

Disclosure & Barring Service (DBS) checks Guidance for inspectors

When checking whether practices have safe recruitment procedures we need to be sure we are consistent and in line with the national policy on criminal record checks.

You should expect practices to have:

- A process in place for undertaking criminal record checks at the appropriate level for staff who are eligible for them.
- Determined which staff are eligible for which checks. This should include assessing the different responsibilities and activities of roles to determine if staff are eligible for a DBS check and to what level.
- When carrying out this assessment, practices must remember that the eligibility for checks and the level of that check depends on the roles and responsibilities of the job – not the individual being recruited. Eligibility is based on the level of contact staff have with children and vulnerable adults. If practices are unsure about who is eligible for a check or not they can contact the Disclosure and Barring Service to talk it through with them.

Remember, CQC does not decide who is eligible for a DBS check or not.

For full guidance on who is eligible for checks and at which level, please see this guidance from the Disclosure and Barring Service:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315179/DBS_guide_to_eligibility_v4.pdf

Refer also to CQC guidance on DBS checks of June 2013 and the separate related FAQ document: CQC guidance on DBS checks:

http://www.cqc.org.uk/sites/default/files/documents/20130605_100646_v6_00_disclosure_and_barring_service_checks_guidance_for_external_publication.pdf

Whilst you should read the full guidance, the following provides some information about who may be eligible for a check within a GP practice:

Clinical staff require a DBS check. GPs will have had criminal records checks done as part of their Performers List checks. And in some cases, practices may use these checks rather than obtaining an additional DBS check when the GP begins working for the provider. In such cases the provider should be able to provide sufficient evidence of seeking appropriate assurances from NHS England that a check has been undertaken.

It is less straight forward for non-clinical staff. Whether a check is needed for non-clinical staff depends on whether the staff member is engaged in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act, as amended by the Protections of Freedoms Act (see eligibility guidance above for more information).

In particular there is no blanket requirement for all reception or administrative staff to have DBS checks. Access to medical records alone does not mean that staff are eligible for a DBS check. So some administrative staff may not be eligible for a DBS check. Therefore, practices should **not** normally be found to be breaching a regulation solely on the basis that 'non-clinical staff have not had DBS checks'. If staff have not had a DBS check then their own assessment should give a clear rationale as to why they have decided not to carry out DBS checks.

A good example of where non-clinical staff may be eligible for a DBS check is reception staff who also carry out chaperone duties.

Our Academy is currently in discussions with the DBS to design and deliver some learning and development for all staff on DBS issues.

NHS Employers guidance: <http://www.nhsemployers.org/your-workforce/recruit/employment-checks/nhs-employment-check-standards/criminal-record-and-barring-checks>