RESTRICTED – NOT TO BE COPIED OR MODIFIED
COPYRIGHT OF A B MEDICAL SERVICES (UK) LTD

Disclosure and Barring Service (DBS) Policy

Author	A Baker-Pollard
First Written	MAY 2014
This Version	JAN 2026
Review Date	JAN 2027

1.0 Introduction

The Disclosure and Barring Service (DBS) is an Executive Agency of the Home Office and provides wider access to criminal record information through its disclosure service. This service enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially that involve children or vulnerable adults. The DBS was established under Part V of the Police Act 1997 and changed from the Criminal Records Bureau around 2013

There are two types of DBS checks:

Standard DBS check, and the Enhanced DBS check.

1.1 Policy Statement

A B Medical Services (UK) Ltd works with children, young people and vulnerable adults by providing them with medical assistance when required. As part of the joining process, all staff will be required to either provide evidence of an enhanced DBS check or undertake a new enhanced DBS check with A B Medical Services (UK) Ltd before being employed to provide a service to its users. For any individual involved with the direct supervision or treatment of Vulnerable Persons with A B Medical Services (UK) Ltd will require an Enhanced DBS Check. A B Medical Services (UK) Ltd is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. A B Medical Services (UK) Ltd has obtained advice from the DBS regarding the portability of DBS checks particularly for similar positions, as the majority of staff are working for A B Medical Services (UK) Ltd as a secondary employment.

A full risk assessment has been carried out to provide a consistent approach alongside the style of work that is currently undertaken.

1.2 Objective

The objectives of this policy are to:

- Set out A B Medical Services (UK) Ltd commitment to equality of opportunity in employment within the legal framework for people who may have a criminal record.

- To promote the use of relevant and appropriate DBS requests to prevent individuals being placed in roles where they may present a risk to vulnerable people and/or children.
- Ensure consistent and fair treatment for all staff/potential candidates.

1.3 Legislation

1.3.1 The Rehabilitation of Offenders Act (1974)

This Act made any convictions 'spent' after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, based on a 'spent' conviction. However, under this act all applicants for positions which give them "substantial, unsupervised access on a sustained or regular basis" to children must declare all previous convictions, whether spent or unspent, and all pending cases against them.

1.3.2 The Children Act 1989

This Act provided legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm.

1.3.3 The Police Act 1997

This Act contained the provision to set up the Criminal Records Bureau for England and Wales. Under this act, it is a criminal offence for an employer to

- Do not check an employee working with children or vulnerable adults
- Give a job to someone inappropriate to work with children or vulnerable adults when they know this to be the case.

1.3.4 Care Standards Act 2000

A DBS disclosure is required for most roles in organisations providing care or health services regulated under this act. This act also sets out the Protection of Vulnerable Adults scheme.

The Department of Health and the National Assembly for Wales launched the POVA or Protection of Vulnerable Adults scheme in 2004.

1.4 Definitions

1.4.1 Child

A child is legally defined as anyone under the age of 18.

1.4.2 Vulnerable Adults

The definition of vulnerable adult is a person aged 18 or over and who:

- Is living in residential accommodation, such as a care home or a special needs school
- Is living in sheltered housing
- Is receiving domiciliary care in their own home
- Is receiving any form of healthcare
- Is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- Is under the supervision of the probation services
- Is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- Is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- Is an expectant or nursing mother living in residential care
- Is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- Requires assistance in the conduct of their own affairs.

1.4.3 Abuse

Abuse is the violation of an individual's human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

1.4.4 Standard Disclosure

Standard disclosures inform the organisation of all convictions held on the Police National Computer, including current and spent convictions, as well as details of any cautions, reprimands or final warnings. From 12 October 2009, all volunteers or employees who work with children or vulnerable adults must apply for an enhanced disclosure and not a standard one. The standard disclosure is for other types of work or licences.

1.4.5 Enhanced Disclosure

This is the level of Disclosure for anyone whose work regularly involves caring for, training, supervising or being in sole charge of young people under 18 or vulnerable adults. In addition to the information provided for a Standard Disclosure of spent convictions, unspent convictions and cautions, it may also contain information held by the Police which is thought relevant but which may not have led to a conviction.

2.0 Scope of Document

This document applies to all staff seeking employment or employed or contracted to work on behalf of A B Medical Services (UK) Ltd, as part of its Safeguarding Policy. All staff must read and fully familiarise themselves with this document.

