

**1. Purpose/Introduction**

- 1.1 This guidance concerns the policy and procedure which needs to be followed specifically in relation to the DBS (Disclosure and Barring Service) checks for employees, volunteers, consultants, Panel Members, Trustees, Foster Carers, their households and their networks in England and Wales.

**2. Scope/Legal Framework**

- 2.1 The obtaining and use of Disclosure and Barring Service Certificates for all staff and carers is carried out in accordance with the Disclosure and Barring Service Code of Practice and legislative requirements set out by the Rehabilitation of Offenders Act 1974, Police Act 1977, Data Protection Act 1998 and more recently the Protection of Freedoms Act 2012.
- 2.2 Enhanced DBS checks need to be taken out for all those involved in 'regulated activity', the definition of which has been amended in the Protection of Freedoms Act 2012. This includes all employees and foster carers. Consideration should be given to the activities of consultants. In most cases, this will be at the enhanced level. If a different level of disclosure is required this will be agreed upon by the Responsible Individual.
- 2.3 DBS certificates are only issued to the applicant, not to Community Foster Care. Therefore, the applicant is responsible for ensuring the Recruiting Manager or safer recruitment-trained member of staff is shown the original copy for verification purposes.
- 2.4 DBS checks must be renewed every three years, if on the portable system, an online check will be completed annually.
- 2.5 Any employee, applicant or foster carer who subscribes to the update service does not need a new certificate each time an update, or status check, is required, unless the level and type of disclosure is different from that which Community Foster Care requires.

**Policy**

- 2.6 DBS enhanced checks must be taken up for all fostering household members aged 18 and over, to include any member of the fostering family, friends or relatives who stay regularly overnight in the foster home and can be taken up on members of the foster carers' network who have substantial unsupervised contact with foster children (eg: act as a regular back up in collecting children from school etc.)
- 2.7 DBS enhanced checks must be taken up for all employees in regulated roles, or those roles that involve direct work with children ie Social Workers, Support Workers, Social Work Managers, Registered Managers. This level of check will also be required for consultants or volunteers.

- 2.8 Community Foster Care does not undertake DBS checks on young people between the ages of 16 and 18. A DBS check cannot be taken up on anyone under 16 years. See 4.6 for 18+ years old.
- 2.9 The Enhanced Disclosure contains the same information as the Standard Disclosure along with non-conviction information from local police records, if that is thought to be relevant to the position being applied for (this is often referred to as 'soft' information).
- 2.10 An Enhanced Disclosure includes all cautions, convictions or reprimands, regardless of whether it has been spent (more than 11 years old).
- 2.11 Spent cautions, convictions or reprimands will not be considered as part of the applicant or employee recruitment process unless it is felt it is serious enough to do so (at the Responsible Individual's discretion).
- 3. Obtaining DBS Certificates**
- 3.1 All staff, volunteers, Panel Members, Trustees and fostering applicants must complete a DBS disclosure form.
- 3.2 Before completion of the disclosure form, it will be made clear that disclosure must be made regarding any involvement with the police. This includes driving offences and any offences committed as a young person, no matter how minor. It includes any previous convictions, cautions or reprimands regardless of when these occurred.
- 3.3 The type of DBS check required is an enhanced check for regulated activity (children). A DBS 'Child and Adult Workforce' should only be applied for if the applicants /carers are likely to be caring for a child and adult parent in placement or a Staying Put arrangement.
- 3.4 Community Foster Care will pay for the DBS check/annual subscription of the portable system.
- 3.5 Where an applicant has spent periods of time abroad as an adult or has settled in the UK from abroad, police checks should be taken up in that country. However, each situation will need to be considered individually and advice sought from the Registered Manager. The application process for criminal records checks or 'Certificates of Good Character' for someone from overseas varies from country to country. For further information see Criminal Records Checks for overseas applicants.  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 3.6 All adult members of the foster carers' household must also complete an enhanced DBS disclosure form. This also applies to any adults who had previously been fostered and may be part of a Supported Lodgings or Staying Put arrangement, or an adult placed with a baby under a Child and Parent Placement arrangement (where

there is another child under 18 living in the household).

