

## Pre-employment Checks Policy inc. DBS Checks

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Type of document	Policy
Target audience	All CWP staff , agency workers, trainees, volunteers
Document purpose	This policy outlines procedures within the Trust for undertaking appropriate employment checks of permanent and temporary staff, including types of checks, checking procedures, process for following up those who fail to satisfy checks, process for monitoring / receiving assurance that checks are being carried out by all external agencies.

Approving meeting	People and OD Sub Committee	Date 05-Mar-20
Implementation date	05-Mar-20	

CWP documents to be read in conjunction with	
<a href="#">HR6</a>	Essentials Mandatory Training Policy
<a href="#">HR7</a>	Medical Staffing pre appointment checks
<a href="#">HR2.5</a>	Professional registration policy and guidelines
<a href="#">HR2.1</a>	Recruitment and selection policy
<a href="#">HR3.10</a>	Organisational change policy and procedure
<a href="#">CG1</a>	Fraud, Bribery and Corruption Policy
<a href="#">HR27</a>	Fit and Proper policy

Document change history	
What is different?	Updated reference section to include the process when recruiting NHS to NHS staff Update to MIAA contacts
Appendices / electronic forms	No updates
What is the impact of change?	None

Training requirements	No - Training requirements for this policy are in accordance with the CWP Training Needs Analysis (TNA) with Learning and Development (L&D)
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Financial resource implications	None
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External references	
<ol style="list-style-type: none"> <li>1. NHS Employers - NHS Employment Check Standards, June 2019</li> <li>2. Care Quality Commission (CQC)</li> </ol>	

<b>Equality Impact Assessment (EIA) - Initial assessment</b>	<b>Yes/No</b>	<b>Comments</b>
Does this document affect one group less or more favourably than another on the basis of:		
- Race	No	
- Ethnic origins (including gypsies and travellers)	No	
- Nationality	No	
- Gender	No	
- Culture	No	
- Religion or belief	No	
- Sexual orientation including lesbian, gay and bisexual people	No	
- Age	No	
- Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
Is there any evidence that some groups are affected differently?	Select	
If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable? Select		
Is the impact of the document likely to be negative?	No	
- If so can the impact be avoided?	N/A	
- What alternatives are there to achieving the document without the impact?	N/A	
- Can we reduce the impact by taking different action?	N/A	
Where an adverse or negative impact on equality group(s) has been identified during the initial screening process a full EIA assessment should be conducted.		
If you have identified a potential discriminatory impact of this procedural document, please refer it to the human resource department together with any suggestions as to the action required to avoid / reduce this impact. For advice in respect of answering the above questions, please contact the human resource department.		
Was a full impact assessment required?	No	
What is the level of impact?	Low	

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## 1. Introduction

Cheshire and Wirral Partnership NHS Foundation Trust (CWP) recognises the importance of pre-employment checks on newly appointed employees and follows the advice contained in NHS Employment Check Standards (June 2019).

CWP aims to promote equality of opportunity for all candidates with the necessary requirements for the post and therefore welcomes applications from diverse candidates. CWP is carrying out pre-employment checks to comply in line with anti-discrimination legislation.

The aim of this policy is to ensure that robust recruitment and selection processes are in place to make sure that the employees it recruits are trustworthy and reliable. Its purpose is to protect employees, patients and carers.

The policy will ensure confidentiality of information disclosed by candidates during the recruitment and selection process. Information will only be shared with people who need to see it as part of the recruitment process or when the information is likely to affect the employment relationship.

This policy covers all staff who are appointed to a position in CWP including permanent and temporary employees, volunteers and trainees.

The policy also identifies how CWP will monitor and seek assurance that agencies providing the Trust with temporary staff are carrying out all the necessary checks.

## 2. Types Of Checks Required

All staff working within CWP are subject to pre-employment checks which are the minimum dataset required by Care Quality Commission (CQC) standards for Mental Health Trusts (these checks also comply with NHS employment checks standards (June 2019)). These include checks on the following:

- a. Verification of identity checks;
- b. Right to work checks;
- c. Professional registration and qualification checks (if applicable);
- d. Employment history and reference checks;
- e. Occupational health checks;
- f. Disclosure and Barring Service (DBS) checks (if applicable).

All offers of employment are subject to satisfactory pre-employment checks, which will be carried out, recorded and monitored via Trac System (on-line applicant management system). Any false claim of qualifications or indeed any of the employment standards above from applicants either internal or external will be subject to investigation and liable to have any offer of employment withdrawn, or subject to disciplinary procedures if a current employee. The contact details for our Anti-Fraud Specialist and Reporting Line are as follows: Phillip Leong, Anti-Fraud Specialist; 0151 285 4531 or 07721 237352; [phillip.leong@miaa.nhs.uk](mailto:phillip.leong@miaa.nhs.uk) or [phillip.leong@nhs.net](mailto:phillip.leong@nhs.net) National NHS Fraud and Corruption Reporting Line on 0800 028 40 60 or online at <https://cfa.nhs.uk/reportfraud>.

Managers are not permitted to commence a new employee, in any staff group, in post before confirmation has been provided by the Recruitment team that all pre-employment checks have

been completed and are satisfactory to the Trust, or the appropriate risk assessments have been carried out - refer to the following forms, which are available as editable Word documents:

[Appendix 1](#) - DBS Risk Assessment Form

[Appendix 2](#) - Declaration Form

[Appendix 3](#) - Pre-employment Checklist - Agency Workers

[Appendix 4](#) - Transgender Additional Identification Risk Assessment Form

Pre-employment checks for transgender people can involve more complex issues, extra levels of confidentiality and flexibility in relation to Trust policies to reflect their specific needs. Whilst it is important to ensure robust checks are followed, it is also important to recognise the difficulties some transgender people may face in providing this information and concerns around disclosing their previous gender or personal details.

Where an applicant who is transgender does not possess a Gender Recognition Certificate their case should be referred to a POD Business Partner who may advise on the process to be followed to ensure the suitability of the applicant and which provides assurance from a risk management perspective, a risk assessment must be completed as outlined in [Appendix 4](#).

It is important that staff understand the extra levels of confidentiality when dealing with transgender information. No information that discloses or may disclose a person is transgender, their previous gender or their personal details can be passed onto any other member of staff without the explicit permission and knowledge of the transgender person. This includes other senior or interviewing managers and administration staff. Advice around this issue can be sought from the trust's equality and diversity officer.

