

Livewell Southwest

Disclosure & Barring Policy

Version No 2.2

Review: July 2027

Expires: December 2028

Notice to staff using a paper copy of this guidance

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

Author: People and Professionalism

Asset Number: 958

Reader Information

Title	Disclosure & Barring Policy. V.2.2
Asset number	958
Rights of access	Public
Type of paper	Policy
Category	Nonclinical
Document purpose/summary	The Disclosure and Barring Policy provides a framework for the processing of certificates and risk assessment for roles.
Author	People and Professionalism
Policy Author's Manager	Dawn Slater, Director of People and Professionalism
Ratification date and group	December 2025, Virtual Policy Ratification Group
Publication date	27 th February 2026
Review date and frequency	Three years after ratification, or earlier if there is a change in evidence.
Disposal date	The PRG will retain an e-signed copy for the archive in accordance with the Retention and Disposal Schedule. All copies must be destroyed when replaced by a new version or withdrawn from circulation.
Target audience	All Livewell Southwest staff
Circulation	Electronic: Livewell Southwest (LSW) intranet and website (if applicable) Written: Upon request to the Policy Co-ordinator at livewell.livewellpolicies@nhs.net . Please contact the author if you require this document in an alternative format.
Stakeholders	Livewell Southwest staff, JTUF/JCCN
Consultation process	Policy Ratification Group including JTUF representatives
References/sources of information	<ul style="list-style-type: none"> - Criminal Justice and Court Services Act 2000 - Criminal Records Bureau Code of Practice - Criminal Records Bureau Disclosures in the NHS - Data Protection Act 1998 - Equality Act 2010 - Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974 - NHS Employers Employment Check Standards 2010 - Police Act 1997 - Prevention of Illegal Working, Immigration, Asylum and Nationality Act 2006 - Protection of Children Act 1999 - Rehabilitation of Offenders Act 1974 - Safeguarding Vulnerable Groups Act 2006 - Protection of Freedoms Act 2012
Equality analysis checklist completed	Yes
Is the Equality and Diversity Policy referenced	Yes
Is the Equality Act 2010 referenced	Yes

Associated documentation	Recruitment and Selection Policy, Reference Policy
Supersedes document	2.1
Author contact details	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
2.	Full Review	March 2023	HR	Full review
2.1	Minor Change	June 2024	HR People Team	Section 12 amendment to include DBS referrals as a result of a disciplinary sanction
2.2	Full review	November 2025	HR People Team	Major changes

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Disclosure and Barring Policy

1. Introduction

1.1 The aim of this policy is to set out the requirements and responsibilities of Livewell Southwest (hereafter referred to as “LSW”) and its employees to comply with responsibilities under the Rehabilitation of Offenders Act 1974 (as amended) and ensure checks of criminal records are obtained through the Disclosure and Barring Service (DBS) for roles that require such a check.

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.

1.3 Livewell Southwest has a duty of care to protect the safety and wellbeing of patients. It must therefore have in place measures to ensure it does not employ anyone who might be considered unsuitable to work or have access to vulnerable patients.

1.4 Livewell Southwest will undertake a DBS check where it has been identified as a requirement of the role. The DBS check is one of several pre-employment screening measures that may be undertaken during the recruitment process. For roles where it is deemed necessary, DBS checks will be renewed every three years. The level of clearance required will be determined by the type of work the individual will be undertaking and where the work is carried out.

2. Purpose

The purpose of this policy is to:

2.1 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)).

2.2 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.

2.3 Ensure that 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.

2.4 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.

2.5 Protect patient safety by ensuring compliance with Care Quality Commission regulation requirements and the NHS Litigation Authority standards (NHSLA).

3. Scope

This policy applies in the following circumstances, where DBS clearance has been identified as a requirement of the role:

- Job applicants who are made a conditional offer of employment.
- All employees holding an enhanced certificate will be required to renew their DBS check every 3 years.
- All employees of Livewell Southwest, including those moving internally to new/different roles that require DBS clearance, or a different level of clearance to the existing role.
- Workers including those individuals on honorary contracts, contractors, volunteers or students.
- Clinical Leads where there is a specific requirement to have such clearance.
- Board level roles that are subject to the Fit and Proper Person Framework

This list is not exhaustive.

4. 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 - are convictions that, under the Rehabilitation of Offenders Act 1974, no longer need to be disclosed after a specified rehabilitation period. For most roles, individuals are not required to reveal spent convictions. However, certain roles are exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, meaning employers can lawfully ask about both spent and unspent convictions. Additionally, under the 2013 amendment to the Exceptions Order, some spent convictions and cautions become "protected" when specific conditions are met. Protected convictions and cautions must not be disclosed and will not appear on standard or enhanced DBS certificates.