- 3.7 Where the DBS disclosure certificate contains convictions/cautions etc, the Positive Disclosure Risk Assessment form should be completed (Appendix 1) and sent to the Registered Manager for approval. It must be kept in a high-sensitivity area within Charms (Member of fostering household) or People HR (member of staff). Where the information does not, in the opinion of the Registered Manager and assessing Social Worker, preclude approval or appointment, this should be documented as appropriate.
- 3.8 In some cases, where serious offences are disclosed during the assessment or appointment process, the views of the Board of Trustees, Panel, the Panel Chair and/or the Agency Decision Maker may be sought before completing the assessment. This will be agreed upon by the Recruiting Manager.
- 3.9 Any information disclosed on the DBS certificate must be discussed with the applicants during the fostering assessment or recruitment process. For Foster Carers a brief summary is written up in the Therapeutic Fostering Assessment (TFA), under the section 'Any Other Information'. Their permission will be required to include this information in the TFA, with an explanation as to why the Panel needs this information. If permission is refused, the TFA may have to be stopped.
- 3.10 Any information disclosed on an employee's application form or during the interview, must be reviewed by the Registered Manager or Responsible Individual before deciding on employment.
- 3.11 If the previous criminal history is complicated or contentious, a more detailed record should be included with the Assessment papers but marked 'confidential' and kept separately. An explanation of this approach should be listed. This would be made available to Panel Members to aid discussion, but would not be incorporated into the main body of the TFA which may later be sent to Local Authorities.
- 3.12 Foster Carers will be required to disclose any subsequent offences, convictions etc, by any adult member of the household on an ongoing basis.

#### Adult Children of the Household

- 3.13 Enhanced disclosures are required for all adult children still living in the household. We must ask to see a copy of the original DBS certificate or check it online. Where the DBS certificate indicates a conviction, caution or final warning, this will be dealt with sensitively.
- 3.14 The parents may not know about the above and so the person in question should be seen first, their version of the offence discussed and permission sought to share this information with their parents.
- 3.15 This also applies if an offence comes to light later during the fostering career of their parents.

### Visitors to the Fostering Household

- 3.16 There is no requirement for a check to be carried out for visitors to the household – The Exceptions Order does include household members but not visitors. However, discretion may be used where there are grounds for concern about a visitor to the household or where the frequency of visits could result in significant unsupervised contact with a foster child.
- 3.17 Supervising Social Work staff will be part of supervision discussions with foster carers if there are any visitors to the fostering household and if so the role [if any] that they undertake with the foster children. This will require that a DBS is undertaken if this is regular/frequent/ unsupervised contact and the views of the Local Authority are sought as well.
- 3.18 There is no requirement to take out DBS checks on adult children of the family living away from home. However, if there is cause for concern, or the adult may have regular, sole charge of foster children, on behalf of the foster carers, discretion can be used in deciding whether a DBS check is appropriate.

### Staying with Family Members

- 3.19 The move towards giving foster carers more 'delegated authority' to decide who it is safe to leave children with means that it is no longer necessary to take up DBS checks on, for instance, grandparents or family members who may offer support to the carers and have children to stay at weekends or for holidays. However, any decision about this should be made in conjunction with the Local Authority Social Worker and the Supervising Social Worker. This may well be most appropriate in the case of children who are placed long term or permanently with foster carers as part of the desire to 'normalise' their lives. The issue of staying over with family members or friends should be addressed at the placement planning meeting, considered as part of the 'delegated authority' discussion and reviewed at every LAC review as part of the Placement Plan.

### Staying with Friends

- 3.20 It is now incorporated in the NMS 2011 (England) that DBS checks do not need to be taken upon families where young people go for sleepovers. This is left to the discretion of the foster carer to check that this is a suitable and responsible household for the young person to visit and carers are expected to use the same judgement they would make with their own children. However, the Supervising Social Worker and Local Authority Social Worker should always be informed in advance.

### Backup Carers and Relief Carers

- 3.21 In Community Foster Care we try and link carers with other approved Agency foster carers to provide support and back up for the fostering family. This is usually mutually beneficial. However, it is also appropriate for the carer to identify someone in their network who can be on hand to provide support.

While it is not usually necessary to complete a detailed back up carer's assessment (where these carers are established existing members of the family's support

network), if the people identified are likely to be providing regular support, including overnight stays, it is important that the Supervising Social Worker meets them. In addition it will be necessary to take up an enhanced DBS check.

- 3.22 There may be some situations, particularly when a child is in a permanent placement, where the carers need regular planned breaks due to the needs of the child. In these cases, if an appropriate planned break is identified within the carers' network, (not an existing Agency carer), a version of the TFA may be considered necessary and the proposed planned breaks carers brought to Panel for approval. These decisions should always be made in discussion with the child's Social Worker.

#### Repeat Disclosures

- 3.23 Disclosures will be repeated every three years in line with the National Minimum Standards 2011 and Fostering Services Regulations 2011.

#### The Update Service

- 3.24 Community Foster Care can apply for a status check through the update service if the applicant/carer/staff member has subscribed, Community Foster Care has the applicants' consent and the existing DBS certificate applies to the correct workforce ie child workforce, (or 'child and adult workforce' in the case of child and adult parent placements).

