

Verification of Criminal record and barring checks

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A criminal record check relates to the data held about a person’s criminal history. The information included in a criminal record may vary between countries, and even between jurisdictions within the same country.

In most cases, a check will include criminal convictions, cautions and other similar offences, such as traffic offences for speeding and drink-driving. In some countries the record is limited to actual convictions issued by a court of law, while others will include arrests, charges, charges missed or pending, and even charges of which the individual has been acquitted.

This document describes the legislative requirements for employers that apply to England only.

Importance of a criminal record check

Carrying out a criminal record check can help to ensure unsuitable people are prevented from entering the workforce and gaining access to individuals who may be more vulnerable because they are receiving health care or services.

While this type of check can provide a level of assurance about a person’s suitability it should not be relied on in isolation. One Call 24 Limited (OneCall24) consider criminal record information alongside the wider range of evidence gathered at the application, interview, and pre-employment checking stages.

OneCall24 checks criminal record information at the end of the recruitment process to help ensure the candidate is assessed on their merits and without prejudice. It also helps to remove any risks of unfairly ruling out those who may have made mistakes in their life but who would otherwise meet all other essential criteria for the role in question and are safe and suitable for employment.

Where individuals are subscribed to the DBS update service, OneCall24 will need to check the individual’s criminal record status online. OneCall24 must seek the individual’s permission to access their information online and ask them to present their original disclosure certificate.

OneCall24 must be able to demonstrate that we request only the information that is strictly

necessary to assess an individual's suitability for the specific role being recruited. This careful approach is essential to ensure full compliance with Data Protection Regulation, which requires that personal data is collected and processed lawfully, fairly, and in a transparent manner.

OneCall24 makes clear the type of checks that will be undertaken as part of the recruitment process allows individuals to make an informed decision about whether to apply for certain roles.

Being clear about automatic exclusions that apply to regulated activity i.e. if they appear on the adults or children's barred list(s), will be helpful to ensure time and resources are not wasted on requiring individuals to go through an interview process, only for their application to be rejected further down the line. One Call 24 provides candidates with a single point of contact should they have any questions about the recruitment process.

If information about an applicant's criminal record is discussed verbally, this is carefully recorded and stored separately and securely on the applicant's file in line with data protection guidelines. This is in case of any challenge about the recruitment process or final recruitment decision is raised later down the line.

Where to obtain a criminal record check

In the UK, criminal record checks should be obtained through:

- the Disclosure and Barring Service (England and Wales)
- Disclosure Scotland (Scotland)
- Access NI (Northern Ireland).

OneCall24 will obtain checks from the relevant body for their geographical location. This is because of variances in how legislation operates in different parts of the country. For instance, certain offences may be regarded differently from one part of the country to another, or different periods of rehabilitation may be imposed therefore affecting the type of criminal record information employers need to consider. All three agencies referenced above have reciprocal arrangements in place to share criminal record information where offences are considered the same in that country.

Verification of Criminal record and barring checks

OneCall24 understands the importance of a current and valid DBS when placing a worker into a clinical setting. As such, a robust process is in place which eradicates the possibility

of a candidate being placed into such a setting without the necessary documentation obtained.

OneCall24 will at all times comply with the latest NHS Employers Check Standards.

At point of recruitment, a candidate will be asked as to whether they have any criminal convictions (spent/unspent in line with the rehab of offenders' act). This will be checked over by the recruiter upon completion. If the candidate indicates that they do indeed have convictions/cautions – a full statement will be obtained, to include such information as:

- Date of Conviction/Caution
- Name/title/code of the conviction
- Fines
- Circumstances
- Outcomes

OneCall24 always verifies the authenticity of disclosure certificates by checking there is:

- a 'crown seal' watermark repeated down the right-hand side of the disclosure, which is visible both on the surface and when holding the disclosure up to light
- a background design incorporating the word 'disclosure', which appears in a wave-like pattern across both sides of the document. The colour of this pattern is uniform across the front of the disclosure but alternates between pink and green on the reverse
- fluorescent inks and fibres that are visible under UV light ink and paper that will change colour in the presence of water or solvent-based liquid.

