

Livewell Southwest

## **Disclosure & Barring Policy**

Version No 1.4

Review: December 2022

### **Notice to staff using a paper copy of this guidance**

**The policies and procedures page of Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.**

**Author: Ginnie Stiff, Recruitment Manager**

**Asset Number: 958**

## Reader Information

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<b>Author contact details</b>	By post: Local Care Centre, Mount Gould Hospital, 200 Mount Gould Road, Plymouth, Devon. PL4 7PY. Tel: 01752 434700 (LCC Reception) or email: livewell.livewellpolicies@nhs.net

## Document review history

Version no.	Type of change	Date	Originator of change	Description of change
1	New Document	Oct 2017 and May 2018	Recruitment Manager	New Policy
1.1	Minor change	September 2019	Workforce Policy Group	Update 11.6 in line with Declarations of Interest Policy
1.2	Extension	April 2021	HR Administrator	Extension
1.3	Extension	December 2021	HR Administrator	Extension
1.4	Extension	July 2022	HR Administrator	Extension

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# Disclosure and Barring Policy

## 1 Introduction

1.1 The aim of this policy is to set out the requirements of the Livewell Southwest (hereafter referred to as “LSW”) on the checks of criminal records obtained through the Disclosure and Barring Service (DBS).

1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

## 2 Purpose

The purpose of this policy is to:

- ❑ Ensure staff and managers are aware of the legal obligations placed on the LSW in relation to the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012 and the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975(as amended)).
- ❑ LSW will ensure that it adheres to the DBS Code of Practice, which requires organisations to use the Disclosure information fairly, not to discriminate against candidates on the basis of unrelated criminal offences, to ensure data security, to comply with the recommendations for the retention of records and to comply with reasonable requests from the DBS to undertake assurance checks. Copies of the Code of Practice are available from the DBS website.
- ❑ Ensure the LSW 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.
- ❑ Ensure that recruitment to all vacancies is undertaken in line with the mandatory NHS Employers NHS Employment Check Standard for Criminal Record and Barring Checks.
- ❑ Protect patient safety by ensuring compliance with Care Quality Commission regulation requirements and the NHS Litigation Authority standards (NHSLA).

## 3 Definitions

**The Disclosure and Barring Service (DBS)** is an executive agency of the Home Office and provides access to information about criminal convictions and other police records to help employers make an informed decision when recruiting staff.

**Counter-signatory** – An external contractor provides the role of Counter-signatory for the LSW under contract

**ID Checker** – A person within the LSW who verifies identification documents face to face with candidates.

**Approver** – A person within the LSW who verifies identification documents on the provider's portal.

**Spent convictions** - convictions defined by the Rehabilitation of Offenders Act 1974 as being 'spent' after specified periods of time. 'Spent' convictions do not need to be brought to the attention of the LSW unless the work or the post is covered by the Rehabilitation of Offenders Act 1974. However, under the Rehabilitation of Offenders 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 certain 'spent' convictions and cautions will become 'protected' when specific conditions are met and therefore will not be disclosed.

**Unspent convictions** – if a person has been convicted of an offence for which a sentence of more than 2.5 years was imposed (regardless of how much time was actually spent in prison) the conviction can never be spent.

**Disclosure Certificate** – a certificate that provides criminal record information, depending upon the type and level of disclosure requested.

**Update Service** – is the online service where issued Disclosure Certificates can be registered and kept up to date. Registered applicants can then take issued certificates from role to role where the same level and type of check is required.

**Status Check** - the term 'Status Check' is the record accessed by registered organisations on the Update Service in relation to the Disclosure Certificate. This allows registered organisations to be able to see whether there has been any change to the DBS information since the last Disclosure Certificate was issued.

**DBS Checks** – is the disclosure carried out through the on-line Update Service 'Status Check' or the submission of a DBS application.

