

Disclosure & Barring Service (DBS) Procedure

This procedure explains the agency's arrangements for undertaking, assessing, recording, storing and destroying DBS Disclosure Checks in respect of foster parents including adult household members and Friends & Family Member Respite Carers (FFMRC). Obtaining and assessing such information is one component of the agency's approach to safer recruitment and monitoring of foster parents and DBS checks are administered and processed independently of ISP.

These checks enable recruiting managers and assessing social workers to consider any criminal convictions, cautions or other information held by the police or DBS that raise issues of concern. These can then be explored in relation to the household's suitability to foster and help prevent children from being placed in potentially harmful situations.

Registered/Senior Managers are responsible for ensuring that the procedure is followed. DBS checks are repeated every 3 years or earlier if exceptional circumstances dictate or if concerns arise.

DBS Checks for Foster Parents, household members and FFMRC

The Disclosure and Barring Service (DBS) carries out criminal record checks for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations. Foster parents, other household members and Friends & Family Member Respite Carers (FFMRC) are all required to have a DBS check at an enhanced level with a check of the barred list to the satisfaction of the relevant responsible manager.

On-line Application Process and Identity Verification

DBS checks are now undertaken online. The agency fostering administrator will provide the applicant with the appropriate link to complete their online application. Once the online application has been made, the assessing social worker or the agency fostering administrator will verify the applicant's identity using acceptable documentary evidence.

Guidance on ID verification is available on-line at <http://www.homeoffice.gov.uk/publications/agencies-public-bodies>.

Tracking DBS requests and update requirements

The nominated fostering administrator will maintain a reliable system for tracking DBS requests such that at any time the stage/whereabouts of a disclosure request can be readily checked, and update requirements identified.

DBS Certificates

The applicant for a disclosure check will be issued with a certificate through the post; ISP will not receive a copy of the original certificate.

ISP will receive notification of whether the check was clear or not. When the check is not clear, ISP does not receive details of any criminal information but will be advised to view the applicant's certificate. In these circumstances, the applicant **must produce their copy** of the certificate within 5 working days for examination and give permission for the agency to copy and share the certificate for the purpose of informing and conducting a risk assessment.

Usage of DBS Disclosures

DBS Disclosures are provided strictly for the purpose intended. That is, in connection with the agency's decision making about the approval of foster parents, adult members of the fostering household and Friend & Family Member Respite Carers (FFMRC).

Disclosure Certificates, and the specific information contained within them, may **not** be shared or copied to any other body without the explicit written consent of the individual and within very limited circumstances e.g. in the context of Child Protection Enquiries under Section 47 of the Children Act 1989 or equivalent; in response to a request from the statutory regulator for Fostering Services (Ofsted/CIW); or to comply with a direction from a court or similar legal authority.

It is **not** acceptable, for example, for detailed information drawn from DBS Disclosures to be routinely shared with local authorities who make placements of children; nor is it acceptable for the agency to pass such information to other service providers or employers in the context of such agencies' requests for references.

It **is** acceptable to share confirmation that an individual has undergone a DBS Disclosure and that the organisation have risk assessed the outcome prior to determining approval of the individual concerned; but the sharing of greater detail would be exceptional and require the individual's explicit written consent.

Within the agency, it is also important to ensure that only those employees with a legitimate 'need to know' may access DBS Disclosure information. This includes managers, social workers and Fostering Panel members who are responsible for/involved with the recruitment, assessment, supervision and review of foster parents.

Storage, Retention and Destruction of DBS disclosures

Electronic versions of documents and emails must be stored in line with the agency Data Protection Procedure. Any paper copies of disclosure certificates for foster parents and their household members will be kept in secure cabinets while they are being used to complete risk assessments. Risk Assessments are saved on the foster parent's Charms record.

Once the decision about approval has been determined **and** once any associated risk assessment has been completed and filed, any copies of disclosure certificates/disclosure information must be securely destroyed. Destruction is required by the DBS Code of Practice and is consistent with the Data Protection Act 2018. The method of destruction will be by shredding. Electronic material will be deleted.

