

Role eligibility for DBS checks

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Introduction

Employing organisations have a responsibility to ensure that positions being appointed to in the NHS are eligible under the current legal provisions before requiring workers and volunteers to have a DBS check. This document sets out a range of example based scenarios to help you make an informed decision about whether or not a role might be eligible for a check and if so, the level of check they would be required to have. Please be aware that the responsibilities a staff member may have under each role may vary and as such employers need to consider eligibility on a case by case basis. The examples outlined in this document are intended as a guide only.

When applying for any level of DBS check, you will need to indicate which workforce individuals will be working with (i.e. adults, children, or adults and children) to ensure you only have access to information you are legally entitled to have and consider.

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 2018 (as amended by the General Data Protection Regulation 2018).

The eligibility tool should be used in conjunction with the criminal record check standard which provides more detail about the legal requirements and criteria for a DBS check, as well as our DBS eligibility tool.

Child psychotherapist

Nicola works four days a week as a child psychotherapist in the child and adolescent mental health services (CAMHS) team at the New-Town community health centre. Her role involves providing a number of specialist care interventions to children and young people who have been diagnosed with mental illnesses such as eating disorders, aggressive behaviour or depression. She works alongside mental health nurses, psychiatrists and clinical psychologists as part of a multi-disciplinary team. She also works closely with staff from other children's services including education and social services.

Eligibility

Psychotherapy and counselling provided by a registered healthcare professional is a regulated activity. This position **is eligible for an enhanced check with children's barred list information.**

This is regardless as to whether psychotherapy and counselling is provided to the child or young person face-to-face and/or over the telephone.

Cleaner

Peter applies for a job as a cleaner at his local hospital. He will be required to clean ward areas where persons in receipt of health services are located.

Eligibility

Carrying out cleaning duties, when considered in isolation, are not eligible for a DBS check.

In this example, Peter's duties are concerned with ensuring the hygiene and cleanliness of ward areas to reduce the risk of spreading infection. His role supports the provision of health services that will allow him to have direct contact and interaction with people in receipt of health services.

This position is **eligible for a standard check**.

If the role was more concerned with cleaning other areas of the hospital site e.g. offices or public access areas where there is limited (incidental) or no access to persons in receipt of health services, then the position may be considered for a **basic disclosure only**.

Contractor - supplying and servicing laboratory equipment

Craig provides services to the NHS through an external contractor. His role involves supplying and servicing laboratory equipment. He does not have access to persons in receipt of health services while undertaking his duties.

Eligibility

Craig's role is not listed in the ROA Exceptions Order or the Police Act Regulations and is not eligible for a standard or enhanced DBS check. Employers may, however, wish to consider whether the roles, responsibilities of the work being undertaken and access to persons in receipt of health services might meet eligibility for a **basic disclosure**.

Contractor – technician (access to persons in receipt of health services)

Vincent is employed through an external contractor as a technician working closely with the estates team at Any-Town NHS Foundation Trust. His role involves repairing and maintaining systems that hospitals rely on such as, medical gas supplies, lifts, alarms, heating and refrigeration which can be located anywhere within the hospital site, including areas where persons are in receipt of health services.

Eligibility

The type of work contractors may be required to undertake on NHS premises can be far reaching and not all positions will be eligible for a DBS check. It is essential that employing organisations clearly stipulate the type and level of checks required in any contract arrangements with third party staffing providers.

In this case, Vincent is repairing and maintaining systems to ensure the safety and well-being of staff delivering and persons receiving health services. Given that he may be required to carry out work on ward areas where persons in receipt of health services are located, the position should be considered against **eligibility for a standard check**.

If these duties were more concerned with installing and maintaining systems in other parts of the hospital site such as, office or public access areas where there is limited (incidental) or no contact with persons in receipt of health services, then the position would not be eligible for a

standard or enhanced DBS check. Employers may, however, wish to consider whether the roles and responsibilities of the work being undertaken and access to persons in receipt of health services would be eligible for a **basic disclosure**. The same consideration would equally apply to engineers, electricians, plumbers and window cleaners etc., contracted to provide services on an NHS site.

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.

Eligibility

The Human Resource director role is not in a regulated activity therefore employers would not be entitled to carry out an enhanced with barred list check. This is because it does not involve having direct responsibility for the management or supervision of anyone engaging in a regulated activity.

As a minimum requirement and in order to meet the CQC's fit and proper person requirements for directors, employers should carry out a free online check against the Companies House list of directors which can be found on the [gov.uk website](https://www.gov.uk). This check will confirm that individuals have not been disqualified from undertaking any such roles and/or remain subject to any restrictions. Further guidance about the fit and proper person requirements can be found on the [NHS England website](https://www.nhs.uk).