**Regulated Activity** – this is a term used in the regulation of care services under the Health and Social Care Act and covers activities a person who is listed on the DBS barred lists is prohibited from doing under the Safeguarding Vulnerable Groups Act. For the purposes of this policy the focus will be upon the latter. Where an individual is engaging, either in paid work or as a volunteer, in a regulated activity employers must request an enhanced DBS check with a check against the appropriate barred lists. It is an offence for LSW to 'knowingly' appoint or continue to allow an individual who is barred from working with children and/or adults to engage in a regulated activity with that group.

## **4 Duties & Responsibilities**

4.1 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

4.2 Responsibility of **Directors**:

It is the responsibility of Directors to disseminate the policy within their area

of responsibility and to ensure all staff within their directorate comply with the procedures as detailed in the policy.

#### 4.3 Responsibility of **the Recruitment team**

- Considering whether a DBS is required for each new post they recruit to and for supplying sufficient information about the role to the Recruitment Team to enable a decision to be made as to whether or not a DBS check is needed. All advertisements will clearly identify the DBS clearance requirements of the posts. A copy of this DBS Policy will be made available to all applicants.
- Ensuring that the correct documentation is verified at interview to enable the DBS check to be processed.
- Questioning and discussing with applicants any criminal convictions, cautions, reprimands and warnings post interview and advising them of the DBS process as applicable to the role.
- Ensuring that a declaration of unspent criminal convictions, cautions, reprimands and warnings is requested from all applicants on LSW's Employment Pre-employment Self-Declaration given on the documentation. All applicants for all roles, including those which are exempt under the Rehabilitation of Offenders Act (ROA) 1974, should be asked these questions; applicants are not entitled to withhold information about convictions.
- The Recruitment Team will be available to discuss with any applicant concerns over criminal convictions/cautions that a potential applicant or member of staff has. Possession of a criminal conviction does not automatically make an applicant unsuitable for employment in Livewell Southwest CIC. However, the DBS holds the power to bar people who have committed indictable offences from working or engaging in regulated activity with children and/or adults.
- Ensuring the level of check appropriate for each member of staff has been completed and a satisfactory result has been given before commencement in post. No staff will commence in post until completion of the full DBS process, where applicable, except in exceptional circumstances and by agreement with the relevant Locality Manager. The new employee must be supervised at all times until the DBS check has been received.
- All checks completed will be recorded on the Electronic Staff Record system (ESR) by the Recruitment Team; the date the Disclosure Certificate was issued and the unique number. The documents provided by the applicant will also be saved in the electronic staff file.

#### 4.4 Responsibility of external persons operating on behalf of Livewell Southwest CIC is to comply with this policy, this includes; work experience, those on Honorary Contracts, work placements, visitor agreements, and volunteers.

#### 4.5 **Recruiting managers** have responsibility for:

- Obtaining the correct documentation at interview for verification to enable the DBS check to be processed.

#### 4.6 **Line manager** responsibility:

- To liaise with HR regarding any relevant incidents. Including, supporting on the decision to refer where appropriate to the Independent Safeguarding Authority/Disclosure & Barring Service. Where it becomes necessary to refer information because of concerns regarding an individual working with children and/or adults, this will be completed in line with the LSW's Safeguarding Adults and Safeguarding Children policies.

#### 4.7 Responsibilities of **individuals**:

- Individuals are required to hand in all documentation related to their disclosure check as part of their pre-employment checks with the LSW.
- Individuals requiring a DBS check are required to comply fully with any request for completed documents to enable a disclosure check to be completed in a timely manner.
- Individuals completing a disclosure check must declare all convictions, cautions, warnings, reprimands, bind-overs, or other relevant information, both spent and unspent including traffic offences.
- All employees are required to report any police allegations, convictions, cautions, reprimands, warnings or other relevant information including traffic offences, whether at home or abroad, to their Line Manager within 5 working days of the event, or as soon as reasonably practicable. Failure to do so will be treated as a disciplinary offence and may result in dismissal.