Any pre-employment checks which prove unsatisfactory will lead to offers of employment being withdrawn. Appropriate advice should be sought in the first instance from the Recruitment Manager or Temporary Staffing Manager in the Resourcing Team.

Any pre-employment checks which raise queries which may impact on the employment decision should be discussed with the Head of Operations who will make a decision about whether to proceed. Appropriate advice should be sought from the HR Officer/Advisor.

### **3. How the organisation ensures compliance by all external agencies used within CWP (e.g. NHS professionals, recruitment agencies, etc)**

Student nurses are screened in accordance with the University's Learning & Development Agreement which has been agreed with the Trust's Practice Education Facilitator (PEF) team.

Students and psychology trainees who are considered outside the agreed Learning & Development Agreement are screened by the University. CWP will undertake its own identity checks and keep records that provide assurance that the full range of relevant pre-employment checks have been carried out by the University.

Doctors in training are employed and screened by lead employers. The Medical Staffing Lead will undertake its own identity checks and keep records that provide assurance that the full range of relevant pre-employment checks have been carried out.

Where private contractor staff are deployed to work in areas which will provide them with access to patients, the appropriate level of disclosure must be carried out by the contractor. Where this is not practical, arrangements should be made by the Trust for an appropriate level of supervision to be put in place.

Pre-employment checks for agency staff are undertaken by the supplying agency. CWP uses agencies which meet the requirements set out by NHS Improvement via Crown Commercial Service frameworks who require agencies to carry out appropriate employment checks. Additional assurance that checks are being carried out by all external agencies are provided by completion of the checklist – attached as [Appendix 3](#). The pre-employment checks are carried out by Temporary Staffing (see below for medical locums) and ID checks at the start of the first shift are undertaken by the recruiting manager and evidence forwarded to Temporary Staffing.

### **3.1. Medical locums**

All processes relating to pre-employment checks for medical locums are contained in – Medical Staffing pre appointment checks policy for locum doctors employed by medical staffing agencies.

### **3.2. Agency locums**

All Agency staffing requirements are booked via the Temporary Staffing Team who will confirm that the appropriate pre-employment checks have been carried out by the agency. Identity checks will be carried out by the recruiting manager or bleep holder. A checklist will be completed to record that the appropriate assurances have been received from the agency and the manager has checked the identity of the worker before they commence work. The Temporary Staffing Team will also verify professional registrations directly with the NMC via the website. The checklist is attached as [Appendix 3](#).

### **3.3. Incomplete or unsuitable identification**

If an agency worker reports for duty without the necessary means of identification the recruiting manager/person in charge must contact the Temporary Staffing Team immediately. If the worker has arrived outside of Temporary Staffing Team hours (8.00-19.30 Mon-Sat, 8.00-16.00 Sun) the recruiting manager/person in charge must contact the agency to try and ascertain a means of identification. If there is no means to identify the worker the Associate Director of Operations or senior manager on call will be contacted to make a decision to allow the agency worker to work or not. This decision will be based on risks to the service and recorded on an incident form – Temporary Staffing team must also be informed.

## **4. How Checks Are Carried Out**

### **4.1. Verification of identity, Right to work in the UK and Qualifications/Registration checks**

Verifying the identity of the prospective employee is a fundamental part of the pre-employment check and must be done face to face. Responsibilities for the recruiting manager and the prospective employee/Recruitment team are:

Recruiting Managers: are required to have sight of the following original documents at interview stage:

- a) 1 x Photographic form of ID
- b) Proof of all relevant qualifications required for the post
- c) Proof of relevant registration with a registered body related to the post

All new employees: are required to attend one face-to-face ID appointment at Trust Headquarters where they are asked to provide key documentation to support this process. Candidates are notified prior to their ID appointment which documents they are required to produce.

- a) All new employees are asked to provide a range of documentation to demonstrate their eligibility to reside and work in the UK and also to meet the requirements of anti-discrimination legislation in accordance with the Immigration, Asylum and Nationality Act (2006) (this applies to all external candidates without exception).

CWP has a separate policy and guidance on checking professional registration on appointment and on an ongoing basis. This policy is accessed via the CWP website Professional Registration Policy and Guidelines.

#### **4.2. Points based system (previously known as work permits)**

CWP is a registered Sponsor of the Points Based System (PBS) for the Home Office (immigration control) for Tier 2: Skilled workers with a job offer to fill gaps in UK labour force. This allows the Trust to issue Certificates of Sponsorship to individuals from outside the UK and European Economic Area (EEA) that we wish to employ. Certificates of Sponsorship replace work permits. Further advice is available from the Recruitment Manager.

#### **4.3. Employment history and reference checks**

It is a requirement that references are obtained for a minimum of 3 years of previous employment and / or training. Where an applicant has been with one employer for five years or more, one reference may be sufficient. Where an applicant is moving from another NHS organisation, CWP as a minimum will seek to obtain a reference from the applicant's current or last NHS employer. CWP may decide to obtain additional references covering a longer period where this is relevant and likely to add value in confirming our recruitment decision.

All offers of employment will be subject to the receipt of satisfactory references. The Recruitment team will request all references directly from the applicant's line manager or other relevant department manager or as necessary through the employer's HR Department.

#### **4.4. Reference checks for internal employees**

From March 2016 CWP made the decision that internal reference requests will no longer be made in most circumstances. The following process will take place:

- Managers are required to seek an internal verbal reference from the member of staff's current line manager. Any issues should be escalated to their HR team.
- Recruitment will confirm suitability by assessing HR intelligence and will only follow up any instances that require written assurances.
- Managers will be notified by Recruitment if a written assurance is required on a case-by-case basis.

#### **4.5. Occupational health checks**

All offers of employment are conditional pending successful completion of a pre-employment health check, which adheres to equal opportunities legislation and good occupational health practice.

Managers are required to complete a Risk Identification Form to assess the job associated risks and the successful applicant is required to complete a Health Enquiry Form and if appropriate a Baseline Health Assessment Form.

Where occupational health advice has been sought, the employee must not undertake any duties related to the risk identified prior to advice being received from Occupational Health.

Candidates may commence employment prior to occupational health intervention however, where the recruiting manager had identified an occupational risk some exclusions may apply.

## **5. DBS Checks**

CWP have made it mandatory for all new external successful applicants to pay for their DBS check. This was effective from 15 June 2015. Charges for Standard and Enhanced checks will be levied at the rate charged by the DBS, plus an administration charge of £3.50 per application. Further information outlining the scheme and payment options are detailed in [Appendix A](#)

Applicants under the age of 16 will not be eligible for a DBS check.

