



STRATEGIC POLICING AND CRIME BOARD
Tuesday 7th April 2015

Disclosure and Barring Service (DBS) Update

Purpose of the Report

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of WMP and the DBS within West Midlands Police area. The report will facilitate and inform West Midlands Office for the Police and Crime Commissioner (WMOPCC) oversight of the response by West Midlands Police (WMP) to concerns raised by interested parties surrounding the delays in responding to DBS requests from employers and members of the public.

Background

2. The Disclosure and Barring Service (DBS) is a centralised function funded by the Home Office designed to protect the public from people in certain roles who could reasonably be expected to provide protection and safety. Examples of occupations covered in this way are school teachers, taxi drivers, doctors and foster carers.
3. The Legal framework that applies to the DBS is Part 5 Police Act 1997 as amended by the Protection of Freedoms Act 2012

Legal Responsibilities and Structure within WMP

4. The legal responsibility of WMP is to comply with requests for the disclosure of any information that the Chief Officer considers is relevant for the prescribed purpose of the application and that ought to be disclosed to assist employers with making safer recruitment decisions. Disclosures relate mainly to occupations concerning children and vulnerable adults.
5. The force's DBS department is externally funded and sits in the Information Management Department as part of the Intelligence Directorate. It sits within the Disclosure and Compliance Unit - alongside the Notifiable Occupations Scheme (NOS) team, the Data Protection team and the Civil Disclosure team. All of these teams carry out similar disclosure functions but are in the main funded by WMP rather than by external funding.
6. These similar units are resourced based on productivity calculations used in the force's priority based budgeting (PBB) and have similar service level agreements to DBS or legislative timescales measured by the Information Commissioner's Office and all units are regularly meeting expectations.

Arrangements Between DBS and WMP

7. Annually the DBS forecast the number of checks that they expect to send to each force. From there they invite forces to submit a budget request that forces believe will allow them to service the number of checks expected. After a period of negotiation DBS finalise their budget offer and forces resource themselves in line with what has been assigned to them.
8. DBS expect forces to process applications within a maximum 60 days of receipt and to complete escalation requests as identified by DBS as a priority. The force processes its applications in line with the Quality Assurance Framework (QAF) as agreed by ACPO.
9. Internal processes require that new staff follow a 3-6 month training process in order to comply with the QAF process. Rigorous quality audits ensure consistent competency of staff and identify performance issues. The DBS Standards and Compliance Unit (SCU) regularly audit forces to ensure compliance in terms of accuracy and legality and provide additional support when legislative or judicial processes cause changes. The SCU maintains a high level of assurance and confidence in the force.
10. DBS is responsible for the national service as a whole and has historically paid any claims for redress, however DBS is currently reviewing its position. Each force is responsible for any redress claims whereby the force has been primarily responsible for the delay in the completion of the application.

Current Position

11. The force currently receives around 2200 – 2400 checks per week and is currently closing c. 2300. The force is currently averaging closure within 28 days of receipt however the number of aged cases (over 60 days) is of concern being over 4000 cases. DBS expects 100% of checks to be completed within 60 days.
12. The force has a total work in progress (WIP) volume of 14,809 (12/3/15). An acceptable value for WIP is set at 4000 applications or approximately 10-days work. The force has been striving to achieve this figure since the beginning of March 2013.
13. The budget figures for recent years are shown in the following table.

Year	Forecast At Budget Setting Time	Actual sent	% increase	Budget requested	Budget provided	WIP as of January
2012/13	93997	99080	+5.4%	£1,376,182	£1,309,403	1477
2013/14	96158	107848	+12%	£1,411,117	£1,244,254	3528
2014/15	110736	117,468 Based on Apr-Dec	+6%	£1,775,751 Incl 10% res	£1,618,156	8443
2015/16	119248	126403 *	+6% *	£1,953,465	£1,618,156	16833 **

*Calculated based on previous data as the year is not yet complete.

** Now 14809 (March 12th 2015)

14. In the period from April 2014 to early March 2015 an extra c.6700 checks have been sent against what was originally forecast. During the same period the WIP has increased by c.6700 however due to a recent one-off bulk closure (see section 9) a figure of c. 7500 is

more useful as a comparator. This growth in WIP can be characterised as a combination of growth in volume sent plus the force's output falling below what was expected.

