

## **Disclosure & Barring Service Policy and Protocols**

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## Disclosure & Barring Service Policy and Protocols Version Control Sheet

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2	Front of Policy	Inserted template, version control sheet and Policy Statement in line with Policy on Policies 2008.	November 2008	Pam Leverton/Sheila Manning
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5	Whole Document	HR updated to Workforce. Model Declaration Form A removed and reference to NHS employers advised	July 2017	Sophie Coutts

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# Disclosure & Barring Service Policy and Protocols

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# Disclosure & Barring Service Policy and Protocols

## Policy Statement

Background	This policy has been developed from the Disclosure & Barring Service Code of Practice and the NHS Employment Checks Standards to ensure this organisation is fully compliant with the standards, to reduce the risk of harm or damage to patients.
Statement	DBS checks are to be instigated by the Workforce Services Team when recruiting staff whose work requires them to have contact with patients, or who require a DBS disclosure for another type of work, ie working with children's records. This includes permanent staff, staff on fixed term contracts, temporary staff, bank staff supplied by an agency and staff in ongoing highly mobile staff supplied by an agency and staff in ongoing NHS employment. Any agency used must comply with this standard.
Responsibilities	<p>Workforce Services Team has responsibility for managing the DBS application process and treating disclosures according to DBS regulations. The Workforce Services Team will also ensure further checks are carried out as appropriate.</p> <p>Managers are to notify Workforce if they are informed of a staff conviction to ensure impact of conviction on current role is assessed and action taken as appropriate.</p> <p>Staff members and candidates are to complete DBS application form when requested. They should also notify their manager if they receive a conviction whilst in our employment.</p>
Training	As part of the Recruitment and Selection Training.
Dissemination	Through the organisation website
Resource implication	None.
Equality Statement	This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee received less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

## **1. Introduction**

- 1.1. LCHS is committed to providing professional, fair and safe employment practices and uses the Disclosure and Barring Service (DBS) to assist the Trust in making informed decisions when recruiting into positions of trust.
- 1.2. DBS checks are instigated by the Workforce Services Team when recruiting staff whose work requires them to have regulated activity with children or adults. This includes permanent staff, staff on fixed term contracts, temporary staff, bank staff, volunteers, students, trainees and highly mobile staff. Any staff supplied by an agency, who require DBS clearance for their role, will have a DBS check carried out by a framework agency. The agency will be required to confirm that a suitable DBS disclosure has been received.
- 1.3. This organisation is a registered employer with the DBS and therefore follows the DBS Disclosure Code of Practice when using disclosure information which is designed to ensure that any information released will be used fairly, and handled and stored appropriately.
- 1.4. The code of practice applies to all recipients of Disclosure information i.e. registered persons, those countersigning the disclosure application on behalf of registered persons and others receiving the information.
- 1.5. If evidence submitted is deemed to be inaccurate and/or forged, and is submitted with an intention to misrepresent the truth, then the matter will be reported to the NHS Counter Fraud team and Police.
- 1.6. This organisation will not unfairly discriminate against the subject of the disclosure information on the basis of a conviction or other details revealed. A criminal record will not necessarily be a bar to obtaining the position applied for.
- 1.7. Any matters revealed in the disclosure will be discussed with the person before withdrawing an offer of employment

## **2. Workforce Services Responsibilities**

- 2.1. Workforce Services will ensure that self-disclosures are completed as part of the pre-employment checking process and the information shared confirmed with the application form declarations and information received on Disclosure Certificate. Self-disclosures will be completed on NHS Employers Model Declaration forms:
  - Model Declaration Form A will be used for the purpose of obtaining information on positions which are exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. This will include information about spent and unspent convictions and cautions (including reprimands and final warnings)
  - Model Declaration Form B will be used for the purpose of obtaining information on positions which are non-exempt and will only include information on current unspent convictions and cautions (including reprimands and final warnings)only.

Model Declaration Form A and B are located on the NHS employers website and will be update from the website as changes occur.

- 2.2. As part of the recruitment process, the Workforce Services Team will ensure that, where appropriate, applicants / new employees will be provided with a DBS application form and any other associated paperwork, at least two weeks before the induction start date the individual will be required to come to the Workforce Services Team for a paperwork appointment. At this appointment, their identification will be checked, and the DBS application form will be sent to the Disclosure & Barring Service.
- 2.3. When a copy of the disclosure is received by the employee, it is their responsibility to send a copy of this to the Workforce Services Team within 3 days of receipt, who will then make a record of this on the Electronic Staff Record (ESR) showing the date the disclosure has been received, the disclosure number and the level of the DBS check.