### **5.1. Disclosure and Barring Service (DBS) check levels**

DBS checks apply to all staff who have direct access to patients during the course of their duties at work. There are two levels of disclosure, Enhanced and Standard. [Appendix B](#) outlines levels of disclosure required for each staff group within the Trust. The level applicable is determined as follows:

### **5.2. Enhanced disclosure**

Enhanced disclosures are applicable to any new member of staff working with children and / or adults in a regulated activity; this usually applies to all clinical staff. The definition of regulated activity is outlined in [Appendix C](#). For people who work in these roles the DBS can provide an enhanced DBS Certificate with information about whether the person is barred from working in regulated activity.

The Trust reserves the right to request enhanced checks for some groups of staff who do not meet the definition of regulated activity as set out in [Appendix B](#) but in these instances the DBS will not provide information relating to the barred list. The enhanced check may include additional information held locally by the police where they reasonably believe it to be relevant and that it ought to be disclosed.

### **5.3. Standard disclosure**

Standard disclosures are applicable to any new member of staff employed directly by the Trust or under contract who do not meet the definition of working in a regulated activity but may have access to people receiving care in the normal course of their duties e.g. medical secretary, ward clerk or those who work in a role listed in the Exceptions Order to the Rehabilitation of Offenders Act e.g. finance director.

### **5.4. Independent Safeguarding Authority (ISA)**

The work of the DBS and the ISA merged into a single, new Non-Departmental Public Body in December 2012, called the Disclosure and Barring Service (DBS).

The duty of ISA is to provide safeguarding arrangements for children and vulnerable adults. ISA maintain two lists of individuals who are barred from engaging in regulated activity with children and / or adults.

Before an applicant can be appointed to a position involving regulated activity with children an enhanced DBS check and a check against the children's barred list **must** have been received.

#### **5.5. DBS checks on current employees**

Staff who move to another post within the Trust which requires the same level of DBS clearance will not be subject to a new DBS check.

Staff who move to another post within the Trust will be subject to a further disclosure check if the post requires a higher level of disclosure or the previous position did not require a DBS and the new one does.

CWP reserves the right to carry out checks on existing employees with their consent, irrespective of whether they are taking up a new appointment.

There is a requirement for existing employees to advise the trust, via their line manager of any criminal convictions, cautions, investigations, warnings or binding over obtained whilst employed by the trust. CWP will determine any action necessary in the light of individual circumstances.

Failure to disclose a criminal conviction / offence could lead to disciplinary action in line with the Disciplinary Policy and Procedure.

#### **5.6. Portability of DBS checks**

Disclosures do not have a pre-determined period of validity due to the fact that a conviction or other matter could be recorded against an employee any time after the disclosure was issued.

In certain circumstances CWP will accept verification that a check has been carried out, for example:

- in the case of doctors in training and students / trainees within the previous 3 years, or
- for agency staff within the past 12 months.

#### **5.7. DBS update service**

For a small annual fee of just £13 (free for volunteers) employees can have their DBS certificate kept up-to-date and take it with them from role to role, within the same workforce, where the same type and level of check is required.

Employees are encouraged to join the DBS update service when they next apply for a DBS check, which means they may never need to apply for another one again.

#### **5.8. Risk assessments**

With the exception of appointing to posts which will be working with children or agency staff requiring DBS clearance, staff may commence in post prior to a DBS disclosure being received on condition that the following has been completed:

- On-line DBS application form;

- Risk assessment ([Appendix 1](#)) has been completed by the manager and forwarded to the Recruitment team and the appropriate level of supervision has been put in place;

### 5.9. Sharing disclosure information

Police may release additional information not included on an enhanced DBS in a separate letter to the Trust. The information contained in this letter must **not** be discussed with the candidate.

If, for any reason, the recruiting manager did wish to share the contents of this letter with the candidate, they must first receive written consent to do so from the Police Officer who provided the information.

### 5.10. Dealing with non-disclosure of criminal convictions during the recruitment process

As a healthcare provider, CWP is exempt from the Rehabilitation of Offenders Act (1974) and as such no candidate is entitled to withhold information about convictions which for other purposes are 'spent', under the provisions of the Act (1974). This means that candidates have to declare all convictions, irrespective of how long ago they were prosecuted.

There are various stages within the recruitment process where candidates are informed of the requirement to, and provided with, the opportunity to disclose information regarding any criminal convictions they may have. Opportunities include:

- Application form and declaration form;
- During the interview;
- Upon completion of the DBS disclosure form.

If a conviction or any other information is disclosed on the application form the recruiting manager will have access to this information after shortlisting has been completed via Trac. In such circumstances, the recruiting manager should seek advice from their HR officer/Advisor as to whether to offer the candidate an interview or not, depending on the seriousness of the disclosure and level of perceived risk.

The criminal conviction(s) should be considered in the following context:

- The relevance of an offence(s) to the post being offered;
- The age at which it was committed;
- The length of time since the offence(s);
- Whether the applicant has a habit of offending behaviour;
- The context surrounding the offence(s) and whether the applicant's circumstances have changed since the offending behaviour;
- The severity of the offence(s).

**A candidate who appears on a barred list held by the DBS must not be appointed to a regulated activity** (see [appendix C](#)).

Applicants have a further opportunity to disclose convictions at interview. If the applicant is the preferred candidate, the recruiting manager is required to discuss the candidate's convictions and any perceived risk with their Head of Operations and HR Officer/Advisor.

A conditional offer of employment may be made whilst the Head of Operations and recruiting manager complete the Supporting the Employment Decision for Applicants with Convictions and

Vetting and Barring Matrix form and forward for authorisation via the Deputy Director of People and OD.

If authorisation is granted, this will be communicated to the Recruitment team by the HR Officer/Advisor. This written decision will be recorded and relevant documents retained in line with DBS regulations. Refer to section 5.12 for Handling and Retention of Disclosure Documents.

The candidate will receive a copy of the DBS disclosure via post, detailing any criminal convictions, cautions or additional information the candidate may have. Thereafter, the line manager is required to liaise with the candidate, meet in person and view the original copy of the certificate. At the meeting, the line manager must copy the certificate with the candidate's permission, sign and date the copy and forward to the Recruitment team.

Where these are detailed, the Recruitment team will cross reference the information provided on the DBS disclosure form against the information provided by the candidate during the recruitment and selection stage and will contact the recruiting manager to discuss the details received.

Where the information is consistent no further action may be required if the decision has already been made to appoint the candidate based upon the information already provided and the offer may be confirmed as long as all the other pre-employment checks have proved satisfactory.

