


<p>London Borough of Hammersmith & Fulham</p> <p>CHILDREN AND EDUCATION POLICY & ACCOUNTABILITY COMMITTEE</p> <p>25 April 2016</p>	
<p>IMPACT OF DELAYS TO DISCLOSURE AND BARRING SERVICE CHECKS</p>	
<p>Open Report</p>	
<p>Classification: For Information Key Decision: No</p>	
<p>Wards Affected: All</p>	
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1. EXECUTIVE SUMMARY

- 1.1. The government have recently confirmed that applications for Enhanced Disclosure and Barring Service (DBS) checks are being delayed significantly at the stage where the Metropolitan (Met) Police have to undertake their check of information held locally. This delay has had an impact on the delivery of local services for children, most notably the Fostering and Adoption Service and the Travel Care and Assistance Service. The delay is being taken up through the Association of London Directors of Children's Services as it is a London wide issue.

2. CONTEXT

- 2.1. The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions. It also prevents unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.
- 2.2. DBS was established when the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) merged in 2012.
- 2.3. The checking service allows employers to access the criminal record history of people working, or seeking to work, in certain positions,

especially those that involve working with children or adults in specific situations.

2.4. There are two types of DBS check:

Standard check

The standard check is available for duties, positions and licenses included in the Rehabilitation of Offenders Act, for example, court officers, employment within a prison, and Security Industry Authority licenses.

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 check

The enhanced check is available for specific duties, positions and licenses included in both the Rehabilitation of Offenders Act 1974 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 licenses.

An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held locally by police forces.

2.5. The high level process for applying for a check is as follows:

1. The employer gets an application form from DBS or an umbrella body (a registered body that gives access to DBS checks).
2. The employer gives the applicant the form to fill in and return to them along with documents proving their identity (see appendix 1 for a breakdown of the documents that are required).
3. The employer sends the completed application form to DBS or their umbrella body.
4. DBS sends a certificate to the applicant. The employer has to ask the applicant to see the certificate.

2.6. If the applicant has subscribed to the DBS update service, the employer can check their certificate online.

3. STAGES OF THE DBS CHECKING PROCESS

3.1. The DBS checking process involves several different stages before an applicant receives their certificate.

Stage 1 – Application form received and validated

The application form is checked for errors or omissions. Within 24 hours of receipt the form is either scanned onto the DBS computer system or returned for correction to the counter signatory.

Stage 2 – Police National Computer searched**Stage 3 – Children and adults lists searched, where applicable****Stage 4 – Records held by the police searched**

Enhanced checks are sent by secure, electronic means to the police for an additional check of local records before the information is sent back to the DBS.

Stage 5 – DBS certificate printed

All the information to be disclosed is printed under highly secure procedures and sent to the applicant.

4. DELAYS FOR CHECKS INVOLVING THE METROPOLITAN POLICE

- 4.1. DBS Service regularly monitors its performance regarding the completion of DBS checks within national published service standards (PSS) of 21 calendar days (target of 85%) and 56 calendar days (target 95%). The latest report demonstrates good performance against these targets:

National DBS Monitoring
85 % of all Disclosures issued in 21 calendar days

	Total	Volume issued within PSS*	PSS Target	PSS* Achieved
Apr-15	313,386	270,641	85%	86.4%
May-15	329,097	287,365	85%	87.3%
Jun-15	383,998	335,791	85%	87.4%
Jul-15	413,849	356,122	85%	86.1%
Aug-15	331,816	276,775	85%	83.4%
Sep-15	371,973	324,656	85%	87.3%
Oct-15	405,445	354,975	85%	87.6%
Nov-15	362,370	312,732	85%	86.3%
Dec-15	300,421	258,414	85%	86.0%
Jan-16	308,210	264,326	85%	85.8%
Feb-16	342,305	306,072	85%	89.4%

National DBS Monitoring
95% of all disclosures issued in 56 calendar days (8 weeks)