Unspent convictions - are those that have not yet reached the end of their rehabilitation period under the Rehabilitation of Offenders Act 1974. These include recent custodial sentences, community orders, fines, and certain court-imposed restrictions. Most convictions will eventually become spent after a set rehabilitation period, which varies by sentence length. However, convictions for serious sexual, violent, or terrorism-related offences, and certain extended sentences, are excluded from rehabilitation and will never become spent. All unspent convictions must be disclosed during the DBS checking process.

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 – Under the **Safeguarding Vulnerable Groups Act 2006**, individuals who appear on a DBS barred list are prohibited from engaging in regulated

activity with the group they are barred from (children and/or adults). For the purposes of this policy the focus will be upon regulated activity. 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.

Regulated Activity Provider - As a regulated activity provider, the Organisation has a legal duty to refer an individual to the DBS where the relevant conditions are met, specifically when someone has harmed, or poses a risk of harm, to a vulnerable group. These conditions are outlined in section 14.

5. Duties & Responsibilities

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

5.2 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.

5.3 Responsibility of **Assistant Directors/Directors**:

Heads of Service are responsible for ensuring that appropriate action is taken by line managers when an employee fails to comply with their responsibilities under this policy.

5.4 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.

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.

Responsible for sending the necessary links and guidance information to employees to allow them to complete their renewal.

5.5 Responsibility of the **Recruiting managers**:

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

5.6 Responsibility of the **Line manager**:

To liaise with the HR People Team 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.

Line managers are also responsible for highlighting any change in an employee's DBS status or criminal history that they become aware of and seeking further advice from the Human Resources in order to address the specific circumstances that they become aware of.

Discussing DBS requirements at regular intervals i.e one to ones or yearly reviews.

Obtaining the correct documentation for a DBS renewal and sending it to the Recruitment team in a timely manner.

5.7 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 Manger 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.

6. 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.

6.1 Levels of Disclosure

There are currently two levels of disclosure obtained by Livewell Southwest:

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.

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
- Hotel Services Staff (working at Plym Bridge House)
- Ward Clerk (working at Plym Bridge House)

6.2 Minimum age for a DBS checks

The minimum age for a DBS check is 16.

7. Rehabilitation of Offenders Act 1997 including the differences of spent and unspent convictions

7.1 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.

7.2 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.

7.3 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.

7.4 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.

8. 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 and at renewal stage. LSW will implement the required procedures in accordance with documentation and guidance provided by NHS Employers at the time.

9. Making the Recruitment Decision – candidates with criminal conviction(s)

9.1 It is important to point out that possession of a criminal conviction does not automatically make an applicant unsuitable for employment in LSW.

9.2 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 People and Professionalism and/or Assistant Directors.

9.3 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.

9.4 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.

9.5 The following factors need to be considered by the Recruiting Manager and the Recruitment Manager/HR People Team 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.

9.6 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 People Team Representative with discussion with the recruiting manager.

9.7 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.

9.8 Were 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.

10. Commencement of Employment

10.1 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.

10.2 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.

10.3 The final decision on appointing an individual prior to receipt of a satisfactory DBS check rests with the relevant Assistant Director and Director of People and Professionalism.

11. Applicants with an Existing Disclosure

11.1 There will be occasions where a prospective or new employee will already be in possession of a Disclosure document originated by a previous employer.

11.2 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.

11.3 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.

12. Rechecking Existing Staff

12.1 It is a requirement for all existing employees who have unsupervised access to patients/clients to have an enhanced DBS check on a 3 yearly basis, in order to be compliant with LSW insurance requirements. The recruitment team will notify the employee and their manager of this requirement, and the employee will be sent the appropriate disclosure link to the provider's website, as well as instructions with what documents are required in order to complete the DBS application process.

12.2 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.

12.3 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.

12.4 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.

12.5 Any employee failing to comply with a DBS Disclosure request through their own action of omission will immediately be placed on unpaid leave from duty if their DBS passes the 3 yearly renewal date. Continued refusal to comply with a DBS Disclosure request through their own action of omission will lead to the employee being subject to disciplinary action and may result in dismissal, in line with the LSW Disciplinary Policy.

Livewell Southwest recognises that, in some cases, employees may be unable to complete their DBS renewal within the required timeframe due to circumstances beyond their control. In such instances, the following extenuating circumstances may be considered:

- Long-term sickness absence
- Maternity, paternity, or adoption leave
- Bereavement or significant personal hardship
- Technical issues with the DBS system or Matrix platform
- Delays caused by external DBS processing beyond the employee's control
- Other exceptional circumstances, as agreed by HR and the employee's line manager

Employees must notify their line manager as soon as possible if they believe they are affected by an extenuating circumstance. The line manager, in consultation with HR, will review the case and determine whether a temporary exemption from the unpaid leave policy is appropriate.

All decisions will be made on a case-by-case basis and documented accordingly. Where possible, alternative arrangements (e.g., temporary redeployment or adjusted duties) may be considered to ensure service continuity while maintaining compliance with safeguarding requirements.