Types of Checks

Basic check

Basic checks may be obtained for positions that are covered by the Rehabilitation of Offenders Act 1974, referred to within legislation as non-exempt positions. A basic check provides information about conditional cautions and convictions that are unspent only. This is because the Act allows for certain offences to become legally ignored or spent after a specified rehabilitation period. The length of any rehabilitation period is determined by the sentence or out-of-court disposal received. Once the rehabilitation period has elapsed and if the individual has not been reconvicted at any time during this period, their record becomes spent and they will not be required to declare these offences, nor are employers permitted to consider this type of information in their assessment of suitability for the position. When recruiting for a non-exempt position, employers must ensure they do not ask for information they are not legally permitted to consider as part of their assessment of suitability.

Basic checks may be considered for any NHS position that would not normally be eligible for a standard or enhanced check. We would suggest that this level of check applies to roles which have a higher level of responsibility, accountability, or trust and where such a check would be considered proportionate to any associated risks. Employers can either ask for an applicant's

consent to obtain a basic disclosure on their behalf or require applicants to apply for one directly. All applications for a basic disclosure should be made through the online facility on the DBS website.

Standard check

Standard checks must only be obtained for professions or positions which are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

A standard check provides information about spent and unspent criminal convictions, cautions and other such offences that are not protected (i.e. eligible for filtering). This may also include information about any offences committed in Scotland and Northern Ireland that may equally be regarded as an offence under English law.

To meet eligibility for a standard check, the applied for role must require the worker, as part of their normal duties, to be involved in the provision of a health service which would also give them access to persons in receipt of health services.

We would advise that access to persons in receipt of health services should exclude roles where this is limited or incidental i.e. no more than a visitor to a hospital site. For example, when working or volunteering in public areas where persons in receipt of health services may also be present or when needing to pass through areas where persons are in receipt of health services to get to their normal place of work.

Enhanced check without barred list information.

To be eligible to request an enhanced check, the position must be listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and, in addition, be listed in the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 as work with adults and/or work with children.

The enhanced check will provide the same information as a standard check. In addition, it will also include any other relevant information that may be held on local police databases which the chief officer reasonably believes should be disclosed and considered by an employer. Including cautions or convictions that may be protected.

Enhanced check with barred list information

Barred list information is not routinely provided in an enhanced check. To be eligible to request information held against the adults and/or children's barred list(s), the position must involve a regulated activity as stipulated within the Safeguarding Vulnerable Groups Act 2006 (amended by Protection of Freedoms Act in 2012).

The Department of Health and Social Care and Department of Education have produced two factual notes which employers will find helpful to use when considering which NHS positions might fall eligible under regulated activity:

- Regulated activity with adults

- Regulated activity with children

This level of check will include the same information as the enhanced disclosure. It will also outline whether the person is barred from carrying out certain activities with children and/or adults, as may be applicable to the role.

OneCall24 acknowledges that it is unlawful for them to knowingly allow an individual to engage in a regulated activity with the group(s) they are barred from working or volunteering with.

Individuals are also committing a criminal offence if they apply for/or engage in any form of regulated activity with the group(s) from which they are barred. Where such cases become evident, employers must be clear about their legal obligations to make a referral to the DBS.

DBS Adult First service – regulated activity

The Adult First Service enables employers to obtain a fast-track check against the adults barred list. This check does not remove the need to obtain a full enhanced disclosure, but it can help to mitigate risk where any delay to recruitment would have a significant impact on the provision of services and/or patient safety. For example, this might be during the winter period when there is an increased pressure on NHS services.

If the check confirms that the individual is not barred from working with adults, and all other recruitment criteria has been met, employers can allow them to start work under supervision while waiting for the outcome of the full enhanced disclosure. The precise nature and level of supervision will vary from case to case. Employers must ensure that the supervision in place is sufficient, in their judgement, to provide reasonable assurance for the protection of adult persons in receipt of health services.

It is important to be mindful that the full enhanced disclosure may include additional information which will need to be considered before any unconditional offer can be confirmed. Employers must make it clear to individuals that any appointment remains conditional until the full enhanced disclosure has been received, regardless of any fast-track check against the adults barred list.