	Total	Volume issued within PSS	PSS Target	PSS Achieved
Apr-15	313,386	294,253	95%	93.9%
May-15	329,097	311,303	95%	94.6%
Jun-15	383,998	366,856	95%	95.5%
Jul-15	413,849	394,005	95%	95.2%
Aug-15	331,816	314,893	95%	94.9%
Sep-15	371,973	353,805	95%	95.1%
Oct-15	405,445	386,889	95%	95.4%
Nov-15	362,370	342,546	95%	94.5%
Dec-15	300,421	283,350	95%	94.3%
Jan-16	308,210	289,301	95%	93.9%
Feb-16	342,305	323,557	95%	94.5%

- 4.2. However, in October 2015, the government confirmed that Enhanced DBS checks may be delayed if they have to be referred to the Metropolitan (Met) Police at Stage 4 of the process:

“Enhanced DBS checks have to be reviewed by local police forces as part of the disclosure service. This is built-in to the time it usually takes to process your check.

The Met are resolving a number of issues with their staffing levels, and their relocation from New Scotland Yard. They tell us that this is compounded by an increase in the number of applications within the London area, which is causing delays in processing times.

Currently, some applications going to the Met are taking much longer than our 60 day escalation target. For some applications it can take up to 130 days before applications are processed. We know you will be concerned by this and understand the impact this can have on applicants and employers.

We are working very closely with the Met to help them improve performance and they tell us that they will put this right as quickly as possible. But, the level of applications in progress means it will take them some time to resolve the issue.

The Met has a recovery plan in place which includes recruiting more staff, prioritising certain cases and escalating very urgent work where possible.

Working to the recovery plan is our top priority. We are told by the Met that the impact of this issue will begin to decrease in December as the

Met recruit, train and embed new processing staff into their disclosure unit.

We and the Met police apologise for this delay and will work tirelessly together to improve processing times for DBS checks as quickly as possible.”

5. ISSUES BEING EXPERIENCED IN CHILDREN’S SERVICES

- 5.1. Some teams within Children’s Services are reporting that the DBS system is actually more efficient than the CRB process that preceded it, however where applicants are requiring enhanced checks that need to be referred to the Met Police at Stage 4, some services are reporting significant delays which are having a negative impact on service delivery. These are outlined below:

Fostering and Adoption Service

- 5.2. During the last financial year, of the 19 adoption assessments that were completed by the Fostering and Adoption Service, five were finalised outside of statutory timescales due to the fact that the DBS checks on adopters were delayed.
- 5.3. Similar issues have been experienced in relation to new fostering applications as well as renewal checks for those foster carers who have already been approved.
- 5.4. For new fostering applications it has been challenging to assess foster carers within the two stage process of the assessment, due to the lack of significant information that is ordinarily accessible via the DBS
- 5.5. At the end of March 2016 the Fostering service was unable to progress three potential foster carer assessments without a DBS.
- 5.6. Whilst the service has been able to complete a risk assessment on all three potential foster carers, this is not sufficient, nor compliant with the statutory requirements to proceed to approval of foster carers.
- 5.7. Furthermore, the service has been required to undertake 27 risk assessments for approved foster carers and back-up carers due to renewal DBS checks that are in process but have not been completed for between 4 to 9 months. This has meant that social workers have increased visits to carers to ensure additional monitoring and oversight due to the lack of a DBS.
- 5.8. As per the information in previous sections of this report, applications mostly remained stuck at Stage 4 with no real communication from the DBS service in relation to completion dates. Additionally any attempt to communicate with them directly was also not possible as they routinely

advised the applicants to make a complaint which was not really helping the applicants or the service to get the check back in order to progress the assessment.

- 5.9. Given our significant difficulties we have spoken with other Fostering and Adoption Services and they have reported similar experiences.