DBS renewal reminder process and the thresholds for being placed on unpaid leave:

Notification	Timing	Details
Initial Invite & Reminder to employee and line manager	4 months before expiry	DBS renewal process begins
Second to employee and line manager Reminder	3 months before expiry	Follow-up reminder
Third Reminder to employee and line manager	2 months before expiry	Follow-up reminder
Fourth Reminder to employee and line manager	1 month before expiry	Follow-up reminder
Final Reminder to employee and line manager and AD's.	2 weeks before	Final notice: unpaid leave will begin if DBS is not renewed
Overdue notice to AD's and director of PP	Overdue	Overdue notice: Employee to be placed on unpaid leave, unless extenuating circumstances

12.6 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.

12.7 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:

[Declarations of Interest Policy.docx](#)

13. Failure to Renew a Disclosure and Barring check

13.1 The Recruitment Team will advise and discuss with the appropriate senior manager any employee whose professional registration becomes invalid due to expiry through their own action or omission.

13.2 Employees whose Disclosure and Barring check lapses will immediately be put on unpaid leave from duty whilst the check is renewed. However, each case will be assessed on the basis of individual merit and extenuating circumstances, with agreement from the Head of Service and Director of People and Professionalism or Deputy Director of People and Professionalism being sought before being placed on unpaid leave. The line manager will be responsible for seeking this assessment and will be required to provide the full facts of the circumstances.

13.3 Where the registration is not renewed for a period exceeding fourteen calendar days, Livewell Southwest reserves the right to amend the staff member's incremental date by the length of time their registration is invalid. The disciplinary procedure may also be invoked at this stage.

14. Referral to DBS as a result of a disciplinary sanction

If, as a result of a Disciplinary Hearing, an employee is dismissed or removed from working with children or vulnerable adults (or would, or may have, if the person had not left or resigned) because the person:

- Had been cautioned or convicted for a relevant offence;
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
- Satisfied the Harm Test in relation to children or vulnerable adults (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists)

then a DBS referral would be required. Upon completion of the disciplinary hearing it will be the responsibility of the panel Chair to make a referral to the DBS, both guidance and the referral form can be found here <https://www.gov.uk/government/collections/dbs->

[referrals-guidance--2](#) and emailed to dbsdispatch@dbs.gov.uk. You will receive an acknowledgement receipt. The Chair may delegate responsibility for completion of the DBS to the most appropriate person taking into account the confidentiality of the case. However, it will remain the Chairs' responsibility that the content of the referral is accurate and reflects the rationale for the referral. The DBS referral will be signed by the Chair of the panel. Further advice can be obtained from the HR People Team.

Guidance on DBS referrals can be found via the UK Government referral flowchart as follows: [Referrals Flowchart \(publishing.service.gov.uk\)](#)

The HR People Team will inform both the Safeguarding and Governance Leads of any such referrals.

In the event of a Trade Union steward being under investigation as part of a disciplinary, the commissioning manager will be responsible for informing the full-time officer for the specific trade union.

15. Posts not directly employed by LSW

Agency, Locums and NHS Professionals

15.1 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

15.2 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

15.3 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

15.4 For more information please refer to the LSW's Work Experience Guidance

– Click here for a link: [Work Experience Guidance.docx](#)

Students – Vocational placements as part of professional qualification

15.5 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 Workplace Agreement in place with LSW which would ensure that an appropriate check at the correct level has been obtained. Where the Workplace 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.

16 Staff Recruited from overseas or who lived overseas

16.1 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)

16.2 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.

16.3 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, [Welcome to GOV.UK](#)

17 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.

18 Notifiable Occupations

18.1 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. Under the Common Law Police Disclosure scheme, the police may share information about an employee's criminal offences with their employer or professional body where there is a pressing need to protect the public, safeguard vulnerable individuals, or maintain public trust. This includes offences involving violence, sexual offences, dishonesty, drink or drugs, or any matter that raises serious concerns about an individual's suitability for their role. For positions involving substantial access to children or vulnerable adults, cautions and other relevant information may also be disclosed. Such disclosures are made on a case-by-case basis, must be necessary and proportionate, and are authorised by a senior officer in compliance with the **Data Protection Act 2018** and GDPR.

18.2 When the police disclose information about an employee's criminal offence, the employer must treat the information as **confidential and sensitive**. It should only be shared with those who need to know for safeguarding or employment decisions. Employers should:

- Assess the information promptly and consider any safeguarding implications.
- Follow internal HR and disciplinary procedures in line with employment law and safeguarding policies.
- Ensure decisions are fair, proportionate, and documented, taking into account the nature of the offence, the employee's role, and any regulatory requirements.
- Maintain compliance with the **Data Protection Act 2018** and GDPR when storing or processing the information.

19. Training implications

The HR People Team 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.

20. Monitoring compliance

The effectiveness of this policy will be monitored through the Policy Ratification 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 Head of Service.

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

Signed: Dawn Slater, Director of People and Professionalism

Date: 20 January 2026