In addition, employers may wish to consider requiring applicants for director level positions to obtain a **basic disclosure**.

Where director level positions involve direct responsibility for the management or supervision of anyone engaging in a regulated activity, employers may consider their roles and responsibilities under eligibility for an **enhanced without barred list check**.

Driver – children's acute transport service

Dave is applying for a position as a driver in the children's acute transport service in his region. The role will include transporting critically ill children to and from paediatric intensive care units as part of a specialist paediatric retrieval service.

Eligibility

In this case, Dave will be responsible for driving a vehicle which is wholly or mainly used for transporting (conveying) children to and from paediatric intensive care units across the region on a day-to-day basis. Transporting children is a regulated activity where any such services are provided to children frequently (once a month or more) or intensively (at least three days in any 30-day period). This includes where children are accompanied by a family member/carer or supervisor. This role is eligible for an **enhanced check with children's barred list information**.

Emergency medical dispatcher (ambulance service control team)

Craig applies for a job as an emergency medical dispatcher for a local ambulance service. The role requires him to respond to 999 calls from the public and GPs requiring ambulance assistance.

He will be working with the emergency call handlers or responding to calls directly to try and obtain as much information as possible about the patient from the caller, including the exact location and details of what has happened. Using this information Craig will be required to quickly assess the type of response needed and dispatch the nearest and most appropriate vehicle to deal with the situation. This could be an ambulance, rapid response car, motor cycle or paramedic helicopter.

In emergency situations, Craig may need to explain complex procedures over the telephone to the caller, such as delivering a baby or clearing an obstruction from someone's windpipe. Craig will also need to keep the caller calm, reassure them and help them cope with the situation until the ambulance response arrives.

Eligibility

In this example, Craig would be carrying out a regulated activity, so this post is eligible for an **enhanced check with adults and children's barred list information**.

The provision of healthcare advice and assistance to adults includes

where this is given by a registered healthcare professional, or under direction from of a healthcare professional. This may be face to face or over the telephone.

Gardener/grounds maintenance (no access to persons in receipt of health services)

Brian is applying for a new position as a gardener at New-Town NHS Foundation Trust. The role includes making sure the grounds and car parks are well tended, looking after the plants and maintaining the grassy areas outside the hospital building.

Eligibility

Brian will be responsible for maintaining the hospital grounds. He is not involved in the provision of health services. Any contact he may have with persons in receipt of health services is likely to be limited (incidental). This position is not eligible for a standard or enhanced disclosure. Employers may consider obtaining a **basic disclosure**.

Healthcare assistant

Mohamed applies for a position as a healthcare assistant on an adults ward. His duties will include assisting elderly patients to eat their meals when they are too frail or ill to feed themselves.

Eligibility

Mohamed will be responsible for physically assisting and prompting adult patients to eat their meals where, due to their age, illness or disability, they are unable to do so for themselves.

This is regarded as providing personal care under regulated activity and therefore the role is eligible for an **enhanced check with adults barred list information**.

Health records assistant (access to patient identifiable data)

Ranjit applies for a job at her local NHS Foundation Trust as a health records assistant. The role is likely to include locating, retrieving, tracking and delivering patients' health records and case notes, ensuring they are kept up to date and are filed away correctly. The area of the hospital that she will be working in is not accessible to persons in receipt of health services, but she needs to walk past several wards where patients are being treated to get to her area of work.

Eligibility

Although Ranjit would be providing a health service, this would only involve her having access to patient identifiable data, she would not have access to persons in receipt of health services as part of her normal duties. Any access she may have would be limited (e.g. in passing for her to get to her normal place of work).

This position is not eligible for a standard or enhanced DBS check but may be considered for a **basic disclosure**.

Hospital porter

Henry applies for a job as a hospital porter. The role will require him to transport adults to and from wards, theatres and other areas of the hospital where they will be receiving health care.

Eligibility

Not all porters will require a DBS check, this is dependent on the type of activities they will be undertaking and their level of access to persons in receipt of health services.

In this example, Henry will be undertaking a regulated activity as this role would require him to transport adults to different parts of the hospital site in order for them to receive health care. This is defined as 'conveying' under the Safeguarding Vulnerable Groups Act 2012. This position is therefore eligible for an **enhanced check with adults barred list information**.

If, however, the role does not involve transporting adults but requires the worker or volunteer to carry out their duties where persons in receipt of health services are located e.g. removing waste from or carrying out general maintenance on ward areas, then this would be eligible for a **standard check**.

