
Other useful resources to help your organisation with safeguarding are listed at the end of this information sheet, along with where to access them.

Volunteering England have produced an information sheet about DBS checking which you may find useful.
www.volunteering.org.uk
020 7713 6161



Brighton & Hove
City Council supported

Updated November 2013

Disclosure and Barring Service (DBS)

A guide to DBS checking for community groups and organisations

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Introduction

Many community groups and organisations run services for children and adults for which it is important to safeguard children and adults against abuse and neglect.

One of the ways of doing this is to check whether prospective volunteers and employees have a criminal record which makes them unsuitable for running particular activities and services for your group. You may be eligible to use the government's Disclosure and Barring checking service (DBS) (formerly called the Criminal Records Bureau (CRB) checking service) to check your volunteers' and employees' criminal record.

This information sheet provides information about how, and in what circumstances, you can request DBS checks for volunteers and employees, how to use the information you receive, and in what circumstances you should share information or concerns about volunteers or employees with the DBS.

DBS Disclosures

DBS Checking Quick Guide

This Quick Guide is designed to help you make sure you've done everything you need to do, and to help you find the information you need to help you.

1. Agree a Safeguarding / Child Protection policy in your group. See page 11 for resources and organisations that can help you with this.
2. Decide whether any of your employees or staff must be DBS checked by law. See page 4.
3. If there are people you would like to get DBS checked but who do not have to be checked by law, find out if they are eligible to be checked. There are only some roles and jobs for which it is legally possible to require someone to have a DBS check. See page 5.
4. Make an agreement about how you will use any information you gain through DBS checking, and how you will keep it safe and secure. Decide in what circumstances you may consider not allowing someone to work for you. See page 6.
5. Find an organisation that can apply for the checks for you. If you are part of a big organisation, you may be able to apply directly to the DBS. If you are part of a small group, you need to use an 'umbrella body'. See page 7-9.
6. Fill in the DBS application form, and ask your volunteers/ employees to fill in their part of the form. Verify your volunteers' / employees identities in line with DBS guidance. See page 7-8.
7. Send off the DBS application form (with payment if the check is for a paid employee. They are free for volunteers.)
8. When you receive the disclosure information, make a decision about whether the person is suitable to work for you. If you decide they are not, you must be able to explain and justify this decision, and show that the information on their DBS disclosure is directly relevant to the role in question. See pages 6 & 8.
9. Store the disclosure information safely, in line with your policy.
10. If a volunteer or employee harms a child or vulnerable adult whilst working for your group, inform the DBS of this. See page 7.

The DBS have lots of useful factsheets about DBS checking. These can be downloaded from www.gov.uk/government/collections/dbs-checking-service-guidance--2

An explanation of who counts as “children” and “vulnerable adults” can be found on page 6.

Safety Net helps community groups in Sussex to write Safeguarding & Child Protection policies and provides Safeguarding & Child Protection training.
www.safety-net.org.uk 01273 411613

Information for organisations about DBS checking for volunteers and employees is available at
www.gov.uk/government/collections/dbs-checking-service-guidance-2

DBS Disclosures

Safeguarding and Child Protection

It is important to make sure that your group has thought about how to minimise the risk that children or vulnerable adults be harmed whilst taking part in your activities. You should discuss and write down the measures you will take to make sure these people are safe. This is called a Safeguarding or Child Protection Policy. DBS checking may form part of this policy, but it should also include other ways you will keep people safe, such as what you will do if you have concerns about a child’s wellbeing, and how you will make sure your staff and volunteers have the skills and knowledge they need to safeguard children and adults. This sheet focuses on DBS checking, but remember that it is your group’s responsibility to continue to safeguard against abuse and neglect, even once you have checked your staff and volunteers.

What is DBS checking?

DBS checking is the government’s process for providing information to employers and organisations about whether an individual is suitable for particular types of work. It is carried out by the Disclosure and Barring Service, who also keep a list of ‘Barred’ individuals, who are forbidden from doing certain types of work with children and adults. There are three main ways the DBS can provide information about people. These are:

A Standard Disclosure: This is a DBS check that gives details of a person’s convictions (including spent convictions) plus any cautions, reprimands or warnings held in England and Wales on the Police National Computer. Most of the relevant convictions in Scotland and Northern Ireland may also be included. A standard check is generally used for people entering certain professions, such as law or accountancy.

An Enhanced Disclosure: This includes everything that a standard disclosure includes, plus any locally held police information considered to be relevant to the job role. An Enhanced Disclosure can be used for people working regularly or intensively with children or vulnerable adults.

Barred Lists: The DBS keeps a list of people who are barred from taking part in particular kinds of work with children and vulnerable adults. This type of work is known as Regulated Activity (see below). It is an offence for someone who is barred from regulated activity to seek to take part in it, and it is also an offence for a group or organisation to knowingly allow a barred person to take part in regulated activity.

