

Issued by	Approved by
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WHO DOES IT AFFECT?

This policy applies to all staff and volunteers including agency staff and those who hold an honorary contract with the hospice.

HOW WILL IT BE COMMUNICATED?

This Policy will be communicated via Select HR and will be uploaded to PHS Intranet site.

Introduction

This policy outlines Pilgrims Hospices approach to ensuring that all appropriate staff and volunteers (broadly defined as those with direct patient contact) are checked for previous convictions, cautions or investigations that may reflect upon their suitability to undertake their assigned duties or to take up a position for which they have been recruited.

Pilgrims Hospices uses the Disclosure Services of the Disclosure and Barring Service to check the criminal records of all applicants to whom a conditional offer of employment has been made. Not all positions within Pilgrims Hospices will require a DBS check and the level of check required will depend on the activity and type of patient access the employee or volunteer will have in any given role.

Unless in exceptional circumstances, applicants or volunteers will not be confirmed into their post or voluntary position, nor may they work unsupervised, until Disclosure information has been received and evaluated, and all relevant posts are subject to a satisfactory Disclosure being received.

Pilgrims Hospices is a Registered Body and complies fully with the DBS Code of Practice regarding the fair use and handling of Disclosure information, and complies with its obligations under the Data Protection Act and other relevant legislation in respect of the safe handling, use, storage, retention and disposal of Disclosure information.

Scope and Purpose

This policy applies to all Pilgrims Hospices employees and volunteers as well as potential employees who are applying for employment with the hospice.

The purpose of this policy and associated guidance is to:

- Set out the requirements to undertake DBS checks;
- Prevent inappropriate or illegal checks;
- And ensure consistency and fair treatment.

Levels and Eligibility of Checking

The Disclosure and Barring Service checks are for employers to check specifically whether an individual is barred from working in a particular regulated activity. Pilgrims Hospices is registered as a provider of regulated activity in relation to Adults only. Regulated activity is defined as follows:

The provision of health care by any health care professional or the provision of health care under the direction or supervision of a health care professional.

This definition identifies the particular activities undertaken that lead to the adult being considered vulnerable, with the focus being on the activities needed by the individual rather than the frequency they are carried out.

An individual only needs to engage in the activities listed below once to be identified as carrying out regulated activity relating to adults:

- Healthcare for adults provided by, or under the direction or supervision of a regulated health care professional
- Personal care for adults
- Social work
- Transporting adults for reasons of age, illness or disability to or from or between places, where they receive healthcare, personal care or social work arranged via a third party

Where it is indicated that a prospective employee or employee will be working or volunteering with adults or children within a regulated activity, an enhanced level disclosure will be required with references to the appropriate barred list (s).

Duties and Responsibilities

Line Managers are responsible for:

- Ensuring their team comply with this policy;
- Only accepting valid, current and original documentation;
- Ensuring that the employee correctly completes the application form; and
- Directing staff to familiarise themselves with relevant organisational policies and procedures and monitoring compliance.

Managers should note that a DBS check does not necessarily provide evidence of an individual's right to work in the UK, and appropriate documentation should be sought during the recruitment stage.

HR are responsible for:

- Ensuring staff who occupy a position that requires a DBS check are provided with the relevant documentation to do so;
- Providing advice and guidance to managers with queries relating to the outcome of a DBS check; and
- Maintaining an accurate and up to date record of DBS information in line with legal requirements.

Employees are responsible for:

- Fully complying with this policy;
- Providing appropriate ID to support the application;
- Returning all documentation with a 2 week period;
- Informing their line manager of any arrests, charges, cautions or convictions that occur during the course of their employment; and
- Ensuring that registration with the Update Service is maintained if they are a member.

DBS Checking Process

Successful applicants or volunteers for a post requiring a DBS must complete a DBS disclosure application form. If the applicant does not wish to complete an application form, their conditional offer of employment may be withdrawn.

The applicant will be required to produce appropriate forms of ID, and a previous disclosure is not in itself proof of identity and will not be accepted as such.

The form and ID must be sent to the HR department for screening and all applicants are required to ensure they have correctly completed the form and provided all relevant information. Failure to do so may result in the form being returned to the individual causing further delay.

Once satisfied the countersignatory will send the form directly to the DBS office for processing. The expected time scale to process a DBS application is between 4 and 6 weeks but may vary. Prospective employees are not advised to tender their resignation until a non-conditional offer is made.

External DBS Checks

Disclosure certificates issued for a post in an external organisations will not, unless in exceptional circumstances, be accepted. The hospice will require the individual to complete a new DBS check.

Portability will only be acceptable in cases whereby a prospective employee is registered with the DBS Update Service and they have given consent for the hospice to register an interest in their DBS statement.

Honorary Contracts and Research/Secondment Placements

The substantive employer will remain responsible for carrying out DBS checks for any employee working with Pilgrims Hospices under an Honorary Contract, Secondment or undertaking research. Where an individual is not registered with the Update Service the primary employer is required to provide evidence of the DBS check to the hospice prior to the placement commencing.

