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The aim of this policy is to ensure that all employees, paid and unpaid, including volunteers, bank staff, staff on honorary contracts and others not covered by the term 'employee' are aware that this policy applies to them and to meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:

We also aim to ensure that those members of staff who are engaged in a regulated activity with vulnerable adults and/or children are subject to a DBS check of the appropriate level and ensure that Serendipity Healthcare Ltd complies with its duties under the Rehabilitation of Offenders Act 1974 (Exceptions) Order.

We will endeavour to ensure that Serendipity Healthcare Ltd only employs people who are safe to work with Service Users to ensure compliance with the CQC Guidelines

We aim to ensure that Serendipity Healthcare Ltd has a clear, straightforward policy outlining when a DBS check will be required, at what level and how this will be maintained on an ongoing basis and to ensure that those individuals carrying out regulated activities are aware of the requirement to hold a valid and current DBS check.


Serendipity Healthcare Ltd uses the DBS service to help assess the suitability of applicants for positions of trust.

Serendipity Healthcare Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and information.

Serendipity Healthcare Ltd complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention, and disposal of disclosure information.

Serendipity Healthcare Ltd considers that the below roles will fall within the groups requiring DBS checks and that are **Excepted Roles**, allowing Serendipity Healthcare Ltd to ask questions about any spent convictions:

- ⊙ Any work defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006

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- ④ Any work defined as "work with children" in regulation 5C of the Police Act 1997 (Criminal Records) Regulations 2002
- ④ Any work defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006
- ④ Any work defined as "work with adults" in regulation 5B of the Police Act 1997 (Criminal Records) Regulations 2002; and
- ④ Any office or employment which is concerned with:
  - ④ The provision of care services to vulnerable adults; or
  - ④ 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
  - ④ 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

However, Serendipity Healthcare Ltd will also undertake a risk assessment of each role to ascertain the level of checks to be undertaken (if any), in line with the appropriate guidance issued by the Disclosure and Barring Service and in accordance with the flowchart that supports this policy.

Serendipity Healthcare Ltd will comply with the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order as set out in this policy.

Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure at Serendipity Healthcare Ltd. Serendipity Healthcare Ltd appreciates that certain data related to criminal records will be special category data and Serendipity Healthcare Ltd will process this data accordingly.

A DBS Certificate will be requested as part of pre-recruitment checks at Serendipity Healthcare Ltd following an offer of employment for any role which has been assessed as requiring a DBS check, including volunteering roles. In the event that the role does not require a DBS check, Serendipity Healthcare Ltd may ask the individual to voluntarily disclose their criminal record history, and/or, may ask the individual to obtain a basic DBS check.

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The recruiting manager will determine whether a DBS check is required for the post and the appropriate level.

Serendipity Healthcare Ltd expects all current and prospective members of staff to voluntarily disclose any spent and unspent convictions. Serendipity Healthcare Ltd is entitled to ask about spent convictions on the basis that the role is an **Excepted Role** as outlined above. For guidance on when a conviction will be unspent, please see the table that supports this policy.

As an organisation assessing an 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), Serendipity Healthcare Ltd complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.


Serendipity Healthcare Ltd undertakes to not discriminate unfairly against any person who is the subject of a criminal record check on the basis of a conviction or other information revealed.

Serendipity Healthcare Ltd can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. 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. It is the view of Serendipity Healthcare Ltd that most of the job roles provided by Serendipity Healthcare Ltd will be excepted roles and Serendipity Healthcare Ltd will be entitled to request details of any spent convictions.

Serendipity Healthcare Ltd can only ask an individual about convictions and cautions that are not protected.

Serendipity Healthcare Ltd is committed to the fair treatment of its staff, potential staff or users of its service, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

Serendipity Healthcare Ltd actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.

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Serendipity Healthcare Ltd selects all candidates for interview based on their skills, qualifications, and experience.

Serendipity Healthcare Ltd ensures that all those in Serendipity Healthcare Ltd who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Serendipity Healthcare Ltd 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.

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 a DBS Certificate will be required as a condition of employment in the event of the individual being offered the position.


At interview, or in a separate discussion, Serendipity Healthcare Ltd 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 the withdrawal of an offer of employment or, if the employment has commenced, dismissal from that employment. Serendipity Healthcare Ltd considers that failure to reveal information that is directly relevant to the position sought would be an act of gross misconduct.

Serendipity Healthcare Ltd 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.

Serendipity Healthcare Ltd undertakes to discuss any matter revealed on a DBS Certificate with the individual seeking the position before withdrawing a conditional offer of employment.