Subscribing to the update service is considered best practice and will be encouraged. Community Foster Care will pay for the annual subscription to be on the update service, during the time the applicant/foster carer/employee is part of the Agency.

- 3.25 When Community Foster Care carries out a status check through the on-line update service, one of the following results will be shown:
- This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.
  - This DBS certificate remains current as no further information has been identified since its issue.
  - This DBS certificate is no longer current. Please apply for a new DBS check to get the most up to date information.

The update service is available in Welsh.



#### 4. Retention of Disclosure Records

4.1 The original DBS certificate will be retained by the applicant/carer. A copy must not be kept by Community Foster Care. The following information should be transcribed from the original DBS certificate.

- Date of disclosure
- Name of disclosure subject
- Date Of Birth of disclosure subject
- Type of disclosure
- Position in question - eg foster carer/adult in foster carer's household
- DBS certificate number
- Recruitment decision - ie satisfactory/unsatisfactory
- If the DBS check has been obtained on line, a screen shot will contain all the above information.

#### 5. Storage and Access

5.1 Disclosure Information will be kept securely in highly sensitive progress items within Charms or People HR for staff. This ensures that access is strictly controlled and limited to those who are entitled to see it as part of their duties.

5.2 A suitable employee will be given the role of retaining Disclosure Information.

#### 6. Handling

In accordance with section 124 of the Police Act 1997, Disclosure Information (cautions, convictions, reprimands) is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure Information has been revealed and understand that it is a criminal offence to pass this information to anyone not entitled to receive it.

#### 7. Referral

You must refer any of the following the DBS

Any behaviour where a person has:

- Engaged in relevant conduct in relation to children, young people and/ or adults,
- Satisfied the \*harm test in relation to children, young people and/ or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.
- Endangers, or is likely to endanger, a child, young people or vulnerable adult.
- If repeated against a child or vulnerable adult, would endanger them or would be likely to endanger them.
- Involves sexual material relating to children, including possession of such material.
- Involved sexually explicit images depicting violence against human beings or is of a sexual nature involving a child or vulnerable adult.

*\*The harm test: Someone's action satisfies the harm test when it appears that they may: • Harm a child and/or an adult • Cause a child and/or an adult to be harmed • Put a child and/or an adult*

*at risk of harm • Attempt to harm a child and/or an adult • Incite another to harm a child and/or an adult.*

Please review the referral flowchart (*appendix 2*)

#### 7.1 How to make a referral

You can either make a referral via a secure online form or by downloading a paper form and posting it to us. Both forms can be found on our website [www.gov.uk/dbs](http://www.gov.uk/dbs) Our postal address for referrals is DBS Barring, PO Box 3963, Royal Wootton Bassett, SN4 4HH. You will be informed either by email or post that we have received your referral

#### 8. Disposal

Any information retained relating to DBS checks will be held and disposed of in line with CFCs Archiving policy.

#### 9. Equality and Diversity

We are committed to employing and developing a diverse workforce. Our aim is to create a working environment where people feel valued and respected, and to nurture the potential of people to perform well. All applicants will be treated with fairness and transparency aligned with our values and policies, and CFC will not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation.

**DBS Policy  
(Foster Carers/Employees/Volunteers/Consultants/Panel  
Members/Trustees)**



**Appendix 1  
Community Foster Care  
DBS Risk Assessment Pro-forma**

For use for employees/foster carers with convictions/cautions/reprimands

Please use in conjunction with the Community Foster Care DBS policy.

This pro-forma should be completed by the Registered Manager or CEO and stored in the HR confidentiality file.

**Details to be recorded**

Name of Foster Carer/employee	
Position applied for	
Date of birth	
Type of disclosure	Standard / enhanced (please delete as appropriate)
Disclosure issue date	
Disclosure reference number	
Date of risk assessment	
Name of person undertaking riskassessment	Registered Manager / CEO (please delete as appropriate)
Description of the role that applies and all relevant information that needs to be taken into account	
<b>Discussion between Risk Assessor and Applicant</b>	
Offence and brief circumstances behind offence.	
Date of Offence:	Offences are spent after 11 years (however, consideration canbe given to offences if they are considered significant enough)
Offence (as described on DBS)	
Identity of Victim (if appropriate)	
Age of victim	
Race/sexuality/vulnerability ofvictim (high/medium/low risk)	
Harm to the victim	



**DBS Policy**  
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**Members/Trustees)**



What was the applicant's view of any sentence imposed? Were orders complied with?	
Did the applicant declare the matters on the DBS disclosure form and if not why not?	
Does the individual agree that the information detailed on the DBS certificate is correct?	
How does the individual regard the matter(s) and what is their attitude towards them now?	
What would they have done/differently now?	