Disclosure Certificates

Certificates are no longer issued to Pilgrims Hospices; instead these are issued directly to the employee or volunteer. It is the responsibility of the individual to contact the hospices HR department as soon as they are in receipt of the certificate to arrange for the original to be checked and copied.

Renewal Process

Where appropriate staff will be required to complete a new DBS application form every three years, this is to ensure that the hospice continues to monitor an employee's suitability for employment.

All staff are required to return their completed forms, ID and certificate to the HR department within 2 weeks of the documents being issued.

Staff who fail to comply with this policy may be suspended from work for non-compliance and formal action may be taken under the hospices disciplinary policy.

Payment

DBS checks conducted for paid staff attracts a charge which will be met by the hospice. However where an individual resigns during their probation period the hospice will recoup the full cost incurred.

Positive DBS Certificates

Where a positive result has been received line managers should arrange to meet with the individual and discuss any concerns or issues.

Where applicable, an employee's continuing employment is subject to maintain a satisfactory standard or enhanced check from the DBS and will be reviewed periodically. If an employee's check is found to be unsatisfactory and is working with vulnerable adults the hospice reserves the right to terminate employment.

If a role is subject to a standard or enhanced DBS check, in the event that an employee is charged with and/or convicted of a criminal act, they must advise the hospice immediately. Failure to notify the hospice may result in disciplinary action being taken.

If the offence(s) is deemed not to constitute a risk to the vulnerable adults in the care of the hospice, it may be applicable to confirm/continue with an offer of employment. The information on the DBS certificate will need to be considered in conjunction with the assessments made by the interview panel, as well as the reference and any other aspects deemed to be relevant.

Any decision to withdraw a conditional offer of employment or voluntary service from an applicant due to a positive disclosure will be made by the recruiting manager in conjunction with HR.

Agency Staff

Agency staff undertaking work with the hospice are required to have a current DBS certificate. Formal arrangements with the agency must require them to supply staff that possess satisfactory enhanced disclosures.

Evidence of the certificate must be produced prior to the individual accepting shifts with the hospice.

Staff from Overseas

In some instances, Pilgrims Hospices may recruit individuals with a record of overseas residence. The DBS disclosure only has access to information held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residence; therefore DBS disclosures are unlikely to provide any information on applicants from overseas who have not previously lived in the

UK.

Periods of residence outside the UK do not automatically exclude candidates from being offered employment with the hospice. Decisions must be made fairly and consider the hospices commitment to equality or opportunity for all against the need to minimise the risk to the hospice and the service users.

Over sea applicants and foreign national will be subject to the full range of pre-employment checks used to assess the suitability for the post applied for. Extra care and a robust approach will be required.

Where it is not possible to obtain a DBS disclosure for the applicant, a Certificate of Good Conduct from the relevant embassies or police force should be obtained. If an applicant does not already have a certificate they must contact their relevant Embassy or the High Commissions. More information is available by following the link below:

<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

Adult First Check

Pilgrims Hospices follows the guidelines as outlined by the CQC and staff must be in receipt of a valid and full certificate prior to commencing work. However in exceptional circumstances the hospice may conduct an Adult First Check, providing a satisfactory response is received the individual will be permitted to commence supervised employment.

An Adult First Check is a service provided by the Disclosure and Barring Service that can be accessed in cases where, and in accordance with the terms of Department of Health guidance, a person is permitted to start work prior to a DBS certificate being obtained, and applies to adult services where DBS certificates are required by law.

This check confirms that the individual is not barred from working with adults or children, and subject to the following safeguards:

- An appropriately qualified and experienced member of staff will be appointed to supervise the individual, wherever possible the hospice will seek to ensure that the supervisor remains the same to ensure consistency; and
- Newly recruited staff without a full DBS certificate in place will not escort patients away from the premises.

Failure to comply with this policy may result in disciplinary action being taken.

All employees retain the right to discuss the contents of this policy document with management at any time.

Appendix 1

Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of DBS Disclosures and Disclosure Information

General Principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants and existing staff for where they will carry out regulated activity with adults, Pilgrims Hospices fully complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure and Disclosure Information. It also fully complies with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining of the safe handling, use, storage, retention and disposal of disclosure information.

Storage and access

Disclosure information is kept securely in a lockable container and access is limited and strictly controlled to those who are entitled to see it as part of their duties. Such information is not kept on an employee's personnel file.

Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, Pilgrims Hospices does not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, or until inspected by the CQC whichever is the longest, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional, it is considered necessary to keep disclosure information for longer, the hospice will give full consideration to the data protection and human rights of the individual before doing so.

Disposal

Once the retention period has elapsed, the hospice will ensure that any disclosure information is destroyed by secure means, and will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure. However, notwithstanding the above, a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the outcome of the disclosure will be kept. This information will be held for each employee on a secure database.

Appendix 2

Policy Statement on the Recruitment and Selection of Ex-Offenders

This policy on the recruitment of ex-offenders will be made available to all available at the outset of the recruitment process, where a DBS disclosure is required for the position.