DBS Disclosures

Who must have a DBS check?

There are some types of work for which you **must** ensure that employees or volunteers have an Enhanced DBS check and are not listed as barred from taking part in such work. This is known as 'Regulated activity'.

Regulated activity

Some work with children and vulnerable adults is known as 'regulated' activity. It is your group's legal responsibility to make sure that anyone taking part in regulated activity is **not** barred from doing such work. It is a criminal offence to knowingly employ someone (including as a volunteer) in a regulated activity from which they are barred from working.

Regulated activity includes work with children which is unsupervised. This basically means that, in most circumstances, people working with children need to be DBS checked **unless** they are being supervised by someone else who is DBS checked. In some circumstances, such as in schools, all paid staff must be DBS checked even if they are being supervised. Some work with adults is also regulated. This includes providing health care or social work to any adult, and providing personal care, assistance with bills or shopping, or help with conducting personal affairs to any adult who requires such support because of their age, illness or disability.

It is up to your group to assess whether your volunteers or employees are taking part in regulated activity. You need to consider the definitions of regulated activity, consider what your staff and volunteers are doing for your group, and make a judgement about whether you think the activity is regulated or not. There are no hard and fast rules - it is up to your group to decide whether a role counts as regulated activity. You should make a common sense decision which you would feel able to explain if you were challenged.

One of the things that can make it hard to tell whether someone is taking part in regulated activity, and therefore needs to have a DBS check, is whether or not they are being 'supervised'. Supervision is defined as 'regular and reasonable'. Here is an example:

*One volunteer from a local community group is running a weekly kids' club. A member of the management committee has a DBS check and can take part in regulated activity. They pop in to the kids club every now and again, but are not there every week and are not always available to be contacted. This means they are not providing regular supervision. **The volunteer is, in this circumstance, taking part in regulated activity and should receive an Enhanced DBS check and Barred List check.***

The DBS have lots of useful factsheets about DBS checking, including information about regulated activity. These can be downloaded from
www.gov.uk/government/collections/dbs-checking-service-guidance--2

Volunteering England have produced useful guides to help you work out whether the work your staff or volunteers are doing comes under Regulated Activity.
www.volunteering.org.uk
020 7713 6161

More examples of supervision and regulated activity are provided by the Department for Education.
www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

DBS Disclosures

*A second volunteer gets involved in helping run the kids' club. They come to each session to help out, but do not run sessions by themselves. In this circumstance, **the group may judge that the second volunteer is not taking part in regulated activity.** However, if the first volunteer were to leave, and the second volunteer take over running the group, they would then be taking part in regulated activity, **as they would not be being supervised.** Similarly, if the number of children at the club increased dramatically, meaning that both volunteers were working very hard and the first could not supervise the second, **the group may decide that the second volunteer's role was regulated activity.***

Checks from a local police station

Any individual can go to their local police station and apply for 'subject access' to receive a copy of the information the police hold about them nationally. However, this is for the personal use of that individual only. It is not as comprehensive as a DBS disclosure, and cannot be used instead of a DBS disclosure.

Using an existing DBS certificate

You may find that one of your prospective employees or volunteers already has a CRB or DBS certificate from a different organisation. A DBS/CRB certificate only shows information about the person up to the date of the certificate. It is up to your group to decide whether to accept an existing certificate. Remember that, if you do accept one, you need to make sure that it definitely belongs to the person named on the certificate. You could do this by asking to see other forms of identification as well. If the volunteer or employee is going to be taking part in regulated activity, you should apply for a new check or check for up to date information about the individual using the DBS Update Service, in order that you can check whether the individual is on the list of people barred from taking part in regulated activity (the Barred list).

Update Service

The DBS operate an "Update Service". This is a way that organisations can see if new information has been issued about an individual since their DBS certificate was issued. If your organisation wants to check a new volunteer or employee who already has a DBS check, you can use the Update Service to get instant up to date information without having to go through the whole process of applying for a new check. In order to do this, the individual themselves has to be registered with the update service. This costs £13 for a year, and allows them to give permission for as many organisations as they like to check their DBS information.

More information about police checks is available at www.acro.police.uk/subject_access.aspx

*For up to date information about the DBS Update Service, contact the DBS on **0870 90 90 811** or go to <https://www.gov.uk/dbs-update-service>*

DBS Disclosures

Who is eligible for a DBS check?

Organisations are only eligible to check people's information if the role the individual will take is eligible for a DBS check.

You are only legally obliged to apply for an Enhanced DBS check for people who are taking part in regulated activity. However, you **may** apply for Enhanced DBS check for any volunteer or employee doing frequent, intensive or overnight work with children or vulnerable adults, if your group considers this to be appropriate. You cannot, however, check whether the person is on a barred list if the role does not come under regulated activity (see page 4).

