



People, Performance and Development Committee  
22 March 2017

## **Policy on Safeguarding (Disclosure & Barring Service) Checks**

### **Purpose of the report:**

The People, Performance and Development Committee is asked to consider and approve the substitution of Council's Safer Staffing Policy with the proposed Policy on Safeguarding (Disclosure & Barring Service) Checks.

### **Recommendations:**

It is recommended that the People, Performance and Development Committee agrees to substitute the Safer Recruitment Policy with the new Policy on Safeguarding (Disclosure & Barring Service) Checks.

### **Introduction:**

Senior management within Adult Social Care have suggested an amendment to Surrey County Council's (SCC) 'Safer Recruitment' Policy in order to relax the requirement for existing employees who perform regulated activities to obtain a new Disclosure and Barring Service (DBS) clearance every three years. The rigid application of that requirement has resulted in disruption to service delivery and additional costs to the Council caused by delays in the checks to criminal records that are performed by the Metropolitan Police Service and other police forces, including Surrey Police.

The Council has arrangements in place in order to remind officers who undertake regulated activities, as well as their line managers, of the policy requirement for their DBS clearances to be renewed every three years. The Safer Staffing Team send e-mail reminders to employees and managers in order to encourage the timely renewal of clearances. This system worked reasonably well for a number of years, however 2016 saw serious delays in processing on the part of a number of the police forces responsible for clearance renewals (see Annex 3). The situation is thought to have improved in early 2017 (the Council is currently in the process of aggregating relevant statistics). The additional flexibility in the proposed new policy aims to ensure

business continuity and resilience in service delivery by minimising the potential for disruption to be caused by similar issues in the future. HR have taken the opportunity to undertake a more thorough review of the 'Safer Recruitment' Policy which revealed that the 'safer recruitment' model technically applies to recruitment and selection for every post within the Council and that practice is not always consistent with policy (e.g. there is a firm requirement for face-to-face interviews to take place, but the Council does conduct remote interviews through Skype).

## Review of DBS Policy

### Key Amendments

1. **Risk assessment** - The current policy contains an inflexible requirement for the Council to obtain DBS clearance for existing employees [in relevant roles] every three years. The lack of flexibility has caused problems by preventing long-serving, high-performing employees of the Council from carrying on working due to processing delays caused by external organisations. There is no legal requirement that stipulates the renewal of clearances at specified intervals. The proposed new policy (para. 5.4) enables the Head of Service/Area Director to allow an employee to continue working past the third anniversary of their last DBS check subject to a number of conditions including sign-off by the Payroll Manager.
2. **Exempted posts** - The current policy is worded in a way which seems to suggest that the applicability of its provisions is not confined to posts which require a DBS clearance but instead applies for recruitment to every post within the Council. The proposed new policy gives hiring managers the power, and associated responsibility, to assess the requirements of each role and design a selection process that is appropriate to those requirements.
3. **Distinction between policy and guidance** - The current policy contains detailed procedural guidance which carries the risk of the reader conflating policy with guidance. In the absence of separate documentation covering relevant guidance, the proposed new policy still contains an amount of it. The proposed new policy, however, incorporates wording which distinguishes between requirements and recommendations.
4. **Position on volunteers** - The current policy is inconsistent in its definitions of 'regulated activity' and seeks to exclude groups such as work placement students or volunteers by advising management to organise work in a way that precludes unsupervised contact with children or vulnerable adults. The proposed new policy takes the more inclusive approach of arrangements for volunteers 'mirroring' those in place for Council employees.
5. **Paper and electronic records**. The current policy makes multiple references to paper records and certificates etc, most of which are redundant as the majority of relevant information is kept electronically. It also refers to documentation that has to be physically held for audits by the Care Quality Committee (CQC) despite the CQC expecting to see electronic records rather than paper ones. The proposed new policy

addresses the issue by using phraseology that covers both paper-based and electronic records.

6. **Emphasis on residence, not nationality** - The current policy has a section on 'overseas workers', expecting them to produce documentation from their 'country of origin'. This provision does not reflect DBS requirements for British candidates who have been residing abroad or those from overseas who have been working in third countries (e.g. a Romanian social worker who has spent 10 years working in Denmark would need to obtain the appropriate information from the Danish authorities). The wording in the proposed new policy makes it clear that any requirements are based on residence as opposed to nationality.
7. **Safeguarding beyond recruitment** - The current policy is entitled 'Safer Recruitment' but its scope is not confined to recruitment matters as it incorporates renewal requirements for the clearances of existing employees. The title of the proposed new policy reinforces the importance of safeguarding for the Council while its informal subtitle ('for employees, volunteers, and job applicants') provides the reader with an indication of its scope.

### **Financial and value for money implications**

8. The proposed new policy does not have any direct financial impact, however it is expected that its adoption will result in some savings for the Council by minimising the need to use agency workers to cover for employees whose DBS clearance is in the process of being renewed.
9. Moreover, the emphasis on keeping recruitment checks proportionate and appropriate to the needs of each vacancy is expected to enhance the efficiency and effectiveness of recruitment and selection for vacancies which do not require DBS clearances (e.g. by widening the pool of candidates for specialist roles through the abolition of the inflexible requirement for face-to-face interviews).

### **Equalities and Diversity Implications**

10. There are no specific equality implications from the adoption of the proposed new policy.

### **Risk Management Implications**

11. The proposed new policy does not materially change the approach of the Council to managing the risks associated with the performance of regulated activities. The process for new appointments remains unchanged and existing employees will only be allowed to continue working after the third anniversary of their DBS clearance if a number of conditions are met (timely renewal request, declaration of offences by the employee, request by the Head of Service/Area Director and counter-signature by the Payroll Manager).
12. There is some risk associated with giving managers the discretion to determine the selection process for posts which do not include regulated activity. That risk, however, is commensurate with, and appropriate for, the

level of trust placed by the Council on its officers who have responsibility for managing employees and managers will continue to be able to obtain relevant advice from HR.

<b>Next steps:</b>
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- To communicate and engage with Trade Unions on the proposed changes through SCCTU. The Committee may wish to note that Trade Unions have not been consulted on the development of the proposed new policy due to time constraints. There is a strong likelihood that the new policy will be welcomed by the unions as it will give staff within social care the opportunity to continue working even if there are delays in the renewal of their DBS clearance.
- To communicate and engage with management on the proposed changes through CIPN HR.
- To publish the new policy on s-net.

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**Annexes:**

**Annex 1** – Safer Recruitment Policy

**Annex 2** – Policy on Safeguarding (DBS) Checks

**Annex 3** - Report on DBS application processing times as at Sep 2016

**Sources/background papers:**

The proposed new policy essentially is a root-and-branch review of the Council's current 'Safer Recruitment' policy. Comments have been sought from the DBS Working Group and officers/managers within HR, Business Services (Safer Staffing, Recruitment) and Adult Social Care.