There is no equivalent fast track service which enables a check against the children’s barred list. Where individuals are working with children as well as adults or working with children only, employers will need to wait to receive the full enhanced disclosure to confirm they are not barred before allowing individuals to start work.

DBS Certificates with cautions and convictions

Once the DBS application has been returned to OneCall24, if any cautions, convictions, or reprimands are disclosed and a statement has not already been provided—either previously or in relation to this DBS renewal—a statement must be requested from the candidate. Once the statement has been received, if the information provided is deemed unacceptable and we decide not to proceed with the candidate, they will be informed that their application has been archived. Candidates are given multiple opportunities to disclose any convictions they may have, whether 'spent' or 'unspent', under the Rehabilitation of Offenders Act.

Opportunities include:

- Application Form
- Interview
- DBS Disclosure Form

Within the above, the agency worker will be required to complete the Rehab of Offenders Declaration and Fitness to Practice Declaration, which are to be signed and dated accordingly.

When a disclosure reveals that an employee or applicant has a conviction or indicates any other relevant matter, OneCall24 will not automatically exclude the individual from the role.

OneCall24 will take into account a number of factors before reaching a decision in respect of the disclosure such as:

- Whether the conviction or other matter revealed is relevant to the role applied for
- The seriousness of any offence contained on the disclosure
- The length of time since the offence or other matter occurred
- Whether the individual has a pattern of offending behaviour or other relevant matters
- Whether the individual's circumstances have changed since this date

OneCall24 undertakes to discuss any matter revealed in a disclosure with the individual prior to any decision being reached. In all cases, the Authority is notified and written sign off received of acceptance of candidate into booking. Our recruiter system is updated accordingly to alert internal staff if there is any information that either prevents the candidate from working in specific settings or requires further action before they can be deployed to provide the service. Once written confirmation is received by the authority, these are uploaded to the recruiter system to confirm that the information has been presented to the authority and signed-off.

DBS Update Service

Candidates will be asked whether they hold a current Enhanced DBS certificate registered with the Update Service. If they do, the original certificate will be obtained from the agency, scanned, and marked as seen—signed and dated by a OneCall24 representative. All information on the certificate will be thoroughly checked to ensure it is accurate and consistent with the documentation provided throughout the recruitment process. This includes verifying:

- Full Names checked (including any previous, maiden and/or middle names)
- Date of Birth
- Gender
- Place of Birth
- Relevant Checks completed against the Adults/Children's Barred Lists

(Any discrepancies will be followed up with the candidate and if necessary, a new DBS applied for).

One Call 24 will then determine whether the existing DBS certificate can be accepted for use in

relation to a placement. For a DBS certificate issued by another organisation to be valid for One Call 24, the candidate must have registered with the DBS Update Service within 19 days of the certificate's issue date. If the candidate is registered, One Call 24 will request written consent to conduct a status check via the Update Service. Once this consent is obtained, the certificate number will be verified on the DBS Update Service website. A copy of the search and its results will be retained in the worker's file.

There are 4 different status results and depending on this will depend on whether the DBS supplied by the candidate can be used. These are:

1. This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.
2. This DBS certificate remains current as no further information has been identified since its issue.
3. This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information
4. The details entered do not match those held on our system. Please check and try again.

If result '1' is returned, the DBS can be used – evidence of DBS and Update Service Checks will be retained on file.

If result '2' is returned, One Call 24 will ensure that full details are held on file of the nature of the conviction/caution. Depending on the information obtained will affect whether the convictions get escalated to the client. Written client authorisation will be needed based on the information detailed on the DBS Certificate before a candidate can be deployed into the provision of the services. This information will be made readily available to the auditors during any audit undertaken.

If either result '3' or '4' are returned, then the DBS supplied cannot be used as part of the recruitment/placement process.

If a valid DBS certificate is provided, OneCall24 will carry out a DBS Update Service check prior to the candidate's assignment start date and continue to perform checks every six months thereafter, as well as on the annual anniversary of the certificate's issue.

In cases where a candidate does not have a current or valid DBS, OneCall24 will initiate a new Enhanced DBS application. Candidates are sent clear guidance to help them complete the online application and understand what supporting information is required for OneCall24 to verify their identity and complete the DBS process.