### 5 **What is a Criminal Record?**

A criminal record arises from a conviction in a court of law. There are also police records. Cautions, reprimands and warnings are issued by the Police as an alternative to prosecution, usually for less serious offences and usually after an offence is admitted.

#### 5.1 **Levels of Disclosure**

There are currently two levels of disclosure:

##### 1. **Standard Disclosure**

A standard disclosure is required if the individual will have access to people who use our services in the course of their normal duties, but no direct care responsibilities. Examples of this would be:

- Hotel Services Staff
- Ward Clerk

Standard disclosures contain details of both spent (old) and unspent (current) convictions, including cautions, reprimands and final warnings held in England and Wales on the Police National Computer (PNC). Most of the relevant convictions in



Scotland and Northern Ireland may also be included.

## **2. Enhanced Disclosure**

Where the duties of the position the individual will be undertaking meets the criteria for regulated activity, employers must apply for an enhanced DBS check and request clearances against the relevant barred lists.

An enhanced check contains the same information as a standard check but also includes any non-conviction information held by local police, where they consider it to be relevant to the post. This information is referred to as 'approved information' on the enhanced check certificate.

The enhanced disclosure applies to those posts involving a far greater degree of contact with, and carrying out regulated activity with, children or adults.

Examples of this would be:

- Healthcare Assistant
- Nurse
- Doctor

### **5.2 Minimum age for a DBS checks**

The minimum age for a DBS check is 16.

## **6. Rehabilitation of Offenders Act 1997 including the differences of spent and unspent convictions**

- 6.1 The Rehabilitation of Offenders Act sets out to help people who have been convicted of a criminal offence and who have not since reoffended. In general, a person convicted of a criminal offence and who receives a sentence of no more than two and a half years in prison benefits from the Act, if they are not convicted again during a specified period. This is called the rehabilitation period.
- 6.2 In general terms, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered "spent". Thereafter, the person is not obliged to reveal or admit its existence in most circumstances, including when applying for a job.
- 6.3 A conviction for which a sentence of more than two and a half years was imposed (regardless of the length of time actually spent in prison) can never become "spent". It remains an "unspent" conviction and must be disclosed, when the person is asked about criminal convictions when applying for a job.
- 6.4 LSW as a healthcare provider is covered under the Exemption Order, which allows exemption from the Rehabilitation of Offenders Act. It has the right to ask job applicants for details of all criminal convictions including those which would otherwise be regarded as "spent" under the Act.

## **7. Disclosure Application Process**

Successful candidates will be sent the appropriate Disclosure link to the provider's website and guidance information in place at the time of conditional offer of employment. LSW will implement the required procedures in accordance with documentation and guidance provided by NHS Employers at the time.

## **8. Making the Recruitment Decision – candidates with criminal conviction(s)**

- 8.1 It is important to point out that possession of a criminal conviction does not automatically make an applicant unsuitable for employment in LSW.
- 8.2 Recruiting Managers will always be involved in any decisions regarding the suitability of an applicant for a position. However, the ultimate decision over whether to appoint will lie with the Director of Clinical Practice and Development and/or Locality Manager.
- 8.3 After consideration of the DBS check and other pre-employment checks, the conditional offer of employment will either be confirmed or the candidate may be invited for further discussion before deciding whether or not to confirm the offer.
- 8.4 Where a Disclosure reveals the existence of a criminal record, the Recruitment team will check to ensure the information has been declared by the applicant prior to appointment on their application form, at interview and on their pre-employment self-declaration form.
- 8.5 The following factors need to be considered by the Recruiting Manager and the Recruitment Manager/HR representative.
- Any legal or regulatory requirements.
  - The nature of the offence.
  - Its relevance to the position being applied for.
  - The length and type of sentence issued.
  - The length of time since it was committed.
  - Whether the applicant has a pattern of offending behaviour, for example, if there are multiple offences.
  - Whether the applicant's circumstances have changed since the offending behaviour. For example, where the offence was time-limited or committed as a juvenile.
  - The circumstances surrounding the offending behaviour and the explanation offered by the individual.
  - Whether the applicant has been open and honest about their disclosure.
- 8.6 When a DBS highlights a disclosure, the DBS Risk Assessment Form at **Appendix A** must be fully completed by the Recruitment Manager and/or HR Representative with discussion with the recruiting manager.
- 8.7 The applicant will have the opportunity to explain their position. It should also be clear that the Data Protection Act prevents this information from being shared with anyone not involved with the recruitment process without appropriate consent (except in exceptional circumstances). However, it should be noted that failure by

