



 <p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	<p>Name of Meeting People and Organisational Development Committee</p> <p>Date of Meeting 21 October 2024</p> <p>Agenda item: 6.3</p>
---	--

<p align="center">Disclosure and Barring Service (DBS) Checks for Employees of Public Health Wales</p>	
<p>Executive lead:</p>	<p>Claire Birchall, Executive Director of Quality, Nursing and Allied Health Professionals Neil Lewis, Director of People and Organisational Development</p>
<p>Author:</p>	<p>Karen Fitzgibbon, Head of People and Organisational Development Operations Donna Newell, Named Lead for Safeguarding</p>

<p>Approval/Scrutiny route:</p>	<p>Business Executive Team People and Organisational Development Committee</p>
--	--

<p>Purpose</p> <p>The purpose of this paper is to provide an update in relation to Corporate Risk 1541 relating to Disclosure and Barring Service (DBS) checks, the mitigations in place and additional action recommended to further reduce the likelihood of the risk.</p>

<p>Recommendation:</p>				
<p align="center">APPROVE <input checked="" type="checkbox"/></p>	<p align="center">CONSIDER <input type="checkbox"/></p>	<p align="center">RECOMMEND <input type="checkbox"/></p>	<p align="center">ADOPT <input type="checkbox"/></p>	<p align="center">ASSURANCE <input type="checkbox"/></p>
<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • Note the proposed approach including the risks and benefits of adopting Option 3 • Approve the recommended option for implementation. 				



Link to Public Health Wales [Strategic Plan](#)

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities and well-being objectives.

This report contributes to the following:

Strategic Priority/Well-being Objective	All Strategic Priorities/Well-being Objectives
Strategic Priority/Well-being Objective	Choose an item.
Strategic Priority/Well-being Objective	Choose an item.

Summary impact analysis

Equality and Health Impact Assessment	An Equality and Health Impact Assessment is not required.
Risk and Assurance	This paper relates to Risk 1541 on the Corporate Risk Register.
Health and Social Care (Quality and Engagement) (Wales) Act	This report supports the Safe Duty of Quality Standard in addition to the Duty of Quality enablers of Leadership and Culture and Valuing People.
Financial implications	Financial implications and costs are reported within the paper.
People implications	The people implications of this work are expected to be minimal.



1. Purpose / Situation

The purpose of this paper is to provide an update in relation to Corporate Risk 1541 relating to Disclosure and Barring Service (DBS) checks, the mitigations in place and additional action recommended to further reduce the likelihood of the risk.

The Business Executive Team is asked to approve the recommended option for implementation.

2. Background

DBS checks help the organisation to ensure employee suitability for a position; ensure safeguarding principles are met; and the children and vulnerable adults who we serve are protected, and free from harm. Repeated DBS checks provide further assurance and confidence that there is an ongoing assessment of this suitability.

Any information detailed on a DBS certificate will be accurate at the time the certificate was issued. There is no official expiry date for a DBS check and no legal requirement to renew DBS checks at certain intervals. In some areas of NHS England, repeat DBS checks have been recommended and implemented every 3 years. However, this is not the position within NHS Wales.

3. Assessment

3.1 Corporate Risk 1541

There is a risk that children and/or adults accessing Public Health Wales' services may be harmed (emotionally, physically, sexually or neglected) by an employee of Public Health Wales. This could be caused where an employee within the organisation commits an offence and does not share this with their manager, as required by their terms and conditions of employment. This could result in vulnerable people accessing and receiving services, being cared for by an employee or volunteer whom is deemed unsuitable by the DBS to work with vulnerable groups.

Disclosure and barring service checks support employers with safe recruitment decisions by protecting the public and by barring individuals who pose a risk to vulnerable groups from working in certain roles. There are key pieces of legislation that operate disclosure and barring functions in Wales. These include:

- Rehabilitation of Offenders (Exceptions Order) Act 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

Safety of our service users is paramount. We need to ensure we have robust governance arrangements in place to ensure the safety of all our service users.



3.2 The Process for DBS Checks

Public Health Wales uses the UK Government DBS eligibility tool and DBS guidance on DBS checks for NHS roles and the organisation holds a record in ESR of which roles require DBS checks; which staff hold DBS checks; and the level of DBS check held. Approximately 600 individuals, of a total of approximately 2,450 staff headcount, currently have some form of DBS clearance recorded in ESR.

