

NursingDirect

POLICY NUMBER: 10

POLICY TITLE: **CRIMINAL RECORD CHECKS / DBS**

WHO MUST ABIDE BY THIS POLICY? **ALL TEMPORARY WORKERS INVOLVED IN CREDENTIAL CHECKS**



CRIMINAL RECORD CHECKS / DBS

THE PURPOSE OF THIS POLICY

To inform that Nursing Direct is determined to make all efforts to prevent discrimination or other unfair treatment against any of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical disability or offending background that does not create risk to children or vulnerable adults.

CRIMINAL RECORD CHECKS / DBS

Due to the nature of the roles at Nursing Direct, Nursing Direct always applies for Enhanced DBS checks with POCA/POVA checks and Nursing Direct predominantly use the eCRB process due to the efficient user friendly format of this method.

- CRB with cautions and convictions
- When the CRB application has been returned by the Bureau, if any cautions, convictions or reprimands have been advised, and we have not already received a statement in relation to the caution conviction or reprimand (previously or in relation to this CRB renewal), one must be requested from the candidate.
- Once the statement has been received if the information provided is unacceptable and we do not wish to proceed with the candidate, then they are advised that they have been archived.
- There are a number of opportunities for a candidate to inform Nursing Direct of any convictions (including those that are unspent under the Rehabilitation of Offenders Act 1974 (or equivalent in Scotland and Northern Ireland)).
- Opportunities include:
 - Application Form
 - Interview
 - CRB Disclosure Form
- When a disclosure contains information that an employee is in possession of a conviction or indication of any other matter, Nursing Direct will not automatically debar an employee or applicant from the role. The application is escalated to a senior manager to make a decision on the applicants continued registration.
- The manager will take into account a number of factors before reaching a decision in respect of the disclosure such as:
 - Whether the conviction or other matter revealed is relevant to the role applied for
 - The seriousness of any offence contained on the Disclosure
 - The length of time since the offence or other matter occurred
 - Whether the individual has a pattern of offending behaviour or other relevant matters
 - Whether the individual's circumstances have changed since this date
- Nursing Direct undertakes to discuss any matter revealed in a disclosure with the individual prior to any decision being reached.

BOOKING POLICY

Following the decision by a Nursing Direct senior manager as to whether the candidate registration is allowed to progress, it is considered that the business has made a decision as to the suitability of the worker and no disclosure is made to the client.

Handling and retention of criminal record information

- Nursing Direct ensures that information is kept securely in lockable, nonportable storage container with access strictly controlled and limited to persons who need to have access to this information in the course of their duties. This information is only used for the specific purpose it was requested for and with the applicant's full consent. Section 124 of the Police Act 1997 makes clear that it

is a criminal offence to share criminal record information with any individual who is not entitled to receive it. However, if the applicant freely gives their consent to the sharing of this information, then an offence has not been committed.

- Nursing Direct keeps an electronic version of each CRB. These are stored in PDF format so that they may not be altered. The top part of the CRB is kept as evidence for Audit purposes and may be kept indefinitely
- If the Enhanced Disclosure contains an indication of "Additional Information" to follow or if convictional/non-convictional information has been deleted on the reverse side, the full Enhanced Disclosure is kept until an audit of such has been undertaken, but is destroyed post audit or destroyed within 6 months of issue whichever is sooner.
- Criminal record information is not retained for any longer than necessary. Once a decision has been made as to whether to appoint or not, it should be kept for no longer than six months from appointment, and six months from where the applicant has been unsuccessful, to allow for the consideration and resolution of any disputes or complaints.

REHABILITATION OF OFFENDERS

Nursing Direct complies with all applicable legislation, regulatory guidance and codes of practice concerning the rehabilitation of offenders. Having a criminal record will not necessarily bar any applicant. This will depend on the nature of the position, together with the circumstances and background of any offences or other information provided as part of a Disclosure Certificate. Guidance is provided by government websites (such as www.gov.uk and www.nidirect.gov.uk) relating to the rehabilitation of offenders.