the applicant or employee to share information could lead to withdrawal of an employment offer or dismissal under the LSW's Disciplinary procedure. Should a criminal record not be declared, the individual's manager will be notified. The circumstances for the criminal record and the reason for non-declaration by the applicant will be investigated. The investigation may lead to disciplinary action under the LSW Disciplinary Policy or withdrawal of an employment offer, if it is considered that the applicant deliberately withheld information about their criminal record.

- 8.8 Were the LSW is not satisfied with the information provided by the applicant or the information issued on the DBS Disclosure certificate, LSW can withdraw the job offer explaining to the candidate the reason for doing this. It is the Recruiting Manager's responsibility to speak to the candidate in this instance.

## **9 Commencement of Employment**

- 9.1 It is the policy of LSW, for posts where a DBS check is required, that no applicant will be allowed to commence employment until disclosure information has been received from the DBS.
- 9.2 There may be very exceptional circumstances (where there is a delay in obtaining a DBS certificate which is outside of Livewell's control). In these circumstances an individual may be allowed to start prior to the receipt of the DBS disclosure however they would be supervised at all times and/or have restricted data access rights.
- 9.3 The final decision on appointing an individual prior to receipt of a satisfactory DBS check rests with the relevant Locality Manager and Director of Clinical Practice and Development.

## **10 Applicants with an Existing Disclosure**

- 10.1 There will be occasions where a prospective or new employee will already be in possession of a Disclosure document originated by a previous employer.
- 10.2 With the exception of doctors in training, it is LSW policy that in all cases a new Disclosure will need to be completed to ensure that we have accurate information on which to base recruitment and selection decisions. This will apply in the case of both Standard and Enhanced Levels of Disclosure.
- 10.3 Portability refers to the re-use of a Disclosure certificate. It does not constitute a fresh disclosure check. LSW does not accept DBS disclosures issued from other organisations unless the individual has joined the DBS update service which can be verified online.

## **11 Rechecking Existing Staff**

- 11.1 Existing employees who have not previously been subject to a disclosure check may, as a result of changes in legislation, regulations or working practices, be required to undertake a Disclosure check during the course of their employment with LSW.

- 11.2 Existing employees, who move to a new role (i.e. Admin to Clinical role) where they have previously not required a DBS disclosure will be checked at the appropriate level prior to commencement in post.
- 11.3 LSW reserves the right to ask existing employees in relevant positions for a disclosure check if their actions or activities give cause for concern. The grounds for this could be allegations of inappropriate behaviour made by a child or adult, or a colleague, parent, carer or member of the public (this list is not exhaustive). In such circumstances a full investigation will be carried out in accordance with the relevant LSW policies for example Disciplinary Policy.
- 11.4 Any employee refusing to comply with a DBS Disclosure request will be advised that their deliberate and unreasonable refusal to carry out this fundamental legal requirement and/or to comply with this contractual obligation will lead to the employee being subject to disciplinary action and may result in dismissal, in line with the LSW Disciplinary Policy.
- 11.5 Existing employees who require an up to date DBS disclosure as part of their studies at university etc. which is part of their role with Livewell Southwest must ask their line manager to contact the Recruitment Manager to clarify the reason for the updated Disclosure for the new DBS check to be initiated.
- 11.6 LSW requires all staff to comply with the Declarations of Interest Policy and to update their line manager as soon as practicable with details of convictions/cautions for criminal offences during their employment with Livewell Southwest or any cases pending in regard to the alleged commission of a criminal offence. The Declarations of Interest Policy can be accessed via the staff intranet or the following link:  
[http://pchnet.derriford.phnt.swest.nhs.uk/Portals/3/Declarations%20of%20Interest%20Policy%20v3\\_1%20FINAL.docx](http://pchnet.derriford.phnt.swest.nhs.uk/Portals/3/Declarations%20of%20Interest%20Policy%20v3_1%20FINAL.docx)

