



Delivering Quality Healthcare

Policy Title:	Disclosure and Barring Services. Policy: 25	Date implemented or date of last review:	10/05/2020
CQC KLOE Reference:	Well Led	Date of next review:	09/05/2021

1. POLICY

1.1. KOPE-MEDICS policy aims to conduct the Disclosure and Barring Checks for staff to ensure that it fulfils its responsibilities and obligations for the safeguarding of vulnerable adults and children. The policy applies to all staff and any other identified personnel who are in contact as part of their work or in a position of trust and with regular access to the vulnerable children and adults we care for or as directed by regulatory guidance.

2. POLICY STATEMENT ON THE USE OF THE DISCLOSURE AND BARRING SERVICE

- 1.1. KOPE-MEDICS complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check based on a conviction or other information revealed.
- 1.2. KOPE-MEDICS 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.
- 1.3. We actively promote 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.

KOPE-MEDICS Ltd

Unit 41, St Olav's Court, City Business Centre, 25, Lower Road, London SE16 2 XB
T +44 2 03745 0470 E info@kope-medics.com W www.kope-medics.com



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- 1.4. We select all candidates for interview based on their skills, qualifications and experience. A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.
- 1.5. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- 1.6. Where a DBS check is to form part of the recruitment process, we encourage all applicants with convictions disclose such convictions at the earliest given opportunity.
- 1.7. We request that this information is sent under separate, confidential cover, to a designated person within KOPE-MEDICS and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 1.8. We ensure that all those in KOPE-MEDICS who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- 1.9. We also ensure 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.
- 1.10. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place about 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.
- 1.11. We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment

2. PURPOSE OF DBS CHECKS

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2.1. We use the Disclosure and Barring Service (DBS) to support our recruitment decision making processes regarding the suitability of applicants for positions of trust. KOPE-MEDICS 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.

3. RECRUITMENT PROCESS

- 3.1.** Where a DBS check is part of the recruitment process; applicants will be informed in the "Further particulars" of the Recruitment Pack. A DBS check will only be requested for posts where one is relevant and proportionate to the post concerned.
- 3.2.** A DBS check will be complementary to KOPE-MEDICS existing recruitment practice and will be used to make better informed recruitment and appointment decisions. The DBS checking service will not be used as a substitute for any of the other existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history.
- 3.3.** Staff involved in the recruitment process will have received guidance in the relevant legislation regarding the employment of persons who have been convicted in the past, for example the Rehabilitation of Offenders Act 1974.
- 3.4.** KOPE-MEDICS will ensure fairness always. It will not discriminate against the applicant during the DBS check process or based on any information received.

4. RECRUITMENT OF EX-OFFENDERS

- 4.1.** The Rehabilitation of Offenders Act (ROA) 1974 ensures that ex-offenders who have not re-offended for a period after the date of their conviction are not

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discriminated against when applying for jobs. Unless the work/position is exempt under the ROA, KOPE-MEDICS will only ask about 'unspent' convictions as defined in the Act.

- 4.2. Having a criminal record will not necessarily bar you from working for us. This will depend on the nature of the position and the circumstances and background of any offences.
- 4.3. As an employer, KOPE-MEDICS is committed to equality of opportunity and this underpins our employment and recruitment procedures. We use published, objective, job-related criteria when making staff appointment decisions and select all candidates for interview based on their skills, qualifications, experience and ability to do the job.
- 4.4. As a Registered body with the Disclosure and Barring Service, KOPE-MEDICS complies with the DBS Code of Practice on the Recruitment of Ex-offenders.
- 4.5. KOPE-MEDICS will observe guidance issued by the Disclosure and Barring Service on the use of DBS certificate information in the employment of ex-offenders.

5. APPLYING FOR A DBS CHECK

- 5.1. Following interview, the successful candidate will be advised that any offer of employment is subject to KOPE-MEDICS receiving a satisfactory Standard or Enhanced DBS check.
- 5.2. It will **NOT** be possible to commence employment with KOPE-MEDICS or take up a new position or work until the DBS check process is completed.
- 5.3. KOPE-MEDICS will forward the appropriate DBS check application form to the successful candidate together with an applicant's guide to completing the DBS application form. Candidates are strongly advised to consult KOPE-MEDICS or the DBS if they have any concerns about completing the form or in providing the documentation used for identification purposes.
- 5.4. KOPE-MEDICS must establish the identity of the applicant, through the examination of a range of original documents as set out by the DBS. This will be carried out by fully briefed Human Resources following KOPE-MEDICS guidance and DBS requirements.

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6. MAKING THE DECISION

- 6.1. Normally, where the DBS certificate indicates a criminal record or a conviction of an applicant, or other relevant information, any decisions relating to an appointment will be taken by the Director in conjunction with the recruitment officer.
- 6.2. In determining whether to confirm an appointment in such circumstances, all the relevant factors will be considered and an objective assessment made based on all the information available.
- 6.3. Objective assessments will:
 - 1.1.1. Focus on a person's abilities, skills, qualifications and experience and recognise that having a criminal record does not always mean a lack of these consider the nature of the conviction and its relevance to the job in question
 - 1.1.2. Identify the risks to KOPE-MEDICS, staff clients in employing an ex-offender and whether these could be sensibly and effectively managed.
 - 1.1.3. Considerations to be considered in relation to the offence will include:
 - 1.1.4. Whether the conviction or other matter revealed is relevant to the position in question
 - 1.1.5. The seriousness of any offence or other matter revealed
 - 1.1.6. The length of time since the offence or other matter occurred
 - 1.1.7. Whether the individual has a pattern of offending behaviour or other relevant matter.
 - 1.1.8. Whether the individual's circumstances have changed since the offending behaviour or the other relevant matters, and
 - 1.1.9. The circumstances surrounding the offence and the explanations offered by the convicted person.
 - 1.1.10. Before a final decision is made, the decision maker/s will:
 - 1.1.11. Undertake to discuss any matter revealed in a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment or appointment

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1.1.12. Attempt to resolve any dispute, where an applicant disputes the information provided in a DBS certificate.