### **3. Manager's Responsibilities**

- 3.1. When recruiting a new member of staff the Recruiting Manager must ensure that they specify whether a DBS check is required and at what level on the Recruitment Authorisation Document (RAD) form. Definitions of regulated activity can be found in Appendix 1 with further information below. Advice can be sought from Workforce Service Centre as appropriate.
- 3.2. Only in exceptional circumstances, should a new employee commence work before satisfactory clearance from the DBS is received and this must be supported by the completion of a Risk Assessment form. Managers must ensure that employees forward a copy of the disclosure to the Workforce Services Team within 3 working days after receipt of the clearance form DBS. Monitoring will take place by the Workforce Services Team.
- 3.3. If you are recruiting a staff member to the bank, this policy must also be applied.
- 3.4. If a manager becomes aware that a member of staff has been prosecuted for an offence they are responsible for notifying a member of the Workforce Services Team.

### **4. Applicant's Responsibilities**

- 4.1. Applicants must complete required self-disclosures (Model A declaration forms) and DBS application forms honestly and fully.
- 4.2. Applicants should ensure that when they receive the clearance back from the DBS, they arrange for the Workforce Services Team at Beech House to see this within 3 working days. Only in exceptional circumstances where the applicant does not live within the county, should it take longer than 3 days to provide LCHS with a scanned copy. Failure to do so will lead to a delay in the new employee being able to commence their employment.
- 4.3. Applicants will be required to pay for the cost of their DBS disclosure application via deductions from salary over a period up to 6 months.

## **5. Current Employee's Responsibilities**

- 5.1. With effect from 17th June 2013 the DBS no longer send copies of disclosures to registered bodies, it is therefore the responsibility of the employee who receives a disclosure to send a copy of this to the Workforce Services Team at Beech House at their earliest opportunity.
- 5.2. When notified of the requirement to carry out a DBS check, employees are responsible for ensuring that they complete an application form in a timely manner. Failure to complete a DBS application form within 1 month of the existing DBS expiry date may result in the staff member being removed from duty and having disciplinary action taken against them.
- 5.3. This organisation retains the right to request that a further disclosure is sought at any time regardless of the length of time elapsed since the last check.
- 5.4. If during employment with the organisation a member of staff is convicted of a criminal offence they must inform their line manager immediately. Failure to do this may result in disciplinary action being taken which may lead to dismissal.
- 5.5. For existing staff a new DBS disclosure will be needed in the following circumstances:
  - Never had a DBS check before and now moving to a position which requires one
  - Previously only had a standard DBS check and are now changing to a role that requires an enhanced check
  - The new role requires them to work with a different vulnerable group which they do not have a check against (all enhanced DBS application forms are now completed to cover the individual for both vulnerable adults and children).
  - There has been a break in continuous service of more than three months.
- 5.6. Applicants will be required to pay for the cost of their DBS disclosure application via deductions from salary over a period up to 6 months

## **6. Managing Conviction Information**

- 6.1. When assessing applicants who declare convictions, cautions etc, the fact that a conviction does not automatically bar a person from gaining employment must be considered. However, someone who is "barred" must not engage in regulated activity as this is a criminal offence.
- 6.2. A Disclosure certificate will reveal if the individual has a criminal record, however, this will only provide the basic facts such as the name and date of the offence, where applicable, the sentence. Under the DBS Code of Practice, the employee should be offered the opportunity to serve the conviction into context for the organisation to consider and make a decision.