OneCall24 will ensure that a satisfactory returned DBS is in place prior to the assignment start date, with a new DBS applied for annually thereafter (if the worker does not sign up to the update service).

All workers who obtain a DBS via OneCall24 are encouraged to sign up to the update service. A check will be carried out by OneCall24 the first 2 weeks of a DBS being issued in order to ascertain as to whether the worker has indeed signed up for the update service or not. Prompt will be provided where necessary.

Where information is present, OneCall24 will ensure that full details are obtained from the worker and retained on file in relation to the information observed on the DBS.

OneCall24 will ensure that <https://www.gov.uk/dbs-update-service> is followed for updates and prompts for further information where necessary.

All DBS certificates are retained on a secure online system with access restricted to authorised personnel only.

All candidates will be required to provide consent for the following:

- Consent for OneCall24 to complete a DBS check
- Consent for OneCall24 to retain a copy of the DBS on file
- Consent to do DBS Update Service Checks
- Consent to share their DBS and information for recruitment and auditing purposes

DBS information is detailed on Placement Checklists issued to our clients, to include the following information:

- DBS Disclosure Number
- DBS Name of Employer
- DBS Disclosure Type
- Date DBS issued

In order to ensure that a candidate's DBS remains current and valid throughout their recruitment and placement, our recruiter is set up to track the validity of a candidate's DBS. This in turn alerts the business of any documents nearing their expiry – where follow up action will be required (i.e. New DBS / Update Service Check).

Determining eligibility for a check

OneCall24 must undertake an eligibility assessment to determine whether a DBS check is required and, if so, the correct type and level of check appropriate to the role. Not all positions at OneCall24 are eligible for a DBS check. Eligibility and the level of check required are determined by the activities to be undertaken and the level of access the role provides to persons in receipt of health services. OneCall24 uses the online DBS eligibility tool to confirm whether a role meets the statutory criteria for a DBS check and the appropriate level.

Where a role is eligible for a DBS check, OneCall24 requires candidates to hold an Enhanced DBS check with the appropriate adults' and/or children's barred list information, where applicable to the role. While DBS certificates do not have a statutory expiry date, OneCall24 considers an Enhanced DBS to be valid for a maximum of 12 months. Where a DBS is issued by OneCall24, it must be less than 12 months old and is renewed annually in line with organisational requirements.

All DBS applications are processed via UCheck's online system. Candidates are provided with a secure link to submit their details, following which OneCall24 verifies the information provided and completes the required identity checks. DBS certificates are issued directly to the candidate by post. Upon receipt, candidates are required to present

the original certificate to OneCall24, where a verified copy and electronic snapshot are retained securely on file. DBS information is confidential and handled only by suitably authorised personnel. DBS certificates are shared with clients only with the candidate's explicit consent.

Overseas Police Checks

Overseas police checks must be in accordance with the relevant country's justice system. Some police authorities overseas will only provide a certificate of good conduct or standing. Any such certificates issued by a police authority are valid and can be accepted. A certificate of good standing issued by an overseas regulator is not equivalent to a police check but may still be helpful to inform the overall assessment of suitability for a role.

Any overseas police certificates should be verified in the exact same way as all other official documentary evidence to ensure they are legitimate and relate to the person presenting themselves. If OneCall24 is unsure of the authenticity of the documents, it will contact the relevant country's embassy in the UK for advice.

Individuals applying for a visa to work in the UK in health, social care and education sectors must provide an overseas police check as part of their visa application.

Certificates must be provided for any country (excluding the UK) in which they have resided in for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over.

OneCall24 will inform applicants of this requirement as early in the recruitment process as possible. It will also be made clear that a translated copy must be provided where the certificate is not issued in English.

A certificate from an applicant's most recent country of residence will normally only be considered valid if it has been issued no earlier than six months before their visa application date. If the applicant has resided in another country or countries within the last 10 years, certificates obtained from the relevant authority for that country will be considered valid indefinitely.

For visa purposes, the Home Office will accept a photocopy or scanned copy of the original police certificate. However, OneCall24 will make it clear to the applicant that they will need to present their original certificate for employment checking purposes.

