



DBS Policy and Employment of People with a Criminal Conviction

Criteria for Applying for DBS Disclosures

This policy takes into account the Protection of Freedoms Act 2012. The Ministry of Justice stated that organisations should not insist that a DBS check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible DBS check as defined by the exceptions, as this would breach employment law.

Enhanced Disclosure - Criteria

Medequip will require all applicants for posts which meet the following criteria to be subject to an application for an enhanced DBS Disclosure.

Positions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
Any work which is currently defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006.
Any work which was defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10 th September 2012.
Any work which is currently defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006.
Any work which was defined as regulated activity relating to vulnerable adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act before the coming into force of sections 65 and 66 of the Protection of Freedoms Act 2012 on 10 th September 2012.
Any office or employment which is concerned with: <ul style="list-style-type: none"> a) the provision of care services to vulnerable adults. b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services.
Any work in a regulated position within the meaning of Part 2 of the Criminal Justice & Court Services Act 2000. This does not include those working with 16/17 year olds on work experience.
Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children.
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.

Professions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
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Healthcare Professional – A person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002.

Barrister (in England and Wales), solicitor.
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Standard Disclosure - Criteria

Medequip will require all applicants for posts which meet the following criteria to be subject to an application for a standard DBS Disclosure:

“Any post that is exempt under the Rehabilitation of Offenders Act * and relates to sensitive areas of employment involving access to Service Users in the course of their normal duties.

The definition used within legislation is:

“any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of their normal duties.” *

* **Exempt posts:** from the Medequip’s perspective will therefore include all posts that have contact with or access to Service Users, including those with access to **personally identifiable** Service User information

Process for Applying for DBS Disclosures

- 1 Where any post requires DBS clearance – based on the above criteria, this will be confirmed by the appointing manager to Human Resources.
- 2 Human Resources will send a DBS Disclosure Application Form to successful candidates with the conditional offer of employment letter.
- 3 The candidate will be required complete the DBS Disclosure Application Form and bring it with the relevant documentation on their pre-employment check to their line manager or Human Resources.

The above disclosures will be sought for all applicants who receive an offer of employment which meets either the Standard or Enhanced criteria.

In addition all applicants for posts which meet the above criteria will be required to complete a Police Declaration form giving details of any:

1. Any conviction for any offence by a Court or Court-Martial in the United Kingdom or in any other country.
2. Any police caution, reprimand or final warning received.
3. Any charges for any offence in the United Kingdom or in country that has not yet been disposed of.
4. Any current police investigation in the United Kingdom or in any other country following allegations made against the applicant.

Staff commencing work and employment prior to DBS Clearance.

No one shall be permitted to commence employment with Medequip or work in any post prior to the completion – and receipt of a satisfactory Police Declaration and DBS form.

1. In certain exceptional circumstances certain applicants, (for posts which require DBS clearance) may be permitted to commence work for Medequip but only:
 - Working under direct and continuing supervision, and
 - following a risk assessment and
 - Subject to the completion and receipt of a satisfactory Police Declaration form - pending receipt of satisfactory DBS clearance.
2. This provision however will not be available to managers and applicants, appointed to positions working with children and requiring a PoCA Disclosure. Such appointments are not permitted, under the provisions of the DBS, to commence work under supervision and must wait until the DBS Disclosure Report has been received.
3. The approval in 2. Above, will also be subject to the provision that should the DBS Disclosure Report be unsatisfactory or should it contain information not identified on the Police Declaration or Application Form, then this will be grounds for termination of the employment of the individual.

Consideration of Information on DBS Disclosure Reports

In the event of Medequip receiving information on a DBS Disclosure Report which raises concerns or questions relating to the offer of appointment made, this shall be subject to the process and DBS Risk Assessment.

Disposal of Records

All records obtained under the provisions of this Policy will be retained and destroyed, in accordance with the requirements of the DBS and Medequip's Standards on the retention and disposal of HR records. As such:

- All DBS Disclosure Reports for applicants for posts will only be retained for a maximum of 6 months, at which point they will be subject to confidential shredding and disposal. For successful candidates a summary of the outcome of the disclosure will be retained on the individual's personal file.
- Details of the Police Declarations made by non-successful applicants will be retained for a maximum of 6 month, with details of the application and will then be subject to secure shredding and disposal.
- Details of the Police Declarations made by successful candidates will be retained securely on the personal file of the candidate.
- Details of the personal files will be retained securely for a period of 7 years prior to secure shredding and disposal – in line with the Medequip's standards on the retention and disposal of HR records

Employee Printed Name	██████████
Employee Signature	██████████
Managers Signature	██████████
Date	1 st April 2022