If the role is more concerned with medical equipment, blood samples, or laundry giving the individual in that role no contact or limited (incidental) contact with persons in receipt of health services, then employers may wish to consider whether the roles and responsibilities of the job would meet eligibility for a **basic disclosure**.

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.

Eligibility

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 persons in receipt of health services are likely to be located. This role is not eligible for a standard or enhanced check. Employers may wish to consider whether the responsibilities of any such role would require a **basic disclosure**.

Interpreter

Freya joins New-Town NHS Trust as a Mandarin interpreter. Her job is to interpret information between patients, relatives and the medical, midwifery and nursing staff in clinical situations, both in community clinics and the main hospital site. She sometimes assists with reception duties, accompanies staff on home visits and helps admin staff to ensure their records are correct.

Eligibility

Interpreters are used to support healthcare professionals gather necessary information during the assessment and diagnosis of a patient's health care needs and to communicate treatment/care plans back to the patient.

This is not a regulated activity, so employers are not entitled to obtain an enhanced with barred list check. However, this service is important to enable the provision of health services, and so would be eligible for a **standard check**.

Laundry services

Deborah applies for a job at her local trust working in the laundry. The job will require her to ensure hospital departments have a clean stock of uniforms, bed linen and towels. This includes delivering clean linen to ward areas, sorting and collecting clothing or bedding to be washed, operating industrial and dry-cleaning equipment, repairing and issuing staff uniforms.

Eligibility

Ensuring hospitals have clean linen is critical in supporting the provision of health services in that it is aimed at reducing the spread of infection. In this example, the role also involves collecting bed linen and clothes from areas where persons in receipt of health services are located. This role is eligible for a **standard check**.

If Deborah's duties were purely concerned with operating the washing/drying machines in the laundry with no access to persons in receipt of health services, the role would not be eligible for a standard or enhanced disclosure. Employers may consider obtaining a **basic disclosure**.

Medical secretary (access to persons in receipt of health services)

Jan is a medical secretary at Any-Town NHS Foundation Trust. She provides administration support to the clinical team and has supervisory responsibility for three typists located in the accident and emergency department. Her role involves interaction with patients and their families who come to the accident and emergency department, providing information and reassurance, as may be necessary. She is also required to deliver and collect patient records from ward areas.

Eligibility

Medical secretaries work with both clinical and non-clinical teams and can be based in any number of departments across the hospital site. In this example, Jan works in the accident and emergency department and has regular face to face interaction with persons in receipt of health services and their families. She will also be required to go onto ward areas to collect or deliver patient records. This position is therefore **eligible for a standard check**.

If her role purely involved having access to patient identifiable data but no access to persons in receipt of health services, then employers may wish to consider whether the role would require a basic disclosure.

Administrative roles which are based in other parts of the hospital site, away from persons in receipt of health services and do not involve the handling of patient identifiable data, are not eligible for a standard or

Medical secretary (access to persons in receipt of health services)

enhanced disclosure. Employers may consider obtaining a **basic disclosure**.

Paramedic

Ellie has been appointed as a paramedic at New Town Ambulance Trust. As the most senior healthcare professional at the scene of an accident or other emergency, she will be required to assess the patient's condition and give essential treatment. Ellie will administer oxygen, drugs, and intravenous drips. She also uses high-tech equipment including defibrillators, spinal and traction splints.

Eligibility

Ellie will be providing healthcare under the definition of regulated activity. As she may be required to administer treatment to both adults and children this position is eligible for an **enhanced check with adults and children's barred list information**.

Pharmacy technician

Christian has applied for a position as a pharmacy technician in his local hospital pharmacy. The role involves working closely with GPs, nurses and other healthcare professionals assembling medicines for prescriptions, providing information to patients about prescribed and over-the-counter medications and advising on dosage and how to use them. The role will also require him to manage the supply of medicines to dispensaries and supervision of other counter staff.

Eligibility

Christian is a registered healthcare professional providing a regulated activity and therefore his role is eligible for an **enhanced check with adults and children's barred list information**.

A person working in a high street pharmacy who is not healthcare professional, serving customers over the counter in a retail capacity would not be eligible for a standard or enhanced DBS check. Employers may, however, wish to consider eligibility against a **basic disclosure**.

Practice manager - GP surgery

Ijaz applies for a position as a practice manager at Any-Town GP surgery. As part of his role he will have responsibility for the recruitment and day-to-day management, training and appraisal of nursing and administrative staff who work at the practice. He will also have lead responsibility for the operational management of doctor's rotas/out of hours' contracts and weekend working; and managing the general maintenance and security of the building.

