions are not wiped from police records – they simply don't show up on DBS certificates.

Whether a caution or conviction is filtered will depend on the type and age of the offence.

- The filtering periods for cautions are two years for under 18s and six years for those aged 18 and over.

- The filtering periods for convictions are 5.5 years for under 18s and 11 years for those aged 18 and over.

Barred list information relates to the lists of people, held by the DBS, who are barred from working in regulated activity.

Note: DBS checks will not cover any period of time an individual was abroad. However, it is still recommended that DBS checks are completed in case a person is barred, has a criminal record in the UK, or comes from a country where the DBS does have information sharing arrangements. Checking of overseas criminal records may involve checking with the relevant foreign embassy.

Police Records of Convictions, Cautions, Reprimands and Warnings	NONE RECORDED	←
Information from the list held under Section 142 of the Education Act 2002	NOT REQUESTED	
DBS Children's Barred List information	NOT REQUESTED	
DBS Adults' Barred List information	NONE RECORDED	←
Other relevant information disclosed at the Chief Police Officer(s) discretion	NONE RECORDED	←

Care
Employees
only

Positive DBS Notification

Upon notification that a positive disclosure has been received, the General Manager is required to contact the applicant and request for them to attend a meeting to discuss the contents. As EFH do not receive a copy of the disclosure itself, the applicant must be asked to bring the original disclosure document with them. The applicant should also be asked to prepare where possible a written statement, which should be submitted either prior to, or at, the review meeting. This statement should include the following details:

- Date of offence;
- Nature of the offence;
- Circumstances leading up to, and around the time of the offence;
- An explanation of what happened, including details of those involved;
- The sanction that was imposed;
- Any changes the applicant has implemented to avoid the risk of potential reoccurrence.

The CCM or General Manager must review the relevant documents (for example interview notes, application form, criminal record disclosure form) in order to establish if the applicant declared any matters prior to the positive disclosure being returned as there are specific questions related to this

within these forms. The CCM or General Manager should be prepared to discuss this with the applicant at the documented review meeting.

The Clinical Care Manager or General Manager should then hold a review meeting with the applicant to discuss the content of the disclosure and whether or not the applicant declared this prior to the positive disclosure being received using the DBS positive notification form (Appendix A). This should be held within 1 week of the positive disclosure notice being returned. A photocopy of the disclosure document must be obtained at this meeting, with the original being returned to the applicant. All meetings must be recorded with the signature of all who attend and date being clearly documented and retained complying with GDPR regulations.

Following the review meeting, the General Manager must undertake the risk assessment which is within the DBS positive notification form (Appendix A). As stated above, each case should be assessed on an individual basis taking into consideration the tasks they will be expected to undertake and the circumstances in which the work is to be carried out.

Consideration should be given to the following areas when deciding on risk or to appoint:

- The nature/seriousness of the offence
- The relevance of the offence to the safety and wellbeing of other employees, customers, clients and property
- Who was involved (did the offence involve a child/children or an adult)
- The level of remorse shown and whether their circumstances have changed
- Number of cautions/convictions (was the offence a one off or is there a history of offending)
- Length of time since the last caution/conviction occurred
- If part of a history of offences, the length of time that has lapsed between cautions/convictions
- Any mitigating factors that may have contributed to the matter at hand and whether they are still relevant
- The penalty involved
- If the caution or conviction is spent or still live
- Previous working history (has the staff member worked in a similar working involvement/role since the caution/conviction)
- The applicants reference
- If the role involves one-to-one contact with children or vulnerable adults
- The level of supervision the post holder will receive
- If the applicant fully declared the caution/conviction
- If there are any restrictions that would prevent the post holder from working i.e. CQC, Local Authority, CCQ etc.

Answers to each of the above points will allow the assessing manager to make an informed decision on the level of risk involved.

Once the review meeting and risk assessment has been completed, the assessing manager will be required to make a decision in conjunction with the Head of Operations on whether or not to continue with the offer of employment, or withdraw it, but with discussion and advice sought from the People team.

DBS Information not received prior to start date

In rare instances, new team members who are going to work in regulated activity with adults can begin work before their enhanced DBS certificate has arrived. This should only happen if the safety of people using the service would be put at risk if the person wasn't started in their role. A risk assessment has been produced for this purpose (**Appendix B**).

Interpretation and assessment of DBS information during recruitment

Scenario	Risk Level	Action
Clear DBS Check	Low	GM to offer employment
A Caution over 3 years ago.	Low	Complete Risk Assessment (Appendix B) and seek approval from Head of Operations. Subject to this and if necessary consultation with Head of People Operations. If candidate found to be appropriate, GM to offer employment.
A recent conviction or caution that is not directly connected to care duties, such as a driving conviction	Medium	Complete Risk Assessment (Appendix B) and seek approval from Head of Operations and Head of People Operations. If candidate found to be appropriate, GM to offer employment.
A conviction or caution of theft, abuse, neglect, assault, disorder or a prison sentence.	High	Complete Risk Assessment (Appendix B) and seek approval from Head of Operations, Head of People Operations and Operations Director. If candidate found to be appropriate, GM to offer employment.