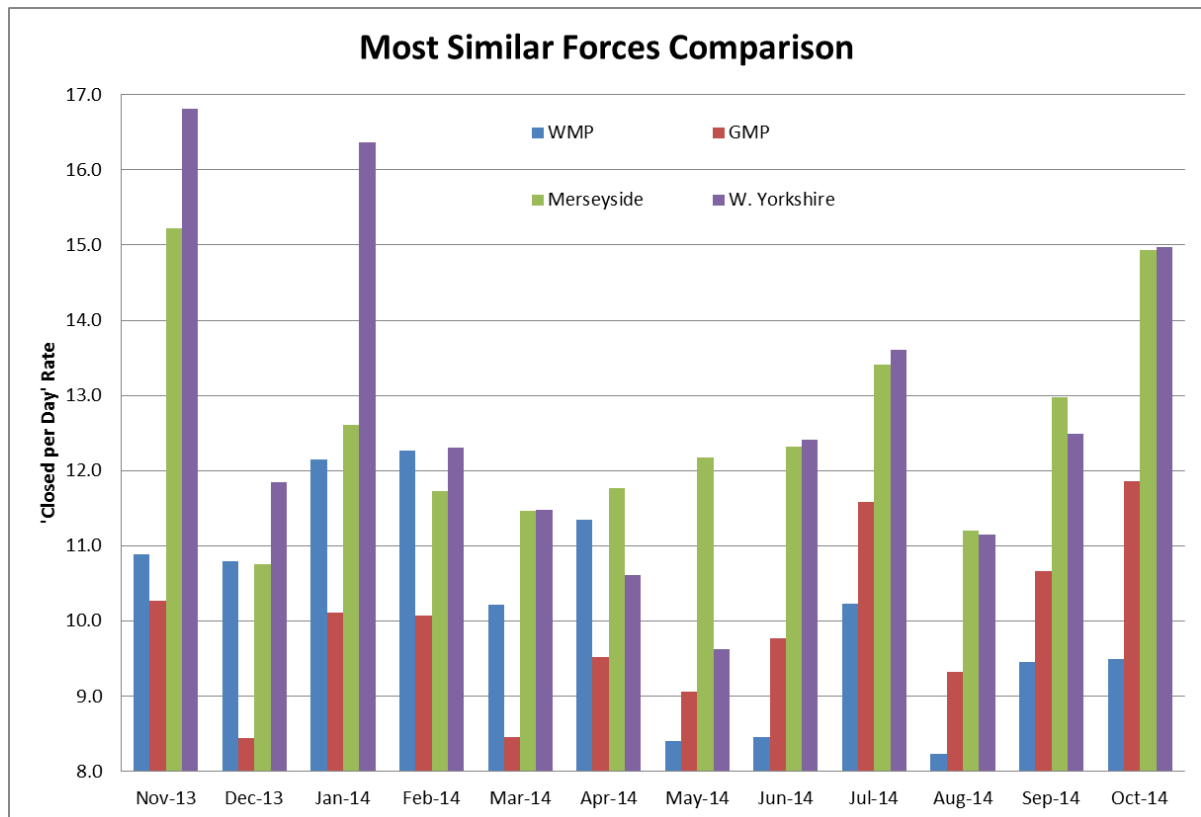
15. DBS do allow forces to bid for additional funding if it becomes apparent during the year that the actual volume sent is over that forecast. Using this process the force was able to secure additional funding mid-year.
16. HR colleagues agreed to a streamlined recruitment process to support the improvement plan. Additional resources were recruited however the DBS QAF process is complicated and requires substantial training.
17. During this period the productivity of the experienced trainers within the unit dips as they are needed to QA the new staff's work. From early 2015 the positive impact of the additional staff has become apparent and increased closure rates are becoming evident and are proving sustainable.
18. During the last year WMP DBS have recruited and trained a total of 31 colleagues. As the unit only has a full strength of 55.55 FTE supporting this recruitment & training process has had a significant impact on performance overall.



Performance and Comparisons with Other Forces

19. The latest Service Level Agreement is published by DBS and works 2 months in arrears and the January 2015 performance is on the attached link: <https://www.gov.uk/government/statistics/dbs-performance> it provides a comparison between all forces and indicates those forces also in recovery.

The following chart shows the comparison between similar forces



A twelve month comparison of the most similar forces shows that West Yorkshire Police has the highest productivity per person, followed by Merseyside. WMP is similar to GMP with between 9-11 closure rate over the last three years.

