

## Policy

### Criminal Record Checks

#### Contents

1.	Scope .....	1
2.	Purpose .....	2
3.	Responsibilities .....	2
4.	Definitions .....	2
5.	Criminal Record Check .....	3
6.	Types of Criminal Record Checks .....	3
6.1	Basic Check .....	3
6.2	Standard Check .....	3
6.3	Enhanced Check .....	4
6.3.1	Enhanced Check with Barred List Information .....	4
6.3.2	DBS Adult First Service – Regulated Activity .....	5
6.4	DBS Update Service .....	5
7.	Eligibility .....	6
8.	Timing of Applications .....	6
9.	Informing Applicants About Criminal Record Check Requirements .....	7
10.	Portability .....	7
11.	Periodic Checks .....	7
12.	DBS Application Procedure .....	8
12.1	Invitation .....	8
12.2	Applicant Details .....	9
12.3	Organisation Verification & Payment .....	9
13.	Positive Disclosure .....	10
14.	Legal Duty to Refer .....	10
15.	Other Types of Checks .....	11
15.1	Applicants With Time Spent Overseas .....	11
15.2	Overseas Police Checks .....	11
15.3	Unable to Obtain Overseas Police Check .....	11
15.4	Military Service Records .....	12
Appendix A	List of Acceptable Identification .....	13

#### 1. Scope

This policy applies to all candidates to whom a conditional offer of employment has been made for roles in which they have direct access to patients, vulnerable adults and children. These are deemed to be regulated activities.

This policy may also apply to other roles subject to legislation and eligibility checks.

## 2. Purpose

This policy details the process to be followed to ensure TH CIC meets all current obligations regarding criminal record checks as part of the recruitment process. The full recruitment process is detailed in the **Recruitment Policy**.

## 3. Responsibilities

It is the responsibility of the HR Department to ensure this policy is followed for all recruitment activity pertaining to eligible roles.

The HR Department shall be responsible for the correct administration of all disclosure information as per the **Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information**.

It is the responsibility of the HR Department to monitor the effectiveness of this policy and report the results at management reviews.

It is the responsibility of all employees involved in the recruitment process to comply with this policy.

It is the responsibility of all employees involved in the recruitment process to report any improvement suggestions to the HR Department.

## 4. Definitions

**Hard to Recruit Posts:** Individual jobs or groups of jobs where labour market pressures make it difficult for employers to recruit and retain staff in sufficient numbers.

**Honorary:** Someone who undertakes work within the organisation but who is not directly employed by TH CIC.

**Job Sharing:** A way of enabling two employees to cover one post. Each person has a permanent part-time post and split the hours, pay, holidays and benefits between them according to how many hours they each work.

**Longlist:** A list of selected candidates from which a shortlist is to be compiled.

**Secondment:** The detachment of a person from their regular role for a temporary assignment elsewhere, internally or to another organisation, for a specific purpose and time, to the mutual benefit of both the staff member and the organisation.

**Shortlist:** A list of candidates who have been selected from the longlist of candidates who have evidenced that they meet the person specification for a vacant post through their application.

**Volunteer:** Someone who provides their time, for no payment, in order to enhance service delivery. They complement roles performed by paid staff, but do not replace them.

## 5. Criminal Record Checks

A criminal record check relates to the data held about an individual's criminal history. Carrying out a criminal record check can help to ensure unsuitable people are prevented from entering the workforce and gaining access to individuals who may be more vulnerable because they are receiving healthcare services.

Criminal record checks must be conducted at the end of the recruitment process to ensure each candidate is assessed on their merits and without prejudice.

In England and Wales, criminal record checks should be obtained through the Disclosure and Barring Service (DBS). This organisation was created following a merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

The DBS supports employers by providing information that may be held about an applicant on the Police National Computer (PNC). They also process referrals relating to individuals who have harmed, or pose a risk of harm, to vulnerable groups. These individuals may be placed on the adult and / or children's barred list, meaning they cannot work with these groups.

## 6. Types of Criminal Record Checks

There are three levels of DBS disclosure:

- Basic
- Standard
- Enhanced

The organisation must only carry out a check at the appropriate level for the role.

### 6.1 Basic Check

This will contain details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

A basic check can be carried out for any position with the applicant's permission.

### 6.2 Standard Check

This will contain details of current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

These checks must only be obtained for roles that are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

To meet eligibility requirements for a standard check, the role must require the individual to be involved in the provision of a health service that would give them access to persons in receipt of a health service, as part of their normal duties.

A standard check must not be obtained for an individual in a role involving access to persons in receipt of a health service, where that access is only incidental (not a normal part of their duties).