<https://www.gov.uk/government/publications/handling-of-dbs-certificate-information/handling-of-dbs-certificate-information>

Risk Assessments

If disclosure information is received which reveals a conviction/caution/other police intelligence or information from DBS in relation to the individual concerned then the relevant manager must undertake a DBS Risk Assessment. This applies irrespective of whether or not the information received was openly disclosed by the individual concerned. The risk assessment must be discussed with the relevant Registered/Senior Manager (or Agency Decision Maker) who will decide whether or not the approval may proceed, having taken account of all other relevant information and agency guidance on the recruitment of ex-offenders.

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Under **no** circumstances may an individual who has been convicted of a 'specified offence'* within Schedule 4 (offences specified for the purposes of Regulation 26) or who is listed by DBS/Access NI as barred from working with children, be approved to work with, or care for, children.

<https://www.legislation.gov.uk/ukxi/2011/581/schedule/4/made>

It is an offence for someone who is barred to engage, or seek or offer to engage in a regulated activity from which they are barred. It is also an offence knowingly to allow a

person who is barred to engage in regulated activity.

The completed risk assessment will be retained on the relevant foster parent's confidential Charms record (using progress line: 'DBS/PVG/Disclosure risk assessment'). This will include whether the decision made was to approve or not, or to continue to approve. This will also apply to risk assessments of household members and FFMRC completed as part of the assessment.

The risk assessment, as with the DBS Disclosure Certificate, may only be accessed by those employees within the agency who have a legitimate 'need to know' and must **not** normally be copied to any other agency in circumstances other than to comply with a specific court order, a reasonable request of a local authority/trust conducting a safeguarding investigation, or requirement of the statutory regulator; in any other circumstances disclosure of the risk assessment details would require the explicit written consent of the individual subject.

Should an approved foster parent's DBS Certificate fall outside of our 3-yearly renewal process before the update process has been completed, the Registered Manager will conduct a risk assessment in relation to the foster parent's continued suitability to foster and share this with the local authorities of any children in placement. The Registered Manager will consider the appropriateness of making new placements with the family at this time.

*Local Authority Social Services Letter (2005) and Home Office Circular 16/2005 provided details of those offences which are deemed "Specified Offences" and which contraindicate work with children. These are largely (but not exclusively) offences of a violent, exploitative or sexual nature which have been perpetrated by adults against children. The Fostering Services (England) Regulations 2011 and give further details of convictions or cautions that render individuals unsuitable to foster. Any offence or alleged offence against the person must be dealt applying this procedure with rigour.

Duty to Refer to the DBS

As a provider of regulated activity, fostering agencies have a duty to refer foster parents to the DBS when two main conditions have been met:

1. When permission to engage in regulated activity has been withdrawn including when the foster parent's approval is being terminated.
2. When it is considered that the person has engaged in relevant conduct, satisfied the harm test; or received a caution for or a conviction for or been convicted for a relevant offence.

'Relevant Conduct' is conduct which:

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

The 'harm test' is satisfied when 'Relevant Conduct' cannot be established but it appears to the DBS that a person **may**:

- Harm a child or adult who is in receipt of regulated activity
- Cause a child or adult who is in receipt of regulated activity to be harmed
- Put a child or adult who is in receipt of regulated activity at risk of harm
- Attempt to harm a child or adult who is in receipt of regulated activity
- Incite another to harm a child or adult who is in receipt of regulated activity

In situations where a foster parent has resigned prior to the conclusion of any investigation, it is the responsibility of the relevant manager to give serious consideration as to whether the above conditions have been met therefore necessitating a referral to the DBS.

Further information and referral forms are available at:

<https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

Work with Vulnerable Adults

Many foster parents provide parent and child placements. The parent may be older than 18 years of age. However, a foster parent would not normally be providing regulated activity for any such adult and therefore would not be entitled to an Adult's Barred List check in addition to the enhanced check they would already have as a foster parent. It is possible that a young person who remains with a foster parent post 18 under a 'Staying Put' arrangement could be providing regulated activity. Careful consideration to this should be given in the planning process to establish whether an adults barred list check should be requested.