20. The time taken to complete a DBS checks is made up of three main elements –
 - a) researching the applicant in the force’s systems;
 - b) assessing the information found against the Quality Assessment Framework (QAF); and
 - c) whether it is home based, such as a foster carer, in which case ALL people that live or regularly visit the home require their own research. In other words for a family of four, one check is effectively four checks.

21. It is believed that WMP increasingly takes longer than some forces to research the applicant as the force’s ICT systems grow less reliable and responsive. WMP’s performance against the QAF is regularly audited by the DBS’s own Standards and Compliance Department (SCU) and there have been no issues raised in any recent audit to do with the quality of WMP’s checks.

22. The above SLA report from January 2015 provides a comparison between all forces and indicates those forces also in recovery. As use of overtime is now the norm it is not available to deliver a quick turnaround fix for those months that see an unexpected spike in number of checks sent. If the overreliance on it was removed through a slight increase in FTE it would once again be available as an immediate response to increased volumes

Complaints

23. Complaints are received through a variety of routes including calls, letters and emails to the Unit and include correspondence from applicants, MPs and employers. Additional enquiries are also received by the Chief Constable's Office, the Office of the Police and Crime Commissioner and LPU commanders.
24. The rise in the delay of completion of checks has led to an increase in complaints requiring up to three members of staff to respond to up to 100 enquiries daily. Complaints, especially those by people who are suffering severe hardship, are dealt with as a priority. This does ease the burden on the applicant who has complained but does necessarily impact on the time taken to complete those checks where the applicant has not complained.
25. There have been three claims for compensation in the last year. However WMP has returned two to DBS which are in dispute and one has been passed to WMP legal services to progress. The national DBS team is currently reviewing the position in relation to compensation claims.

Disproportionality

26. Applications are received in numerical order bearing no reference to diversity groups. Diversity information is not collected by the DBS in relation to applications received into the department.

Action Plan

27. DBS performance is subject of a Gold group chaired by ACC Forsyth and attended by senior DBS officials as well as WMP representatives. All parties recognise the real impact of this position on members of the public especially those in financial hardship and those delayed from starting new jobs.
28. The DBS, in common with most public sector bodies, is subject to a stringent spending review and as such has limited financial resources to use to help reduce the backlog. Instead the DBS expects forces to streamline processes and so deliver greater output at no additional cost.
29. To assist WMP with this DBS nationally has recently assigned WMP an experienced performance manager who has suggested a number of process improvements. Unfortunately the improvements so far suggested have already been in place for many months.
30. WMP has provided resources from other departments to assist the DBS department in overtime with some of the simpler streams of work. The WMP unit have recently approached other force's DBS Units with offers of overtime. While these resources have not yet started it is anticipated they will work on the oldest applications, those which require fully trained experienced DBS staff, and complete an additional 1200-1400 aged applications per month thus reducing the backlog to within the Service Level Agreement. It is the older cases that most affect the public and therefore need prioritising.
31. Additionally the WMP Unit has recently identified and implemented a significant improvement ,which has resulted in a marked improvement to the work in progress. This has involved the removal of triggers – it was recognised that the Command and Control feed to the DBS system, known as the PLX, could be switched off with no additional risk. This led to a one off closure of c.1000 checks and over time will lead to a reduction in

demand. These improvements will be quantified in the next month so they can be included in a robust recovery plan.

32. The force is also considering additional efficiencies which are currently being evaluated against potential risk. The recovery plan will be compiled in readiness for the next Gold meeting of April 13th where it will be discussed and agreed to address the identified delays of processing applications submitted for DBS checks.

Further Financial Implications

33. All parties desire an improvement in the current position and are working together to achieve this. Budget setting for the 2015/16 financial year is currently paused while the effects of the demand reduction and process changes are assessed.
34. There are further financial implications for WMP. Previously, nationally the DBS would pay for the costs of maladministration issues surrounding delays in checks, however at this time DBS is currently reviewing their position. Dependent upon their decision, this could mean WMP may have to pay all compensation costs.
35. WMP Legal team are in contact with the DBS Legal team to understand the process of payments for compensation and the legalities surrounding this.

LEGAL IMPLICATIONS

36. There are no legal implications identified at this time

RECOMMENDATIONS

37. The Board is asked to take note of the contents of the report submitted.

Assistant Chief Constable- Garry Forsyth
Crime Portfolio