### 6.3 Enhanced Check

This will contain the same information as a standard check but with the addition of any relevant and proportionate information held by local police forces as well as a check of the Children and / or Vulnerable Adults barred lists where requested (see 6.3.1).

To meet eligibility requirements for an enhanced check, the role must be listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and also be listed in the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 as work with adults and / or work with children.

#### 6.3.1 Enhanced Check with Barred List Information

This level of check will include the same information as an enhanced check but will also outline whether a person is barred from carrying out certain activities with children and / or adults, as applicable to the role.

To be eligible to request information held on the children / adults barred lists, the role must involve a regulated activity as stipulated within the Safeguarding Vulnerable Groups Act 2006 (amended by Protection of Freedoms Act in 2012).

The organisation should note that it is unlawful to knowingly allow an individual to engage in a regulated activity with the group(s) they are barred from working (or volunteering) with.

It is a criminal offence for an individual to apply for or engage in any activity with the group(s) from which they are barred. Where such an instance becomes evident, the organisation must make a referral to the DBS.

### 6.3.2 DBS Adult First Service – Regulated Activity

Where any delay in recruitment would have a significant impact on the delivery of services and / or patient safety, the organisation may consider an application under this DBS service.

This service enables employers to obtain a fast track check against the adults barred list. If the check confirms the individual is not barred from working with adults, and all other recruitment criteria has been met, the organisation may allow the applicant to start work **UNDER SUPERVISION** whilst awaiting the outcome of the full enhanced check.

This check does not remove the need for the full enhanced check to be carried out.

The organisation must be aware that the full enhanced check may include additional information to be taken into consideration before any unconditional offer of employment can be made. Therefore, the organisation must make it clear to the applicant that any appointment remains conditional until the full enhanced check has been completed.

There is no equivalent fast track check available against the children's barred list.

## 6.4 DBS Update Service

Subscription to the DBS Update Service allows for standard or enhanced certificates to be updated, allowing the organisation to carry out a quick and easy online check. This eliminates the need for a new DBS check each time an employee changes roles and where the new role does not alter the level of check required.

The organisation may wish to consider, on a case by case basis, whether it would be beneficial to encourage applicants to subscribe to the service when a DBS check is first obtained.

If encouraging subscription to the update service, the organisation must make it clear to the individual that they are responsible for ensuring their account details remain up to date and subscription fees are paid on time.

Where it is deemed to be in the organisation's best interests for an individual to subscribe to the service, the organisation shall pay any subscription fees during the course of that individual's employment.

## 7. Eligibility

The organisation must ensure that relevant eligibility criteria is met for every DBS check that is to be undertaken. Therefore, an assessment must be carried out prior to any application being submitted.

The Protection of Freedoms Act 2012 legislates that DBS checks may only be carried out for individuals aged 16 and over.

Not all roles within the organisation will be eligible for a DBS check. The trigger for a check, and the level of check required, shall be determined by the type of activities the individual in that role will be required to undertake and the level of access this will give them to persons in receipt of health services.

As requirements under the criminal record regime are often complex, the organisation shall use one or both of the following online eligibility tools to make an assessment:

- A Government assessment tool: <https://www.gov.uk/find-out-dbs-check>
- An NHS assessment tool: <https://www.nhsemployers.org/articles/dbs-eligibility-tool>

By entering the correct and accurate information into either of these tools, the organisation shall determine if a role is eligible for a DBS check and, if so, the relevant level of the check.

## 8. Timing of Applications

If the organisation determines, through assessment, that a role meets the relevant eligibility criteria, an application may be submitted to the DBS.

The organisation shall only submit an application for a criminal record check at the end of the recruitment process once a provisional offer of employment has been made.

The organisation shall make it clear to the applicant that any offer of employment remains conditional until all pre-employment checks have been completed satisfactorily, including a DBS check.

There shall be no requirement to obtain a fresh DBS check on an existing employee who is changing roles within the organisation and where the activities and responsibilities of the new role do not change the type or level of DBS clearance required.

## 9. Informing Applicants About Criminal Record Check Requirements

To ensure compliance with the General Data Protection Regulation (GDPR) the organisation must be able to demonstrate that it is only asking for information strictly necessary for them to gain assurance of an individual's suitability for the role for which they are applying.

To this end, the organisation shall clearly state during the recruitment process the types of checks that will be undertaken and being clear about automatic exclusions that apply to regulated activity.

The organisation shall also ensure applicants have a point of contact for any questions they should have during the recruitment process.

## 10. Portability

DBS disclosure certificates have no specific term of validity. They only convey information that is known about the individual at the time of issue.