Staff who move to a different role in the organisation are subject to the DBS requirements of the new position and this is addressed through the appointment process. However, there is no internal procedure in place for carrying out DBS renewals for existing staff. As a result, there are staff within the organisation working with service users, that have not had DBS checks reviewed in a number of years.

Any information detailed on a DBS certificate will be accurate at the time the certificate was issued. If there are any changes to an individual's DBS status, we are not automatically informed of this. However, an individual is contractually obliged to disclose any convictions and to inform the organisation of any child protection or vulnerable adult investigations to which they are subjected.

Should an employee fail to disclose anything which might impact on their DBS clearance, there is a potential safeguarding risk as an employee could continue to work in a position of trust with someone from a vulnerable group, including children.

3.3 Mitigation

3.3.1 Audit of DBS Requirements

A DBS audit was conducted in 2023/24 to review a cross-section of 25 Public Health Wales staff records against the 'minimum requirements' of the DBS standards and guidance outlined in Safeguarding and Protecting Children in NHS Wales. The audit found that approximately half of those audited had not had their DBS check repeated within the last 3 years, or it was not possible to establish the date of their last check.

Building on this work, each quarter, further review is completed to ensure DBS checks have been undertaken at the correct level (this ensures no one has been under-checked), and this is reported into the quarterly Safeguarding Group.

In May 2024, an investment bid to fund a Compliance Officer post was approved by the Business Executive Team. This role will provide support to undertake an audit of every post across the organisation to identify if a DBS check is required and, if so, at what level. The new postholder commenced 2 September 2024.

It is anticipated that the audit of all posts will be completed by 31 March 2025 at the latest, and results will be reported to the Safeguarding Group. Further work



will then be required to ensure all roles requiring DBS checks have had those checks undertaken, and are up to date. Investment funds have been secured to cover the cost of the DBS checks, and further investment will be requested to provide administrative support for this work.

Auditing the DBS requirements and ensuring all DBS checks are undertaken and up to date, will ensure more robust governance arrangements which will, in turn, ensure the safety of all our service users.

3.3.2 Ensuring Repeated DBS Checks

Given the ongoing risk of potential harm to service users, and recognising that repeated DBS checks provide further assurance, it would be prudent to undertake repeated checks of all roles requiring DBS clearance. This would reduce the risk of potential harm to service users as DBS checks would be repeated regularly.

Several options for ensuring and resourcing repeated DBS checks were identified for consideration. The recommended option will inform the process that the organisation will use to deliver an assessment of current DBS disclosure, and the management of this going forward.

Repeated checks will require a new policy for staff which will need to be developed in partnership, in line with our usual policy development and review approach. It may be that new disclosures (or old disclosures which are resurfaced through this process) might cause some anxiety or distress to those individuals and, as such, those colleagues may require additional wellbeing support. We will ensure that wellbeing support is clearly signposted in any new policy and associate guidance on our intranet.

Our approach will also be informed by existing guidance and processes in place, e.g. existing policy on *Employing Ex-offenders and People with a Criminal Record*, with case by case risk assessment to examine the risk to the safety of children and vulnerable adults; other members of the public/ other colleagues; the individual themselves; and the risk to the organisation, to inform any action that may be required.

Ensuring an accurate understanding of the DBS requirements of every post and implementing regular repeat DBS checks will contribute to the delivery of the organisation's strategic priorities, e.g. *Promoting mental and social wellbeing, Delivering excellent public health services*, and also help the organisation to align to the standards within the Duty of Quality, in particular the 'safe' domain.

Once this work is concluded, the likelihood of this risk occurring will be reduced and the risk will be reassessed to determine an updated risk score.

3.4 Options to ensure repeated DBS checks

The following options were considered against a detailed list of criteria and Option 3 has been recommended for adoption. Full details below.