Where a disclosure indicates any criminal convictions, which have not previously been declared by the candidate; the Recruitment team will notify the recruiting manager and alert the relevant HR Officer/Advisor.

The candidate will be invited to a meeting with the recruiting manager to discuss the information contained within the disclosure. Should the candidate fail to attend the meeting without good reason the offer of employment will be withdrawn.

At the meeting the recruiting manager will seek to ascertain if the information contained in the disclosure is correct. If this is confirmed the offer of employment may be withdrawn at this stage. Before reaching this decision the recruiting manager will have discussed it with the Head of Operations and taken appropriate advice from the HR Officer/Advisor. The Recruitment team must be notified in writing of the outcome of the meeting.

If the candidate disputes the information on the DBS disclosure the appointment will be placed on hold to allow the information to be re-checked by the DBS. The post will be held open providing that within five working days of the meeting the candidate submits evidence of submission of their appeal to the DBS to the recruiting manager who conducted the meeting. If evidence is not provided within this timeframe the offer of employment may be withdrawn with immediate effect.

If upon appeal, it is confirmed that the DBS has provided inaccurate information the matter will be reviewed further.

If upon appeal, the undisclosed criminal conviction(s) still remain on the new disclosure, the conditional offer of employment may be withdrawn with immediate effect.

Candidates will be informed in writing of the outcome of all meetings within 5 working days of a decision being made.

If the DBS informs the Trust that the prospective employee has a conviction which has not been declared, the matter may be referred to the Trust's Anti-Fraud Specialist for consideration of further action under the CWP Fraud, Bribery and Corruption Policy'.

#### **5.11. Dealing with non-disclosure of criminal convictions for existing employees**

It is a requirement for all existing employees to declare to the Trust, via their line manager of any criminal convictions, cautions, investigations, warnings or binding over obtained whilst employed by the Trust. CWP will determine any action necessary in the light of individual circumstances.

Managers are responsible for ensuring that where a member of staff makes a declaration, that they record this information and report it immediately to the Head of Operations for possible action.

Where concerns arise regarding the possible non-reporting of a conviction(s) or other concern obtained whilst employed by the Trust, CWP reserves the right to require the employee to undergo a DBS disclosure. If the DBS informs the Trust that the employee has a conviction which has not been declared, the matter will be dealt with under the CWP Disciplinary Policy and Procedure and where appropriate will be referred to the Trust's Anti-Fraud Specialist for consideration of further action under the CWP Fraud, Bribery and Corruption Policy.

#### **5.12. Dealing with false declarations**

If an applicant makes a false declaration during the application process, the matter will be dealt with under the CWP Disciplinary Policy and Procedure and where appropriate will be referred to the Trust's Anti-Fraud Specialist for consideration of further action under the CWP Fraud, Bribery and Corruption Policy.

#### **5.13. Handling and retention of disclosure information**

In accordance with section 124 of the Police Act 1997, disclosure information must be kept securely in lockable, non-portable storage containers. Access is strictly controlled and limited to the HR department.

DBS disclosure outcomes are kept centrally within the HR department. Once the recruitment decision has been made disclosure information will not be kept any longer than necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, CWP will consult the DBS.

Once the retention period has elapsed disclosure information will be destroyed by secure means, i.e. by shredding by the Recruitment team.

The HR department will record details of when the DBS check was made and the recruitment decision. CWP use two systems to record DBS information such as Trac (Recruitment applicant management system) and ESR (HR employee database):

- The employees full name;
- The type of disclosure undertaken;
- The date the disclosure was received by the trust;
- The post title of the employee;
- The unique DBS reference number;
- The recruitment decision taken.

#### **5.14. Declarations – fitness to practice**

All applicants will be required to complete a Declaration – Fitness to Practice Form including agency staff. This requires applicants to declare if they have any criminal convictions, are subject to any current police investigation, have been dismissed by reason of misconduct from any employment, have been disqualified from the practice of a profession or have been subject to any limitations following fitness to practice proceedings by a regulatory or licensing body, whether they are subject to any current investigations or fitness to practice investigations.

Any information provided will be used to assess suitability for employment. The declaration form will be forwarded to the Recruitment Team, refer to [Appendix 2](#).

A criminal conviction will not necessarily preclude applicants applying for or being appointed to a post. The decision whether to appoint will depend on the nature of the position and the circumstances and background of the offences committed.

#### **5.15. Fit and proper person requirements for directors**

The requirements placed on NHS providers to meet the regulatory standards for the Fit and Proper Person Requirements (FPPR) of directors, part of the Health and Social Care Act 2008 (Regulated Activities) Regulation 14: Regulation 5 came into force on the 27 November 2014.

The Trust is therefore required to ensure that directors are ‘fit and proper’ for the role and make every reasonable effort to assure itself by all available means. Please refer to HR27 Fit and Proper Policy for specific requirements placed upon the Trust to ensure director level appointments and equivalent meet the FPP test.

It is the overall responsibility of the Chair to ensure the Fit and Proper Persons regulations are adhered to and the Director of People and OD is responsible for overseeing the operational application of the policy.

To meet the requirements of this regulation the Trust must carry out all necessary checks to confirm that directors are:

- Of good character
- Have the appropriate qualifications, are competent and skilled (including that they show a caring and compassionate nature and appropriate aptitude);
- Have the relevant experience and ability (including an appropriate level of physical and mental health, taking account of any reasonable adjustments); and
- Exhibit appropriate personal behaviour and business practices.
- In order to meet these regulations in addition to the standard checks carried out for all other members of staff the following additional checks will be carried out
- Search of insolvency and bankruptcy register
- Search of disqualified directors register

There is also a more detailed declaration form which candidates are required to complete attached at [Appendix 5](#) and a further one which referees are required to complete which is attached at [Appendix 6](#).

Appendix D provides an assurance framework which sets out the full standards CWP are required to meet. This also includes the requirement for directors to sign annual declarations of fitness which the company secretary will administer.

Ongoing checks and monitoring of adherence to the Fit and Proper Persons Regulations will be undertaken at regular periods following appointment.

## **6. Monitoring And Compliance**

Monitoring and compliance will be undertaken under the direction of the Head of Resourcing on an ad-hoc basis.

The results of monitoring will be reported to the Director of People and Organisational Development.

Compliance with this policy will be monitored through:

- The regular auditing of new starter files by the Recruitment Manager/Officer, who will ensure evidence is available to confirm that all necessary checks have been undertaken;
- Utilising the reporting facilities of TRAC to monitor that checks have been undertaken within appropriate timescales.