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants and existing staff for where they will carry out regulated activity with adults. Pilgrims Hospices fully complies with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The hospice undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

Pilgrims Hospices is committed to the fair treatment of its staff and volunteers and service users, regardless of race, gender, religion, sexual orientation, age, physical/mental disability or offending background.

Pilgrims Hospices is committed to actively promoting equality of opportunity for all and welcomes applications from a wide range of candidates, including those with criminal records. The hospice selects all candidates for interview based on their skills, qualifications and experience.

DBS checks will only be requested where it is both proportionate and relevant to the position concerned and is permitted under the Rehabilitation of Offenders Act 1974. For those positions where a disclosure and DBS check is required, applicants will be made aware of this in the job advertisement.

Unless the nature of the position allows the hospice to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

A copy of the DBS Code of Practice is available on the Gov.UK website, or by visiting the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf

The hospice may undertake to discuss any matter revealed in a disclosure with the individual seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar an individual from working with Pilgrims Hospices. This will depend on the nature of the position and the circumstances and background of the offence.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

If a candidate fails to disclose a criminal record after subsequently being employed, they may be dismissed on grounds of failure to declare information/fraud as this constitutes an act of gross misconduct.

Appendix 3

ID checking guidelines for DBS check applications

The applicant must provide a range of ID documents as part of the DBS check application process. Pilgrims Hospices must:

- Follow the three route ID checking process as outlined below;
- Check and validate the information provided by the applicant on the application form/continuation sheet;
- Establish the true identity of the applicant through the examination of a range of documents as set out in this guidance; and
- Only accept original documents as proof of ID.

The documents required will be dependent on the route the application takes.

Three Routes of ID Checking

Route 1

The application must be able to show:

- One document from Group 1 as outlined below;
- 2 further documents from either Group 1, or Group 2a or 2b.

At least one of the documents must show the applicants current address.

Route 2

Route 2 can only be used if it is impossible to process the application through Route 1.

If the applicant is not a national of the UK or the EEA and is applying for voluntary work they cannot use Route 2.

If the applicant does not have any of the documents in Group 1, then they must be able to evidence:

- One documentation from Group 2a;
- 2 further documents from either Group 2a or 2b.

At least one of the documents must show the applications current address.

Route 3

Route 3 can only be used if it is not possible to process the application through Routes 1 or 2. EEA nationals who have been resident in the UK for 5 years or less cannot use this route.

For Route 3 the applicant must be able to evidence:

- A full birth certificate issued after the time of birth (UK, Isle of Man and Channel Islands);

- One document from Group 2a; and
- 3 further documents from Group 2a or 2b.

At least one of the documents must show the applicants current address.

Group ID Documents

Group 1: Primary Identity Documents

Document	Notes
Passport	Any current and valid passport
Biometric Residence Permit	UK
Adoption Certificate	UK and Channel Islands
Full Birth Certificate – Issued within 12 months of birth	UK, Isle of Man and Channel Islands – including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces
Current Driving Licence Photo Card – (full or provisional)	UK, Isle of Man, Channel Islands and EEA. (The paper counterpart is no longer valid)

Group 2a: Trusted Government Documents

Document	Notes
Current Driving Licence Photo Card – (full or provisional)	All countries outside the EEA (excluding Isle of Man and Channel Islands)
Current Driving Licence (full or provisional) – paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EEA
HM Forces ID Card	UK
Full Birth Certificate – Issued after time of birth	UK, Isle of Man and Channel Islands
Firearms Licence	UK, Isle of Man and Channel Islands
Marriage/ Civil Partnership Certificate	UK and Channel Islands
Immigration document, Visa or Work Permit	Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside the UK. Visa/permit must relate to the non EEA country in which the role is based,

Group 2b: Financial and Social History Documents

Document	Notes	Issue Date and Validity
Mortgage Statement	UK or EEA	Issued in last 12 months
Bank or Building Society Statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or Building Society Statement	Countries outside the EEA	Issued in last 3 months – branch must be in the country where the applicant lives and works
Bank or Building Society Account Opening Confirmation Letter	UK	Issued in last 3 months
Credit Card Statement	UK or EEA	Issued in last 3 months
Financial Statement, eg Pension or Endowment	UK	Issued in last 12 months
P45 or P60	UK and Channel Islands	Issued in last 12 months
Council Tax Statement	UK and Channel Islands	Issued in last 12 months
Letter of Sponsorship from Future Employment Provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility Bill	UK – not mobile telephone bill	Issued in last 3 months
EEA National ID Card	N/A	Must still be valid
Benefit Statement, eg Child Benefit, Pensions	UK	Issued in last 3 months
Letter from Head Teacher or College Principle	UK – for 16 to 19 years old in full time education – only to be used in exceptional circumstances where other documents cannot be provided	Must still be valid
Card Carrying the PASS Accreditation Logo	UK, Isle of Man and Channel Islands	Must still be valid
Central or Local Government, Government Agency, or Local Council Document giving entitlement, eg from the Department of Work and Pensions, the Employment Service HMRC	UK and Channel Islands	Issued in last 3 months