Have the individual's circumstances changed since the offence?

Are there any mitigating circumstances?

**Manager's Assessment**

Do the matters disclosed form any pattern (cycle, repeating, reoccurring)?

Can the applicant demonstrate any efforts not to re-offend?

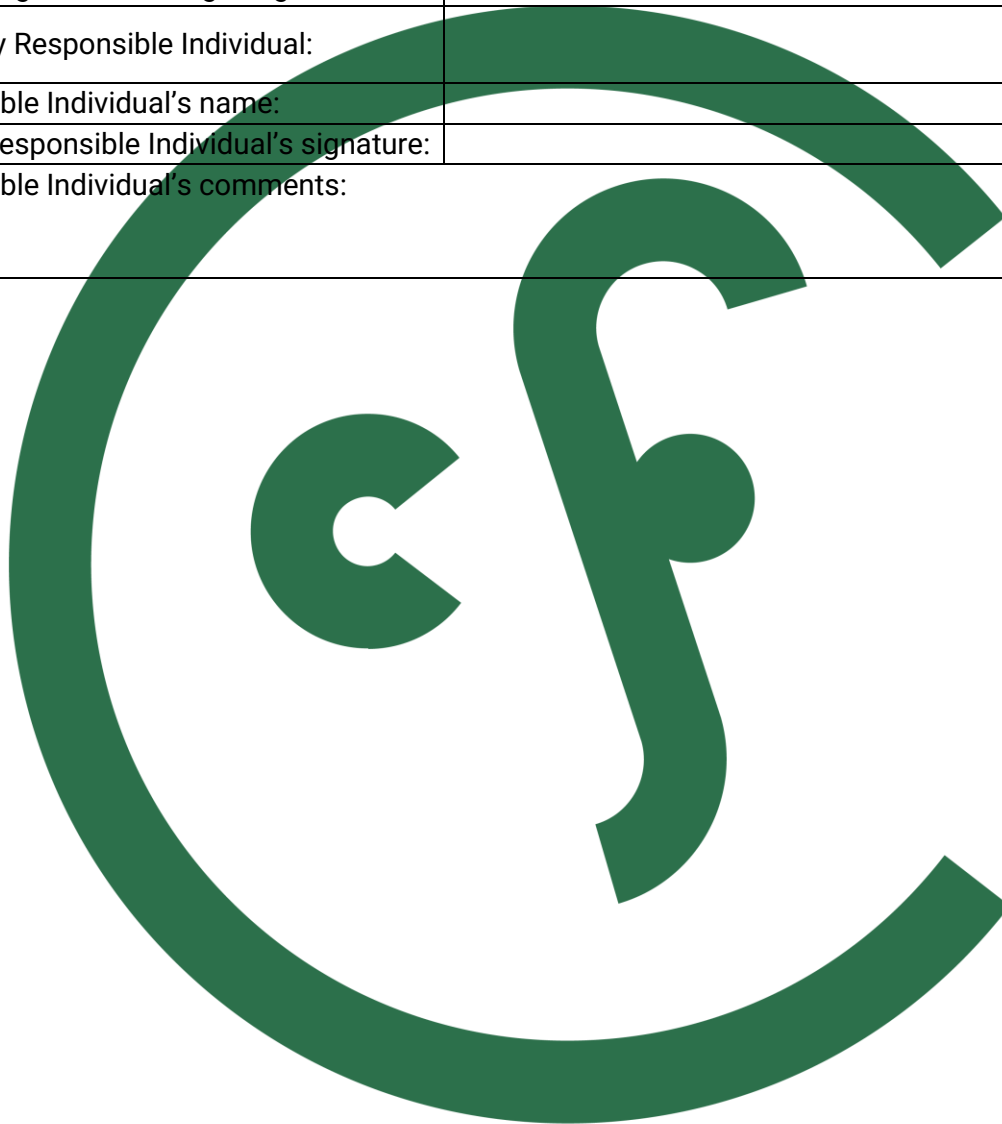
Are there any ongoing risk factors; To whom/what/when/how?

Recording of decision and reasons for the decision (CEO or RM)

**DBS Policy  
(Foster Carers/Employees/Volunteers/Consultants/Panel  
Members/Trustees)**



Signed agreement of employee/Foster Carer:	
Printed name:	
Signature:	
Signed by Registered Manager:	
Registered Managers name:	
Date of Registered Manager signature:	
Signed by Responsible Individual:	
Responsible Individual's name:	
Date of Responsible Individual's signature:	
Responsible Individual's comments:	



Appendix 2  
**REFERRAL FLOW CHART**