## **12 Posts not directly employed by LSW**

### **Agency, Locums and NHS Professionals**

- 12.1 Agency worker/Locum Doctors will not be recruited to work with children/adults unless a disclosure check has been carried out by the Agency supplying them, as per the Government Procurement Service (GPS) agreement. Agency staff will only be recruited from Agencies covered by a GPS agreement. These Agencies will provide the Disclosure certificate number, date of the check and the outcome. If a check has not been carried out, Managers should not allow the Agency worker/Locum Doctor to start work.

### **Volunteers**

- 12.2 Volunteers will be DBS checked in line with the criteria in this policy. DBS checks for volunteers are free of charge to LSW. Volunteers who are not willing to complete a DBS check cannot participate in volunteering at LSW in any capacity.

## **Private Contractors / Maintenance Workers etc**

- 12.3 If it is necessary for private contractors/external maintenance staff to be deployed for any significant length of time to areas where they would have frequent or intensive access to children and/or adults a disclosure check will be needed. The Estates Department should ensure that a disclosure check at the appropriate level is undertaken within the last 3 years is included as a condition of the tendering process and documentary evidence retained on file to support that this is completed.

## **Work Experience – School / College Placements**

- 12.4 For more information please refer to the LSW's Work Experience Placement Protocol – Click here for a link: [Work Experience Placements Protocol v1](#).

## **Students – vocational placements as part of professional qualification**

- 12.5 Students over 18 years of age undertaking vocational placements as part of their professional qualification are likely to be eligible for a DBS check. The manager offering that placement to the external body should risk-assess the roles and responsibilities to determine which checks are appropriate and at what level. The check may be obtained by the educational establishment where a training placement has been arranged. The LSW will need to ensure that the Educational establishment has an agreed Work Place Agreement in place with LSW which would ensure that an appropriate check at the correct level has been obtained. Where the Work Place Agreement is not in place students will require a new check. The Student will not be allowed unsupervised access to patients in any circumstances until the DBS check, or assurance of DBS check, has been obtained.

## **13 Staff Recruited From Overseas or who lived overseas**

- 13.1 LSW will require an overseas police checks/certificate of good conduct when recruiting staff from abroad or where someone has lived abroad in the past 5 years for more than 6 months. Currently, the DBS can only access criminal records held on the Police National Computer (PNC) in England, Wales and Scotland (there is also some conviction data held on the PNC from Northern Ireland)
- 13.2 Where the position meets the criteria for a disclosure check even if the applicant claims they have never lived in the UK before, LSW will request a disclosure check in addition to the individual's overseas police check.
- 13.3 All overseas police checks will be in accordance with that country's justice system and with UK requirements. Further information on how to access information from a list of countries can be found on the DBS website, <https://www.gov.uk/>.

## **14 Storage and Disposal of Checks**

Any individual handling disclosure checks will follow clear agreed protocols. An

electronic record indicating that a disclosure check has been completed, the certificate number, the outcome and date, will be maintained on the individual's electronic staff record (ESR). No reference to any conviction details will be recorded as part of this process. It is illegal to retain DBS certificates; any original documents supplied by any individual will be returned to them immediately. Any copy documentation will be securely held and destroyed after 6 months.

