



## 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 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 including sessional staff, carers and their support network 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, General Data Protection Regulations and 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 foster carers.

**2.3** Enhanced checks can also be taken up for those individuals who have the care and supervision of children if carried out by the same person frequently (once a week or more often) or on 4 or more days in a 30 day period or overnight with this care being unsupervised. However this is permissive legislation and it is not a requirement to undertake a DBS check on the latter group. It is left to discretion and individual circumstances to make this decision.

**2.4** Standard checks should be taken up on all admin staff and panel members as they have access to sensitive information about children however, Nurture Fostering's current policy is that all staff and panel members have Enhanced checks conducted on them.

**2.5** The current policy from the Disclosure and Barring service is that DBS certificates are only issued to the applicant and not to the registered body meaning they have some degree of portability whereby any 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 to that which Nurture Fostering requires.

**2.6** Nurture Fostering utilises an online DBS checking service through ebulk 2000 screening service for both staff and foster carers meaning that every application can be tracked and audited.

## 3. POLICY

**3.1** DBS 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 (e.g. act as a regular back up in collecting children from school etc).



**3.2** Enhanced DBS checks will also be applied for on all serving members of fostering panels and who are included on the central list.

## 4. PROCEDURE

**4.1** Enhanced disclosures are sought for all posts involving greater contact with children or vulnerable adults, for example jobs involving caring, supervising, training and being in sole charge of children and vulnerable young adults where applicable. These posts are exempt from the Rehabilitation of Offenders Act as they involve access to children and young people. These will be sought in respect of all applicants applying to become foster carers and members of their household aged 18 and over.

**4.2** Where local authorities are requesting DBS checks to be undertaken on young people over the age of 16 years of age we would not comply with this as fostering regulations state that 18 is the minimum age where a check is required.

**4.3** All adult fostering applicants as detailed above must complete an enhanced DBS disclosure form either a paper version transposed to the web portal or directly via the web portal.

**4.4** Prior to completing a DBS application all persons are informed that they must disclose all information relating to 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.

**4.5** Line 1 of field 61 of the DBS application should contain the wording 'Child Workforce' and line 2 a description of the position applied for (e.g., foster carer, adult in carer household etc.) 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.

**4.6** With the exception of sessional staff, the cost of all DBS checks will be settled by Nurture Fostering Ltd.

**4.7** The DBS certificate will only be sent to the applicant/subject but they will be required to provide the original document for inspection by the service. The Ebulk system has a full audit trail and the data of the result of the check will be uploaded to Ecare. This information will include; Applicant Name, Date of Birth, Date of Check, Type of check e.g. Enhanced, Application Number, Certificate Number and outcome of the check.

Where a check has been notified as the service needing to see the applicant copy due to convictions then the applicant copy needs to be shared with the assessing social worker/manager and a DBS risk assessment completed by the service and included within the assessment bundle.

Original DBS certificates will not be retained by the service as per DBS guidelines.

**4.8** Where an applicant already has a DBS certificate and subscribes to the DBS update service and as long as the certificate applies to the child workforce a status check will be undertaken online and there is no need for a new DBS application to be made.



**4.9** 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 appropriate Director of Country concerned.

**4.10** In some cases, where serious offences are disclosed during the assessment process, fostering panel's view may be sought before completing the process.

**4.11** Any information disclosed on the DBS certificate must be discussed with the applicants to foster, and a brief summary written up in the Form F, under the section 'Any other Information'. Their permission will be required to include this information in the Form F, with an explanation as to why panel needs this information. If permission is refused, the assessment process may cease.

**4.12** If previous criminal history is complicated or contentious, a more detailed record should be included with the Form F papers but marked 'confidential' and kept separately. This would be made available to panel members to aid discussion, but would not be incorporated into the main body of the Form F which will later be sent to local authorities.

**4.13** Under the Disclosure and Barring Service guidance, an adult conviction will be removed from the DBS criminal record certificate whereby:

- i)** 11 years have elapsed since the date of conviction
- ii)** it is the person's only offence
- iii)** it did not result in a custodial sentence
- iv)** it does not appear on the list of offences relevant to safeguarding.

**4.14** The foster carers will be required to disclose any subsequent offences, convictions, cautions, bind overs or similar by any adult member of the household on an ongoing basis.

Adult children of the household

**4.15** Enhanced disclosures are required for all adult children still living in the fostering 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 need to be dealt with sensitively with the subject of the check.

**4.16** The parents of the subject of the check may be unaware that they have convictions or similar and so the subject in question should be met with prior to ascertain their version of the offence, why it occurred and any learning as well as permission sought to share this information with the fostering applicants.

**4.17** This also applies if an offence is committed latterly but during the fostering career of fostering applicants.

### **Visitors to the household**

**4.18** There is no requirement for a check to be carried out for visitors to the household. As The Exceptions Order does not apply to visitors to the fostering household, there is not a requirement



for these persons to have a DBS check applied for. 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.

**4.19** SSW's must as part of supervision discuss with foster carers if there are any visitors to the fostering household not known to the service, if so the role [if any] that they undertake with the foster children and whether this will require that a DBS check is undertaken.

**4.20** There is not a requirement to perform DBS checks on adult children of the family living away from home unless they have a significant role in the care of the foster child/ren for example a back-up carer. However, if there is cause for concern or the adult may have regular, sole charge of foster children on behalf of the foster carers, Nurture Fostering will inform the foster carer(s) whether a DBS check will be required.

#### **Staying with family members**

**4.21** The recent 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 care plan.

#### **Staying with friends**

**4.22** It is now incorporated in the NMS 2011 (England) that DBS checks do not need to be taken up on 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.

#### **Back up carers and relief carers**

**4.23** Where practicable, Nurture Fostering endeavours to link carers with their other approved foster carers to provide support and back up for the fostering family. However, where this is not possible, the carer will be encouraged to identify someone in their network who can be on hand to provide support to them. While it is not usually necessary to complete a detailed back up carers report, if the people identified are likely to be providing regular support, including overnight stays, it is important that the SSW meets them. In addition it may be considered appropriate to take up an enhanced DBS check, and some local authorities still require this, although it is not a regulatory requirement.



**4.24** There may be some situations, particularly when a child is in a permanent placement, where the carers need regular relief care either because the child has serious disabilities or their behaviour is very challenging. In these cases, if an appropriate relief carer is identified within the carers network, a briefer version of the form F may be considered necessary and the proposed relief carers brought to panel for approval. These decisions should always be made in discussion with the child's social worker. (See back up carer and relief carer policy for more information.)

#### **Reapplying for enhanced disclosure checks**

**4.25** Enhanced Disclosures will be reapplied for every three years in line with the National Minimum Standards 2011 and Fostering Services Regulations 2011. Where the carer has subscribed to the update service then checks will be made annually with the applicant's consent.