6.3. For each Disclosure received with a criminal record, a Trust decision will be made as to whether or not the Disclosure information is acceptable to the organisation and to the final recruitment decision. This may involve seeking specialist advice from Safeguarding Team, Workforce Business Partners, Workforce Services Manager or others as appropriate. A decision making process will consider the following:

- The type and nature of the offence
- When the offence took place/how long ago
- The age of the candidate when the offence was committed
- If there is a pattern to offending behaviour
- The context of the circumstances at the time of the offence
- The circumstances of the individual at the time of the offence
- The relevance of the post they have applied for
- The level of supervision the individual will have
- The level of risk the individual poses to patients

## **7. Handling and Retention of Disclosure Information**

7.1. In accordance with Section 124 of the Police Act 1997, this organisation shall:

- securely store Disclosures and the information that they contain on ESR
- have a written security policy to cover the correct handling and safekeeping of disclosure information
- not copy or keep the DBS disclosure via any other image
- co-operate fully with any requests by DBS to undertake checks as to the proper use and safekeeping of disclosure information, and report any suspected malpractice in relation to the code of practice

## **8. Guidance on Disclosure & Barring Service Disclosure Information**

8.1. When assessing applicants who declare convictions, cautions etc, the fact that a conviction does not automatically bar a person from gaining employment must be considered. However, someone is “barred” must not engage in regulated activity as this is a criminal offence.

8.2. A Disclosure certificate will reveal if the individual has a criminal record, however, this will only provide the basic facts such as the name and date of the offence, where applicable, the sentence. Under the DBS Code of Practice, the offender should be offered the opportunity to serve the conviction into context for the organisation to consider and make a decision.

8.3. For each Disclosure received with a criminal record, a Trust decision will be made as to whether or not the Disclosure information is acceptable to the organisation and to the final recruitment decision. This may involve seeking specialist advice from Safeguarding Team, Workforce Business Partners, Workforce Services Manager or others as appropriate. A decision making process will consider the following: the type and nature of the offence, when the offence took place/how long ago, the age of the candidate when the offence was committed, if there is a pattern to offending behaviour, the context of the circumstances at the time of the offence,

the circumstances of the individual at the time of the offence, the relevance of the post they have applied for, the level of supervision the individual will have and the level of risk the individual poses to patients

- 8.4. The organisation will not employ anyone who appears on any of the lists held by the Department of Children, Schools and Families or the Department of Health, showing that the individual is barred from working with children and/or vulnerable adults.
- 8.5. The Rehabilitation of Offenders Act 1974 provides for anyone who has been convicted of a criminal offence, and has been sentenced to less than two and a half years in prison, to be regarded as rehabilitated after a specified period of time with no further convictions. After this period of rehabilitation the conviction is considered as 'spent'. In normal circumstances, once a conviction is spent, the convicted person does not have to reveal this to a future employer when applying for a job. However, in order to protect the vulnerable, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 exempts some professions within the health and care sectors from this approach. Where posts have been identified as exempt under the Exceptions order, employers are entitled to know about all previous convictions regardless as to whether they are considered 'spent' or 'unspent'.

## **9. Levels of Disclosure and Eligibility**

### **9.1. Standard Disclosure**

- 9.1.1.1. This organisation is entitled to request a standard DBS disclosure for employees whose posts are listed in the Exceptions Order to the Rehabilitation of Offenders Act. For the current list see [www.gov.uk](http://www.gov.uk).
- 9.1.1.2. Standard DBS disclosures reveal if an individual has a criminal record and will include details of convictions, cautions, reprimands and final warnings. It will show dates and the name of the offence. Standard Level DBS check will be applicable to positions listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) order 2013, for example, any work which is concerned with the provision of health services and which enables the post holder to have access to persons in receipt of such services in the course of their normal duties, financial services positions, employment regarding counter fraud, investigation and security management of the NHS.
- 9.1.1.3. For the purposes of Standard Level DBS check, "access" only relates to positions where individuals have direct physical contact with patients as part of their day to day activities. It does not include positions where there is no contact with patients or those who have access to medical records

### **9.2. Enhanced Disclosure**

- 9.2.1. Enhanced DBS disclosures are required where the employee will be undertaking regulated activity, or working in a specified establishment. Please see appendix 1 for full definitions. Regulated

activity covers any work of a specified nature, whether it is paid or unpaid.

- 9.2.2. Enhanced disclosures would be appropriate for roles such as Doctors, Nurses, Dentists, Physiotherapists and other clinical staff. Porters with patient contact would also require an enhanced DBS disclosure.
- 9.2.3. Enhanced disclosures contain the same information as on a standard disclosure. In addition to this an enhanced disclosure will also show if the individual has been barred from working with children or vulnerable adults.
- 9.2.4. DBS will send a copy of the disclosure to the applicant and it is their responsibility to forward a copy of this to the Workforce Services Team at Beech House within 3 days of receipt.

