

DBS Guidance for Direct Payment users employing a PA

What is a Disclosure (DBS)?

A Disclosure (or DBS) is a document containing information held by the police and government departments that provides details of a person's criminal record, including convictions, cautions, reprimands and warnings held on the Police National Computer (PNC). It can also contain details from the Barred Persons list and aims to check the background of a job applicant (paid or voluntary) to ensure they will be suitable to work with children or vulnerable adults.

Individual Employers

The DBS rules are very clear in stating that Individual Employers (including anyone receiving a Direct Payment, personal budget or self-funding their own care) cannot apply for a DBS check on someone they are looking to employ. Similarly, they cannot make a suitability decision based on the results of a check.

Local Authority's responsibilities

A local authority has the responsibility for undertaking a DBS check on a PA or using an umbrella organisation to do this for them. They or an umbrella organisation are responsible for suitability decisions with any DBS checks which return unclear disclosures.

PA's supporting adults – there is no legal requirement for a PA to have a DBS check undertaken unless the local authority felt it necessary due to safeguarding risks which would otherwise be managed by the employer.

PA's supporting a child – anyone employed to work with a child (unless a close family member) is legally required to have an enhanced DBS check undertaken.

Process for DBS Applications:

- The local authority or umbrella organisation processes a DBS application with a PA and pays for the cost of this.
- If the local authority uses an umbrella organisation, the client can use their Direct Payment to pay the umbrella organisation for processing the DBS check
 - **The PA is responsible for completing the on-line application once they receive the application guidance and on-line link from the local authority or umbrella organisation**
- The local authority, or umbrella organisation is responsible for receiving the DBS outcome and making a suitability decision if an unclear result
 - **Under the DBS rules, the client/potential employer is unable to have any involvement in the DBS process or the suitability decision of the PA if the check is not clear**

DBS and Family Members

Family members who are employed to care for a relative, either an adult or a child, are not deemed as undertaking a regulated activity for DBS purposes and as such are not able to have one undertaken on them. A family member arrangement is a relationship which involves close family or those who live in the same household and treat each other as family.