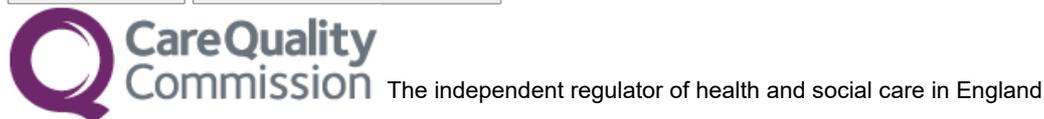


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- COVID-19: interim guidance on DBS and other recruitment checks

## COVID-19: interim guidance on DBS and other recruitment checks

**Categories:** Organisations we regulate

CQC interim guidance on DBS and other recruitment checks, for providers recruiting staff and volunteers to health and social care services in response to coronavirus (COVID-19).

We have issued this interim guidance in response to temporary changes being made by the Disclosure and Barring Service (DBS) to DBS applications and processes. It will be in operation for the period the Coronavirus Act 2020 remains in force. We will review it on a regular basis.

**Providers should read the whole of this guidance.**

### Key points

- This guidance applies to individuals (paid staff and volunteers) being recruited as a consequence of and during the coronavirus pandemic, and where the following three things apply:
  - providers need to start staff urgently
  - waiting for a full DBS check could cause undue delay
  - this delay could lead to risks to the continuity of service, impacting the safety and wellbeing of people using the service
- Providers are offered a fast, free Barred List DBS check for emergency roles being recruited in response to a provider risk assessment. Enhanced DBS check information will still be processed, but will be issued afterwards.
- The barred list check applies to staff working with children and adults.
- Providers should exercise diligence around all aspects of safe recruitment, including other recruitment checks they might carry out. Providers are responsible for risk assessing their situation and making decisions based on the needs of their service and people using that service during this emergency.
- If providers take reasonable steps to ensure new staff are recruited in line with new DBS guidance, staff are adequately supported and sufficiently supervised so that people are safe, we will not take a punitive approach. Providers should record the decisions they have made, and any risks identified along with the mitigations they will put in place. For example, providers might consider accepting a relevant DBS check from a previous employer provided it is less than three years old and for a similar role.
- We will take a pragmatic view on the portability of certificates for those being employed in emergency roles, recognising that some providers may have to consider this as part of their risk assessment.
- All other appointments and applications for DBS checks that are not linked to coronavirus must be processed according to existing DBS and CQC guidance.

### Introduction

First and foremost, CQC recognises the significant challenges the country is facing. The health and care system is on the front line of the response to coronavirus, delivering an outstanding service despite these unprecedented challenges. Alongside our partners in the system, we want to support health and care providers to deliver services to the people that need them the most in any way we can. However, despite these challenges, it is important that we continue with our role and purpose, ensuring that services deliver care and support that is safe and as high quality as possible during this very difficult time.

The primary aim of the interim DBS changes made by the DHSC, the Home Office and DBS is to ensure the DBS is rapidly able to meet the additional demand for DBS checks during the coronavirus pandemic, supporting health and social care providers to quickly recruit and deploy larger numbers of staff and volunteers to deal with the emergency.

We encourage providers to continue to carry out other recruitment checks as they ordinarily would. We understand that, during this time, providers may have to assess their situation and consider starting a new member of staff or volunteer based on less evidence than they normally would. For example, if a single reference or telephone conversation with a previous employer gives the provider enough assurance to start that person in some capacity, we trust providers to use their professional judgement and to be pragmatic.

While we acknowledge that people may be started in their roles as an emergency, without all of the usual checks and balances we see under ordinary circumstances, providers remain responsible for using their judgement and taking necessary action if concerns about a new member of staff, or volunteer, do arise.

As long as providers take reasonable steps to ensure new staff are adequately supported and sufficiently supervised so that people are safe, we will not take a punitive approach. Providers should record the decisions they have made, any risks identified along with the mitigations they will put in place.

## Scope and application of this interim guidance

This guidance applies to individuals being recruited, including volunteers, as a consequence of and during the coronavirus pandemic, as set out above, and where the following three considerations apply:

- providers need to start staff urgently
- waiting for a full DBS check could cause undue delay
- this delay leads to risks to the continuity of service, impacting the safety and wellbeing of people using that service.

All other appointments and applications for DBS checks that are not linked to coronavirus must be processed according to existing DBS and CQC guidance.

This guidance represents an interim change in expectations to support the health and social care system. It will only apply for the period the Coronavirus Act 2020 remains in force and will be kept under review during this time. The Home Office has introduced secondary legislation to make these new arrangements. These regulations are effective from 27 March 2020. We will publish further information when the period covered by this guidance ends.

## Details of the interim change

Individuals being recruited to roles to deliver front line care in health and social care settings in response to the coronavirus pandemic (as set out in the Serious Organised Crime and Police Act 2005 (Commencement No.16) Order 2020 and the Police Act 1997 (Criminal Records) (Amendment) Regulations 2020) must still apply for a full enhanced DBS check and relevant barred list(s) check, where they are eligible for this.

Providers should follow the new DBS guidance [<https://www.gov.uk/government/publications/covid-19-free-of-charge-dbs-applications-and-fast-track-barred-list-check-service>] on applying for a coronavirus Fast-track Barred List Check for those who are eligible. On receipt of the application, the DBS will provide a barred list check result to the registered body by the end of the next working day, and the full DBS check later.