## Appendix 1 - DBS Payments Information



Disclosure &  
Barring Service

Charging successful applicants for their DBS check launched on 15 June 2015. This applies to all new external applicants (see tables below), who apply for and are successful in securing a post on or after this date:

APPLIES TO		NOTES
1	New, successful <u>external</u> applicants	i.e. at present this will <u>not apply to internal staff</u> who apply for / are successful in securing a post within CWP
2	Apprentices	
3	Bank Staff	Successful bank staff will be required pay upfront either by cheque or on-line (see <i>Payment Options: point 2a</i> )
4	All new Non-Executive Directors, Executives and Directors	

DOES NOT APPLY TO		NOTES
1	At present, this will <u>not apply to internal staff</u> who apply for / are successful in securing a post within CWP	
2	Volunteers	Will continue to be free of charge
3	Work placements	
4	Staff who tupe in to CWP from other organisations	

**CHARGES** will vary depending on the level of check, plus an administration fee:

- **Standard Check**-£26.50 total (£23.00 DBS charge + £3.50 admin fee)
- **Enhanced Check**-£43.50 total (£40.00 DBS charge + £3.50 admin fee)

### PAYMENT OPTIONS

#### 1. Permanent and part time contracts:

- a. Payment of the full sum, to be deducted from their first month's wages\* OR
- b. Payment of the full sum, to be spread out evenly over their first 3 months' wages\*

#### 2. Bank contracts:

- a. New, external Bank staff will be asked to pay the full DBS sum either by cheque when they attend their ID appointment or by on-line method agreed via Finance as part of their pre-employment checks process, as they may not start work immediately and / or work 3 consecutive months

\*Where relevant, all new starters will be required to sign an agreement confirming their preferred option, which will be forwarded to Payroll for processing

## **COMMUNICATION FOR APPLICANTS**

All job adverts will contain the following statements regarding the DBS charge, plus information about the DBS Update Service:

**Disclosure and Barring Service Check:** Successful candidates who require a DBS check will be required to pay for the cost of their DBS Disclosure which is £40 for an Enhanced Disclosure and £23 for a Standard Disclosure, plus an administration fee of £3.50, the cost of which will be deducted from salary immediately following appointment.

**DBS Update Service:** If the role you are successful for requires a DBS check, you are encouraged to enrol for this service. A small annual fee of £13 per year applies. Please see attached [DBS Update Service Applicant Guide](#) document for further information.

If you would like to speak to someone about recruitment please call 01244 393100 or email [cwp.recruitment@nhs.net](mailto:cwp.recruitment@nhs.net).

## Appendix 2 - Levels of disclosure for staff groups directly employed by the trust

STAFF GROUP	LEVEL OF DISCLOSURE <b>ADULT SERVICES</b> (Enhanced or Standard)	ADULT'S BARRED LIST CHECK REQUIRED?	LEVEL OF DISCLOSURE <b>CHILDREN'S SERVICES</b> (Enhanced or Standard)	CHILDREN'S BARRED LIST CHECK REQUIRED?	COMMENTS
Doctors	<b>E</b>	Yes	<b>E</b>	Yes	* <b>All to be checked</b> against the relevant list(s), depending on which client group the job role involves direct patient contact with
Registered Nurses / Allied Health Professionals / Psychologists / Counsellors	<b>E</b>	Yes	<b>E</b>	Yes	
Pharmacists	<b>E</b>	Yes	<b>E</b>	Yes	
Health Care Assistants / Support Workers	<b>E</b>	Yes	<b>E</b>	Yes	
Chaplains	<b>E</b>	Yes	<b>E</b>	Yes	
Governors	<b>E</b>	No	<b>E</b>	No	* <b>Standard</b> if has access to patients * <b>No check</b> if no access to patients
Non Executives	<b>E</b>	No	<b>E</b>	No	
Porters / Drivers / Security	<b>S</b>	No	<b>S</b>	No	* <b>Standard</b> if works in clinical areas
Domestics / Catering	<b>S</b>	No	<b>S</b>	No	* <b>No check</b> if works in non-clinical area and only has incidental access to patients
Administrative and Clerical inc. Ward Clerks	<b>S</b>	No	<b>S</b>	No	* <b>No check</b> if no direct patient contact
Estates and Gardens	<b>S</b>	No	<b>S</b>	No	* <b>Standard</b> if works in clinical areas including gardens which patients have access to
Volunteers	<b>S</b>	No	<b>S</b>	No	* <b>Enhanced</b> check against barred lists to be carried out if volunteers physically assist/ prompt patients or escorts them
Work Experience	N/A	No	N/A	No	*If a check is being considered - note that employers are not permitted to undertake checks on anyone under 16

\***Direct Patient Contact** = only involving direct access to patients or providing day to day management or supervision of staff in a regulated activity

This list is not exhaustive and is provided as a guide. When in doubt managers should view the job description and person specification and location of the post in order to make a final decision on the level of check required if any.

## **Appendix 3 - Definitions of regulated activities for adults and children**

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).

Regulated activities are the activities that the Disclosure & Barring Service (DBS) can bar people from doing. For people who work in these roles the DBS can provide an enhanced level check with information about whether the applicant is barred from working in regulated activity.

### **1.Regulated Activity – Children**

The definition of a regulated activity relating to children comprises only:

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice / guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Statutory guidance about supervision of activity which would be regulated activity if unsupervised will be issued.

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered child minding; and foster-carers.

### **2. Regulated Activity - Adults**

The definition of a regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

There are six categories of people who fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below.

#### **a)Providing health care**

Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.

#### **b)Providing personal care**

Anyone who:

- Provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
- Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision;

- Trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

**c) Providing social work**

The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

**d) Assistance with cash, bills and/or shopping**

The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

**e) 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.

**f) Conveying**

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.

