

**ASHGATE HOSPICECARE****DBS DISCLOSURE APPLICATION POLICY  
(INCLUDING REHABILITATION OF OFFENDERS, HANDLING AND SAFEKEEPING OF  
DISCLOSURE INFORMATION)****INTRODUCTION**

It is necessary to ensure that new employees, volunteers and those with practicing privileges who join Ashgate Hospicecare have a satisfactory Disclosure & Barring Service check. This policy and procedure is designed to ensure that the correct process for applying for disclosure and the safe storage and retention of disclosure information is followed by the hospice.

**POLICY STATEMENT**

Ashgate Hospicecare will aim to ensure that the suitability of all applicants for positions within the hospice is assessed fairly and effectively in accordance with the requirements of the Care Quality Commission (CQC), Clinical Commissioning Groups (CCGs) and the Disclosure & Barring Service (DBS) Code of Practice.

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Ashgate Hospicecare complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Ashgate Hospicecare is committed to the fair treatment of its staff, potential staff, volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Ashgate Hospicecare and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Authorised By: Director of People & Performance

Date Authorised: March 2021

Next Review Date: March 2024

Responsibility: HR Team

Distribution: In-patient Unit, Day Hospice, Administration, Support Services, Community, Social Work, Therapists & Retail.

Revision No: 9

Revision Frequency: 3 Yearly

Care Quality Commission: This policy contributes to the 5 Key Lines of Inquiry and demonstrates that the service is safe, effective, caring, responsive and well led.

Unless the nature of the position allows Ashgate Hospicecare to ask questions about a candidate's entire criminal record, we will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 and subsequent Amendments.

We will ensure that all those in Ashgate Hospicecare who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

The hospice will also ensure that disclosure information is kept confidential in line with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) and not passed to persons who are not authorised to receive it. Information should only be made available to those who need to have access to it in the course of their duties, and we will ensure that any such information is stored securely and retained for no longer than is required for the purpose for which it was obtained.

## **METHOD**

A system is in place to control the application for disclosure information and storage and retention of disclosure information. A register is maintained of all requests for disclosure. A system is in place for the destruction of disclosure information once this is no longer required.

## **SCOPE**

This policy and procedure cover the application for disclosure information and the storage and retention of disclosure information for all staff and volunteers.

## **RESPONSIBILITY**

The Director of People & Performance has overall responsibility for staff and volunteer recruitment procedures and is designated as the Lead Counter signatory for DBS applications. The Director of People and Performance has overall responsibility for the security of all disclosure information.

The Director of People & Performance is responsible for carrying out appropriate parts of the application procedure and is designated as Counter signatory for disclosure applications.

The Director of People & Performance will be responsible for the secure handling, storage and disposal of all disclosure information. The Director of People and Performance will also be

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responsible for maintaining written records of managers to whom disclosure information has been revealed.

All recipients of disclosure information are responsible for ensuring that such information is handled in strictest confidence and not passed to unauthorised persons.

All managers are responsible for ensuring that new employees or volunteers do not have unsupervised access to vulnerable people until the necessary disclosure checks have been completed satisfactorily. It is not always possible to wait for satisfactory checks prior to commencement due to delays in obtaining the information.

The hospice must accept responsibility for the actions of new staff or volunteers who commence employment prior to clearance being obtained. [A DBS risk assessment](#) tool exists which must be completed if commencing before a DBS check has been obtained.

Where there is an urgent need for an employee to commence work, within a role that requires an enhanced DBS check, an Adult First check can be carried out. Ashgate Hospicecare will apply for this check and will receive an email within 72 hours stating if an applicant can be placed in a supervised role before their application has been completed and confirmation has been received within HR. The DBS risk assessment will also apply.

## **CUSTODY**

The master copy of this policy is kept electronically by the Data Protection Officer.

Copies are freely available to employees and volunteers via SharePoint.

## **PROCEDURE**

This procedure provides guidance on the Disclosure & Barring Service Application process for all employees and volunteers and the safe storage and retention of disclosure information.

## **RECRUITMENT PROCEDURE**

1. The hospice will determine what level of DBS check (if any) is required, ensuring regulatory, statutory and legal requirements are adhered to.
2. All applicants will be asked to disclose details of unspent convictions. However, under the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, applicants for roles requiring standard or enhanced checks will be asked to disclose details of all convictions, cautions, bind-over's, reprimands, final warnings or pending prosecutions, even if these would otherwise be regarded as "spent" under the Rehabilitation of Offenders Act 1974.
3. Job advertisements and application form guidance notes for all posts will state the level of DBS check which will be requested from the DBS in respect of the provisionally selected applicant.
4. In order to reassure applicants that disclosure information and details they provide on application forms will not be used unfairly, the application form and/or guidance notes will include a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position.