In making your suitability decision, you should consider whether you can use the following:

- the person you are looking to employ as part of these emergency measures has had an Enhanced with Barred List DBS check in the last three years, it is for the same workforce (such as children and/or adults), and, based on your assessment of the situation, it can be used for the role applied for
- they are a current subscriber to the DBS Update Service and already have a relevant check in place – in which case, providers can assess the suitability of the applicant using the original certificate and a check of the Update Service

Providers may start coronavirus appointed staff based on a satisfactory fast-tracked barred list(s) check while waiting for the full DBS check. This applies to those working with children as well as adults during this period only. This is different to the usual situation where there is currently no equivalent to the Adult First system for those applying to work with children. While this new interim measure is being introduced to enable essential recruitment to emergency roles to work with children in response to coronavirus, we encourage providers to be diligent and consider all other existing options available to them to deploy staff and volunteers in the safest and most

efficient way possible where children are concerned. For example, how might new recruits be deployed to enable and support existing fully checked members of staff to provide more direct support to children in their care?

Providers recruiting staff with a fast-tracked barred list(s) check, or an older DBS check from a previous employer must demonstrate that:

- For the purpose of responding to coronavirus it is essential that the person starts work before receipt of a full DBS check.
- They have obtained evidence and satisfied themselves of the person's fitness to carry out their role. This includes their employment history, professional registration where relevant, references from previous employers and evidence of their conduct in previous employment in health or social care with children or vulnerable adults, and the reasons why that employment ended. The expectation remains that providers satisfy themselves that the person is fit and proper for the role as defined in Regulation 19 of the Health and Social Act 2008 (Regulated Activities) Regulations 2014. We recognise that in the current emergency, providers may have to consider starting someone in their new role before all of the usual recruitment information is available and assessed.
- They have done whatever they can to obtain the above information, but where this proves impossible, they have used their own judgement to assess the suitability of the person. They should record the reasons for their decision and what efforts have been made to obtain references, and where they can, the reasons why the information could not be obtained.
- They have risk-assessed the situation and put measures in place to mitigate any risks, as far as possible, where they deem that to be helpful and practical. 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 or other outstanding recruitment check information. Risk assessment of how best to deploy people safely and effectively should be a particular consideration for those working with children.

In support of the national DBS guidance issued for this emergency, we will take a pragmatic view on the portability of certificates for those being employed in emergency roles. While applying for a new check using the fast track DBS system offers a greater level of assurance, we recognise that considering an existing enhanced with barred list(s) DBS check for a similar role completed within the previous three years may be a short-term option some providers consider as part of their risk assessment.

For any role involving the carrying on of a regulated activity (as defined for the purposes of the Health and Social Care Act 2008), existing CQC guidance on supervision arrangements remains in place and any applicants for work relating to a regulated activity will require the skills and experience for the role they will be expected to fulfil.

Where existing staff are asked to take on different or additional duties, providers will still need to assess whether a new DBS check is necessary due to the previous check not being enhanced or related to the same type of role and tasks. The DBS online eligibility tool will help providers decide what levels of checks are required for different roles.

Providers might want to consider how they can easily identify staff records for those recruited during this coronavirus pandemic. For example, adding a code such as 'coronavirus' to that record. This will ensure that full recruitment procedures are followed later for all those staff who have received a fast-track barred list check.

We continue to expect providers to put the safety and wellbeing of those using their service first, and to act appropriately on any information they do receive, however delayed that information might be.

During the period of the coronavirus pandemic, and with increasing pressure on services, it is vital that safeguarding is not seen as an area of responsibility that can be marginalised. Providers should take all reasonable steps to continue to protect people using services from abuse or neglect. We will continue to monitor this throughout the emergency period.

Providers will still need to make decisions about how staff and volunteers are deployed to carry out duties which are appropriate to their level of knowledge, skills, experience and competency. Make suitable arrangements, with a safe level of induction and support which reflects local circumstances and the role.

If providers are conducting a normal recruitment process for roles which are not in response to the emergency of coronavirus we expect that to be in line with best practice and existing CQC guidance and DBS expectations.

## How our registration approach could change

At present, we do not intend to apply this approach to those applying to CQC to be registered managers or new providers. This is because we do not expect the volume of applications to change significantly at this stage. Registration applicants will still be expected to undertake the full enhanced DBS check with barred list(s) information.

However, CQC has ongoing contact with the DBS and will be informed of, and will endeavour to respond to, any increased pressure in terms of volume or delay in enhanced DBS checks being processed. We will therefore keep the situation under regular review in order to respond to any emerging information.

There are some situations where we might need to process a registered manager application urgently. If this occurs, we will expect a barred list check and we would consider a certificate for an enhanced full DBS check carried out during the previous three years for a similar role working with children/adults. However, a condition would be added to the registration to present a CQC countersigned DBS check within a specified period which will be dependent upon the status of coronavirus and any restrictions still in place at the time.

## Recruitment difficulties

We do encourage all providers to work as cooperatively and collaboratively as possible with their local health and social care systems during this time. If providers have serious concerns over staffing that cannot be eased or resolved at a local level with partners, then we do urge you to contact the CQC. We will do whatever is possible within our powers and can escalate issues and concerns at regional and national level when necessary.

Last updated: 02 April 2020

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