Management Oversight and service improvement

- 5.10. The Fostering and Adoption Service track and monitor both Stage 1 and Stage 2 of their assessment process, outlining clear reasons for any delays identified. These are explored as part of the supervision process and are captured in the assessments for every adopter/foster carer.
- 5.11. The service submits the application for a DBS check as early as possible in order to mitigate any anticipated delay. For approved carers the service now sends applications almost six months in advance of the due date, however they still have approximately 12 checks outstanding on approved carers.
- 5.12. In the month of March the service took three foster carer assessments to Panel for approval and in all three cases a DBS check had not been received in time for the panel. As a result, the service has taken legal advice in relation to using the DBS check completed from another authority on condition that it is still valid. This is supported by local authority checks and a risk assessment to enable robust decision making.

Travel Care and Support Service

- 5.13. When the CRB process changed over to the DBS process in December 2012, new applications for DBS checks by the Travel Care and Support Service were taking up to two months to clear with renewal applications taking 4-6 weeks. However, as per the details outlined in this report, it is now taking over six months on average to get either new or renewal applications to be approved.
- 5.14. Although operators have started applying for renewals earlier than the usual two months before expiry, the impact on this has been significant in that escorts/drivers who have been undertaking the work for a number of years have had to be removed from the service until Stage 4 has been cleared.
- 5.15. Furthermore, for new staff this is a major problem in that recruitment of individuals not previously engaged in work requiring an Enhanced CRB can take over six months to be cleared. As the majority of employment within the service is part time (four hours per day on average), this has resulted in operators telling us that suitable staff who have been offered work have often left the service and started other jobs as they cannot afford to wait six months without financial payment.

5.16. Both renewal and new application issues are therefore impacting the ability to recruit and retain good staff. Most Escorts have a relationship with a child that has been developed over a long period of time and this is now being challenged as staff mobility increases.

6. EQUALITY IMPLICATIONS

6.1. As this report is intended to inform initial discussions of the members of CEPAC, there are no immediate equality implications.

7. LEGAL IMPLICATIONS

7.1. As this report is intended to inform initial discussions of the members of CEPAC, there are no immediate legal implications.

8. FINANCIAL AND RESOURCES IMPLICATIONS

8.1. As this report is intended to inform initial discussions of the members of CEPAC, there are no immediate financial and resource implications.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

Appendix 1 – Document Groups

The person going through a DBS check (the applicant) must give their employer original documents (not copies) to prove their identity.

The documents needed will depend on the route the application takes. The applicant must try to provide documents from Route 1 first.

Route 1

The applicant must be able to show:

- one document from Group 1, below
- 2 further documents from either Group 1, or Group 2a or 2b, below
- At least one of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Group 1, then they must be able to show:

- one document from Group 2a
- 2 further documents from either Group 2a or 2b

At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

Route 3

Route 3 can only be used if it's impossible to process the application through Routes 1 or 2.

For Route 3, the applicant must be able to show:

- a birth certificate issued after the time of birth (UK and Channel Islands)
- one document from Group 2a
- 3 further documents from Group 2a or 2b

At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

Group 1 – Primary Identity Documents

Passport

Biometric residence permit

Current driving licence photocard - (full or provisional)

Birth certificate - issued within 12 months of birth

Adoption certificate

Group 2a – Trusted Government Documents

Current driving licence photocard - (full or provisional)

Current driving licence (full or provisional) - paper version (if issued before 1998)

Birth certificate - issued after time of birth

Marriage/civil partnership certificate

HM Forces ID card

Firearms licence

Group 2b – Financial and social history documents

Mortgage statement

Bank or building society statement

Bank or building society account opening confirmation letter

Credit card statement

Financial statement, eg pension or endowment

P45 or P60 statement

Council Tax statement

Work permit or visa

Letter of sponsorship from future employment provider

Utility bill

Benefit statement, e.g. Child Benefit, Pension

Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC

EU National ID card

Cards carrying the PASS accreditation logo

Letter from head teacher or college principal