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5. Applicants will be advised that the information will be treated as strictly confidential and only revealed to those managers involved in the recruitment process. Applicants will also be informed that failure to disclose any relevant details may disqualify them from employment or result in summary dismissal/disciplinary action if the discrepancy comes to light subsequently.
6. Any details of convictions etc. will be discussed with applicants at interview only if they are deemed relevant. HR will provide guidance to managers to assist them in making decisions where details of convictions are revealed.
7. Provisionally selected applicants will be given the opportunity to discuss any matter revealed in a disclosure, which they have not mentioned previously, before a conditional offer of employment is withdrawn.

## **APPLICATION PROCEDURE**

1. An offer of employment as a permanent member of staff or as a volunteer must be made subject to receipt of satisfactory completion of the disclosure process.
2. The applicant will be advised of the disclosure application procedure and the name of the relevant Counter signatory at the hospice to whom their disclosure application form and evidence of identity should be submitted.
3. The Disclosure Application Form is completed, online, by the applicant. Once this is complete a notification will be sent to the HR Team to confirm an application has been submitted. An appointment is then made for the applicant to bring in relevant documentation for checking and verification by the Counter signatory.
4. At least one item of photographic evidence e.g. a current passport or photocard driving license is desirable plus at least two items of address-related evidence e.g. utility bill, bank, credit card or mortgage statement containing the full name and address of the applicant and dated within 3 months of the DBS application.
5. The Counter signatory will complete the final part of the online application form with the Umbrella Body, who then submit to the DBS with the appropriate fee. The DBS will send one copy of the disclosure information to the applicant and another to the Counter signatory. Where enhanced disclosure has been requested, the additional local Police information will be sent to the Counter signatory only.
6. The DBS application fee will be paid to the Umbrella Body on account.

## **SUBSEQUENT CHECKS**

1. All staff and volunteers who are subject to an enhanced DBS check (i.e. those in direct care giving roles) will be required to undertake DBS checks every three years to provide assurance around safeguarding of both vulnerable adults and children.
2. Staff and volunteers requiring a recheck will be given reasonable notice of the need to submit their application and provide ID evidence. Repeated failure to complete the application or provide ID evidence may result in the staff member or volunteer being unable to carry out unsupervised regulated activity.

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This is due to the implications a lapsed DBS check would have on the hospice's insurance cover. In addition, repeated failure to reasonably submit to a request for ID evidence may be considered a failure to follow a reasonable management instruction and be considered a misconduct issue.

If being unable to carry out unsupervised regulated activity significantly impacts on the staff member's ability to perform their role there may be financial implications, for instance the need to temporarily reduce hours of work, move them to an alternative role which attracts a lower rate of pay, require them to undertake alternative duties which attract a lower rate of pay, take holiday or unpaid leave.

However, this would not apply in circumstances where the employee has submitted their application and provided the ID evidence, but the DBS certificate has not been returned by disclosure services as this is beyond the employee's control.

## **DBS UPDATE SERVICE**

In June 2013 Disclosure services introduced the 'DBS Update Service'. This service allows:

- Applicants to keep their DBS certificate up to date,
- Employers to check the DBS certificate.

Applicants need to register to use the update service. Registration costs £13 per year; subject to change (payment is made via debit or credit card only). There is no charge if you are a volunteer. Registration costs for the update service must be met by the employee.

Once registered DBS certificates **can be taken from one job to another**, unless:

- The employer asks for a new certificate to be obtained,
- The workforce is of a different type i.e. changed from adult workforce to child workforce
- You require a different level of check i.e. you hold standard level but require enhanced.

Ashgate Hospicecare accepts DBS certificates through this process subject to them being of the same level and same workforce as required for the role.

## **STORAGE**

1. Disclosure information must only be made available to those who need to have access to it in the course of their duties and it should only be used for the specific purpose for which it is obtained. It is a criminal offence to pass such information to anyone who is not authorised to receive it and written records must be maintained by the relevant Counter signatories of all those to whom disclosure information has been revealed.
2. Disclosure information or associated correspondence must not be retained for longer than is necessary for the particular purpose. Disclosure information will therefore be destroyed after a period of 6 months. This allows time for the consideration and resolution of any disputes, complaints or grievances.
3. No photocopy of the DBS check nor any copy or representation of the contents of a DBS check should be retained. The Director of People and Performance will however keep a record of the date of the check, the employee or volunteer's name, the type of disclosure, the unique number

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issued by the DBS, the recruitment decision made and date disclosure information was destroyed.

4. DBS checks will be carried out on a three yearly basis for all staff requiring an enhanced check.

### **EQUALITY IMPACT STATEMENT**

All policies must be screened to determine equality relevance. This is to ensure that the policy does not have any possible or actual adverse impact on any groups/individuals in respect of their gender, race, disability, religion or belief, sexual orientation and age.

This policy has been screened to determine equality relevance and is considered to have low equality relevance.

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