## **10. Commencing Work Prior to the Return of a Disclosure**

- 10.1. In exceptional circumstances, an employee may be authorised to commence employment period to receipt of their DBS Certificate should not be permitted to undertake any form of regulated activity, until the DBS disclosure is received. In exceptional circumstances, where there is an urgent need to employ someone quickly because of an identified risk to patient safety, or welfare, to a position that requires a DBS check, a person may start work before the disclosure has been received. However, a risk assessment must always be completed in these circumstances and no unsupervised clinical activity may be carried out.
- 10.2. It should be made clear to the applicant that the offer of employment is conditional upon receipt of the satisfactory outcome of the DBS and pre-employment checks. It may be appropriate for the person to work initially without access to patients, or under supervision.

## **11. Portability**

- 11.1. DBS now offer an Update Service where applicants can subscribe to an annual fee within 19 days of receiving a new Certificate making the data portable. The applicant can take this with them from role to role. This enables the organisation to check the up to date status of a Certificate. An applicant will bring a current Certificate with them to the Workforce Services paperwork appointment where a representative will access the online DBS status checker. The results and the information that they contain are logged on ESR. It is not appropriate to accept a DBS disclosure completed for another organisation.

## **12. Students/Trainees**

- 12.1. DBS checks may apply to students. The following points apply.
  - DBS disclosures may be requested by Higher Educational Institutions (HEIs) as part of their admissions procedure for healthcare students where a training placement has been arranged
  - The level of disclosure (standard or enhanced) should be agreed with the organisation. As students will normally be supervised – in most cases a

standard disclosure will be all that is required. In the case of a placement which also involves 'regularly caring for, training, supervising or being in the sole charge of children or vulnerable adults in the course of their normal duties' (Police Act) an enhanced disclosure will be required. The organisation will advise if any post meets this criteria.

- Many students and trainees move frequently to new placements during their training and it is recommended that they have a DBS check at the start of their training course rather than each time they move to a new placement. If a satisfactory check has been carried out by the university, there is no legal requirement for this to be repeated by the organisation when the student/trainee takes up their placement. A new DBS check is required when they first start working in the NHS.
- Where there is a delay in processing a disclosure, students can start their placement if they are supervised and patients are not being exposed to unacceptable risks. The exception to this is where contact with children or vulnerable adult is involved in the role.

### **13. Volunteers**

- 13.1. Not all volunteers will need a DBS check but where they have significant and regular contact with vulnerable people in the course of their normal duties, employers should undertake the same criminal record checks as they would when employing paid staff. The organisation will ensure that volunteers are fully aware of organisational policies and procedures governing the protection of vulnerable people.
- 13.2. The DBS will issue a disclosure free of charge for volunteers if the applicant satisfies the following criterion:

A volunteer is "a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than/or in addition to close relatives". DBS Update subscription is free to volunteers.

### **14. GPs and Dentists**

- 14.1. GPs and General Practice Staff - All GPs applying to join a medical performers list under the Performers List Regulations have to provide an enhanced disclosure certificate as part of their application. General Practices have a responsibility to check an applicant for any position that qualifies for a DBS check within their practice.

### **15. Researcher's Passport**

- 15.1. Lincolnshire NHS has signed up to the Researchers Passport, which is a document designed to avoid duplication of HR processes for researchers undertaking research within NHS organisations.
- 15.2. This means that a DBS check will be undertaken at the start of the Research Passport process and then the need for a re-check will be flagged up by the research department and the individual will be contacted as appropriate.

## **16. Staff Recruited from Overseas**

- 16.1. The organisation will also carry out DBS checks when recruiting staff from abroad. 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). Where the position meets the criteria for a disclosure – even if the applicant claims they have never lived in the UK before – a DBS disclosure should still be obtained in addition to the individual’s overseas criminal records.
- 16.2. Where an applicant has previously lived overseas for more than six consecutive months in the preceding five years the Workforce Services Team will contact the appropriate embassy to ascertain if the individual has a record which shows any criminal offences sometimes referred to as a “certificate of good conduct” or “certificate of clearance”. If the applicant has declared they have been serving in overseas with HM Armed Forces with the preceding five year period, the organisation will ask for an extract of from their military service record instead of an overseas police check.
- 16.3. For overseas criminal record information the website [www.fco.gov.uk](http://www.fco.gov.uk) should be used which can be accessed via [www.businesslink.gov.uk](http://www.businesslink.gov.uk). This website lists the different websites of all embassies and High Commissions where information for applying should be found.

