

INFORMATION SHEET 3.7

DISCLOSURE AND BARRING SERVICE



Every child and adult deserves to be happy and secure in their activities. If your organisation works with children or vulnerable adults, there is a legal duty to protect them by putting safeguards in place when you are recruiting and managing paid staff or volunteers. It is against the law to knowingly offer paid or unpaid work in a regulated activity to a person barred from working with children or a vulnerable adult. This Information Sheet gives an overview of the Disclosure and Barring Service, which helps employers make safe recruitment decisions.

BACKGROUND

Your organisation must make sure it is recruiting safely; this includes having appropriate vetting (DBS check), recruitment, selection, induction, supervision and disciplinary processes. Proper processes like these can never give a guarantee that children or vulnerable adults will not be harmed when in the care of your organisation but showing that they are in place and they are followed will show your organisation has complied with its duty of care.

The DBS helps employers make safer recruitment decisions, and helps prevent unsuitable people working with children and adults at risk. It does this through checking criminal records, police files and through its barring function. DBS checks used to be called CRB (Criminal Records Bureau) checks.

WHO CAN CARRY OUT A DBS CHECK?

Employers and volunteer managers are legally entitled to ask an individual about any criminal record and spent convictions, when the individual will be working or volunteering with children or adults in specific roles such as care, supervision or healthcare.

You can only carry out a DBS check on someone aged 16 or over.

Organisations working with children and/or adults need to decide if their staff and volunteers are eligible for a DBS check, and what type of check. There is a DBS guide

to eligibility and email support is available. See www.gov.uk/disclosure-barring-service-check/contact-disclosure-and-barring-service or email customerservices@dbs.gsi.gov.uk

TYPES OF DBS CHECKS

The DBS offers four levels of checks:

Standard DBS check: spent and unspent convictions, cautions, reprimands, final warnings

Enhanced DBS check: as above plus any additional information held locally by police forces that's reasonably considered relevant to the post applied for

Enhanced DBS check and barred list check (child or adult or both): as enhanced DBS check plus a check on the DBS child barred list or the adults barred list or both

Adult First: care workers can be checked against the DBS barred list while waiting for the full criminal record check

HOW TO CARRY OUT A DBS CHECK

Employers and volunteer managers should only request a check for a successful candidate. They can withdraw a job or volunteer position offer if the results show anything that would make the candidate unsuitable.

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Umbrella bodies

DBS checks can only be made through an authorised body, often this can be done by an umbrella body. Organisations can be registered themselves if they carry out a high number of checks, otherwise an umbrella body must be used. A list of local umbrella bodies can be found at www.homeoffice.gov.uk/dbs.

The individual being asked to carry out the DBS check (the applicant) fills out the form given by the umbrella body, and provides the specified identification. As well as the job role, the form asks if the position is part of the child workforce, the adult workforce, or both, or other workforce, which you should determine. The applicant can check the progress of their application using the DBS tracking service. Enhanced checks usually take four weeks.

Who gets the certificate?

The DBS only sends the certificate to the person who applied. Employers and volunteers managers must ask to see the DBS certificate, and can keep a copy with the individual's consent. It must be kept securely and for no longer than six months.

Employing ex-offenders

If you carry out DBS checks you must have a policy on employing ex-offenders. You must show the policy to any applicant who asks.

Portability with the DBS Update Service

Employers and volunteer managers can access the Update Service to carry out free online instant Status checks on an individual's DBS certificate. It will show if the certificate is current with no new relevant information since it was issued, or is not current.

Individuals can only subscribe to the Update Service at the time that they apply for a DBS

certificate, or within 19 days of their certificate being issued (less than three weeks). Individuals can take the certificate with them from role to role within the same workforce (child, adult, both or other), where the same level of check is required.

How do you carry out a status check?