## **15 Notifiable Occupations**

- 15.1 There are certain occupations within LSW where the police are asked to notify an individual's employer of any criminal offence they commit when it happens. This particularly refers to offences involving violence, indecency, dishonesty, drink or drugs as these may reflect on a person's suitability to continue in a profession or post.
- 15.2 Cautions given to those whose positions involve substantial access to children should also be reported in relation to such offences. Cautions in respect of other groups should not be reported unless there are grounds for doing so. Such groups include occasions where the police feel that information they have given are serious cause for concern. In these circumstances information may be passed onto the employer (or professional body) on the authority of a senior ranking Police official.

## **16 Training implications**

The HR department provides advice, policy awareness raising and coaching to managers as and when required. Training will be provided to Managers, as required, on their duties in relation to this policy.

## **17 Monitoring compliance**

The effectiveness of this policy will be monitored through the HR Policy Group

**All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.**

**The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.**

**The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.**

Signed: Director of Clinical Practice and Development

Date: 12<sup>th</sup> June 2018



## DBS Risk Assessment Form

### DBS Risk Assessment Form (convictions declared/undeclared)

To be completed where a positive disclosure has been received.

#### Guidance on the Rehabilitation of Offenders Act 1974

#### What should I consider when employing ex-offenders?

Each employer is best placed to consider whether a person's convictions (either before they have become spent, or, in the case of activities listed on the Exceptions Order, when they are spent) make him or her unsuitable for a particular job. But it is important that you should reach a balanced judgement, having regard to such factors as:

- a. the person's age at the time of the offence;
- b. how long ago the offence took place;
- c. whether it was an isolated offence or part of a pattern of offending;
- d. the nature of the offence;
- e. its relevance to the post or position in question; and
- f. what else is known about the person's conduct before and since the offence.

The Disclosure and Barring Service Code of Practice requires registered employers to have a fair and clear policy towards ex-offenders and not to discriminate automatically on the basis of an unprotected conviction or caution. More information for employers about recruiting ex-offenders is provided online at:

[www.businesslink.gov.uk/bdotg/action/layer?r.i=1097472733&r.l1=1073858787&r.l2=1084822723&r.l3=1097470700&r.s=sc&r.t=RESOURCES&topicId=1097470700](http://www.businesslink.gov.uk/bdotg/action/layer?r.i=1097472733&r.l1=1073858787&r.l2=1084822723&r.l3=1097470700&r.s=sc&r.t=RESOURCES&topicId=1097470700)

#### Section 1

To be completed by the Recruitment Team

<b>Candidate Name</b>	
<b>Position applied for</b>	
<b>Dept/base</b>	
<b>Appointing Manager</b>	

#### Section 2

Level of Disclosure - To be completed by the Recruitment Team

<b>Level of Disclosure</b>	Enhanced	Standard	Basic	
<b>Vulnerable Adults List</b>	Yes	No		
<b>Vulnerable Children's List</b>	Yes	No		

Details of Offence(s)

	Offence (as detailed on the DBS disclosure certificate)	Details if known – provide a brief outline of the offences disclosed by the application on their application, declaration and verbally
1.		
2.		
3.		

### **Section 3**

Risk Assessment to be completed by Recruitment Manager and Recruiting Manager

Did the applicant declare any of the disclosure information prior to the DBS being applied for?  If not has the applicant provided an explanation for this?	
Does the applicant agree that the information provided on the DBS Disclosure Certificate is correct? If not why not?	

### **Risk Considerations**

Does the post involve one to one contact with children or other vulnerable groups?

What level of supervision will the post holder receive?

Does the post involve any direct responsibility for finance or items of value?

What is the impact/risk on the service and how detrimental would it be for Livewell if the applicant was employed?					
	None	Negligible	Very low	Medium	high
Risk to people who use our services/vulnerable groups?					
Risk to property/financial assets etc.					