3.0 Roles and Responsibilities

3.1 Managing Director

The Managing Director is responsible for:

- Ensuring A B Medical Services (UK) Ltd has a Safeguarding Policy.
- Assigning counter-signatories for A B Medical Services (UK) Ltd.
- Ensuring A B Medical Services (UK) Ltd abides by its Data Protection Policy in providing safe storage, retention and disposal of Disclosures.

3.2 Potential Applicant

A Potential Applicant is responsible to:

- Report within the application form whether they have any criminal convictions to disclose.
- To complete and return a disclosure form in an appropriate timescale or provide evidence of existing enhanced DBS checks, which must be at the applicant's current address.

- Provide the appropriate evidence to the A B Medical Services (UK) Ltd to enable them to complete the evidence check for the disclosure.

3.3 All Employees (including sub-contractors)

All employees are responsible to:

- Report any occasions where they have been convicted of, or charged with, a criminal offence (with the exception of a traffic offence), whether it arises from employment or otherwise, to A B Medical Services (UK) Ltd.

4.0 Pre-Employment Checks

4.1 Prospective Employees

4.1.1 DBS Application

For all relevant positions, candidates will be asked for a copy of the most recent enhanced DBS check. Applicants will then be invited to attend a pre-employment meeting and bring original identification to verify the individual's identity and address against the DBS check. If a new DBS check is being undertaken, the applicant must bring along at least three pieces of current identification in order for a DBS application to be completed.

Correct identification of any job applicant is the cornerstone of the Disclosure Service. Counter-signatories must ensure that the identity and current address of each Disclosure applicant are verified beyond any doubt. To establish identity, applicants will be asked to produce at least three of the following forms of identification:

- Full Valid Passport Full Driving Licence (both paper and card parts if a photo-card licence)
- Birth Certificate (if registered within 12 months of the birth date)
- Marriage Certificate (if applicable)
- P45 or recent P60
- Utility Bills (no less than 3 months old)

The counter-signatory, in the presence of the applicant, will inspect and copy the documents, which must be originals, and the disclosure application will then be processed.

4.1.2 Disclosure Portability

Portability refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position in another organisation. Whilst the DBS does not endorse the use of portability due to the risks involved, as the person's

criminal record or other relevant information may have changed since the issue of the Disclosure. It recognises the need for flexibility provided that a full risk assessment has been carried out, especially for short-term appointments. A B Medical Services (UK) Ltd has the ultimate decision whether to apply for new DBS checks or not. A B Medical Services (UK) Ltd will also make use of the DBS Update Service where possible.

4.2 Recruitment of Ex-Offenders

As an organisation using the DBS Disclosure service to assess applicants' suitability for positions of trust, A B Medical Services (UK) Ltd complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), A B Medical Services (UK) Limited complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. A B Medical Services (UK) Limited undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

A B Medical Services (UK) Limited can only ask an individual to provide details of convictions and cautions that A B Medical Services (UK) Limited are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), A B Medical Services (UK) Limited can only ask an individual about convictions and cautions that are not protected.

A B Medical Services (UK) Limited is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

A B Medical Services (UK) Limited has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.

A B Medical Services (UK) Limited actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. A B Medical Services (UK) Limited select all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

A B Medical Services (UK) Limited ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. A B Medical Services (UK) Limited also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, A B Medical Services (UK) Limited ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

A B Medical Services (UK) Limited makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.

A B Medical Services (UK) Limited undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further information regarding conviction information

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.
- All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

4.3 Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

As an organisation using the Criminal Records Bureau Disclosure service to help assess the suitability of applicants for positions of trust, A B Medical Services (UK) Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.

4.3.1 Storage and Access

Where paper-based files are kept, Disclosure information is never kept on an applicant's file and is always kept separately and securely in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. Usually, DBVS details are kept electronically and are restricted so that only the Managing Director has access to these.

4.3.2 Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. A B Medical Services (UK) Ltd will maintain a record of all those to whom disclosures or disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to see it.

4.3.3 Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

4.3.4 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection Act and Human Rights Act.

5.0 Audit and monitoring

This policy will be reviewed annually, or sooner if the business activity changes resulting in a need to introduce compulsory DBS checks, or due to a change in policy by the DBS or ISA.

6.0 Implementation and Dissemination

This document is to be implemented as per the front page of this policy. It will be made available to all staff at every event.

7.0 Overall Responsibility for the Document

Managing Director has overall responsibility for the implementation of this Policy