## **17. Further Checks and Reporting**

- 17.1. Anyone who has had a DBS disclosure will on occasions be required to have their DBS check repeated. ESR will be updated to reflect the current status.
- 17.2. In the event that an employee does not renew their DBS disclosure when requested, the Workforce Services Team will inform the appropriate Director. The Head of Workforce and Transformation (or designated representative) and/or the appropriate Director will liaise with the employee and manager of the service to advise on appropriate action to be taken whilst evidence of a new clearance is gained.
- 17.3. In certain cases, such as those working regularly with children, it will be necessary to request they do not work unsupervised until clearance is obtained.

## NHSLA Monitoring

<b>Minimum requirement to be monitored</b>	<b>Process for monitoring eg</b>	<b>Responsible individuals /</b>	<b>Frequency of monitoring /audit</b>	<b>Responsible individuals/ group/committee</b>	<b>Responsible individuals / group /</b>	<b>Responsible individuals / group/ committee</b>
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Chair: Elaine Baylis QPM  
Chief Executive: Andrew Morgan

	<b>audit</b>	<b>group committee</b>		<b>(multidisciplinary) for review of results</b>	<b>committee for development of action plan</b>	<b>for monitoring of action plan</b>
All instances where DBS check is required	Monitoring carried out by Workforce Services Team	Workforce Services Team Managers	Ad-hoc	Workforce Services Team	Workforce Services Team	Workforce and Transformation Board Assurance Group

## **Appendix 1 – Definition of a Vulnerable Adult and or a Child**

The definition of a Vulnerable Adult is a person who is aged 18 years or older and:

- Is living in residential accommodation such as a care home or residential special school.
- Is living in sheltered housing
- Is receiving domiciliary care in his or her own home
- Is receiving any form of health care
- Is detained 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 in contact with probation services
- Is receiving a welfare service of a description to be prescribed in regulations
- Is receiving a welfare service of a description to be prescribed in regulations
- Is receiving a service or participating in an activity which is specifically targeted at people with age related needs, disabilities or prescribed physical or mental conditions (age related needs includes needs associated with frailty, illness, disability or mental capacity)
- Is an expectant or nursing mother living in residential care
- Is receiving direct payments from a local authority in lieu of social care services
- Requires assistance in the conduct of his/her own affairs.

### **Definition of a Child**

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

### **Regulated activity**

The definition of regulated activity for adults is any frequency (even a one-off occurrence) of one of the following activities:

1. Providing healthcare
2. Providing personal care
3. Providing social work
4. Assistance with general household matters e.g. paying a person's bills or shopping on their behalf
5. Assisting in the conduct of people's own affairs
6. Conveying adults to, from, or between places where they receive healthcare, relevant personal care or social work because of their age, illness or disability.
7. Day to day management or supervision, on a regular basis, of a person who is providing regulated activity relating to adults is also regulated activity,

Regulated activity for children is different. A person can be in regulated activity for children because of what they do, where they work or who they are. A child is defined as a person under 18 years of age.

The definition includes:

#### **Activity of a specified nature**

- Teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently or overnight.
- Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well being if carried out by the same person frequently or overnight.

#### **Activity within specified establishment**

- any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently.

#### **Definition of a Vulnerable Adult**

- Expected is work by volunteers under regular supervision or occasional or temporary contract work that is not an activity of specified nature listed above.
- Specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments mostly for children, institutions for the detention of children, children's homes, children's centres (in England), children's hospitals (in Northern Ireland) and childcare premises including nurseries.

The definition of regulated activity for children also includes any frequency (even a one-off occurrence) of any of the following:

1. Providing healthcare
2. Providing personal care
3. Moderating an online forum for children
4. Driving a vehicle used for conveying children.
5. Registered childminders and foster carers
6. Day to day management or supervision of individuals carrying out regulated activity relating to children

# Equality Analysis

## Introduction

The general equality duty that is set out in the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The general equality duty does not specify how public authorities should analyse the effect of their existing and new policies and practices on equality, but doing so is an important part of complying with the general equality duty. It is up to each organisation to choose the most effective approach for them. This standard template is designed to help LCHS staff members to comply with the general duty.