- Option 1 - Manually re-checking all staff whose roles are eligible for a DBS check, on a 3-yearly basis.
- Option 2 - Manually re-checking all staff whose roles are eligible for a Barred List Check, as part of their DBS check, on a 3-yearly basis. A Barred List check is required for roles such as nurses, screeners, who provide direct in-person healthcare to vulnerable groups.
- **Option 3 - Automatically re-checking all staff whose roles are eligible for a DBS check, via an ESR interface with the DBS Update Service system every 60 days. A manual DBS check is required initially, so that staff can subscribe to the Update Service.**

Criteria	Option 3: Subscription to the DBS Update Service for all roles requiring a DBS Check
Safeguarding Risk	<ul style="list-style-type: none"> • Low (ESR interfaces with DBS and sends notifications to POD and Managers if there is a change to a criminal record)
Re-check frequency	<ul style="list-style-type: none"> • Every 60 days
Method of requesting new and re-checks	<p>Year 1:</p> <ul style="list-style-type: none"> • Apply for a new DBS check, as outlined in Options 1 and 2 • Employee subscribes online to the Update Service, making a payment of £13 using a debit or credit card, either when the DBS application is submitted or within 30 days of receiving the DBS certificate • Employee reclaims the cost of the subscription through e-expenses (manager approval required) <p>Subsequent years:</p> <ul style="list-style-type: none"> • Renew the subscription online • Reclaim the cost through e-expenses
Method of checking DBS compliance	<ul style="list-style-type: none"> • The ESR/DBS interface runs every 60 days and notifies POD and the line manager of any changes to a DBS record. • Recruitment manually enters the first DBS result on ESR. It should be noted that due to the possibility of human-error, there is a risk that a DBS result may not be added to ESR or entered incorrectly. As this is only done once, rather than every 3 years, there is less risk associated with this option.
Year 1 Initial cost	<ul style="list-style-type: none"> • £25,842, of which £7,462 is for 574 DBS Update Service subscriptions • Plus administrative costs for one full time Band 3 for 4 months - Total including on-costs £10,495
Year 2 (approx)	<ul style="list-style-type: none"> • £7,462 (Based on 574 subscriptions)
Year 3 (approx)	<ul style="list-style-type: none"> • £7,462 (Based on 574 subscriptions)
Year 4 Re-check cost	<ul style="list-style-type: none"> • £7,462 (Based on 574 subscriptions)

Criteria	Option 3: Subscription to the DBS Update Service for all roles requiring a DBS Check
Cost variation to existing Investment Bid Funding	<ul style="list-style-type: none"> • Administrative costs would be negligible • Year 1 - £7,462 additional DBS costs and £10,495 additional Band 3 admin costs • Year 2 – £3,587.24 additional DBS costs. • Year 3 – £3,587.24 additional DBS costs. • Year 4 – £7,168.48 less than the investment bid.
Ongoing administrative costs	<ul style="list-style-type: none"> • Low (automated updates and fewer manual renewals) • This option would incur administrative costs in Year 1 which would require funding. • Administrative costs in subsequent years would be negligible
Long term cost efficiency	<ul style="list-style-type: none"> • Moderate
Re-check reminders	<ul style="list-style-type: none"> • Automated reminders through ESR to employee, manager, and POD, plus Update Service reminder to employee
Compliance monitoring	<ul style="list-style-type: none"> • High (automatic updates and notifications)
Risk of non-Compliance	<ul style="list-style-type: none"> • Moderate (reliant on employees renewing subscriptions)
Employee Compliance Burden	<ul style="list-style-type: none"> • Low (employees would need to renew their subscription annually and reclaim this cost through expenses)
Risk Mitigation	<ul style="list-style-type: none"> • Similar process to professional registration monitoring and compliance. • Provide clear guidelines and support to employees for enrolling and maintaining their Update Service subscription. • Act on ESR notifications to address any subscription lapses promptly.
Note: Basic DBS Checks	<ul style="list-style-type: none"> • Basic checks cannot be included in the Update Service subscription. Therefore, Executive and Non-Executive Directors (only staff group to have Basic checks) will need to be re-checked manually every 3 years.
Consideration: Managing employee non-compliance	<ul style="list-style-type: none"> • Failure to renew the annual DBS subscription may result in disciplinary action. • Policies will require amendment to reflect this change.
Consideration: Reimbursement of subscription	<ul style="list-style-type: none"> • There are no tax/ Benefit in Kind implications - If the check is required for the individual's role and the reimbursement is the exact amount paid, this would be considered a tax-free reimbursement and a legitimate business expense.
Wellbeing	<ul style="list-style-type: none"> • Support will be afforded to staff for whom this brings up details of historic disclosures and cause distress or concern.



4. Recommendation

The Committee is asked to:

- **Note** the proposed approach including the risks and benefits of adopting Option 3
- **Approve** the recommended option for implementation.