

Disclosure and eligibility

On 26 June we are hosted the first in our series of webinars, in partnership with the DBS.

The webinar was aimed at individuals in recruitment and HR roles (and only accessible to those who are based within an NHS organisation). This session provided an opportunity to learn more about the different levels of DBS checks and how to determine eligibility for different roles.

Watch the webinar

[DBS webinar: disclosure and eligibility](#)

1:27:37

QUESTIONS AND ANSWERS

Can an Enhanced (with both Adults' and Children's Barred List checks) DBS check be requested for an infant feeding support worker?

(Q. cont: This role supports both the mother and child and will be providing healthcare for adults and babies. (All mothers are considered vulnerable due to the recency of giving birth and will receive physical support to successfully feed their baby)).

We can't give any advice for specific role examples. Please use the guidance in the [Adult Workforce Guide](#) and the [Children's Workforce Guide](#) or contact your [regional advisor](#) who will be more than happy to help.

In the presentation it said a hospital receptionist was eligible for a standard DBS check - would this be the same for ward clerks also?

Any role that carries out 'any work that relates to the provision of health services where that work means there is also contact with the patients' may be eligible for a Standard DBS check. (Legislative wording 17 in the [Standards eligibility guide](#)).

If an applicant mistakenly completes their DBS application with a different address and did not receive their certificate, would they need to re-apply for a DBS check or can a new certificate be reissued to them?

If an applicant completed their application with an incorrect address they will need to apply for a new check whether they received it or not. At the ID checking stage incorrect information should be picked up to prevent this from happening. If the information supplied is not correct this could impact DBS processing and may lead to an inaccurate certificate being issued.

Does the level of DBS check required for a role need to be stated in the job description?

This is for the employing organisation to decide and will be impacted by their own recruitment policies and practices. However, by providing the level of check that the job role is eligible for at the outset, applicants have a better understanding of whether they can legally apply for the work or not - this is specifically in relation to where someone is included on a barred list and the role includes carrying out regulated activity with the group they are barred from working with as they would be unable to apply for the job role as they would be breaking the law.

Why are we blocked from requesting Enhanced DBS checks with a Children's Barred List check for porters who are transporting children?

The Child Workforce Guide is different to the Adult Workforce Guide. Conveying adults is regulated activity with adults if the adults need to be moved to, from or between a health care appointment, a personal care appointment or a social work appointment by the porter because the adult's age, an illness or a disability means that they cannot get themselves there.

Conveying children is not included in the definition of regulated activity with children. The definition of regulated activity with children includes an entry which specifies driving a vehicle only for children (including any

adult(s) accompanying the children) where it is arranged by a third party on a contractual basis and the period condition is met. This would not be applicable to porters transporting children unless their role includes driving the children in a vehicle.

However, if the porters are responsible for supervising the children while they are transporting them, they could be in regulated activity with children if they do this often enough to meet the period condition. See our leaflet on Eligibility for healthcare roles for more information.

Would a child and adolescent mental health/learning disability hospital be one of the venues that would make people eligible for Enhanced DBS checks with a Children’s Barred List check? For example, a cleaner employed to work only in that area/hospital?

Hospitals are not included on the list of specified establishments in the definition of regulated activity with children and this means that only roles that are providing healthcare or personal care to children in a hospital (or the other activities often enough to meet the period condition) are eligible for an Enhanced DBS check with a Children’s Barred List check.

The function of a hospital is to provide medical/psychiatric treatment for illness/mental disorders or palliative care. Certain hospitals are registered as children hospitals, for example Great Ormond Street Hospital, and it is for the hospital to determine whether they are registered as a children’s hospital or not. If they do decide that they are a children’s hospital, roles providing non-health care support functions, such as receptionists, catering staff or cleaners can be eligible for an Enhanced DBS check in the child workforce without a Children’s Barred List check if they also meet the following specific criteria.

1. They carry out their work in the children’s hospital often enough to meet the period condition (on more than three days in any 30-day period); and
2. they have the opportunity, because of their job, to have contact with the children being treated in the children’s hospital; and
3. they work there for the purpose of the establishment, i.e., the children’s hospital cannot provide the hospital functions for children without their role.

All three bullets must be met.

Working in children's hospitals in a non-health care role is included in the definition of work with children under the section referring to places that used to be specified establishments before the Protection of Freedoms Act 2012 removed them (Legislative wording 1 in the child workforce guide).

This also means that any ancillary/supporting/management type roles in a children's hospice that considers itself to carry out hospital functions for children as described above, will meet the definition of work with children if the three numbered bullet points are met.

Does the provision of health care services and access to patients change for medium, secure or locked psychiatric wards but not high security where patients are detained?

Eligibility can exist for a Standard DBS check if an individual is engaged in 'any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties'.

However, the individual can only be eligible for a higher level of DBS check in the adult workforce if the work was being undertaken in a high security psychiatric hospital, which are specifically Ashworth, Broadmoor and Rampton (Enhanced only without an Adults' Barred List check in the Adult Workforce Guide).

Otherwise, access to a higher level of check will depend on what activities or duties the individual is carrying out.