Eligibility

In Ijaz's example, he has responsibility for the day-to-day management of clinical staff providing regulated activity to patients. This could be eligible for an **enhanced check without barred list information**.

Many practice managers will be less involved in the regular management of clinical staff. This has been discussed with the DBS and if this is the case, then practice managers may only be considered for eligibility against a **basic disclosure**.

Psychotherapist

Sarah is applying for a position as a psychotherapist in her local trust. This position involves both face-to-face and telephone interaction with adults in receipt of health care at New-Town University Hospital.

Eligibility

Psychotherapy and counselling (but not life coaching) is regarded as a regulated activity if it is provided to an adult who is receiving health care from, or under the direction or supervision of a health care professional. This position **is eligible for an enhanced check with adults barred list information.**

This is regardless as to whether psychotherapy and counselling is provided to the adult face-to-face and/or over the telephone.

Shop assistant - hospital newsagent

Lea volunteers in a newsagent 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.

Eligibility

The shop is open to members of the public visiting the hospital site. Although persons in receipt of health services 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 persons in receipt of health services on ward areas, then consideration should be given as to whether the roles and responsibilities would be eligible for a **standard DBS check**.

Trainee doctor

Kathleen is currently on a placement at Any-Town NHS Foundation Trust as part of a two-year foundation training programme. During the term of her training, she will be required to rotate to different placements across a range of departments and NHS organisations.

Six months into her training programme, she will be required to take up a placement working in paediatrics at New-Town University Hospital. At the start of her training programme she was required to have an enhanced with adults barred list check.

Eligibility

Providing any form of health care by/or under the direction of a registered healthcare professional is a regulated activity.

In this example, Kathleen was initially providing health care to adults and therefore her role was **eligible for an enhanced check with adults barred list information**. However, when she changes placement, she will be required to work with children. Her previous check did not include a check against the children's barred list so she will be required to have a new DBS check.

Doctors on rotational training programmes should be regarded as being in continuous employment for the full term of their training programme.

Given the transient nature of their posting in the NHS, they should be encouraged to subscribe to the DBS Update Service, either when they first start their training programme or, if they are already part-way through a training programme, when they are next due to have a DBS check. If it is highly probable that doctors will be providing health care to both adults and children at some point during their training programme, we would

strongly recommend that an **enhanced check a check with both adults and children's barred list information** is obtained from the outset, to avoid the need for any unnecessary duplicate checks.

Doctors that do not subscribe to the update service will be required to have a DBS check at least every three years. This is because the frequency by which they are expected to change placements across different departments and NHS organisations is disproportionate to any risk, therefore the normal trigger for a DBS check (every time they change job roles) has been relaxed.

Further guidance on the DBS Update Service can be found on the [NHS Employers website](#).

Training placement

Sally has enrolled on a nursing pre-registration degree programme. One element of the course is to complete nursing placements in various NHS settings, for which she will receive credits towards her qualification.

Eligibility

In this example, Sally will be delivering health and personal care under the definition of regulated activity. Therefore, the role is eligible for an

enhanced check with barred list information.

If she will be providing a regulated activity to both adults and children, you should indicate that you require clearances against both barred lists on the DBS application form.

If trainees are likely to move to different settings throughout their period of training, it may be beneficial to encourage them to subscribe to the DBS Update Service. We would recommend that this is something that is encouraged when individuals' first register onto the training programme, as this can help prevent the need for any unnecessary duplicate DBS checks during their period of training.

Volunteer roles

Breast clinic chaperone

Amanda volunteers twice a week at her local hospital as a chaperone in the breast cancer clinic. Her role involves providing one to one emotional and social support, based on her personal experiences, to newly diagnosed women coming to terms with a diagnosis of breast cancer. This also offers support to the patients' partners and family members. The role includes signposting them to additional support which is available locally, including counselling, therapy, and information to help them better understand their treatment.

Eligibility

In this example, Amanda is providing advice and information to adults, based on her own experiences as a cancer patient to help others manage their emotional and physical wellbeing. The provision of advice and information in this context is not a regulated activity as she is not working as a healthcare professional or under the instruction of a healthcare professional. This role is eligible for an **enhanced check without barred list information**.

If Amanda was a volunteer as part of a rehabilitation programme working with a group of adults in an unofficial capacity to help them overcome drug addiction or alcohol abuse based on her own life experiences, this is known as peer mentoring), employers may wish to consider whether a **basic disclosure** would be appropriate.