Can we request a DBS check for a volunteer/employee?

Standard checks - To be eligible for a standard level DBS check, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced checks - To be eligible for an enhanced level DBS check, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations.

Enhanced checks with children's and/or adult's barred list check(s) - To be eligible to request a check of the children's or adult's barred lists, the position must be eligible for an enhanced level DBS check as above and be specifically listed in the Police Act 1997 (Criminal Records) Regulations as able to check the barred list(s).

Children and vulnerable adults

Who counts as a child?

A child is anybody who is under 18 years old.

Who counts as a vulnerable adult?

Any adult may be considered vulnerable at the time that they are receiving particular services which render them vulnerable. This means that the same adult may be considered vulnerable in some circumstances (such as when visiting their GP) and not vulnerable in other circumstances. In general, an adult (a person aged 18 or over) is considered to be vulnerable if and when:

a) they are receiving health care;

or

b) they are receiving social work or social care work;

For a full definition of vulnerable adult, contact the DBS directly on 0870 90 90 811 or go to www.homeoffice.gov.uk/dbs.

The DBS have lots of useful factsheets about DBS checking, including information about eligibility. These can be downloaded from www.gov.uk/government/collections/dbs-checking-service-guidance--2

Safety Net have useful information pack about using DBS (CRB) disclosures. This includes sample policies which you can use to help you write your policy. This can be downloaded at www.safety-net.org.uk/crb/, or you can phone Safety Net and ask them to send you a copy - **01273 414981**

If you need to make a DBS referral you should use the DBS referral form. This can be downloaded at www.homeoffice.gov.uk/dbs. You can also write to the DBS to make a referral.

DBS
PO Box 181
Darlington
DL1 9FA

If you have any enquiries about making a referral, you can call the DBS on **01325 953795**, or email dbsdispatch@dbs.gsi.gov.uk. However, you shouldn't send a referral in an email, as the information in it may not be secure.

If you have an immediate concern about a child, you should contact your local council's Children's Services team. Local contacts are:

Brighton & Hove:
01273 295920

East Sussex:
Hastings and Rother:
01424 724144

Eastbourne and Hailsham:
01323 747373

West Sussex:
01243 642555

DBS Disclosures

or

c) they are, due to illness, disability or age, receiving relevant personal care, support with shopping or bills, assistance in managing personal affairs, assistance in relation to general household matters, or transport.

Using disclosure information

Before you apply for a DBS check, you will need to decide how you are going to use the information you will receive, and how you are going to keep it safe. You will need to discuss this in your group, and write down a policy which sets out how you will make sure people's privacy is protected and that everyone is treated fairly.

Your policy should include:

- What disclosed information would mean that an individual was unsuitable for particular kinds of work. This should state that decisions will be made based on a thorough assessment of the risk involved in each different role, and that individuals will only be refused work based on their criminal record where this is directly relevant to the role being applied for;
- How the applicant would be involved in the decision the what opportunity they would have to appeal against it;
- How and where disclosure information will be stored;
- Who will have access to it;
- How long it will be kept for and how it will be disposed of.

Reporting to the Disclosure and Barring Service

If anyone in your group has a role which comes under 'regulated activity', you have a legal obligation to inform the DBS if an employee or volunteer has harmed or posed a risk to a child or vulnerable adult whilst working with your group. In the interests of safeguarding, it is also important to do this even if you don't run any regulated activity. This is called making a DBS referral.

The DBS's step by step guide to the disclosure process is available at

www.gov.uk/disclosure-barring-service-check

Contact the DBS directly for a copy of their Code of Practice. 0870 90 90 811 or download it from <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-checking-service-guidance/cop>

DBS Disclosures

The DBS disclosure process

A step-by-step guide to applying for DBS disclosures.

- Decide if you are legally required to, or eligible to, apply for DBS disclosures for your volunteers or employees. Make sure that you are consistent (e.g. you treat people doing the same work in the same way).
- If you decide that you need DBS checks, discuss how you will keep any information you receive safe (see page 5).
- In order to apply directly to the DBS for a disclosure, your organisation needs to be registered with the DBS. If your group is part of a larger organisation, check whether they are registered. If they are, you should follow your organisations' process for gaining DBS checks.
- If you are a small organisation applying for a small number of disclosures, you can apply via a third party organisation that is registered with the DBS, rather than having to register yourselves. This is called an 'umbrella body'. There is a list of umbrella bodies at the end of this information sheet. If you are intending to use an umbrella body, you need to contact them to make an agreement about how they will make the applications on your behalf, how much they will charge for this, and what information they will share with you once they receive it.
- The umbrella body (or your own organisation if you are not using an umbrella body), will provide you with a copy of the DBS Code of Practice, forms and guidelines on how to complete them.
- Your volunteers or paid employees will need to provide a range of information that can be used to verify their identity and address. There are a number of different forms of identification that people can provide. Your umbrella body will be able to advise you about what forms of identification are needed. You can also get this information directly from the DBS.
- Somebody will need to verify that the forms of identification provided are genuine. Again, your umbrella body or the DBS will be able to help you decide who this should be. It may be someone from your group or someone from the umbrella organisation.
- Completed forms are then sent off with payment. Disclosures are free for volunteers. However, for paid employees the DBS charge £26 for a Standard Disclosure or £44 for an Enhanced Disclosure. A Barring list check is free for people in regulated activity when getting an Enhanced Disclosure, but you do need to specifically request this. You may have to pay a fee to the umbrella body you use on top of your payment to the DBS (for volunteers as well as paid employees).