Please complete the template by following the instructions in each box. Should you have any queries or suggestions on this template, please contact Rachel Higgins - Equality & Diversity & Patient Experience Lead

# Equality analysis

<b>Title: DBS Policy</b>
<b>Relevant line in:</b>
<b>What are the intended outcomes of this work?</b> <i>Include outline of objectives and function aims</i>  This DBS policy forms part of LCHSs commitment to equal opportunities in employment and to improving the working lives of staff. The policy applies to all Lincolnshire Community Health Services NHS Trust employees, volunteers and bank staff..  Lincolnshire Community Health Services NHS Trust (LCHS) recognise that criminal record and barring checks are designed to help prevent unsuitable people from entering the NHS workforce and gaining access to vulnerable groups. The organisation also recognises that alcohol and drug abuse problems

can have a detrimental effect on work performance and behaviour and has a responsibility to its employees and clients/user groups to ensure that this risk is minimised. It is also the responsibility of all employees to take reasonable care to ensure the health and safety of themselves and others who may be affected by their acts or omissions.

**Who will be affected?** *e.g. staff, patients, service users etc*

Qualifying applicants, staff and.

**Evidence** *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment.*

This policy is to protect all patients.

Any staff who require a DBS check will be treated in line with DBS regulations and NHS Employer best practice.

**What evidence have you considered?** *List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.*

**DBS training and guidance and code of practice**

**Information from NHS Employers**

**Disability** *Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.*

**Sex** *Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).*

**Race** *Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.*

**Age** *Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.*

**Gender reassignment (including transgender)** *Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.*

<p><b>Sexual orientation</b> Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.</p>
<p><b>Religion or belief</b> Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.</p>
<p><b>Pregnancy and maternity</b> Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.</p>
<p><b>Carers</b> Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.</p>
<p><b>Other identified groups</b> Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.</p> <p>People with convictions, whether spent or unspent in line with CRB legislation.</p>

## Engagement and involvement

Was this work subject to the requirements of the Equality Act and the NHS Act 2006 (Duty to involve) ?  
(Y/N) Y

How have you engaged stakeholders in gathering evidence or testing the evidence available?

Consultation via workforce and transformation colleagues and staff side representation

How have you engaged stakeholders in testing the policy or programme proposals?

Individual feedback

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Circulated via email/discussed at meetings

**Summary of Analysis** *Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.*

No negative feedback

*Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.*

**Eliminate discrimination, harassment and victimisation** *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

N/A

**Advance equality of opportunity** *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

N/A

**Promote good relations between groups** *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

N/A

**What is the overall impact?** *Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?*

N/A

**Addressing the impact on equalities** *Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.*

N/A

**Action planning for improvement** *Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.*

None required at present

Any future improvements/amendments will be carried out through consultation via the Employment Policy Group

Please give an outline of your next steps based on the challenges and opportunities you have

identified. Include here any or all of the following, based on your assessment

- Plans already under way or in development to address the **challenges** and **priorities** identified.
- Arrangements for continued engagement of stakeholders.
- Arrangements for continued monitoring and evaluating the policy or service for its impact on different groups as the policy/service is implemented (or pilot activity progresses)
- Arrangements for embedding findings of the assessment within the wider system, other agencies, local service providers and regulatory bodies
- Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results
- Arrangements for making information accessible to staff, patients, service users and the public
- Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.

## For the record

**Name of person who carried out this assessment:** Laura Herrick

**Date assessment completed:** 11.5.2015

**Name of responsible Director/ General Manager:** Maz Fosh

**Date assessment was signed:**

## Human Rights Assessment Tool

The Human Rights Act, which came into force in October 2000, incorporates into domestic law the European Convention on Human Rights to which the UK has been committed since 1951. Section 6 of the Human Rights Act makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The underlying intention of the Act is to create a Human rights culture in public services.

		Yes/No	Comments
1	Will it affect a person's right to life?		

		No	
<b>2</b>	Will someone be deprived of their liberty or have their security threatened?	No	
<b>3</b>	Could this result in a person being treated in a degrading or inhuman manner?	No	
<b>4</b>	Is there a possibility that a person will be prevented from exercising their beliefs?	No	
<b>5</b>	Will anyone's private and family life be interfered with?	No	

If the answer is "yes" to any of the above questions on the proforma can the policy be amended to avoid impacting on Human Rights? If not, please refer it to the Equality & Human Rights Lead for advice and guidance.