

1. Definitions

Healthwatch refers to Healthwatch Brighton and Hove.

Employees refers to Healthwatch employees.

CEO refers to the Healthwatch Chief Executive Officer.

Volunteers refers to all Healthwatch volunteers including Directors.

Volunteer Lead refers to the employee with responsibility for supporting volunteers.

Enter & View refers to the statutory functions that allows volunteers and employees to visit health and social care services as part of their roles.

Applicant refers to anyone applying for a role with Healthwatch.

DBS refers to the Disclosure and Barring Service.

2. Scope

This policy covers all volunteers and employees.

3. Summary

This policy advises on what level of DBS check should be carried out for an applicant, dependent on their role at Healthwatch.

There is a list of DBS resources in section **13**.

4. DBS

4.1. The DBS helps employers make safer recruitment decisions each year by processing and issuing DBS checks for England, Wales, the Channel Islands, and the Isle of Man. They also maintain the Adults' and Children's Barred Lists and make considered decisions as to whether an individual should be included on one or both lists and barred from engaging in regulated activity.

4.2. Only certain roles and activities are eligible for DBS checks. The National Council for Voluntary Organisations (NCVO) advises, *"The law sets out when roles will be eligible for DBS checks at different levels. It makes it an offence to employ (or work with, in the case of volunteers and others) individuals who are on the barred lists to undertake certain activities in respect of children and adults at risk. It also makes it an offence to knowingly seek a check for a person if the role they are being considered for isn't eligible."*

4.3. There are four different levels of criminal history check:

- A **Basic** Disclosure Check shows convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974. This act aims to give those with convictions or cautions the chance in certain circumstances to wipe the slate clean and start afresh, therefore eligible convictions or cautions become 'spent' after a specified period of time known as the 'rehabilitation period', the length of which varies depending on how the individual was dealt with.
- A **Standard** Disclosure Check shows spent, and unspent convictions, cautions, reprimands, and final warnings.
- An **Enhanced** Disclosure Check shows the same as a standard check plus any information held by local police that is considered relevant to the role.
- An **Enhanced** Disclosure Check with Barred List Check shows the same as an enhanced check plus whether the applicant is on the list of people barred from working in regulated activity.

4.4. A Basic check can be used for any position or purpose and an individual can request this themselves.

4.5. Basic checks are determined by risk assessment.

5. Healthwatch Requirements

5.1. Healthwatch England, in consultation with the DBS, advise that all employees and volunteers concerned with the provision of healthcare and have contact with those in receipt of health services must obtain a **Standard** check:

"All employees who are concerned with the provision of healthcare and have contact with those in receipt of health services would be eligible for a Standard DBS check. The employees who are going into care homes would be eligible for an Enhanced DBS check in the adults workforce, if they did this on more than 3 days in a 30-day period. They don't need to be providing health care they simply need to be concerned with the provision of health care.

Also, if an individual does not do an activity often enough to meet work with adults (Enhanced check only in the adults workforce) then usually this would become a Basic. However, these employees would still be eligible for a Standard because they are involved in the provision of healthcare and have contact with those in receipt of the health services."

(Advice obtained from Healthwatch England, 21 December 2024).

- Section 42, subsection (2) of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012, states that a criminal records certificate under section 113A of the Police Act 1997(a) must be obtained for Enter and View Authorised Representatives.

5.2. This means a Standard Disclosure Check must be requested as a minimum for Enter & View Representatives, and if the criteria for frequency of activity is met, then an

Enhanced Disclosure Check should be requested. This frequency is not usually met for Enter & View, so Standard checks mostly apply.

- 5.3. This guidance also may also apply to other projects e.g. Homecare Check volunteers, who enter the homes of those receiving care (funded partially or fully by the council) and are concerned with the provision of their care (assessing care via interview).
- 5.4. All employees are eligible for a Standard check as they are also Enter & View Representatives and/or may also participate in Homecare Check.

6. Risk Assessment

6.1. Volunteer Roles Risk Assessment Table:

Volunteer Roles Risk Assessment					
Roles	Enter & View	Homecare Check	Admin, Research, & Project Support	Helpline	Meeting Representative
Will they be going into care homes on more than 3 days in a 30-day period, even if simply concerned with the provision of health care. If yes, eligible for Enhanced check	Yes	Yes	No	No	No
Will they be in a healthcare or social care setting and have contact with those in receipt of those services? If yes, eligible for Standard check	Yes	Yes	No	No	No
Could they have access to sensitive health and social care data? (If yes, eligible for Basic check)	Yes	Yes	Yes*	Yes	Yes
Could they interact with members of the public who are potentially vulnerable and/or are discussing their experience health and social care? (If yes, eligible for Basic check)	Yes	Yes	Yes*	Yes	Yes
*Yes = indicates that this level of check will apply in most instances.					

6.2. An * indicates that a Basic level of check will apply in most instances, however, it is recognised that there may be some roles where this isn't the case and volunteers may be excluded from a check on this basis e.g. where a role does not involve access to any sensitive data or any interaction with the public regarding health or social care.