The organisation may only consider the portability of an existing DBS certificate reliable, if the individual is signed up to the DBS Update Service.

Where an individual is not signed up to the DBS Update Service, the organisation may consider accepting a disclosure certificate that was obtained for a previous role, on a risk basis. The assessment of risk must consider:

- The date of the previous disclosure – if more than 12 months old, the certificate should be deemed invalid and a new check undertaken.
- Whether the previous disclosure was for a similar role with equivalent eligibility criteria.
- Whether the previous disclosure was for a role within a similar organisation.
- If it is possible to verify the previous certificate is genuine and is pertaining to the applicant in question whose identity has been verified.

Where there is any doubt, the organisation shall always undertake a new DBS check.

## 11. Periodic Checks

There is no legal requirement for an organisation to undertake periodic DBS checks, after the initial check has been completed.

However, following NHS best practice, the organisation has introduced periodic testing based on role risk.

The organisation shall undertake periodic DBS checks on the following role types and at the frequencies shown:

Role Type	Examples	Frequency
Clinical roles where the individual will be providing a health service giving them access to persons in receipt of health services as part of their NORMAL duties.	GP ACP	3 years
Non-clinical roles where the individual will be providing a health service giving them access to persons in receipt of health services as part of their NORMAL duties.	Receptionist	3 years
Non-clinical roles where the individual will NOT be providing a health service giving them access to persons in receipt of health services as part of their NORMAL duties, but who have access to medical records.	Medical Secretaries	3 years
Non-clinical roles where the individual will NOT be providing a health service giving them access to persons in receipt of health services as part of their NORMAL duties, and who DOES NOT have access to medical records.	Head office administrative functions	Once if role meets eligibility criteria

## 12. DBS Application Procedure

Thanet Health CIC has chosen to use Mayflower Disclosures Services Ltd to undertake DBS checks. Mayflower are a registered umbrella body authorised to provide access to DBS checks:

<https://dbsdirect.co.uk/crb-application.php>

The application process consists of three steps:

- Invitation
- Applicant Details
- Organisation Verification & Payment

### 12.1 Invitation

Thanet Health CIC shall send an invite to the applicant via the dashboard of the online application portal, by selecting the 'Create Invite' icon.

The 'Invite Details' shall be completed:

**Organisation:** Thanet Health

**Channel:** DBS Standard / Enhanced

<b>Forename:</b>	First name of candidate
<b>Surname:</b>	Surname of candidate
<b>Email Address:</b>	Contact email address of applicant
<b>CC Email Address:</b>	Contact email address of person sending invite
<b>Email Template:</b>	Select most appropriate – New Starter / Renewal Invite Email

The email template will automatically be generated using the details provided in the preceding fields.

By selecting the 'SEND' button, the email will be sent to the applicant and the address in the CC Email Address field.

## 12.2 Applicant Details

Upon receiving the invite email, the applicant must complete their details via a link provided in the email.

Upon completion and submission, the Thanet Health CIC system administrator will receive a confirmation email from Mayflower.

## 12.3 Organisation Verification & Payment

Thanet Health CIC shall complete the remaining parts of the application.

Verification of ID and current address must be confirmed in accordance with the List of Acceptable Identification in Appendix A of this document.

When the remaining parts of the application process have been completed, payment must be made online before the checks can be undertaken.

Once payment has been made, checks will typically take 7-10 days.

The applicant will receive the DBS certificate directly to the address stated in their application.

Thanet Health CIC will be able to access a summary report online via the Mayflower portal.

### 13. Positive Disclosure

If a disclosure certificate shows that the applicant has a criminal record, this shall not automatically prevent them from being considered for a position in the organisation.

The decision to recruit a person whose criminal record check reveals a conviction, caution or other relevant information, shall be taken by the organisation on a case-by-case basis, taking all other information presented by the applicant, into account.

The organisation must ensure it does not unfairly rule out an individual who is the best candidate for the role and meets all other necessary check criteria, and where no risks have been identified against the duties they would be required to perform.

If the disclosure reaffirms information the applicant has already disclosed and the organisation has already considered it, an offer of employment can be made.

A final decision shall be made on a risk basis with consideration given to:

- The relevancy of any offences to the role. For example, there may be on going concerns about the individual's conduct.
- Any legal or regulatory requirements. For example, when appointing to a regulated activity, the organisation must not allow a person to engage with vulnerable groups where the DBS has made a barring decision.
- The nature and seriousness of the offence(s).
- The age of the applicant at the time of the offence(s).
- If there is a repeat or pattern of offending behaviour.
- The circumstances surrounding the offence and any explanation offered by the individual. For example, if the offence(s) took place at a young age, the individual may now have a family and financial responsibilities.

