Title of Policy:	**Disclosure and Barring**
Section:	**Human Resources**

Purpose

To outline the key tasks and responsibilities of Carers Choices so as to ensure that those persons considered unsuitable (or barred) to perform roles within Carers Choices are not recruited.

Statement

Carers Choices is responsible for the care and safeguarding of some of the most vulnerable people in society.

This responsibility is undertaken through its workforce of devoted and dedicated individuals who show exemplary qualities of care and compassion. Our ability to feel confident that our employees possess these, and other important qualities, is because we take our recruitment seriously. This includes exercising sound judgement and undertaking checking procedures available to and required of us, such as taking up references, confirming qualifications and experience, and ensuring that no individual offered employment with us has either a criminal record which is serious enough for us to withdraw or is someone who is on a list of individuals who are barred from working with vulnerable adults or children, and whose employment would be illegal. Criminal record checks, together with checks on barred lists, are made through the Disclosure and Barring Service (DBS). Carers Choices will make relevant DBS checks on all prospective employees occupying qualifying positions.

Procedure and Guidance

DBS Checks

There are 3 types of check:

Standard - The standard check is available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

Enhanced - The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.

Enhanced with list checks - The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations, for example, prospective adoptive parents and taxi and Private Hire Vehicle (PHV) licences. An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists. (The numbers of people on barred lists is significant, with nearly 53,000 people on the lists as at May 2017).

Applying for a DBS Check

The majority of people employed by Carers Choices work in positions and undertake duties where it is a legal obligation to obtain satisfactory DBS clearance, before starting work, (unless the "Adult First" procedures have been invoked). Again, in the majority of cases the positions within Carers Choices are exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

As such, all applicants for employment will be asked to provide information, as part of the application process, on either:

a) any previous convictions, including those which are “spent” (i.e., the position applied for is exempt from the Regulations), or
b) any previous convictions which are not spent (i.e., the position is not exempt from the Regulations, and spent convictions need not be declared).

Applicants will also be made aware that Carers Choices will be applying for a DBS check, and at what level. Carers Choices has produced a written policy on the recruitment of ex-offenders which is either provided on demand or as part of the recruitment process.

Registering with the DBS

Applications for DBS checks can only be made through registered organisations. Organisations can either register with the DBS if they do more than 99 checks per year, or alternatively they can use an organisation offering umbrella body services to apply for DBS checks.

To satisfy the conditions of registration Carers Choices must:

- submit 100 or more eligible DBS check applications per year.
- be entitled to ask exempted questions under the Rehabilitation of Offenders Act 1974.
- comply with the code of practice.
- pay the appropriate fees in relation to applications for DBS checks, as well as registration of the organisation and counter signatories.

Carers Choices must also provide specific and up to date information to the DBS for registration to be granted. This includes:

- organisation status
- proposed counter signatories and lead counter signatory
- the nature of your business
- the positions of employment you intend to submit the checks for
- how you intend to meet the threshold of 100 applications per year

As Carers Choices uses the services of an Umbrella Body in order to undertake DBS checks, it will ensure close and effective liaison between the Applicant, the Umbrella

Body and Carers Choices in order that checks can be undertaken within the shortest timeframes.

Adult First

DBS Adult First is a service provided by the DBS that can be used in cases where, exceptionally, and in accordance with the terms of Department of Health guidance, a person is permitted to start work with adults before a DBS Certificate has been obtained. This applies to adult services such as care homes, **domiciliary care agencies** and adult placement schemes where DBS Certificates are required by law.

This service is only available to organisations who are eligible to access the DBS's Adult barred list and who have requested a check of the barred lists on their DBS application form. DBS Adult First is not a substitute for a DBS Certificate and providers must take care when making recruitment decisions prior to receiving a full DBS Certificate. DBS Adult First checks should be used only in exceptional circumstances and when absolutely necessary.

A DBS Adult First check is not appropriate where a person intends to work with both children and adults. Those working with both groups will need to wait for the DBS Certificate to be returned to find out whether a person is barred from working with children. There is no equivalent quick check of the children's barred list.

In appropriate circumstances Carers Choices will make use of the Adult First process, via the DBS, apply for permission, and allow employees to start work, **but always under supervision**, and only where such permission has been given. In some cases, permission may be withheld, and Carers Choices instructed to wait until the checking process has been completed.

