

What to consider if there are significant delays for providers receiving DBS checks

Guidance for inspectors – June 2016

The issue

There are currently significant delays with the Metropolitan Police Service processing DBS checks. This is having an adverse effect on many health and social care providers' ability to recruit and start new members of staff. This could affect applicants who have ever worked or lived in the London area, even if they no longer do so. The [Disclosure and Barring Service](#) issued information about these delays last October, outlining plans that were put in place to help resolve the issue.

We are aware of the impact this is still having on many providers, and that it is happening, to a lesser extent, with some other police forces around the country. The issue is affecting providers across all sectors, and while some have reported minimal impact, others have suggested this is causing them significant problems.

CQC has raised this issue directly with the DBS, to highlight the serious challenge such delays pose to providers' recruitment of new staff and delivery of their vital services. The DBS has assured us that this matter has been escalated to the highest level within the DBS, Home Office and the Metropolitan Police.

The use of Adult First

Where providers are facing severe delays in receiving enhanced DBS checks with barred list information on new staff, we should not be surprised to see an increase in the use of [Adult First](#) as an interim measure.

Adult First should only be used in exceptional circumstances – if the safety of people using the service would be put at risk if a care worker (or other person subject to a DBS disclosure) wasn't started in their role. However, more providers than usual may find themselves in such exceptional circumstances, given the significant delays being experienced at present. While this does not change what is expected of providers in terms of meeting the regulations and ensuring they are able to provide a safe service, inspectors should consider each situation on a case-by-case basis and take a pragmatic and proportionate approach. (The use of Adult First is **not appropriate** in cases where the staff member will be working with children and young people).

There may occasionally be other local reasons, other than DBS processing delays, where a provider feels there is an exceptional circumstance needing a member of staff to start work before the full DBS certificate arrives. Providers that do not have the expected DBS checks in place for relevant staff should be able to:

- Explain what their exceptional circumstance is.
- Demonstrate that they have used the Adult First system as an interim measure while they are waiting for the enhanced DBS check with barred list information. Use of the Adult First system still indicates a robust approach to recruitment.
- Demonstrate they have risk-assessed the situation and put measures in place to mitigate the risks, as far as possible, while they wait to receive the DBS certificate. Examples of mitigation might include:
 - avoiding lone working where this is practical and possible
 - robust supervision arrangements
 - regularly checking the satisfaction of people using the service who are in contact with that member of staff
 - possibly removing from frontline duty anyone about whom a complaint is made who is also awaiting their certificate.

Our response

We recognise that the current significant delays in DBS checks pose a real challenge for some providers. Where necessary, inspectors, inspection managers (and registration inspectors and managers where necessary) should discuss this situation with their contacts within the relevant local authority and/or CCG. Sharing this briefing with them might help explain CQC's position.

We understand that some commissioners make receipt of full enhanced DBS certificates with barred list information a condition of their contract and will not accept Adult First applications as an alternative in **any** situation. This is a local decision imposed by the council or CCG. It may help to have discussions with local stakeholders where providers are seriously struggling with recruitment and the delivery of services because of this issue or other extenuating circumstances.

Resolution of this situation ultimately lies with the Metropolitan Police Service, with their partners at the DBS and the Home Office. The latest communication can be found in the [DBS News Bulletin for March 2016](#).