

## **5. Periodic checks**

## 5.1 Introducing periodic checks

5.1.1 Although not a legal requirement, employers may choose to introduce periodic checks. The frequency by which employers require periodic checks should be decided at a local level. Employers may choose to apply requirements to certain professions or more widely to all roles that are eligible for a DBS check. All requirements to recheck members of staff should be proportionate to risk.

5.1.2 Where introducing periodic checks, there is no need to apply these retrospectively. Members of staff who have been employed prior to the arrangements coming in will be captured as part of the natural cycle of checking.

5.1.3 If considering introducing periodic checks under new policy, then it will be critical to engage trade unions and legal teams so that you are compliant with requirements under the DBS regime, data protection and other employment law. Engaging with your communications teams will also be helpful to ensure changes are clearly communicated and understood by all workers who may be impacted.

5.1.4 There are a few arrangements (described below) that have been agreed nationally with employers as recommended good practice. These were introduced to enable employers to reasonably mitigate risk before the DBS update service was introduced and can continue to be adopted as an alternative.

## 5.2 Temporary workers and contractors

5.2.1 Not all temporary workers and contractors are eligible for DBS checks. When entering into contractual agreements with agencies and other third-party staffing providers, employers will need to clearly outline the need for a DBS check and the level of clearances required.

5.2.2 Where individuals are not subscribed to the DBS update service, there should be a condition which requires any eligible workers to have an annual DBS check as a minimum requirement. Employers must seek written confirmation from the staffing provider that the worker they are supplying has got all the necessary clearances to undertake the role they are being appointed to, and there is no known information about them that may call their suitability into question.

5.2.3 If the worker is registered with NHS Professionals to carry out additional temporary work while also holding a substantive post in the NHS, there is no requirement for an annual DBS check, but assurances should be sought from their substantive employer to confirm that all necessary checks were undertaken when they were first appointed. A new DBS check must always be obtained if the individual subsequently leaves their substantive post or has had a break in service for a continuous period of three months or more immediately prior to them registering as a temporary worker with NHS Professionals.

5.2.4 Employers may require additional checks to be undertaken where the necessary assurances cannot be provided or where concerns have been raised about a worker's suitability. Additional checks may be undertaken by the employing organisation or this can be required of the staffing provider, depending on contractual arrangements set in place.

## 5.3 Doctors in training

5.3.1 Doctors on educational training rotations should be regarded as being in continuous employment for the full term of their training programme.

5.3.2 Trainee doctors who are not subscribed to the DBS update service must have a DBS check at least once every three years. Employing organisations will need to seek written confirmation that a DBS check has been obtained within the preceding three-year period and it is at the correct level for the role they will be undertaking.

5.3.3 Where considering requiring individuals to subscribe to the Update Service as an alternative to three-yearly checks, it is advisable that this is

done when individuals first start their foundation training. For those already on a training programme, any new requirement to subscribe to the DBS update service should be prompted when their three-yearly check is next due to expire. Employers should not require doctors to have a new check simply to subscribe to the DBS update service if their three-yearly check is still valid.