

DISCLOSURE & BARRING SERVICE – factsheet

Access to checks

Third sector organisations in Wales can access DBS checks via an umbrella body registered with the DBS. They will charge a processing fee for each check. DBS do not charge for volunteer checks but do charge for checks on paid staff.

DBS

The Disclosure and Barring Service (DBS) came into being December 2012 as a combined function of Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA), to provide access to criminal records and to bar unsuitable people for working with vulnerable groups.

Enhanced DBS checks

An enhanced check searches the police national computer (PNC) for criminal history; convictions, cautions, warnings or reprimands, which will appear on a DBS certificate subject to the filtering rules of May 2013, and also may include local police intelligence which is relevant to a particular workforce i.e. working with adults and/or children.

Enhanced DBS checks with DBS barring list check

This is available **only** for those working or volunteering in regulated activity (see below).

Legislation

The Safeguarding Vulnerable Groups Act 2006 (SVG) introduced and defined regulated activity as work a barred person must not do. The Protection of Freedoms Act (PoF) 2012 revised the definition of regulated activity to focus on work that involves close and unsupervised contact with vulnerable groups.

Regulated activity

An employer must not knowingly place a barred person in regulated activity. A barred person should not seek to take up regulated activity.

Roles which fall into regulated activity with children or adults at risk due to age, illness or disability, **must by law** be checked against the appropriate barring list (adult, child or both) which is accessed through an enhanced DBS check (see above).

.....and Non- regulated activity

Roles outside regulated activity but still working close to vulnerable groups may be eligible for a DBS enhanced check but **without** the barring list check. The level of supervision will affect whether the role is regulated activity or not (see below). However, any and all serious offences will still be listed on the DBS certificate. Requesting an enhanced DBS check for non-regulated activity is a matter of good practice. Requesting a check when the role is not eligible or asking to see more information than an employer is entitled to see, is an offence.

Safeguarding - DBS Duty to Refer

An employing organisation has a duty to refer to DBS any individual that harms, or poses a threat of harm, whilst working in regulated activity.

Safer recruiting

Higher level criminal record checks are used as part of safer recruiting and can only be requested when work or volunteering involves contact with vulnerable groups, including children and young people. For the purpose of DBS checks, volunteers are treated the same as paid staff and organisations that recruit volunteers are considered as employers in this respect.

Safer recruiting - re-using a DBS check

The DBS update service allows for limited portability of a DBS certificate i.e. within the same workforce and at the same level of check. Subscribing to the update service is the responsibility and choice of the applicant. Employers, with the applicant's permission, can carry out a free online status check to find out whether new information is available, which can then be requested through a new DBS check and included on a new certificate.

Single issue certificate

On completion of a DBS check, a single issue DBS certificate is sent directly to the applicant. Organisations (employers) must ask to see this certificate in order to assess suitability and to risk assess any information disclosed.

Supervision

Volunteers working with children, where it does **not** involve delivering personal or health care, are no longer in regulated activity if they are supervised in accordance with Department of Education (DoE) guidance; they must be supervised by a person who is their self in regulated activity and has an enhanced DBS check with a barring list check (children).

Further information



Disclosure and Barring Service for all DBS guidance

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>



DBS eligibility criteria/ regulated activity/ supervision guidance

<https://www.gov.uk/government/collections/dbs-eligibility-guidance#dbs-workforce-guides>



Companion information sheets

TSS Regulated activity for adults
TSS Regulated activity for children
TSS DBS Duty to refer

Other relevant links can be found on our companion sheets



Relevant training - contact us