Once the organisation has made a decision on whether to appoint or reject the applicant, all discussions and clear reasoning must be recorded. Information must be stored securely in line with DBS and GDPR requirements.

Information relating to an applicant's criminal record must only be disclosed to those with a legitimate reason to know.

### 14. Legal Duty to Refer

Should the organisation receive an application for a role that involves a regulated activity, from a person who is on the relevant barred list, the organisation must make a referral to the DBS. This is a legal requirement.

The duty to refer also applies when a report has already been submitted to another body such as a professional regulator.

If the organisation does not make a referral when the legal duty conditions are met, an offence is committed that could lead to a fine.

## 15. Other Types of Checks

### 15.1 Applicants with Time Spent Overseas

If recruiting individuals who have spent time overseas, the organisation shall consider if an overseas police check should be obtained.

This shall apply where the candidate declares they have spent a significant amount of time overseas in the last five years.

For the purposes of this policy, a 'significant period' shall be 6 months or more (whether continuous or not) within the last five years.

### 15.2 Overseas Police Check

The organisation shall conduct these checks in accordance with the relevant country's justice system.

Some police authorities will only provide a certificate of good conduct or standing. Any such certificate shall be deemed valid and acceptable in helping to inform the overall assessment of suitability for a role.

If making such an application the organisation shall consult the Home Office website for further guidance.

Overseas police certificates must be checked for authenticity in the same way as other documents to ensure they are legitimate and pertaining to the candidate. If there is any doubt, the organisation shall contact the relevant country's embassy in the UK for advice.

### 15.3 Unable to Obtain Overseas Police Check

Not all countries have reciprocal agreements in place for sharing information about a person's criminal record history for employment purposes.

If the country concerned is not listed in the Home Office guidance, the organisation shall instruct the applicant to contact the Embassy or High Commission in the relevant country for advice.

The applicant should show evidence of all attempts made to obtain a check but if they are genuinely unable to do so, the organisation shall base their recruitment decision on a wider range of evidence presented during the recruitment process.

## 15.4 Military Service Records

If an applicant is serving in the armed forces, the organisation shall ask them to produce an extract from their military service record instead of obtaining an overseas police check or a DBS check.

This extract should disclose any criminal or military offences the applicant may have been charged with while serving in any country, where the offence would be considered the same if committed in the UK.

If the applicant has left the armed forces any military record will only be relevant up to the point their service finished. The organisation shall therefore assess if a DBS check is additionally required.

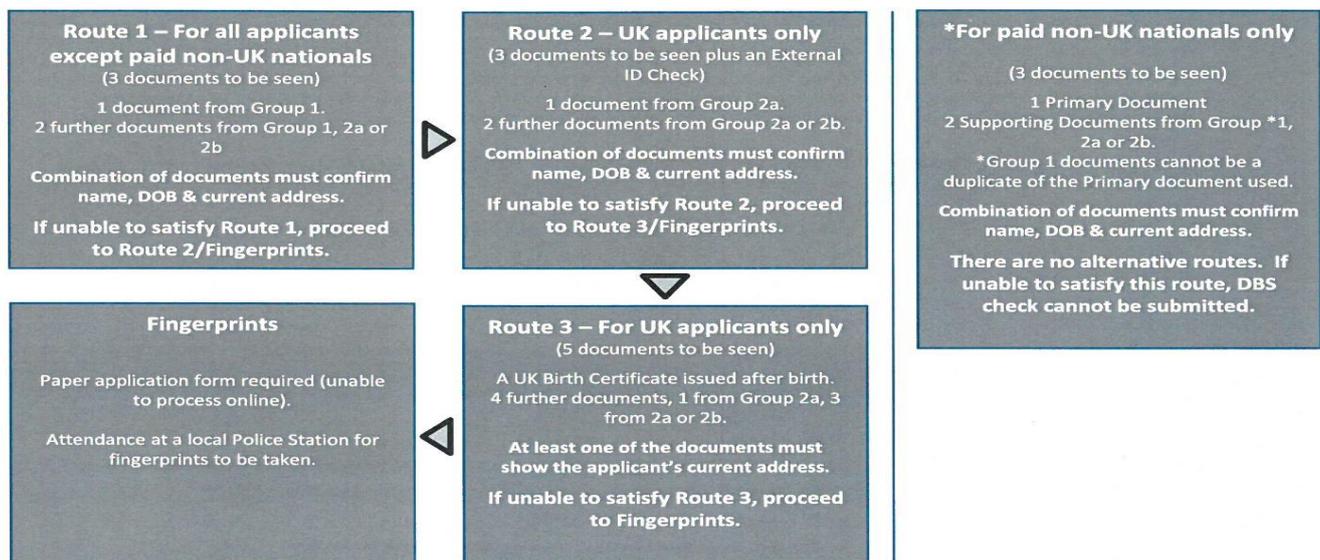
The extract must be original and issued by, and verified through, the force the applicant was serving with. The organisation must be aware that some offences that apply under military service law, may not be regarded as such under civil law. Therefore, the organisation must only consider information relevant to the role.