### **Factors/information to be taken into account**

Length of time since offences took place	
How many offences	
Explanation by applicant of circumstances	
Does the line manager need to be informed/need to be part of the decision process?**	

\*\* This would normally only occur in exceptional circumstances where there may be a safeguarding issue or where circumstances cannot be determined with this input.

### **Decision/outcome**



Recommend to continue with application	
Recommend to decline application	
Rationale for decision:	
Names of persons making the decision:	
Date of the decision:	

### Pre-employment self-declaration

#### In confidence

The position you have applied for has been identified as being an 'eligible position' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) *[the Exceptions Order]* and, in certain circumstances, the Police Act 1997. This means that when considering any such appointment, the employing organisation is permitted to request a standard or enhanced disclosure through the Disclosure and Barring Service (known as a DBS check).

Both standard and enhanced DBS disclosures contain information about any convictions, cautions, reprimands and final warnings that are not protected under the DBS filtering rules as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

Before you complete this form, it will be important for you to read the highlighted note in the section below.

Enhanced disclosures may also include other relevant police information where this is deemed relevant to the position you are applying for.

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**Please note that from 29 May 2013, a number of significant changes were introduced under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (S.I. 2013/1198) which means that certain spent (old) or minor convictions and cautions are now protected (i.e. filtered) when specific conditions are met.**

**Any such convictions and cautions will no longer be included in any request for a standard or enhanced DBS check and you are no longer required to declare this information as part of a self-disclosure request or when completing a job application.**

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**If you have a criminal record and are unsure about what might be revealed about you as part of a DBS check, or the type of information you should consider declaring when completing this form, the following links to guidance will help provide more clarity:**

- [The simple guide to filtering](https://hub.unlock.org.uk/knowledgebase/filtering-simple-guide/) – Unlock  
<https://hub.unlock.org.uk/knowledgebase/filtering-simple-guide/>
- [Practical guidance on the DBS filtering rules](https://www.nacro.org.uk/) - NACRO  
<https://www.nacro.org.uk/>

Before you can be considered for appointment with Livewell Southwest we need to be satisfied about your character and suitability.

Where the position has, in addition, been identified as a regulated activity under the Safeguarding Vulnerable Groups Act (2006) (as amended by the Protection of Freedoms Act 2012) an enhanced DBS disclosure will include information which is held on the Children's and/or Adults barred list(s), as applicable to the position.

Livewell Southwest aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other such information declared.

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Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position.

If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the recruiting manager. As part of assessing your application, we will only take into account criminal records and other information declared which is relevant to the position being applied for.

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The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

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**Please answer all of the questions within this form.**

If you answer 'YES' to any of the questions, please use the space indicated to provide any information that you believe may have a bearing on your suitability for the position for which you are applying.

Please use the continuation sheet provided in this form to include any additional information or supplementary comments you wish us to consider in support of your application. You may continue on a separate sheet if necessary.

It is important to stress that answering 'yes' to any of the questions below will not necessarily bar you from an appointment within the organisation. This will depend on the relevance of the information you provide in respect of the nature of the position for which you are applying, and the particular circumstances.

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- 1. Are you currently bound over, or do you have any convictions, cautions, reprimands or final warnings that would not be protected (filtered) as defined by the Exceptions Order 2013 - that have been issued by a Court or Court-Martial in the United Kingdom or in any other country?**

**NO** ☐

**YES** ☐

If **YES**, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing in the space below. **It is important that you understand the changes that came into force from May 2013 under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 – please refer to guidance for applicants in the section above. You are not required to tell us about parking offences.**

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

- 2. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?**

NO ☐

YES ☐

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body in the space below.

You are reminded that, if you are appointed, you have a continued responsibility to inform us immediately where you are charged with any new offence, criminal conviction or fitness to practise proceedings in the United Kingdom or in any other country that might arise in the future, while you are in our employment. You are not required to tell us about parking offences.

Please include any additional information, or other supplementary comments that you believe to be relevant.