Receipt of DBS checks

It is to be expected that DBS checks confirm information already provided by the Applicant, and no new additional information is obtained. In such cases Carers Choices will normally proceed to confirm the satisfactory appointment of the Applicant, provided that any other conditions (medical clearance, satisfactory references etc.) have been met. However, should the DBS check reveal additional information, of which Carers Choices was not aware, then Carers Choices will seek

to discuss the matter, and its concerns, at the earliest opportunity. As the great majority of employment offers are conditional upon satisfactory DBS checks, then offers may be withdrawn, with explanation, in certain circumstances.

Applicants from Overseas

Carers Choices recognises that it is equally important to confirm that Applicants from overseas satisfy its recruitment conditions as those from within the United Kingdom. Although there is no means by which Carers Choices can verify, within the UK, that an Applicant does not have a record of criminal behaviour, there is still some scope for undertaking checks. The Home Office has provided guidance on the application process for criminal records checks overseas. This guidance will be consulted, as required, and shared with Applicants from overseas.

Update Service

The DBS has instigated what it calls its "Update Service". Prospective employees of Carers Choices, who are already in possession of a DBS check certificate, can elect to join the update service on a personal level. This will allow an Applicant to able to take their DBS certificate from one job to the next, unless:

- Carers Choices asks the Applicant to get a new certificate.
- The Applicant needs a certificate for a different type of 'workforce' (for example, you have an 'adult workforce' certificate and need a 'child workforce' certificate).
- The Applicant needs a different level certificate (for example, s/he has a standard DBS certificate and needs an enhanced one).

Once an individual has registered, they can use the update service to:

- add or remove a certificate.
- give employers permission to check if anything's changed on their certificate.
- see who's checked if anything's changed on their certificate.
- view their details.

Carers Choices will take advantage of the Update Service provided that it satisfies its requirements, i.e., the certificate is up to date, has been verified and provides no reason not to employ the Applicant**.**

Barring

The barred lists maintained by the DBS are essential safeguards against people being involved in the care of adults and/or children if prior conduct has deemed them to be unfit to do so. Carers Choices has a legal obligation to refer its employees to the DBS, for possible inclusion on the barred lists, in the following circumstances:

Condition 1

- Carers Choices withdraws permission for a person to engage in regulated activity with children and/or vulnerable adults, or you move the person to another area of work that isn't regulated activity
- This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left.

Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm.
- satisfied the harm test in relation to children and / or vulnerable adults. e.g., there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists.
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

In all cases Carers Choices will consult with appropriate bodies, e.g., the Care Quality Commission, and the DBS, in order to ensure that correct decisions are taken, and proper procedures are followed at all times. **"Relevant conduct" is defined** on the DBS website, and includes, **for Adults:**

- endangers a vulnerable adult or is likely to endanger a vulnerable adult
- if repeated against or in relation to a vulnerable adult would endanger the vulnerable adult or be likely to endanger the vulnerable adult.

- involves sexual material relating to children (including possession of such material).
- involves sexually explicit images depicting violence against human beings (including possession of such images).
- is of a sexual nature involving a vulnerable adult.

A person's conduct endangers a vulnerable adult if they:

- harm a vulnerable adult.
- cause a vulnerable adult to be harmed.
- put a vulnerable adult at risk of harm.
- attempt to harm a vulnerable adult.
- incite another to harm a vulnerable adult.

And for Children:

- endangers a child or is likely to endanger a child.
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child.
- involves sexual material relating to children (including possession of such material);
- involves sexually explicit images depicting violence against human beings (including possession of such images).
- is of a sexual nature involving a child.

A person's conduct endangers a child if they:

- harm a child.
- cause a child to be harmed.
- put a child at risk of harm.
- attempt to harm a child.
- incite another to harm a child.

A form for making a referral to the DBS is available from their website, together with detailed additional notes.

Carers Choices understands that it is an offence not to refer an individual to the DBS when circumstances dictate that this course of action should be followed.

CQC Registration and Inspection Compliance

Key Questions and Quality Statements applicable to this Policy	Care Quality Commission (Registration) Regulations 2009 applicable to this Policy
Safe • Involving People to Manage Risks • Safe Environments • Safeguarding • Safe systems, pathways and transitions **Well-Led** • Governance, management and sustainability • Learning, improvement and innovation	

Legislative Compliance

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 applicable to this Policy	Other legislation relevant to this Policy
Regulation 12: Safe care and treatment Regulation 18: Staffing	Rehabilitation of Offenders Act 1974 Police Act 1997

Regulation 19: Fit and proper persons employed	

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

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Job Title:

CEO

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