

Ref: FOI/GS/ID7043

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04 January 2022

### **Freedom of Information Act 2000**

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to DBS checks.

*You asked:*

*If maintenance staff employed from 2007 who were given access to the mortuary and vulnerable patients in wards were fully vetted with full DBS disclosures done every 3 years.*

Trust response:

The DBS replaced the Criminal Records Bureau (CRB) check in December 2012. In 2007, as per Trust policy, ancillary workers (including maintenance staff) were deemed to meet the criteria for undertaking a CRB check if they were "working wholly [80% or more of their working hours] with Paediatric, Maternity, A&E and Care of the Elderly areas". Maintenance staff would not be subject to a CRB as their role would not meet this threshold.

Estates and Maintenance Services at the Tunbridge Wells Hospital were outsourced in May 2011 and not directly employed by the Trust.

Since 2012 under the criteria of the DBS, maintenance staff who are directly employed by the Trust meet the criteria for a 'standard' DBS check. Standard checks are available from the DBS and contain details of all cautions, convictions, reprimands and final warnings which are not protected. Standard disclosures are available for jobs and activities listed in the ROA Exceptions Order.

The Trust's current DBS policy requires all staff who meet the criteria for a DBS at standard or enhanced level are re-checked every three years.

With regard to your second point:

*“I did read that David Fuller was a convicted burglar. If this is true surely he would of been deemed as inappropriate for employment at the trust where he would be in regular contact with vulnerable patients”.*

The Trust is unable to comment on the employment of David Fuller, as such issues are expected to be explored as part of the independent non-statutory inquiry announced by the Secretary of State for Health and Social Care on 8<sup>th</sup> November 2021.

Below is the Trust policy statement on the recruitment of ex-offenders:

#### **4.6 Pre-employment checks**

- Offers of employment are made subject to satisfactory references, medical clearance, checks of qualifications, right to work checks and other checks as appropriate, such as asylum and immigration checks, Disclosure and Barring Service (DBS) checks (for posts that are exempted from the provisions of the Rehabilitation of Offenders Act). See the ‘Disclosure and Barring Service (DBS) checks policy’ for further detail. Fit and Proper Persons checks will also be conducted by the Trust Secretary’s Office for Board level appointments in line with MTW’s Standing Orders. The successful candidate will not normally be able to commence work until all checks have been completed.