Next time you need to get someone DBS checked, ask then if they are a member of the Update Service. If they are you must

- have the applicant's consent, either verbally or in writing
- see the original certificate to check that it is the same type and level as you are legally entitled to, make sure that the right checks are carried out and see what if any information was disclosed
- check the person's identity
- check the name on the DBS certificate matches this identity
- note the DBS certificate reference number, the person's name and date of birth
- go online to carry out the Status check

BARRING

The barred lists are held and managed by the DBS and are lists of individuals who must not work or volunteer in regulated activity with adults or children. It is a criminal offence for employers or volunteer managers to allow a person who they know has been barred by the DBS to engage in regulated activity.

Each organisation that works with children or adults at risk will have to determine whether they carry out 'regulated activity' to decide which DBS check the role is eligible for, and whether barring applies.

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Regulated Activity with Children

There are four key types of regulated activity:

- Unsupervised activities: teaching, training, supervising or being in sole charge of children or driving a vehicle for children
- Work for establishments ('specified places') with opportunity for contact, for example schools, children's homes, nurseries. This does not include work by supervised volunteers.
- Health care by or supervised by a professional, such as washing or dressing (even if it is only done once)
- Registered childminding and foster caring (even if it is done only once)

Work with children under categories 1 and 2 is regulated activity only if done regularly or intensively and is unsupervised. Frequently or intensively means once a week or more often; four or more days in a 30-day period; or during the night between 2am and 6am. Work with children under categories 3 and 4 is regulated activity even if it is only done once.

Supervision of activity with children

There is statutory guidance on what 'supervision' means for children's activities. If an activity is properly supervised as in the guidance, it is not regulated. This includes activities that if unsupervised and frequent or intensive, would be regulated.

See www.gov.uk/government/publications/supervision-of-activity-with-children for more information.

Regulated Activity with Adults

There are six types of regulated activity with adults (18 years and over), which are always regulated:

1. Healthcare provided by or supervised by a regulated health care professional
2. Personal care for adults involving:
 - Hands-on physical assistance to do with washing and dressing, going to the

toilet, eating and drinking, oral care, care of the skin, hair or nails because of an adult's age, illness or disability

- Prompting someone (such as in cases of dementia) and teaching someone to do one of these tasks
- 3. Social work: provision by a social care worker of social work which is required in connection with any health services or social services
- 4. Assisting with a person's cash, bills, or shopping because of their age, illness or disability
- 5. Assisting in the conduct of an adult's own affairs, for example lasting or enduring power of attorney, or deputies appointed under the Mental Health Act
- 6. Conveying adults who need it because of their age illness or disability to, from or between places where they receive healthcare, personal care or social work. This does not apply to friends, family or taxi drivers.

Some activities were taken out of the regulated activities definition in 2012 - these may still be eligible for an enhanced DBS check but are no longer eligible for a barred list check.

Please note that anyone whose role includes the day to day management or supervision of a person carrying out regulated activity is themselves also in regulated activity.

REFERRING SOMEONE TO THE DBS

Employers and volunteer managers must refer someone to the DBS if they:

- Sacked them because they have harmed a child or adult
- Sacked them or moved them from regulated activity to another role because they might have harmed a child or adult
- Were planning to sack or move them but the person resigned first

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FEES

The DBS charges a fee for checks on employees but not for volunteers. Umbrella bodies charge an admin fee for both employees and volunteers.

SUPPORT AND INFORMATION

VODA's Volunteer Centre on 0191 323 2040 or email voluteering@voda.org.uk for advice on DBS checks for voluntary and community sector in North Tyneside.

North Tyneside Local Safeguarding Children Board www.northtyneside.gov.uk or email lscb@northtyneside.gov.uk

North Tyneside Adult Safeguarding Board www.northtyneside.gov.uk or contact the Council's Gateway Team on 0191 643 2777.

Home Office: www.gov.uk/disclosure-barring-service-check/overview

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RELATED DOCUMENTS

- 3.1 Effective Meetings
- 3.2 Running an AGM
- 3.3 Preparing your Annual Report
- 3.4 Organising a Community Event
- 3.5 Writing a Business Plan
- 3.6 Employing a Worker
- 3.7 Disclosure and Barring System
- 3.8 Quality Assurance
- 3.9 Data Protection
- 3.10 Closing your Organisation