In addition to any overseas police check, OneCall24 also obtains a DBS check to assure themselves that the person does not have a criminal record in the UK; and, where relevant to the role, is not barred from working with children and/or adults.

In some cases, the DBS may have information sharing arrangements with certain overseas countries and therefore this may further help to validate any information provided in the overseas police check.

DBS checks are obtained by OneCall24 as soon as practical, i.e. when the applicant can be reasonably expected to provide the necessary documentation required in the DBS

identity checking guidelines for a check to be processed.

Where recruiting individuals who have spent time overseas, OneCall24 will consider whether an overseas police check may be required. This applies where applicants declare they have spent a significant period overseas within the last five years. OneCall24 considers a significant period as any period of six months or more (whether continuously or in total) within the last five years.

OneCall24 also undertake checks whereby the agency worker has entered the UK or become resident within the UK for less than six (6) months prior to recruitment.

Unable to obtain an overseas police check

Not all countries have reciprocal arrangements to share information about a person's criminal record history for employment purposes. If the country concerned is not listed in Home Office guidance, OneCall24 will instruct individuals to contact the Embassy or High Commission in the relevant country for advice on what to do. Contact details can be found on the gov.uk website.

OneCall24 will ask applicants to show any attempt made to seek an overseas police check and any reasons given as to why one could not be obtained. Where it is genuinely not possible to obtain an overseas police check, OneCall24 will need to base its recruitment decision on the wider range of evidence presented to them as part of the recruitment process, including character and other references.

OneCall24 will obtain only original documentation relating to the worker's Overseas Police Check, signing and dating the item to that effect and retaining it in the worker's file.

Where the Overseas Police Check is not supplied within the English language, OneCall24 will ensure the document is sufficiently translated by a professional translation company.

OneCall24 will allow candidates to submit an application, before providing them with an Overseas Police Check (where applicable). This will enable OneCall24 to begin processing the application sooner; however, no decision will be made on the worker's application until a satisfactory Overseas Police Check has been received from the worker.

OneCall24 will ensure that all Overseas Police Checks are:

- Verified with originator
- Obtained in conjunction with an Enhanced DBS.

Regardless of the work history presented to OneCall24, or the information supplied on the agency worker's application form, Where a role is eligible for a DBS check, OneCall24 will ensure that the appropriate level of check is obtained prior to deployment, in line with eligibility requirements.²

If an unsatisfactory response is received for the Overseas Police Check, OneCall24 will refer to their 'traffic light' system to confirm whether the information supplied needs to be notified to the authority. (Please refer to the traffic light system for further clarification on this).

If information is present on an Overseas Police Check, OneCall24 will ensure that the worker has correctly completed the registration form, and furthermore – supplied a full statement detailing the circumstances leading up to the information provided on the Overseas Police Check.

For England and Wales a Disclosure and Barring Service (DBS) with adult and child barred list or a Disclosure Scotland PVG check for applicants living and working in Scotland or an enhanced Access NI check for any applicants living and working in Northern Ireland will be obtained.

Positive Disclosure

Positive disclosures are when a DBS check comes back containing criminal record information. Having a criminal record does not automatically mean an individual cannot be considered for a role with OneCall24.

The decision to recruit an individual whose criminal record check reveals a conviction, caution or other relevant information always rests with the Compliance Manager and the Board of Directors. This information is carefully considered on a case-by-case basis and assessed against what other information the individual has presented during the application, interview, and employment check process. Taking this approach is important to ensure OneCall24 does not unfairly rule out individuals who are the best candidate for the role, meet all other necessary check criteria, and no risks have been identified against the duties they would be required to perform.

The Compliance Manager and Board of Directors have access to any information that is relevant to the role being appointed to, so that they can make a fair and balanced decision. This may include the individual's self-disclosure and any supplementary information they may have provided to support their application.

If the DBS check reveals information that OneCall24 wasn't expecting or is conflicting with what the individual has disclosed, then further consideration may be necessary to ascertain as to why..

In all cases, a DBS disclosure will only provide the basic facts about the date of a conviction or other offence, the offence committed, the court, and the sentence or disposal. It will not provide any information about the circumstances surrounding the offence.

