

Department for Work and Pensions employment programmes

Disclosure and Barring Service checks for work placements in adult social care settings registered with the Care Quality Commission

Guidance for providers and registered managers

July 2014

Background

The Care Quality Commission (CQC) and Skills for Care welcome initiatives that encourage the recruitment and retention of suitably skilled, qualified and experienced people into the adult social care sector. Our concern is to ensure that this is done in a way that protects and promotes the care and welfare of people who use services.

The Department of Work and Pensions (DWP) has a range of employment programmes and initiatives that support job seekers who are close to the labour market, but who would benefit from pre-employment training and work experience. These initiatives also support employers to fill their vacancies more efficiently. There are two specific initiatives that may include work placements in adult social care:

- A sector-based work academy initiative, which lasts up to six weeks and consists of pre-employment training, a work experience placement and guaranteed job interview.
- A work experience opportunity, which offers jobseekers aged between 18 and 24 between two and eight weeks work experience with an employer while remaining on benefit.

Whilst there are mutual benefits for individuals seeking work and for employers, an issue for the provider is how to ensure, in these circumstances, that they continue to comply with the Health and Social Care Act 2008 and the associated Regulated Activities Regulations 2010.

Guidance

This guidance tells you about your responsibilities as a provider for people on short-term work experience who are not directly involved in providing the regulated activity of personal care, as defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) as amended by the Protection of Freedom Act 2012 (PoFA). The guidance applies to work placements that are part of a DWP sector-based work academy or a stand-alone opportunity through the DWP work experience initiative.

Where people are placed with adult social care providers under DWP commissioned employment initiative programmes, we understand that these placements may happen very quickly and last only a short period, therefore we recognise that in some circumstances it may not be practical or proportionate to seek a Disclosure and Barring Service (DBS) check. For example, if the placement has been arranged to last for up to two weeks, after considering the available guidance you may determine that a DBS check is not appropriate or possible. In this case, you should document the reasons for your decision and ensure that the person only undertakes suitable activities and tasks.

When a DBS check is not undertaken, providers should always ensure that they take the following steps:

1. The person on work placement is fully supervised throughout their work placement.
 - The provider will ensure adequate supervision arrangements and that the relevant staff are aware of their supervisory responsibilities. It will be expected that the supervisor will have had an appropriate DBS check.

- The person on work placement must not be left alone with people who use services. In domiciliary care, this means that they should not visit people alone, or be alone in the house of someone who uses the service.
2. The person on work placement does not deliver any aspect of personal care
 - They must only be given tasks (not including personal care) suitable to their level of knowledge, skills and experience. This should be limited to a supporting role.

For all placements providers should take the following steps:

3. The provider will take due account of their responsibility to respect and involve people who use services
 - The provider will inform people who use services that the person is on a placement and seek their consent to the person's involvement. This is to ensure that their privacy and dignity is respected and promoted, and takes into account their needs, wishes and preferences.
 - Where the person using the service or their advocate cannot give their consent, then the person on work placement should not observe personal care.
4. The provider must undertake a risk assessment before the work placement
 - The provider must carry out a risk assessment to ensure that the above criteria are met and any other risks are identified and managed. Providers should be able to demonstrate to us that they have assessed the situation and carried out the safeguards they can.

However, following a risk assessment to establish if people on placement are eligible, you may decide to undertake a DBS check as good practice in this process. If a placement is arranged to last for longer than two weeks, it would be reasonable to expect the provider to have undertaken the appropriate level DBS checks, where applicable. If people on placement subscribe to the DBS update service you can check the status of their DBS certificate, with their consent. We remind providers that the safety and welfare of people who use their service is always paramount.

The DWP has undertaken to ensure that candidates for these initiatives are informed that DBS checks may be expected before they begin their placement. If people on placement go on to be employed by the registered provider, then the provider is expected to risk assess again and apply for a check at the appropriate level. The DWP's position is that employers are responsible for funding the DBS checks for all their current and future employees.

Service providers registered with CQC are required to have robust procedures that they apply effectively to assure themselves, as far as possible, that people are suitable and fit to work in their service. We expect providers to undertake DBS checks at the appropriate level for staff and volunteers who are eligible for them. You should consider the eligibility of everyone employed, including contracted staff, temporary staff, bank staff, volunteers, students and learners, and be able to show that you have undertaken this risk assessment. You can find further detail on CQC's general expectations of registered providers in relation to DBS checks on staff in the CQC guidance entitled "[Disclosure and Barring Service \(DBS\) checks](#)".

This document is guidance only and does not purport to offer legal advice.