Appendix 4 - CWP Fit and Proper Persons criteria assessment and assurance

Ref	Guidance Standard	Current Assurance	Evidence	Further Action/ Assurance	Lead
1.1	<p>Providers should make every effort to ensure that all available information is sought to confirm that the individual is of good character as defined in Schedule 4, Part 2 of the regulations.</p> <p><i>Sch.4, Part 2: Whether the person has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence. Whether the person has been erased, removed or struck-off a register of professionals maintained by a regulator of health care or social work professionals.)</i></p>	<p>Employment checks are undertaken as below:</p> <p>Two references, one of which must be most recent employer</p> <p>Qualification and professional registration checks</p> <p>Right to work checks</p> <p>Identity checks</p> <p>Occupational health clearance</p> <p>DBS checks</p> <p>Declaration of Fitness and compliance with all regulations provided by all Directors. This will be repeated in January annually.</p> <p>All new and existing Directors have been checked against the registers of disqualified Directors, Insolvency registers and have had a social media search. This will be repeated in April annually.</p>	<p>HR records</p> <p>Individual declaration forms for all Executive Directors (EDs) and Non-Executive Directors (NEDs)</p> <p>Register of checks</p>	<p>Annual renewal of declarations (January annually)</p> <p>Annual register checks (April annually)</p> <p>Social media search conducted annually.</p> <p>DBS checks repeated 3 yearly.</p>	LB/CS

## Appendix 5 - DBS Risk assessment form

To be completed if start date for new employee is set before outcome of disclosure is obtained

<b>NAME OF CANDIDATE</b>	
<b>JOB TITLE</b>	
<b>DEPARTMENT</b>	
<b>LOCATION</b>	

<b>RISK</b> ( <i>select one option</i> )	<input type="checkbox"/> No Enhanced Disclosure	<input type="checkbox"/> No Standard Disclosure
--	---	---

### 1. ASSESSING THE IMPACT OF DELAYING START DATE:

CRITERIA	YES	NO	DETAILS
Is the service compromised by the delay? If yes, please state how	<input type="checkbox"/>	<input type="checkbox"/>	

### 2. ASSESSING THE APPLICANT:

CRITERIA	YES	NO	ESSENTIAL	DESIRABLE
References received covering minimum of 3 years of employment or training history	<input type="checkbox"/>	<input type="checkbox"/>	✓	
The applicant will be working under supervision until DBS disclosure has been received	<input type="checkbox"/>	<input type="checkbox"/>	✓	
Applicant can provide evidence of previous DBS disclosure or overseas equivalent	<input type="checkbox"/>	<input type="checkbox"/>		✓
Has applicant completed and returned a satisfactory declaration form	<input type="checkbox"/>	<input type="checkbox"/>	✓	
<b>Note:</b> The risk is only acceptable if all essential criteria are met.				

### 3. ASSESSING THE ROLE:

CRITERIA	YES	NO	DETAILS
Is the post a regulated post involving working with children requiring a check of the children's barred list?	<input type="checkbox"/>	<input type="checkbox"/>	

*If you have answered yes to part 3 the risk will automatically be unacceptable.*

### 4. ASSESSING THE RISK:

CRITERIA	YES	NO	DETAILS
Is the risk acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	

### 5. DECLARATION:

**SELECT ONE STATEMENT:**

<input type="checkbox"/>	I confirm that I have assessed the risk as <b>acceptable</b> and have rearranged for the above named to commence in post with appropriate supervision.
<input type="checkbox"/>	I confirm that I have assessed the risk as <b>not acceptable</b> and will delay the start date until the disclosure is received.

<b>Named person completing form:</b> <i>(line manager or above)</i>			
<b>Signature:</b>			
<b>Job Title:</b>		<b>Date:</b>	

**NOTE:**

- This risk assessment is to be completed after the DBS disclosure form has been sent; Supervision of the above named must to continue until the DBS disclosure has been received.

## Appendix 6 - Declaration Form

**Please complete all parts of this form in full:**

FORENAME(S):	
SURNAME:	
POST TITLE:	
POST REF NO:	

### Guidance for applicants

The position you have applied for is exempt from the Rehabilitation of Offenders Act 1974 (as amended in England and Wales).

When Cheshire & Wirral Partnership NHS Foundation Trust (CWP) is assessing your character and suitability for any such appointment, it is legally permitted to ask for and consider any information relating to unspent (current) and spent (old) criminal convictions, police cautions, final warnings or reprimands which are not protected (or filtered out) by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

You are not legally obliged to declare any convictions or cautions which are protected under the Exceptions Order. Employers must not ask for, or consider any such information as part of their recruitment process. Before completing this form it will be important for you to read the useful guidance section on page two which provides additional advice about the type of criminal history information you must declare.

Where relevant to the role, the organisation may also ask you to provide any information about any investigations and/or formal action taken against you by a regulatory or licencing body which may have had an impact on your professional registration and/or fitness to practise in your chosen profession.

Any information you declare when completing this form will be verified by undertaking a follow-up check with the relevant body. It will also include carrying out a standard or enhanced disclosure through the Disclosure and Barring Services (known as a DBS check).

Enhanced disclosures may also include other non-conviction information which may be held on central police databases, where this is regarded as relevant to the position you are applying for. If the position has, in addition, been identified as a 'regulated activity' under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedom's Act 2012), the enhanced disclosure will also include any information that may be held about you on the children's and/or adults barred list(s).

### Our fair recruitment promise

CWP aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

The organisation does not discriminate unfairly against applicants on the basis of criminal conviction or other such information declared. If we believe that the information you have declared is relevant to the position you are applying for, we will discuss this with you prior to making our final recruitment decision. If information is not raised with you, this is because we do not believe that this should be taken into account. In any event, you remain free to discuss the matter with the recruiting manager or human resources department should you wish to do so.

All information will be examined on a case-by-case basis alongside the full range of information we gain about you as part of our recruitment process. It is important to stress that answering yes to any of the questions in the attached form does not mean that you will be prevented from taking up an appointment in the NHS.

### **How will my information be used?**

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will only be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

If you have declared any information relating to criminal convictions or other such offences, we will consider the following:

- The relevancy of the conviction/offence to the position being applied for.
- The seriousness of the offence(s).
- Your age when you committed the offence(s).
- The length of time since the offence(s) occurred.
- If there is a pattern of offending behaviour.
- The circumstances surrounding the offence(s).
- Any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

It is important to be aware, that the failure to disclose all spent and unspent convictions which you are legally obliged to declare (i.e. those that are not protected by Exceptions Order of the Rehabilitation of Offenders Act (as amended in England and Wales), could result in disciplinary proceedings or dismissal.

Please ensure that you take the time to read the supplementary guidance that we sent to you with your application form. This provides you with detailed information about how we will process your application, the persons to whom information will be disclosed, and the range of checks that we will undertake as part of our recruitment process.

### **Useful guidance**

If you have a criminal history, it will be important for you to refer to the easy to read [guidance documents](#) provided on the Unlock website.

Unlock is a charity body that provides information and advice to individuals to help them gain a greater understanding about the type of information employers are likely to seek about their criminal history, which convictions and cautions are protected under the Exceptions Order (i.e. will never be disclosed as part of a DBS check and do not need to be declared when completing this form) and their rights.