- **Example:** A volunteer only reviews informational leaflets provided by the hospital from their home. They have no interaction with the public or access to sensitive data. This volunteer does not need to be DBS checked unless they later decide they would like to be involved in another role. The Volunteer Lead is responsible for making sure any volunteers who were not checked at recruitment due to the nature of the role, are later checked if they change role.

7. DBS checks for Board Members

- 7.1. If any employee or volunteer qualify for an Enhanced Disclosure or a Barred List Check, then Board Members must also have this level of check.
- 7.2. Aside from the above, this role will be assessed as it would be for any other volunteer or employee role. For example, if one of the Board Members is also an Authorised Representative for Enter and View, then they will be eligible for at least a Standard Disclosure Check.

8. Requesting a DBS check

- 8.1. All employees and volunteer role advertisements will state the level of DBS check required.
- 8.2. After volunteers and employees have been interviewed successfully, DBS checks will be requested.
- Basic DBS checks can be self-requested and will be reimbursed as expenses by Healthwatch (current cost of £18). Instructions and support on how to self-request will be provided by the Volunteer Lead.
 - Standard and Enhanced checks will be requested through a registered third-party organisation approved to carry out the checks on Healthwatch's behalf.
 - DBS certificates will be inspected by the Volunteer Lead.

9. Accepting existing DBS certificates

- 9.1. Volunteers or employees will sometimes have certificates from previous employers or other volunteering activity they undertake. Healthwatch can accept DBS certificates that are already in issue if:
- The certificate is at the right level for the role e.g., basic, standard, or enhanced.

- The certificate is for the right workforce e.g. child workforce or adult workforce.
- The date on the certificate is relatively recent (at least within the last 3 years).
- Some applicants will be signed up to the DBS Update service, which can be used to verify certificates.

10. Storing DBS results

- 10.1. DBS certificate number, level of check, and date of issue will be recorded.
- 10.2. Copies of DBS certificates will not be stored by Healthwatch.
- 10.3. The information contained in a DBS certificate will not be shared with anyone who is not involved in Healthwatch (unless a relevant legal exception applies), or share with anyone within Healthwatch (unless it is necessary for them to have the information to carry out their duties).

11. Dealing with disclosures on DBS results

- 11.1. If there are disclosures on a DBS certificate, the Volunteer lead will discuss the content with the CEO and the applicants before deciding on their suitability as a volunteer or employee.
- 11.2. If an offence or other information is disclosed, this does not necessarily mean that their application will be refused.
- 11.3. In this case, a risk assessment will be conducted, focused on whether the offence or other information indicates a risk to people using Healthwatch's service and what measures could be put in place to enable them to undertake the role safely, such as additional supervision, or limiting their duties.
- 11.4. Where there is significant doubt, the decision will always favour the welfare of those using our services. Risk Assessments will be stored securely in line with Healthwatch's data protection guidelines as it is likely to contain highly sensitive data.
- 11.5. Risk Assessment questions:
 - Barred list check: does the DBS bar the appointment? If yes, the appointment is automatically unlawful, and the person must not be appointed to the post.
 - Did the applicant disclose this information during the application process before Healthwatch received the DBS information? All disclosures should be discussed with the volunteer applicant. Are you satisfied with the volunteer's explanation of the circumstances of the offence? Do you have any concerns about the volunteer's motivations for volunteering with you?
 - What are the offences and how serious are they?

- What were the circumstances of the offence? What were the circumstances of the potential volunteer at that time and now?
- How relevant are the offences to the role they want to do? Does the volunteer role allow the opportunity to re-offend?
- What risks affect the people who the potential volunteer will have contact with, in their role?
- How old was the person when the offence was committed? Minor offences which occurred a long time ago may be less relevant than recent ones.
- Was this a one-off or a pattern of offending? Repeat offences indicate an inability to change behaviour and may be more likely to happen again.
- What level of supervision will the person receive? Will supervision reduce the risk? What mechanisms are in place to monitor the volunteers progress?
- Are references satisfactory? Is it appropriate to verify references by a telephone call? A risk assessment should include only relevant data upon which a decision must be made as to engaging the volunteer, or what stipulations the volunteering relationship will have such as supervised activity only.

12. Frequency of checks

- 12.1. Although a DBS check has no official expiry date, Healthwatch will renew checks every three years at the latest. On projects where volunteers may be spending time one-to-one with those in receipt of services, we may ask for certificates to be renewed annually.
- 12.2. Applicants who have Standard or Enhanced checks may be signed up to the automatic DBS Update Service, which can be used to check/renew details as needed.

13. DBS Resources

- 13.1. About the DBS:
<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- 13.2. Basic DBS Checks guidance:
<https://www.gov.uk/guidance/basic-dbs-checks-guidance>
- 13.3. Where to request a basic check:
<https://www.gov.uk/request-copy-criminal-record>

14. Additional Policies & Documents

- 14.1. The Healthwatch policies and documents referred to in this policy are available on request by contacting the Healthwatch Team on 01273 234 040 or email to policies@healthwatchbrightonandhove.co.uk.

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