**DBS/DISCLOSURE POLICY AND PROCEDURE**

**Scope**

All workers who have contact with clients including support with children, in whatever capacity.

**Policy**

**General principles**

As an organisation, Care Stream use the DBS service to help assess the suitability of applicants for positions of trust (Enhanced DBS). We comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and information. We also comply fully with its obligations under the *General Data Protection Regulation (GDPR)* and other relevant legislation pertaining to the safe handling, use, storage, retention, and disposal of disclosure information and have a written policy on these matters. This is available to those who wish to see it on request.

* Employees covered by the Police Act 1997 are defined as "Care Workers". The official definition is:

Definition of a care/support worker;

* An individual who is or has been employed in a position which is such as to enable them to have regular contact in the course of their duties with adults to whom accommodation is provided at a supported living project;

Support workers must not be employed unless they have been confirmed as not listed on the DBS Register.

Support workers must not have their employment confirmed until a satisfactory disclosure is received.

While employees, if this is the organisations policy and DBS checks are in progress and a DBS first has not yet been received, the employee will be supervised at all times, and will not have unsupervised access to clients. This would include the use of agency staff who Care Stream would expect that the agency have conducted their own checks on their staff before placing them in Care Stream services. Failing to do so would have the contract with Care Stream null and void.

DBS checks are kept on file, however, all information that is data protected is removed and the organisation ensures it complies with the Health and Social Care Act in accordance with section 124 of the Police Act 1997, disclosure information 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 we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is absolutely necessary.

To comply with the Health and Social Care Act;

**8.**  A record of all persons working at the service, must include the following matters—

(a) the person’s full name, address, date of birth, qualifications and experience

(b) an up-to-date photograph

(c) Proof of address

(d) a copy of each reference obtained in respect of the person; one from the last employer

(d) the dates on which the person commences and ceases to be so employed

(e) the position the person holds at the service, the work he or she performs and the number of hours for which he or she is employed each week

(f) records of disciplinary action and any other records in relation to the person’s employment

(g) a record of the date of a DBS certificate and whether there was any action taken as a result of the content of the certificate

Disclosure information may not be passed on to a third party, for instance as part of a reference to a subsequent employer. This would also apply to agencies used by Care Stream who would have conducted their own checks on staff.

**Procedure**

Employees must register with the DBS direct, or through an "umbrella body". Contact the DBS for details.

All employees offered a position:

Must not be offered a post until a satisfactory DBS check has been received, either together with the Disclosure or the DBS First Procedure; Agencies would need to ensure that all staff placed within Care Stream services would be deemed suitable to work and all disclosures which may affect employment to be suitably risk assessed.

If a DBS First check has been received and is satisfactory, the employee may be offered the post subject to confirmation which is subject to receipt of a satisfactory Disclosure DBS Check.

The check will be an Enhanced level for those employees having direct access to clients. Best practice dictates that Enhanced Level checks are used in all instances.

Disclosures are now sent directly to the recipient and these must be shown to the manager and a photocopy kept.

In order for the organisation to meet the schedule, they should have a proof of address on file.

If the disclosure is positive (have raised issues relating to a conviction), the Director of Operations, in consultation with the Directors of Care Stream, must assess the information and make a decision as to whether or not to confirm the employment. A file note must also be recorded to evidence that a discussion has taken place as well as the decision made. Refer to the section on employment of offenders, below.

* Note 1: The service manager must always be consulted in the event of a conviction or relevant caution being revealed on a disclosure, and where it may be proposed to employ the applicant. The decision to employ, must rest with the manager and be explicitly recorded as such. A sealed risk assessment must be kept on file
* Note 2: The Protection of Freedoms Act 2012 makes provision for a disclosure to be sent only to the applicant and not the proposed employer, thereby requiring the applicant to supply the document to the Employer. The Employer will have no right to receive the disclosure directly.

The Provider and Director of Operations will be DBS Checked at the Enhanced Disclosure level as with all care and support staff.

On the 17th June 2013 the DBS launched the "Update Service". By paying an annual subscription, applicants can register their disclosure online and give permission to future employers to check this information online rather than applying for a new disclosure.

With permission from the applicant, an employer can carry out a free status check providing the check required is of the same level and type.

Given that the status check does not reveal any new information regarding the applicant since the original disclosure was registered, the disclosure can be accepted and used.

The Update Service allows DBS Disclosures to be portable from employer to employer as well as allowing an existing disclosure to be checked, with permission, as frequently as an employer deems appropriate.

More information on the Update Service can be found at:

<https://www.gov.uk/government/publications/dbs-upclate-service-employer-guide>

This policy will be updated annually by the Director of Operations.