OneCall24 carefully considers the situation before offering any form of appointment to an individual who is:

- on probation (in a legal sense)
- under a suspended prison sentence
- released from prison on parole
- still under a conditional discharge
- subject to terrorism prevention and investigation measures.

Any risk assessment carefully considers the individual's skills, experience and ability to do

the type of role being offered against the offences disclosed, taking into account the following points:

- The relevancy of any offences to the role being appointed to. Any assessment conducted by OneCall24 considers offences that are relevant to the nature of the role and where there may be ongoing concerns about the individual's conduct or behaviour.
- Any legal or regulatory requirements. For example, where appointing to a regulated activity, OneCall24 will NOT allow an individual to engage with vulnerable groups (adults, children or both adults and children) where the DBS have made a barring decision which would prevent them from working or volunteering with that specific group or groups.
- The nature and seriousness of the offence(s). This is important because all offence codes cover a broad range of crimes that significantly vary in terms of seriousness.
- The age of the applicant at the time of the offence(s). Crimes that date back to when the individual was growing up may not be relevant because applicants have put their past behind them.
- If there is a repeat or pattern of offending behaviour. Patterns of offending behaviour or repeated allegations may indicate that they have not put their offending behind them.
- The circumstances surrounding the offending behaviour and the explanation offered by the individual. OneCall24 takes into consideration any change in the applicant's circumstances since the offence/s took place. For instance, those who were convicted when they were young, often do not reoffend once they have family or financial responsibilities. It may be helpful to reflect on the applicant's attitude at the time of the offence and now.
- Any life experiences they may have had since the offending behaviour to evidence their rehabilitation. Many people reach a point where they want to put their offending behind them and can demonstrate how they have put their talents to more constructive use. For example, volunteering activities or work in the community they have undertaken, or evidence they can provide which demonstrates a change in their home and personal circumstances.

OneCall24 handles any discussions at interview sensitively. The purpose of the interview is to gather information from the applicant to assess whether they may pose an ongoing risk if appointed to the role.

In all cases, OneCall24 balances the risks associated with a criminal offence with the wider range of information obtained at the application, interview and pre-employment checking stage before making its final recruitment decision.

All discussions are recorded on worker's profile; alongside clear reasons reached to appoint or reject the applicant. Information is stored securely in line with the DBS code of practice and in accordance with data protection and GDPR requirements.

Handling and retention of criminal record information

OneCall24 has a written Data Privacy Policy that outlines the correct handling,

safekeeping, and processing of sensitive data, including criminal record information.

OneCall24 ensures that information is kept securely in lockable, non-portable container with access strictly controlled and limited to persons who need to have access to this information in the course of their duties. This information is only used for the specific purpose it was requested for and with the applicant's full consent. Section 124 of the Police Act 1997 makes clear that it is a criminal offence to share criminal record information with any individual who is not entitled to receive it. However, if the applicant freely gives their consent to the sharing of this information, then an offence has not been committed.

OneCall24 keeps an electronic version of each DBS. These are stored in PDF format so that they may not be altered. The top part of the DBS is kept as evidence for Audit purposes and may be kept indefinitely

If the Enhanced Disclosure contains an indication of "Additional Information" to follow or if convictional/non-convictional information has been deleted on the reverse side, the full Enhanced Disclosure is kept until an audit of such has been undertaken but is destroyed post-audit or destroyed within 6 months of issue whichever is sooner.

Criminal record information is not retained for any longer than necessary. If the candidate is successful, criminal record information will be stored in accordance with the retention periods outlined in OneCall24's Data Retention Policy. If the candidate is unsuccessful, the information will be securely destroyed after six months to allow for the consideration and resolution of any disputes or complaints.

OneCall24 follows a fair and balanced approach when recruiting individuals with convictions or offences, in line with the principles of the Equality Act and our commitment to equality and diversity. Applicants are assured that any disclosed information will be considered fairly, taking into account their skills, experience, and suitability for the role.

Review

This policy statement will be reviewed annually as part of our commitment to upholding professional standards. It may be altered from time to time in the light of legislative changes, operational procedures or other prevailing circumstances.