

## Disclosure and Barring Service (DBS) disclosure checks

Our work is all about the health and well-being of our staff and patients and many of our roles involve working directly with patients.

To protect our staff and patients and their information, we apply for information on potential candidates from the Disclosure and Barring Service (DBS).

### **About DBS disclosure checks (previously known as CRB checks)**

The DBS provides organisations with access to criminal record information to make safer recruitment decisions. There are two levels of DBS disclosure checks available:

- standard disclosure: checks national police records, such as convictions, warnings and reprimands
- enhanced disclosure: as well as the standard checks, it checks local police records and information held on the DBS Barred Lists, if requested. A person's barring status is checked if the role involves working in certain roles with children or adults, to make sure they are not barred from working with these groups.

### **Will I need a DBS check?**

NHS Employers has published a flow chart that can help determine if the role that you are interested in is likely to require a DBS disclosure check and at what level:

- [NHS Employers' criminal record and barring check decision tree \(PDF 28Kb\)](#).

## DBS checks frequently asked questions

### What is the DBS?

The Disclosure and Barring Service (DBS) was formed by the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority in December 2012. The primary role of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. You can find out more information on the DBS, its history and its work by visiting the website [www.gov.uk/dbs](http://www.gov.uk/dbs).

### If I have a criminal conviction, can I still be employed?

This will depend on whether your offence is considered to make you unsuitable to have access to patients. We conduct a greater level of checks on staff who work with certain patient groups, such as children and vulnerable adults. We will however consider a range of factors before making our decision to appoint -the nature of the offence -the age at which it was committed - its relevance to the post in question - whether the applicant has a pattern of offending behaviour - whether the applicants circumstances have changed since the offending behaviour - the circumstances surrounding the offence and the explanation(s) offered by the convicted individual.

### Why does the NHS ask for disclosure of criminal convictions?

We do this to protect our patients. In doing this, we balance the need to prevent unsuitable people from working in sensitive posts, against the threat of discrimination against rehabilitated ex-offenders.

### What positions can the NHS obtain disclosures for?

Not every post in the NHS requires a DBS disclosure. As a general rule any post which is concerned with providing healthcare to patients, either as a qualified healthcare professional (eg doctor) or under the guidance of a qualified healthcare professional (eg nursing assistant) would require a full enhanced DBS disclosure. There are other posts that would need a lower level of DBS disclosure, but the requirement should be detailed within each individual job advertisement.

### What is a criminal record?

A record of convictions held on the Police National Computer for individuals convicted of crimes. The Police National Computer contains information about criminal records, ie convictions, cautions, reprimands and warnings.

### What is a DBS disclosure (criminal records) check?

Our organisation undertakes DBS disclosure checks for some posts.

A standard DBS check is used primarily for posts that involve regular contact with children or vulnerable adults.

For those posts that involve a greater degree of contact with children or vulnerable adults, ie the type of work that involves regularly caring for, supervising, training or being in sole charge of such people, candidates will require an enhanced DBS check.

For both, we are checking candidates to see if they have any convictions, current and spent, as well as cautions, reprimands and final warnings. The enhanced check also provides a check on local Police records.

We also make checks on staff working with children/vulnerable adults against the DBS barred lists. These contain the names of people who are barred from working with vulnerable adults and/or children.

## **What is the Rehabilitation of Offenders Act (ROA) 1974?**

The ROA 1974 enables some criminal's convictions to become 'spent' or ignored after a rehabilitation period. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction, when applying for a job. In the NHS, there are certain circumstances/jobs that a conviction must be declared, eg a nurse working on a children's ward.

## **What is a spent conviction?**

The Rehabilitation of Offenders Act 1974 sets out to make life easier for many people who have been convicted of a criminal offence, but then have had a period in which they have not committed any further offences. In general, 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 to be 'spent'.

When assessing the suitability of a person for a position of trust, a potential employer is entitled to ask a job candidate to reveal all convictions, whether spent or not. This is to ensure that children and other vulnerable groups are adequately protected from those in positions of authority over them, eg a nurse who looks after children.

## **What is an 'unspent' conviction?**

A conviction is described as 'unspent', if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

## **How do I know if the job I am applying for is required to provide details of all convictions, spent or unspent?**

There are some jobs which are not covered by the Rehabilitation of Offenders Act 1974. These are jobs which are positions of trust and are ones which involve a far greater degree of contact with children or vulnerable adults, e.g. a nurse working on a children's' ward or a cleaner on a children's' ward. For these types of jobs, the employer is entitled to see a person's full criminal history in order to assess their suitability for a position.

## **What is a caution?**

A caution is a formal warning about future conduct given by a senior police officer, usually in the police station, after a person has committed an offence. It is used as an alternative to a charge and possible prosecution.

## **What is a reprimand?**

A reprimand has replaced the caution for young people aged under 18.

## **What is a warning?**

A young person given a second formal warning about future conduct is given a final warning.

## **What is the definition of a child?**

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed).

## **What is the definition of a vulnerable adult?**

Whilst the term 'vulnerable' is no longer in use, this is defined as an adult person aged 18 or over who is in receipt of specific types of services, namely:

- healthcare for adults provided by, or under the direction or supervision of a regulated healthcare professional
- personal care for adults
- social work – provision by a social care worker of social work which is required in connection with any health services or social services
- assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party
- assisting in the conduct of an adult's own affairs under a formal appointment
- conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party.

## **How long does the application process take?**

You should normally receive a copy of your DBS check within four weeks however at certain times of the year, the DBS has a backlog of applications to process which may cause a delay in their response. Enhanced checks normally take longer than standard checks.

## **Can my application be tracked?**

Your application can be tracked via the tracking system on the [DBS website](#). Applicants will need to provide their disclosure application form reference number and their date of birth.

## **Who has access to my personal information and DBS disclosure?**

Your personal information will only be seen by those whose jobs require them to do so in the course of their duties.

## **Why do I have to re-apply for a new DBS check every three years or each time I move jobs?**

It's good practice for individuals who work with adults or children to be re-checked every three years or each time they move posts as DBS portability does not exist. The DBS has recently launched an update service. This lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online for an annual subscription. More information can be found on the [DBS website](#).

## **My personal details have changed since I received my disclosure. Do I need to inform the DBS?**

No. The DBS issues disclosure certificates based on the personal information that is provided to them at the time of application.