The Disclosure and Barring Service (DBS) offers three types of criminal record check:

- ① **Basic DBS check** contains details of unspent convictions, conditional and unconditional cautions, or a statement that the individual has no such convictions or cautions. An individual can apply directly to the Disclosure and Barring Service to obtain a basic check

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- ④ **Standard DBS check** contains details of an individual's convictions, cautions, reprimands, or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions. These are shown on a criminal records check
- ④ **Enhanced DBS check** contains the same details as a standard check, together with any information held locally by police forces that it is reasonably considered might be relevant to the post applied for. These can only be applied for in the event that the post is an expected post included in both the Exceptions Order and the Police Act Regulations

④


The Enhanced DBS check may also include checks of any information stored about the individual on any statutory lists as set out below:

- ④ **Enhanced DBS and Barred List Check (Child)** includes information from the DBS Children's Barred List and is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act regulations, for example, prospective adoptive parents
- ④ **Enhanced DBS and Barred List Check (Adult)** includes information from the DBS Adult's Barred List and is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act regulations

## Regulated Activities

The new definition of regulated activity relating to adults identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There are **six** categories of regulated activity, and a broad outline of these categories is set out below:

- ④ **Provision of Health Care** – Any healthcare professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a healthcare professional
- ④ **Provision of Personal Care** – This means any of the following:
  - ④ Providing physical assistance with eating or drinking including the administration of parenteral nutrition, going to the toilet, washing, or bathing, dressing, oral care, or the care of the skin, hair or nails because of an adult's age, illness, or disability

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- ⑩ Prompting and supervising an adult in relation to the above activities who, because of their age, illness, or disability, would otherwise be unable to make a decision to perform the above
- ⑩ Training, instructing, or offering advice or guidance which relates to the performance of the above activities to an adult who requires it because of their age, illness or disability
- ⑩ **Provision of Social Work** – The provision of social care by a social care worker which is required in connection with any health care or social services to an adult who is a client or potential client
- ⑩ **Provision of Assistance in Relation to General Household Matters** – The provision of assistance to an adult because of their age, illness, or disability, in relation to managing the person’s cash, paying their bills or shopping on their behalf
- ⑩ **Provision of Assistance in the Conduct of a Person’s Own Affairs** – Anyone who provides various forms of assistance in the conduct of an adult’s own affairs, for example by virtue of an enduring power of attorney.
- ⑩ **The Conveying of Adults** – A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers
- ⑩

In addition, any activity which consists of or involves the day-to-day management or supervision of a person carrying out a regulated activity on a regular basis is in itself a regulated activity.

### Disclosure Prior to Engagement

Serendipity Healthcare Ltd takes its duties to protect Service Users from unsuitable people gaining access to them very seriously. Serendipity Healthcare Ltd balances this duty with respect for human rights, privacy, and compliance with the Data Protection Act.

Prospective employees are required to disclose any criminal convictions, warnings, or reprimands at all stages of the recruitment and selection process. This will include all spent, as well as unspent convictions, cautions and reprimands. Candidates

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will be informed that failure to disclose could result in a conditional offer being withdrawn. Candidates will also be informed that any disclosure will be held in confidence and discussed only with the HR team as appropriate.

### Procedure for DBS Applications

Serendipity Healthcare Ltd may be a registered body with the DBS and is entitled to carry out and countersign applications for DBS checks themselves. However, in the event that Serendipity Healthcare Ltd is not a registered body, Serendipity Healthcare Ltd engages an umbrella body who is a registered body and is entitled to countersign and carry out applications for DBS checks on behalf of Serendipity Healthcare Ltd. There is an expectation that, if Serendipity Healthcare Ltd is a registered body or if an umbrella body is being used for the undertaking of DBS checks, that the DBS Code of Practice is complied with.


Serendipity Healthcare Ltd will first assess the post to be filled to determine whether a DBS check is necessary and, if so, at what level. It is expected that **Enhanced Disclosures** will be most often required. The check will be an Enhanced Level for those employees having direct access to Service Users, and a Standard Level for those who do not have direct access. Best practice dictates that Enhanced Level Checks are used in all instances due to the practical difficulties of ensuring that a person subject to only a Standard Check never has unsupervised access to Service Users.

Serendipity Healthcare Ltd or the umbrella body will then send a DBS application form to the individual who has been offered the role. The individual must complete this fully and completely, disclosing all information. It is a condition of any offer of employment made to an individual that they consent to Serendipity Healthcare Ltd applying for a DBS check and that the individual will provide a copy of the DBS Certificate upon receipt. It is also a condition of employment that the individual permits the retention of the certificate on their file.