Sharing disclosure information

Disclosure information should be kept secure, with access strictly controlled and limited. Care homes do not need to retain original DBS certificates for the purposes of inspection. Only the date, name and unique DBS number should be recorded within the HR personnel system.

Applicants, volunteers and employees should feel confident that information about their convictions will not be disclosed to colleagues or elsewhere unless there is a specific reason for doing so. Managers should ensure that when they appoint an individual with a conviction, they tell them who

within the organisation knows of their conviction and the reasons why the information has been disclosed.

DBS Checks on current employees

To ensure we safeguard all parties across the organisation it is our policy for all employees to complete an annual update form confirming that there have been no changes to their last DBS certificate received.

Employees must notify their line manager immediately if/when there are any changes to their criminal record. This includes being cautioned by the Police and/or convicted of a criminal offence that could affect service user safety. Employees are obliged to inform the service, so that the appropriate action can be taken e.g. a risk assessment and further checks or, where applicable, referral to a professional registration body.

Monitoring of Compliance

Monitoring of compliance with our DBS policy will be undertaken by the Business Support Administrator through the audit of new starter files as part of the homes annual audit. The People team will also conduct regular compliance checks. This will confirm that evidence is available to confirm that checks and risk assessments are being completed.

Failure to Declare

Where an employee fails to notify their General Manager about potential changes to their DBS disclosure, and a positive DBS is received, this should be dealt with in accordance with EFH disciplinary policy. General Managers should contact the People team for immediate advice and consideration will be given as to if a suspension is required for the employee.

A Summary of the main points

Check that:

- An Enhanced DBS is completed on all new employees prior to appointment.
- An Enhanced DBS check with Adults Barred List is completed on all new care colleagues.
- Risk assessments are completed for all future employees with any convictions or cautions on their DBS record.
- Any DBS information is kept secure.

Review date	Next Review Date
January 2026	January 2029



Appendix A

DBS Positive Notification Documented Conversation Form



Candidate name:		Manager name:	
Location:		Role applied for:	
Date of completion:		Date DBS applied for:	

Date of offence:	
Nature of the offence:	
Sanction imposed:	

	Yes	No	Comments/Actions/Explanation
Did the candidate disclose the conviction on the application form and during the structured interview?			
If no, why not?			
What were the circumstances leading up to and around the time of the offence?			
What happened for the offence to take place?			
What have you done to mitigate the risk of reoccurrence of the incident?			
Do you believe your previous conviction/Caution would prevent you from working with vulnerable adults?			
Anything else to add?			

Manager Name:		Date:	
Manager Signature:			
Candidate Name:		Date:	
Candidate Signature:			

Risk Assessment:

	Yes	No	Comments/Actions/Explanation
Was the candidate a juvenile at the time of any offence(s)?			
Does the disclosure show a pattern of offending?			
Does the disclosure show recent offences or a recent change in behaviour? How long ago was that?			
Do any offences have any relevance to the job role?			
Does the nature of the job present any opportunities for the post holder to reoffend in the place of work?			
Did the applicant disclose their offences on the disclosure on line form or in interview?			
Does the conviction/caution place any risk when working alone with residents?			
Will the post holder be supervised if successful?			
If yes, how long for?			

Outcome of Assessment

I am satisfied that based on the above, the criminal background of this person should not prevent them taking up the position	
I am not satisfied that based on the above, the criminal background of this person makes them suitable to take up the position	

Manager Name:		Date:	
Manager Signature:			
Head of Operations Name:		Date:	
Head of Operations Signature:			

Appendix B

DBS Risk Assessment Form – For use if DBS outcome has been delayed before start date



Candidate name:		Manager name:	
Location:		Role applied for:	
Date of completion:		Date DBS applied for:	

	Yes	No	Comments/Actions/Explanation
Is the service compromised by the delay?			
If yes, please state why and how?			
Has a Adult First Check been received?			
Applicant completed and returned a satisfactory declaration form?			
Satisfactory references have been received covering 3 years of employment?			
Previous employer contacted and asked about suitability for the role?			
PIN Number received for Registered Nurses?			
The applicant will be working under supervision until the DBS disclosure has been received?			

Please note: The risk is only acceptable if all criteria above are met with a yes answer

I confirm that I have assessed the risk as acceptable and have arranged for the above named individual to commence in post with appropriate supervision.	
I confirm that I have assessed the risk as not acceptable and therefore will not commence the above named individual in post with appropriate supervision until the disclosure has been received.	

Manager Name:		Date:	
Manager Signature:			
Head of Operations Name:		Date:	
Head of Operations Signature:			



Elizabeth Finn
Homes