Catering - kitchen work

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

Eligibility

Liam's duties are mainly involved in food preparation in the restaurant kitchen. Although persons in receipt of health services may choose to eat or purchase goods at the restaurant, the facilities are provided for anyone visiting the hospital site and therefore any access to persons in receipt of health services 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**.

Catering - providing trolley service on a ward

Raquel volunteers in a hospital restaurant. Her duties also involve her providing a daily trolley service selling cold food and drinks to adult patients in ward areas. Her role often requires her to physically help or prompt patients to eat and drink where they are unable to do so unassisted.

Eligibility

In this example, Raquel's responsibilities involve her providing a trolley service wholly or mainly to adult patients on the ward. She is regularly required to physically assist patients to eat or drink if they're unable to do so for themselves because of their age, illness or disability. This is known as providing 'personal care' under regulated activity. This role is therefore eligible for an **enhanced check with adults barred list information**.

If, however, the role was more concerned with providing a trolley service to patients on the ward and the individual in that role was not providing patients with assistance to eat or drink, then the role would only be eligible for a **standard check**.

Hospital guide

Jason volunteers in Any-Town NHS Foundation trust. His role involves meeting and greeting patients and visitors when they arrive at the hospital site and directing or escorting them to their destinations.

Eligibility

Although Jason will have some access to persons in receipt of health services who may approach him for assistance in navigating the hospital site, his activities do not involve the provision of health services. This role is not eligible for a standard or enhanced disclosure. Employers may wish to consider obtaining a **basic disclosure**.

Play assistant

Rachel volunteers to work as a play assistant three days a week at New Town Children's Hospital. Her role requires her to work in the play areas of a children's ward. She works alongside ward staff and other healthcare specialists such as physiotherapy, occupational therapy and speech and language therapists who will advise her on the appropriate play activities for each patient. She will be responsible for setting up, tidying, cleaning and locking away toys and equipment. She will also supervise, instruct and encourage young patients as they participate in play and will alert play workers/specialists to any issues of concern. Her role is unsupervised.

Eligibility

Rachel's role involves her caring for and supervising young children who are well enough to participate in play activities in order to help normalise their stay in hospital. Her role is unsupervised and she carries out these activities three days a week which meets the frequency period* as defined under regulated activity with children. This position is therefore eligible for an **enhanced check with children's barred list information**. If Rachel was carrying out these activities but was supervised by a registered healthcare professional, this would not be regulated activity. In such cases, the role would be eligible for an **enhanced check without barred list information**.

**The frequency period under regulated activity with children is defined as any activity which is carried out by the same individual in the same*

establishment once a week/for at least three days in any given 30 day period, or overnight during the hours of 2am and 6am where there is face-to-face contact with children).

Sexual health education

Alex volunteers in his local sexual health clinic working with young people. He teaches them about pregnancy testing, the use of condoms and how to identify the signs and symptoms of Chlamydia.

Eligibility

Alex's role involves the provision of advice and guidance wholly or mainly for young people, some of whom may be under the age of 18.

This role is a regulated activity as the advice and guidance he provides largely relates to looking after the physical, emotional or educational well-being of young people. This role is therefore eligible for an **enhanced check with children's barred list information**.

Shop assistant - hospital newsagent

Lea volunteers in a newsagent 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.

Eligibility

The shop is open to members of the public visiting the hospital site.

Although persons in receipt of health services may choose to use the shop, any contact is likely to be limited (incidental). The exchange and handling of cash in this case would be regarded the same as in any other retail outlet. This role is not eligible for a standard or enhanced check however, employers may wish to consider whether a **basic disclosure** might be appropriate.

If, in addition to serving in the shop, Lea ran a trolley service on ward areas where persons in receipt of health services are located, then

consideration should be given as to whether the roles and responsibilities would be eligible for a **standard DBS check**.

Ward visitor/dementia buddy (access to patients)

Lara volunteers at her local hospital as a ward visitor. Her role involves her listening and chatting to patients who have age-related illnesses (such as dementia), facilitating and encouraging them to play games or sing. When the weather permits, she is also responsible for escorting patients on short-walks or taking them out in a wheelchair into the garden area on the hospital site unsupervised.

Eligibility

If Lara's role requires her to provide physical assistance to help people in receipt of health services when walking or getting in and out of wheelchairs, as well as befriending and making them stay more comfortable. This position is a regulated activity and is eligible for an **enhanced check with adults barred list information**.

If, however, Lara's duties were more concerned with escorting the person in receipt of health services but not providing any physical assistance then the role would only be eligible for a **standard check**.