Please complete and return the form only to: Recruitment, CWP, Redesmere, Countess of Chester Health Park, Liverpool Road, Chester, CH2 1BQ, e-mail [cwp.recruitment@nhs.net](mailto:cwp.recruitment@nhs.net)

**Before completing this form, it is important to note the following points:**

1. You must answer all the questions in this form.
2. Before ticking yes or no, please ensure that you to read the explanatory notes which are provided underneath each of the questions. These notes are intended to guide you in determining what additional information you will be required to provide to support your answers.
3. If you answer yes to any of the questions, please use the space provided to include any relevant information about your suitability for the position you are applying for.
4. If you would like any additional supplementary evidence to support your application to be considered, please ensure it is attached or uploaded with this form when you return it.
5. You are not required to disclose information about parking offences.

<b>Applicant details</b>				
Full name (in block capitals)		Contact details		
Role applied for				
<b>1. Are you currently bound over, or have you ever been convicted of any offence by a Court or Court-Martial in the United Kingdom or in any other country?</b>  You should tick no, if any convictions are protected (or filtered out) by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) 2013. Please refer to information about protected convictions and cautions in the <a href="#">useful guidance</a> section.			Yes	No
If you have ticked yes, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing.				
<b>2. Have you ever received a police caution, reprimand or final warning in the United Kingdom or in any other country?</b>  You should tick no, if any cautions, reprimands or final warnings are protected (or filtered out) by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) 2013. Please refer to further information about protected convictions and cautions in the <a href="#">useful guidance</a> section.			Yes	No
If you have ticked yes, please provide details of the caution, reprimand or final warning, including the date and reason administered.				

<p><b>3. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?</b></p> <p>Please note that you <u>must</u> inform us immediately if you are charged with any offence in the United Kingdom or in any other country <u>after</u> you complete this form and <u>before</u> taking up any position offered to you.</p>	Yes	No
<p>If you have ticked yes, please provide details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.</p>		
<p><b>4. Are you aware of any current investigations being undertaken by the police following allegations being made against you in the United Kingdom or in any other country?</b></p>	Yes	No
<p>If you have ticked yes, please provide details of the nature of the allegations made against you and, if known to you, any action to be taken against you by the police.</p> <p>Please note that we will only take into account any current investigations which might be relevant to the position you are applying for.</p>		
<p><b>5. Have you ever been investigated by the NHS Business Services Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body resulting in a current or past conviction or any formal action being taken against you?</b></p>	Yes	No
<p>If you have ticked yes, please provide details of the offence, including any dates.</p> <p><b>Investigatory bodies</b> may include:</p> <p>HM Revenue &amp; Customs, the Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade &amp; Industry), Department of Work and Pensions, Home Office, UK Visas and Immigration and local authorities.</p> <p>This list is intended as a guide only, <u>you must</u> declare any investigation conducted by an investigatory body.</p>		
<p><b>6. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office, or other position previously held by you?</b></p>	Yes	No
<p>If you have ticked yes, please provide details of the employment, volunteering, office, or other position held, the date that you were dismissed and the nature of allegations of misconduct made against you.</p>		

<b>7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body in the UK or in any other country?</b>	Yes	No
<p>If you have ticked yes, please provide the reasons given for the investigation and, where applicable, the details of any warnings, conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your professional registration and, the name and address of the regulatory or licensing body concerned.</p> <p>Please note that we will only take into account any current fitness to practise investigation or proceedings which might be relevant to the position you are applying for.</p>		
<b>8. Have you ever been removed from the register, or have conditions or sanctions been placed on your registration, or have you been issued with a warning by a regulatory or licensing body in the UK or in any other country?</b>	Yes	No
<p>You should tick no, where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated.</p> <p>If you have ticked yes, please provide details of any conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your registration and/or any warnings issued, where relevant and, the name and address of the regulatory or licensing body concerned.</p>		
<b>9. Are you subject to any other prohibition, limitation, or restriction that means we are/or may be unable to consider you for the position for which you are applying?</b>	Yes	No
<p>If you have ticked yes, please include details of the nature of the prohibition, restriction or limitation and by whom it was made.</p>		

**Continuation sheet:**

If you have answered yes to any of the questions above, please use the space below to provide any additional information you wish us to consider as part of your application. You may continue on a separate sheet or attach any additional evidence, if you wish to do so.

Please clearly indicate the number of the question to which the information relates.

--

## Declaration

### IMPORTANT

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information.

The Act defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment, CWP will not retain this declaration form any longer than is necessary - see further details in the supplementary guidance notes for applicants which we provided with your application form. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.

**In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.**

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

Full name (in block capitals)		Signature	
Date			

If you need any assistance or advice before returning this form to us, or you wish to withdraw your consent at any time after you have submitted this form, please contact CWP.

All enquiries will be treated in strict confidence.

### Appendix 7 - Pre-Employment Checklist - Agency Workers

Please note: there is a separate checklist for medical agency staff contained in the medical staffing - pre appointment checking procedure for locum doctors employed by medical staffing agencies.

Managers making the booking must instruct the agency to inform the worker to bring with them means of identification as set out in section two. **They will be required to produce their current original documentation before commencing work.**

#### SECTION ONE

To be completed by the Recruiting Manager / Temporary Staffing Team:

WORKER DETAILS					
<b>Name:</b>				<b>Department:</b>	
<b>Care Group:</b>				<b>Base:</b>	
<b>Start date:</b>				<b>End date:</b>	
<b>Has the agency been provided with a declaration form (fitness to practise)?</b>					Yes / No
<b>Information from the Agency</b> – written confirmation received from the agency that the worker has satisfactory evidence/clearance of the following:					
•Evidence of the right to work in the UK:					Yes / No
•DBS (if applicable); •DBS evidence must be within 12 months:					Yes / No / n/a
<b>Disclosure No:</b>		<b>Date:</b>		<b>Level:</b> Enhanced	
•Occupational Health Clearance:					Yes / No
•Signed Declaration Form (fitness to practise); •E-mailed back by agency. If it has not been possible for the worker to sign the form in advance they must sign a copy before commencement of the shift					Yes / No
•Evidence of Professional Registration:					Yes / No / n/a
<b>Reg. No:</b>		<b>Expiry Date:</b>			
•Evidence of qualifications for non-health professionals (if they were a requirement for the job)					Yes / No / n/a

***I confirm that I have received confirmation from the agency that the above pre-employment checks have been carried out.***

<b>Name:</b>			
<b>Title:</b>			
<b>Signature:</b>			<b>Date:</b>

***This form must be passed to the person in charge of the shift receiving the worker (if different person to above) in order for section two to be completed.***

## **SECTION TWO**

This section must be completed by the manager or bleep holder. The documents should be original and the person in charge of the shift is required to confirm that they have seen and verified all appropriate identification.

