

## Disclosure Policy

This policy covers the different types of disclosure checks from all regions of the UK.

### England and Wales

#### What is the Disclosure and Barring Service?

The DBS helps employers make safe decisions when recruiting staff. This is especially important in the dental sector due to employees working with children and vulnerable adults from time to time.

The DBS replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA), making it a seamless service.

#### How does a DBS Check work?

Police records and barring list information are searched and then DBS certificates can be issued to an applicant. The information provided during this check is extremely sensitive therefore there is a code of practice to ensure the information is handled fairly and used correctly.

#### Who can apply for a DBS check?

Employers can ask for a potential job applicant to apply for a DBS check as part of the recruitment program.

Most job roles are eligible for DBS checks, especially those positions working with children, vulnerable adults and people working with patients in the healthcare sector.

#### Types of DBS checks

- Basic – this shows unspent convictions and conditional cautions
- Standard – this shows spent and unspent convictions and adult cautions which have not been filtered in line with legislation
- Enhanced - this shows the same as a standard check plus any information held by the police that's relevant to the role
- Enhanced with a check of the barred list – this shows the same as an enhanced check plus whether the applicant is on the adult's or child's barred list (or both)

The Care Quality Commission say practices need to:

- Have a process in place for undertaking criminal record checks at the appropriate level (only for staff that require a check).
- Assess the different responsibilities and activities of staff to determine if they are eligible for a DBS check and to what level.
- Remember that the eligibility for checks and the level of that check depends on the roles and responsibilities of the job - not the individual being recruited - and is based on the level of contact staff have with patients, particularly children and vulnerable adults.'

#### Who needs a DBS check?

Clinical staff working directly with patients must have an enhanced DBS check.

The CQC (Care Quality Commission) state that there is currently no requirement for non-clinical staff to have a DBS check undertaken but should be considered carefully by the practice.

Our policy on DBS checks is that any new member of the team will receive a new DBS check carried out by Pav Dental. The need for a standard or enhanced DBS check will be decided upon according to the position within the practice. Clinical staff and those who may be left alone with children (for example children waiting in the waiting room while their parents are in the surgery) will require an enhanced DBS check. Other administrative staff may have a standard DBS check.

Those staff who are awaiting a DBS prior to them starting shall be asked to carry out a risk assessment.

The CQC say ‘Where the decision has been made not to carry out a DBS check on staff, the practice should be able to give a clear rationale as to why’

### **The recruit has a recent DBS check, do I need to do another check?**

The CQC would not normally expect to see a member of staff working whilst awaiting the completion of a DBS check. If the practice does begin a member of staff’s employment while waiting for their DBS check to be completed, they would expect a **risk assessment** to have been carried out and action taken to mitigate any risks.

This following information extract is taken from an email directly from the Government DBS (Disclosure and Barring Service) Department following an enquiry.

Ultimately it is for you to determine whether to accept previously issued CRB/DBS check. You should consider the following before deciding:

- The applicant’s criminal record or other relevant information may have changed since its issue.
- The decision made by a Chief Police Officer to disclose information on a CRB/DBS certificate was made based on the position for which the criminal record check was originally applied for; you cannot assume that no other intelligence would be disclosed for a different position
- The information revealed was based on the identity of the applicant, which was validated by another registered body, at the time that the original check was requested; you should ensure that the identity details on the certificate match those of the applicant’

The recommendations from Dental Compliance Made Easier are to use a risk-based approach and if a new employee has a recent DBS check (dated within the past 12 weeks) this would be accepted providing the DBS check was completed on behalf of another dental practice.

### **CQC applications require a DBS check**

CQC applications for a new provider and registered managers require a DBS check counter-signed by the CQC. This check will only be valid for 6 months during the application process. You will need to reapply for the DBS check if the registration has not taken place within the 6-month date.

Nominated individuals do not need a CQC counter-signed DBS check but they will need the provider to carry out their own DBS checks and provide evidence.

### **How to get a DBS check**

1. Employers are to obtain a form from the DBS or an accompanying body that gives access to DBS checks
2. The form is to be filled about by the applicant, and is to be returned to the employer with identification documents

3. The completed application form is then to be sent to the DBS or the accompanying body by the employer
4. The applicant will then receive a certificate from the DBS. The employer must ask for permission from the applicant to see the certificate.

If the applicant has subscribed to the [DBS update service](#), the employer can check their certificate online.

## **Renewal- How long a DBS check is valid for**

The DBS advise there is no general requirement to repeat checks to staff that remain employed if there have been no changes in their place of work. It is up to the employer's decision whether a new check is needed and at what timeframe.

If you choose not to renew DBS assessments you will need to provide evidence of why this decision was made, this would be in the form of an internal DBS risk assessment.