Information relating to what constitutes a disciplinary offence under military law can be found in Schedule 1 of the Police and Criminal Evidence Act (Armed Forces) Order 18984 (Recordable Service Offences) Act 2009.

## Standard & Enhanced DBS List of Acceptable Identification

**From July 2021: 3 x Routes can be taken \*except for Paid Non-UK nationals.**

An authorised ID Checker/Application Manager must see and verify an applicant's original ID in accordance with the [DBS ID Checking Guidelines](#). This list/process is stipulated by the DBS. It cannot be changed/alterd/avoided. If an applicant cannot provide ID in accordance with this list a DBS check cannot be obtained.



### Group 1 ID Documents

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence – photo card (UK / Isle of Man / Channel Islands) (Full or Provisional)
- Birth Certificate (UK / Isle of Man / Channel Islands) (Issued within 12 months of birth)  
Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions & HM Forces. (Photocopies are not acceptable)
- Adoption Certificate (UK / Channel Islands)

### Primary Documents for Paid Non-UK Nationals

- A current passport or passport card showing that the holder is a national of the Republic of Ireland.
- A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- Online evidence of immigration status. Either via the View and Prove service or using the BRP or BRC online service. Issued by the Home Office to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question. Must be valid. Note: this includes the EUSS digital status confirmation.

**Mayflower Disclosure Services Ltd**

Website: [www.dbsdirect.co.uk](http://www.dbsdirect.co.uk)

- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
- A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Group 2a ID Documents Trusted Government Documents	Group 2b ID Documents Financial & Social History Documents
<ul style="list-style-type: none"> <li>• Current Driving Licence – photo card only (All Countries except Group 1) (Full or Provisional)</li> <li>• Current Driving Licence – pre-1998 paper version (UK / Isle of Man / Channel Islands) (Full or Provisional)</li> <li>• Birth Certificate (UK / Isle of Man / Channel Islands) (Issued after the time of birth i.e.: +12 months after birth)</li> <li>• Marriage / Civil Partnership Certificate (UK / Channel Islands)</li> <li>• HM Forces ID Card (UK)</li> <li>• Fire Arms Licence (UK / Isle of Man / Channel Islands)</li> <li>• Immigration document, work permit or VISA (Issued outside of UK) (Valid only for roles whereby applicant is living and working outside of UK.)</li> </ul>	<ul style="list-style-type: none"> <li>• Mortgage Statement (UK) **</li> <li>• Bank/Building Society Statement (UK / Channel Islands) * Monzo statements or statements printed from the internet are not acceptable</li> <li>• Bank/Building Society Account Opening Confirmation Letter (UK) *</li> <li>• Credit Card Statement (UK) *</li> <li>• Financial Statement e.g. pension, endowment, ISA (UK) **</li> <li>• P45/P60 Statement (UK / Channel Islands) **</li> <li>• Council Tax Statement (UK / Channel Islands) **</li> <li>• Utility Bill (UK) - Not Mobile Phone *</li> <li>• Benefit Statement (UK) e.g. Child Allowance, Pension *</li> <li>• Document from Central/ Local Government/ Government Agency/ Local Authority (UK / Channel Islands) * e.g. DWP, Employment Service, HMRC, Job Centre, Social Security</li> <li>• EEA National ID Card – must be valid</li> <li>• Cards carrying the PASS accreditation logo (UK / Isle of Man / Channel Islands) – must be valid</li> <li>• Irish Passport Card – must be valid (Cannot be used with an Irish Passport)</li> <li>• Letter from Head Teacher or College Principal (16-19 year olds in full time education in the UK)</li> <li>• Non-UK Bank/Building Society Statement * Branch must be located in the country in which the applicant lives and works</li> <li>• Letter of Sponsorship from future employer Non-UK only – valid only for applicants residing outside UK at time of application</li> </ul>
<p><b>Please note if a document in the List of Valid Identity Documents is:</b></p> <ul style="list-style-type: none"> <li>• Denoted with * - issued in the last 3 months</li> <li>• Denoted with ** - issued in the last 12 months</li> </ul>	