Once the DBS check has been carried out, the DBS will send, to the individual, a copy of the certificate. Serendipity Healthcare Ltd expects the individual to provide a copy of the DBS Certificate to them within 7 days of receipt. Failure to do so may result in the withdrawal of any conditional job offer.

Serendipity Healthcare Ltd will retain a copy of the certificate on the personnel file (secured appropriately) as evidence that this check has been undertaken.

### Renewal Checks

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Serendipity Healthcare Ltd will carry out renewal checks on every member of staff in line with any contractual requirements or as agreed by Serendipity Healthcare Ltd. If the member of staff is signed up to the update service or if Serendipity Healthcare Ltd has reasonable cause to request an update, the decision to renew the DBS will be agreed by Serendipity Healthcare Ltd.


### **DBS Update Service**

Serendipity Healthcare Ltd may require candidates and current employees who already have existing DBS Certificates to sign up to the DBS Update Service and consent to Serendipity Healthcare Ltd having access to it. This allows Serendipity Healthcare Ltd to carry out checks to see if any new information has come to light since the date of the original check. It is the decision of Serendipity Healthcare Ltd as to whether it will pay this fee on behalf of the candidate or employee.

### **Handling and Disposal of Disclosure Information**

Serendipity Healthcare Ltd will take the following steps when handling and disposing of disclosure

- ⑩ Ensure that disclosures are available only to those who need to have access to them in the course of their duties relevant to recruitment and vetting. The DBS maintains a record of all those to whom certificates, and certificate information has been revealed. It is a criminal offence to pass disclosure information to anyone who is not entitled to receive it
- ⑩ Ensure that disclosure information is kept in secure conditions in a locked, non-portable container (wherever possible, in rooms to which access is limited to staff engaged in recruitment work). Keys or combinations to the container must not be freely available within Serendipity Healthcare Ltd and access must be restricted to named individuals who are entitled to see it as part of their duties
- ⑩ Ensure that no copies of disclosure information (in any format) are made without the prior agreement of the DBS or as the result of a stipulated requirement relating to its e-channel service
- ⑩ Use certificate information only for the specific purpose for which it was requested and for which the applicant's full consent has been


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given

- ⑩ Retain disclosure information only for as long as is necessary and for a maximum of six months following the recruitment decision for which it was obtained, unless a dispute is raised or, in exceptional circumstances, where DBS agreement is obtained. It should not be kept on file simply in case it is useful in the future. The DBS will only permit extended retention when it considers it appropriate after considering both human rights and data protection rules
- ⑩ Dispose of disclosure information securely (by shredding, pulping, or burning). Self-evidently, copies of disclosures must be destroyed with the originals, although the DBS anticipates that employers will wish to retain details of:
  - ⑩ The name of the candidate
  - ⑩ The date of the search
  - ⑩ The type of search
  - ⑩ The position
  - ⑩ The DBS reference number, and
  - ⑩ The recruitment decision taken
- ⑩ Open confidential waste sacks and other open receptacles (even if they eventually lead to secure disposal after the waste leaves the building) are considered to be an inappropriate method of disposal. In most cases, employers will wish to use shredders to dispose of disclosure information, preferably also disposing of the shredded information securely
- ⑩ Ensure that any additional police information, including information as to its existence, is not revealed to the disclosure applicant and is disposed of in the appropriate manner and at the appropriate time

### Positive Disclosure

If there is a positive disclosure in any returned DBS check then this does not automatically mean that the person should not be employed. Serendipity Healthcare Ltd should review the nature of the information disclosed against the role the person will be undertaking and make a decision on the suitability of employment. Any decision should be based upon a robust, fair, transparent, and equitable risk assessment process that is specific to the content of the disclosure and the role to be undertaken. Any decision made regarding the person's employment should be recorded and be able to be justified. The actual DBS disclosure should be held in line with data

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protection and the process highlighted in 5.20.

### Registered Manager Requirements

When a manager at Serendipity Healthcare Ltd is registering to become the Registered Manager of the Service the application process with CQC must be followed. As part of the application process a CQC countersigned DBS check is required and can be obtained via the following steps:

- ① Register with the CQC DBS website
- ① Login and complete the DBS form (login details can take up to 5 days to arrive via email)
- ① Visit a post office that accepts CQC DBS applications to allow them to confirm your identity
- ① The CQC DBS website will automatically submit your DBS application once your identity has been confirmed
- ① Await your CQC countersigned DBS via the post

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S L Pickles

Director



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