## **Scotland**

The Protecting Vulnerable Groups Scheme (PVG Scheme) went live in Scotland on 28 February 2011. This new membership scheme is intended to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups.

The PVG Scheme is intended to:

- help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour
- be quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required
- strike a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.

The Protection of Vulnerable Groups (PVG) (Scotland) Act 2007 lists the delivery of dental care as a 'regulated activity' and therefore all dental professionals will need to register. The PVG Scheme will be managed and delivered by [Disclosure Scotland](#) and further information can be found on their website.

The GDC document Standards for Dental Professionals lists six key principles that dental professionals should apply to their daily work. Principle 5 tells registrants to '*maintain your professional knowledge and competence*'. It goes on to say in principle 5.4 that registrants must '*find out about laws and regulations which affect your work, premises, equipment and business and follow them*'.

The GDC will have a legal obligation to share information about registrants with the PVG Scheme. The GDC may also receive information about its registrants from the Scheme and has already been decided that such information should be considered as an allegation of impaired fitness to practise through the usual channels.

Several legislative changes to the disclosure scheme were approved by the Scottish Parliament in 2020. The changes do not come into immediate effect but instead will be implemented in stages by 2024. Examples of these changes include:

- it will be mandatory for those carrying out regulated roles with children and protected adults to be a member of the Protecting Vulnerable Groups (PVG) Scheme
- the lifetime PVG scheme membership will end and be replaced with a five-year membership period
- Disclosure Scotland will have new powers to impose conditions on individuals while they are being considered for listing

There will be a period of implementation where Disclosure Scotland develop their processes and for organisations to prepare for their new responsibilities.

Disclosure Scotland is committed to then mounting a major communications exercise and offering guidance and training opportunities in advance of changes being implemented. If you have any questions at this stage about the changes ahead, or if your organisation would like to work with Disclosure Scotland to help deliver this important legislation,

Please contact them at: [DisclosureAct@disclosurescotland.gov.scot](mailto:DisclosureAct@disclosurescotland.gov.scot)

## Northern Ireland

### AccessNI Checks

#### What is an AccessNI check?

An AccessNI check looks at an individual's criminal history. This is for people who work in Northern Ireland. It helps employers to make safe decisions when recruiting staff. This is especially important in the dental sector due to employees working with children and vulnerable adults from time to time.

#### How does an AccessNI check work?

Police records and barring list information are searched and then certificates can be issued to an applicant. The information provided during this check is extremely sensitive therefore there is a code of practice to ensure the information is handled fairly and used correctly.

#### Who can apply for an AccessNI check?

Employers can ask for a potential job applicant to apply for a DBS check as part of the recruitment program.

Most job roles are eligible for AccessNI checks, especially those positions working with children, vulnerable adults and people working with patients in the healthcare sector.

#### Three types of AccessNI checks

- Basic – this will show all unspent convictions or will state that no convictions were found.
- Standard - this type of check discloses an individual's criminal record showing unspent convictions and informed warnings or other non-court disposals from the Police National Computer. Fixed penalty tickets and parking fines aren't included in a standard check. This type of check cannot be applied for by an individual, it must be counter-signed by an AccessNI registered organisation.
- Enhanced – this type of check discloses an individual's full criminal record showing unspent convictions, cautions, informed warnings or other non-court disposals from the Police National Computer, information held by the Disclosure and Barring Service (for positions in regulated activity) and information held by the police that is relevant to the job role applied for. Fixed penalty tickets and parking fines aren't included. This type of check cannot be applied for by an individual, it must be counter-signed by an AccessNI registered organisation.

Dental staff should have an enhanced AccessNI checked before commencing work.

#### Renewal- How long an AccessNI check is valid for

An employer should decide on the interval period for rechecking AccessNI checks. Some employers will do checks every 2-3 years. It is recommended to complete risk assessments for staff members if new checks are not completed.

## Ex-Offenders

Having a criminal record will not necessarily be a barrier for new staff members joining the practice. This will depend on the nature of the job that has been applied for and the previous conviction. Minor traffic offences such as speeding may be discounted.

We will not discriminate against candidates due to a criminal record, we will consider any applications from an ex-offender if their qualifications or experience matches the vacancy.

We will make sure all applicants are aware of the need for a disclosure check at the recruitment stage and will encourage applicants to disclose any convictions they may have had at the interview stage. Failure to reveal any information regarding a previous conviction may lead to the withdrawal of any offer of employment.

For employers, there is a flow chart to help manage any disclosures that reveal previous or new convictions. This can be located on the DCME portal: Compliance suite > Staff/HR > Recruitment

## Document Control

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1.1	Final	16.01.23	HD	Amended the original DBS

The latest approved version of this document supersedes all other versions, upon receipt of the latest approved version all other versions should be destroyed, unless specifically stated that previous version(s) are to remain extant. If in any doubt, please contact the document Author.

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