2. CONVEYING THE DECISION

- 2.1. Where a conditional offer of employment is to be withdrawn, the person seeking the position will be advised as soon as is practicably possible by KOPE-MEDICS. Similarly, any internal applicant or prospective appointee to a new role will be advised that the offer is withdrawn.
- 2.2. If it is decided that an existing member of staff is no longer suitable for the role he/she occupies because of a criminal record or other relevant information, then the following options will be considered:
- 2.3. Firstly, the possibility of a transfer to an alternative site for which the agency is not considered unsuitable because of a criminal record or other relevant information received.
- 2.4. In the event, there is no such suitable alternative position available, KOPE-MEDICS will consider all other options. This will include termination of employment if it is considered the criminal record or other relevant information renders the individual unsuitable for any available positions within KOPE-MEDICS Ltd.
- 2.5. KOPE-MEDICS will also have to consider these options, including the termination of employment, if a staff deliberately withholds or does not advise KOPE-MEDICS of any convictions or relevant information after appointment.
- 2.6. In all cases, full consultation will take place with the individual concerned and any action taken will be in accordance with the KOPE-MEDICS stated policies and procedures.

3. POLICY STATEMENT: SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURE AND BARRING SERVICE (DBS) CERTIFICATE INFORMATION.

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- 3.1. The DBS is a non-departmental public body (NDPB) sponsored by the Home Office, which helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.
- 3.2. As a Registered Body with the DBS, KOPE-MEDICS can obtain information about an individual's criminal record for approved purposes, provided we comply with the DBS' Code of Practice.

4. SIGHT AND RECORDING OF DBS CERTIFICATE INFORMATION; REQUEST TO HOLD A TEMPORARY PHOTOCOPY

- 1.1. Once the check is completed, the DBS will send a certificate listing the results to the applicant. The Operations Manager or Recruitment Officer will ask the applicant for sight of their DBS certificate and will record the certificate information on a database.
- 1.2. The DBS will not provide a copy of the certificate to KOPE-MEDICS and will seek the applicant's consent to take a photocopy of the certificate for temporary retention.
- 1.3. If KOPE-MEDICS is satisfied with the information contained in the DBS certificate, the candidate will be advised, and any conditional offer of employment or appointment will be confirmed.
- 1.4. The Contract of Employment will state that the position to which the individual has been appointed is subject to a DBS check and will require the staff to inform KOPE-MEDICS of any subsequent criminal convictions, cautions, reprimands and warnings.
- 1.5. It will also detail the consequences of failure to do so which may include termination of employment.
- 1.6. If the DBS certificate contains information that is an area for concern, then the matter will be considered in accordance with the recruitment Policy.

2. STORAGE AND ACCESS

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- 1.1. DBS certificate information will not be kept on an applicant's personnel file. Certificate information will be recorded on KOPE-MEDICS electronic staff records system.
- 1.2. Where, in addition, consent has been given by the applicant for KOPE-MEDICS to take a photocopy of the DBS certificate, this will be kept separately and securely, in lockable, non-portable, storage containers (such as a filing cabinet).
- 1.3. Access will be strictly controlled and limited to those who are authorised to see it as part of their duties.

2. HANDLING

- 1.1. In accordance with section 125 of the Police Act 1997, only those authorised during their duties will have access to DBS certificate information.
- 1.2. KOPE-MEDICS recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

2. USAGE

- 1.1. DBS certificate information will only be used for the specific purpose for which is as requested and for which the applicant's full consent has been given.

2. RETENTION OF AGREED COPIES OF DBS CERTIFICATES

- 1.1. Once a recruitment (or other relevant) decision has been made, KOPE-MEDICS will not keep any copy of the DBS certificate, or any associated correspondence, to which the applicant consented for longer than is necessary.
- 1.2. In general, this will be for a maximum of 6 months. This period allows for the consideration and resolution of any disputes or complaints.

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- 1.3. If, in very exceptional circumstances, it is considered necessary to keep DBS certificate information for longer than 6 months, we will consult the DBS about this and will consider data protection and human rights of the individual before doing so.
- 1.4. The usual conditions in respect of storage and access will continue in place during this period.

2. DISPOSAL

- 1.1. Once the retention period has elapsed, KOPE-MEDICS will ensure any copy of the DBS, certificate, or any associated correspondence, to which the applicant consented is immediately destroyed by suitably secure means i.e. shredding, pulping or burning.
- 1.2. It will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack) whilst awaiting destruction. No other image of the DBS certificate or certificate information will be made or retained.
- 1.3. However, KOPE-MEDICS will keep an electronic record of the date of a DBS certificate, the name of the subject, the type of DBS check requested, the position for which the DBS check was requested, the unique reference number of the DBS certificate issued by the DBS and details of the recruitment decision taken.

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