

# DBS ELIGIBILITY TOOL

## NHS EXAMPLE SCENARIOS

### Roles eligible for a basic disclosure

Employing organisations have a legal responsibility to ensure that positions being appointed to are eligible under the current provisions before requiring workers and volunteers to have a DBS or any other form of police check.

This document sets out a number of different example based scenarios to help you make an informed decision about whether a role might be eligible for a **basic disclosure**.

Basic disclosures may be required for any type of role which would not be legally eligible for a standard or enhanced DBS check, but where the position would be regarded as a position of trust.

This level of check is not mandatory for NHS organisations in England however, can be required under local policy. Basic disclosures provide information about any unspent (current) cautions and convictions only and can be obtained through Disclosure Scotland – see information on the [www.gov.scot](http://www.gov.scot) website.

Eligibility for a basic disclosure, as with any level of DBS check, is determined by the type of activities individuals will be undertaking in any given role and the level of risk associated with those activities either to patients, to staff, the general public or to the organisation. You will find a number of scenario-based examples below which demonstrate when a basic disclosure might be appropriate.

Information about a person's criminal history must be handled sensitively and considered without prejudice. DBS checks are only one means of assessing a person's suitability for a role and should be considered alongside the wider range of information gained as part of the recruitment process. All criminal history information must be obtained, recorded and stored as outlined under the Data Protection Act.

The examples outlined in this document are intended as a guide only.

The eligibility tool must be used in conjunction with reading the [criminal record check standard](#).

## Scenario based examples

### Information technology manager

Dale manages the work of the IT team located at New-Town NHS Foundation Trust. He has oversight and responsibility for all internal and external electronic communication networks, including wide area networks (WAN) and local area networks (LAN) that link systems in healthcare organisations, including WiFi, hardware (e.g. desktop computers, printers, laptops, tablets and smartphones), email, and other application systems, such as patient records.

Dale's responsibilities are concerned with the maintenance of IT systems in the trust. As part of his role, he may have access to patient identifiable data and other sensitive information but will not be required to work in areas of the hospital where patients are likely to be located. This role **is not eligible for any level of DBS check**.

Employers may wish to consider whether the responsibilities of any such role would require a **basic disclosure**.

### Shop assistant - hospital newsagents

Lea volunteers in a newsagents which is located on the ground floor of Any-Town NHS Foundation Trust selling newspapers, magazines, cards and confectionery to members of the public visiting the hospital site. Lea is responsible for ensuring shelves are well stocked, serving customers and cashing up the till at the end of the day.

The shop is open to members of the public visiting the hospital site. Although patients may choose to use the shop, any contact is likely to be limited (incidental). The exchange and handling of cash in this scenario is the same as in any other retail outlet and as such, may be considered against eligibility for a **basic disclosure**.

If, in addition to serving in the shop, Lea also provided a trolley service for patients on ward areas, then consideration should be given as to whether the roles and responsibilities would be eligible for a **standard DBS check**.

## Restaurant/catering

Raquel volunteers in the hospital kitchen restaurant preparing hot and cold food. Occasionally she is asked to serve customers over the counter.

Raquel's duties are mainly involved in food preparation in the restaurant kitchen. Although patients may choose to eat or purchase goods at the restaurant, the facilities are provided for anyone visiting the hospital site and therefore any patient access will be limited (incidental).

The exchange and handling of cash should be considered the same in any other retail outlet however, employers may wish to consider whether the responsibilities of this role would be eligible for a **basic disclosure**.

## Director of human resources/personnel

Harry has applied for a position as the human resource director at Any-Town NHS Foundation Trust. This role includes holding overall responsibility for recruitment and retention of staff, the design and delivery of development and training programmes and, the handling of formal grievance and disciplinary processes and appeals. It will also involve providing advice on the principles and detail of employment legislation and good practice.

Harry's duties do not involve him providing/managing or supervising those in a regulated activity; nor would he be responsible for the provision of health services that would enable him to have access to patients as part of his normal duties. This role **is not eligible for any level of DBS check**.

This role involves the management and oversight of a core function therefore consideration should be given as to whether a **basic disclosure** would be appropriate. Similar consideration should be given to director level positions such as finance, estates, and corporate affairs.

In order to meet the Care Quality Commission's (CQC's) fit and proper person requirements (FPPR), employers must ascertain that applicants for director level positions have not been disqualified as a director and/or, are subject to any restrictions which should be considered when assessing their suitability for such a role. Where the role is not eligible for a DBS check – as demonstrated in this example - employers will need to carry out a check against the **list of directors** which is managed by **Companies House** – see [www.GOV](http://www.GOV) website.

Links to further information and guidance [fit and proper person requirements](#) on the NHS Employers website.