3. Are you aware of any current investigations being undertaken by NHS Counter Fraud and Security Management Service (NHS CFSMS) following allegations of made against you?

NO ☐

YES ☐

If **YES**, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by NHS CFSMS in the space below.

Please include any additional information, or other supplementary comments that you believe to be relevant.

4. Have you been investigated by the Police, the NHS Counter Fraud and Security Management Service (NHS CFSMS), or any other investigatory body resulting in a current or past conviction or dismissal from your employment or volunteering position?

NO ☐

YES ☐

If **YES**, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the investigatory body in the space below.

**Investigatory bodies include: HM Customs and Excise, Inland Revenue, Financial Service Authority, Department of Trade and Industry, Department of Work and Pensions, immigration and border force, security agencies, local authorities etc.**

**This list is not exhaustive and you must declare any investigation conducted by an investigatory body. Please include any additional information, or other supplementary comments that you believe to be relevant.**

5. **Have you ever been dismissed by reason of misconduct from any employment, volunteering, office or other position previously held by you?**

NO ☐

YES ☐

If **YES**, please provide details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you in the space below.

**Please include any additional information, or other supplementary comments that you believe to be relevant.**

6. **Have you ever been removed from the register or have conditions or undertakings been made on your registration by a fitness to practice committee, regulatory or licensing body in the United Kingdom or in any other country?**

NO ☐

YES ☐

If **YES**, please provide details of any conditions or undertakings which have been applied to your professional registration and the name and address of the regulatory or licensing body concerned in the space below.

**You are not required to provide details where any right to appeal has been upheld AND where that appeal has resulted in your case being fully exonerated. Please include any additional information, or other supplementary comments that you believe to be relevant.**

7. **Are you currently subject to a fitness to practice investigation and/or proceedings by a regulatory or licensing in the United Kingdom or in any other country?**

NO ☐

YES ☐

If **YES**, please include the reasons given for the investigation below and, where applicable, the details of any proceedings, limitations or restrictions that currently apply to your professional registration, and the name and address of the regulatory or licensing body concerned. **Please include any additional information, or other supplementary comments that you believe to be relevant.**

8. **Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?**

NO ☐

YES ☐

If **YES**, please include details below. **Please include any additional information, or other supplementary comments that you believe to be relevant.**

9. Are there any other matters in your background that may be relevant to the position being applied for, which might cause your reliability or suitability to be called into question?

NO ☐

YES ☐

If **YES**, please include details below.

**It is important that you read and understand the changes that came into force from May 2013 under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 – please refer to guidance for applicants in the section above. Please include any additional information, or other supplementary comments that you believe to be relevant.**

If you have answered '**YES**' to any of the questions above, please use this space to provide any additional information or supplementary comments you wish us to consider as part of your application. You may continue on a separate sheet if necessary.

Please indicate the number of the question to which the information relates.

## Declaration

### **IMPORTANT**

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information.

The Act defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.

Where you are applying for a position which involves regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), this will also include information about any barring decision made by the Disclosure and Barring Service (DBS) against the Adults and/or Children's barred lists.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment, Livewell Southwest will not retain this declaration form any longer than necessary - see further details in the supplementary guidance for applicants which was provided with your application form. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.

**In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.**

I have read the supplementary guidance notes for applicants that accompanied my application form, and I consent to the information provided in this declaration form being used by Livewell Southwest for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

**Please sign and date this form.**

**SIGNATURE**.....

**NAME (in block capitals)**.....

**DATE**.....

**Please complete and return this pre-employment self-declaration form to:**

Recruitment Team, HR Department, Livewell Southwest, First Floor, Windsor House, Plymouth, Devon, PL6 5UF.

If you wish to withdraw your consent at any time after completing this declaration form, or you have any queries relating to the type of information required as part of this form, please contact: Recruitment Team on tel: 01752 435223. All enquiries will be treated in strict confidence.