If an agency worker reports for duty without the necessary means of identification the person in charge must contact the Temporary Staffing Team immediately. If the worker has arrived outside of Temporary Staffing Team hours (8.00-19.30 Mon-Sat, 8.00-16.00 Sun) the person in charge must contact the agency to try and ascertain a means of identification. If there is no means to identify the worker the Associate Director of Operations or senior manager on call will be contacted to make a decision to allow the agency worker to work or not. This decision will be based on risks to the service and recorded on an incident form – Temporary Staffing team must also be informed in via e-mail.

### **Booking details**

<b>Name of agency worker</b>	
<b>Care Group</b>	
<b>Base/Location</b>	
<b>Start date</b>	
<b>End date</b>	

### **Verification of identity**

<b>Agency ID Badge, <u>and</u> one of the following</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Current Passport; <u>or</u></b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Photographic Driving Licence</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

I confirm that I have satisfactorily confirmed the identity of the worker

<b>Name:</b>			
<b>Title:</b>			
<b>Signature:</b>		<b>Date:</b>	

***Once completed this form must be submitted by e-mail for monitoring purposes to [cwp.tempstaffing@nhs.net](mailto:cwp.tempstaffing@nhs.net)***

## Appendix 8 - Transgender Additional Identification Risk Assessment Form

To be completed if applicant is transgender and is unable to provide a Passport or Birth Certificate as part of the Trust's standard pre-employment checks

<b>Candidate Name:</b>	
<b>Job title:</b>	
<b>Department:</b>	
<b>Location:</b>	

### 1. Assessing the applicant

Criteria	Yes	No	Essential	Desirable
References received covering minimum of 3 years of employment, training and education history	<input type="checkbox"/>	<input type="checkbox"/>	✓	
Additional references. The referee should have known applicant personally for at least 3 years. They should also be of professional standing such as a doctor, minister of religion, civil servant or a member of a professional association such as an accountant or a solicitor.	<input type="checkbox"/>	<input type="checkbox"/>	✓	
The applicant can provide evidence of study at a UK Higher Education Institution	<input type="checkbox"/>	<input type="checkbox"/>		✓
Additional written evidence from bodies such as HM Revenue and Customs and other such agencies	<input type="checkbox"/>	<input type="checkbox"/>		✓

**Note:** The risk is only acceptable if all 2 essential criteria are met

### 2. Assessing the role

CRITERIA	YES	NO	DETAILS
Is the risk acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	

### 3. Declaration (select one statement)

SELECT ONE STATEMENT:	
<input type="checkbox"/>	I confirm that I have assessed the risk as <b>acceptable</b> and have rearranged for the above named to commence in post.
<input type="checkbox"/>	I confirm that I have assessed the risk as <b>not acceptable</b> and will delay the start date until a passport is provided as identification and evidence of right to work in the UK

<b>Named person completing form</b> (line manager or above)			
<b>Signature</b>			
<b>Job Title</b>		<b>Date</b>	

### NOTE:

- This risk assessment must be completed after an applicant has disclosed they are transgender and not able to provide a Passport or Birth Certificate in their own identity;
- This document is to be kept secured separate to applicant's employment record and kept secure and confidential. Only staff that has had prior permission from the applicant may be able to view this form.

### Appendix 9 - Fit and Proper Person Declaration

In line with the requirement for Directors of an NHS Foundation Trust to be a fit and proper person, I hereby declare;

Declaration	Confirmed
I am of good character by virtue of the following:	
<ul style="list-style-type: none"> <li>I have not been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence</li> </ul>	
<ul style="list-style-type: none"> <li>I have not been erased, removed or struck-off a register of professionals maintained by a regulator of health or social care.</li> </ul>	
<ul style="list-style-type: none"> <li>I have not been sentenced to imprisonment for three months or more within the last five years</li> </ul>	
<ul style="list-style-type: none"> <li>I am not an undischarged bankrupt</li> </ul>	
<ul style="list-style-type: none"> <li>I am not the subject of a bankruptcy order or an interim bankruptcy order</li> </ul>	
<ul style="list-style-type: none"> <li>I do not have an undischarged arrangement with creditors</li> </ul>	
<ul style="list-style-type: none"> <li>I am not included on any barring list preventing them from working with children or vulnerable adults</li> </ul>	
I have the qualifications, skills and experience necessary for the position I hold on the Board	
I am capable of undertaking the relevant position, after any reasonable adjustments under the Equality Act 2010	
I have not been responsible for any misconduct or mismanagement in the course of any employment with a CQC registered provider	
I am not prohibited from holding the relevant position under any other law. e.g. under the Companies Act or the Charities Act.	
Signed	
Name	
Position	
Date	

## Appendix 10 - Reference Request for Executive Appointments

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2008 state that the Trust must not appoint or have in place an individual as a director, or who performs the functions of or equivalent or similar functions of a director if they do not fulfil the following requirements:

- (a) the individual is of good character;
- (b) the individual has the qualifications, competence, skills and experience which are necessary for the relevant office or position or the work for which they are employed;
- (c) the individual is able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position for which they are appointed or to the work for which they are employed;
- (d) the individual has not been responsible for, privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England, would be a regulated activity; and
- (e) none of the grounds of unfitness specified in Part 1 of Schedule 4 apply to the individual.

The grounds of unfitness specified in Part 1 of Schedule 4 to the Regulated Activities Regulations are:

- (a) the person is an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged;
- (b) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
- (c) the person is a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986;
- (d) the person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
- (e) the person is included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland;
- (f) the person is prohibited from holding the relevant office or position, or in the case of an individual for carrying on the regulated activity, by or under any enactment.

**Considering these requirements, and based on your knowledge of the individual, would you have any concerns as to their suitability for appointment?**      Yes       No:

**If you have answered "yes", please expand below:**

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<b>Name:</b>	<b>Job Title:</b>
<b>Signature:</b>	<b>Date:</b>
<b>Company Stamp where applicable (If available):</b>	

**Thank you for taking the time to complete this reference.**

**Important: Should the applicant request sight of this reference under the Data Protection Act 1998 or Freedom of Information Act 2000, then it may be shared with them.**