DBS Disclosures

Safety Net
Emmaus Manor Offices
Drove Road
Portslade BN41 2PA
01273 414981
crb@safety-net.org.uk
www.safety-net.org.uk

Fair Play for Children
32 Longford Road,
Bognor Regis,
W. Sussex, PO21 1AG
0843 289 2638
fpfc@fairplayforchildren.net
www.fairplayforchildren.org

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD
0300 123 1231
enquiries@ofsted.gov.uk
www.ofsted.gov.uk/early-years-and-childcare

- The DBS will carry out their checks. Their stated aim is to complete standard disclosures in 2 weeks and enhanced disclosures in 4 weeks, but it is better to allow longer than this. If you use an umbrella body it is worth asking them how long their processes will take (for example Ofsted carry out some additional checks and can take as long as 6 months). When the DBS has completed its checks it will send one copy of the disclosure to the individual (at their home address) and one to the organisation that requested the check. If you used an umbrella body, they will receive a copy of the disclosure. They may not show you a copy of the disclosure itself - you may simply receive a statement of whether the individual is suitable for work in your organisation.
- When you receive the results of the DBS disclosure, you need to make a decision about whether the volunteer or paid employee is suitable for the tasks they will be performing. If your organisation is registered with the DBS (so you have not used an umbrella body) you must follow your organisation's 'Suitability Policy', which governs the employment of ex-offenders. If you use an umbrella body, they must follow their own Suitability Policy when advising you about whether someone is suitable for work with your organisation. If a decision is made that an individual is not suitable for the work, this decision should be discussed with them, by you or the umbrella body, and the reasons for the decision made clear.
- In all cases the DBS Code of Practice should be followed. This governs the use of DBS Disclosure information.
- File the disclosure, or any information you have received from the umbrella organisation, in a safe place in line with your policy.

Safety Net
Emmaus Manor Offices
Drove Road
Portslade BN41 2PA
01273 414981
crb@safety-net.org.uk
www.safety-net.org.uk

Fair Play for Children
32 Longford Road,
Bognor Regis,
W. Sussex, PO21 1AG
0843 289 2638
fpfc@fairplayforchildren.net
www.fairplayforchildren.org

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD
0300 123 1231
enquiries@ofsted.gov.uk
*www.ofsted.gov.uk/early-
years-and-childcare*

DBS Disclosures

Umbrella bodies

If your group is a member of any larger national or local organisations it is worth contacting them to see if they are registered with the DBS already. Otherwise, you can use an umbrella body to apply for a DBS check. This means you don't have to register your own group with the DBS, and that you will receive help from the umbrella body in completing the DBS checking process.

The DBS maintains a list of umbrella bodies. This is available at <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/services/ub/>

These are some umbrella organisations that you could try:

Safety Net

Safety Net are a voluntary sector organisation which offers a DBS check service to any voluntary or community group in Brighton & Hove and Sussex. They provide a full information pack and sample policies. They also offer telephone advice and will visit your group to give advice about safer recruitment practice and decisions. They charge an administration fee of £27 per application, plus the fees charged by the DBS.

Fair Play for Children

Although this is a children's organisation they carry out DBS checks for any groups. To use them you would need to join (£24 per year for local voluntary groups). They then make a charge (£10 per volunteer or £35/£54 per paid worker) for each disclosure which includes the DBS charges. They have sample policies specifically aimed at groups working with children which they are happy to share with member groups.

Ofsted

Most groups providing childcare for children under 8 years old need to be registered with Ofsted. These groups qualify for subsidised DBS disclosures. To find out more about whether you should be registered with Ofsted, or about how to use the subsidised DBS service, contact Ofsted.

DBS Disclosures

Useful sources of information about Safeguarding and Child Protection

Community Matters

12 – 20 Baron Street, London, N1 9LL

Tel. 020 7837 7887 | www.communitymatters.org.uk

Community Matters have a number of resources and information sheets about Safeguarding, including sample Safeguarding policies.

Safety Net

Emmaus, Drove Road, Portslade, East Sussex BN41 2PA

01273 411613 | www.safety-net.org.uk

As well as being an umbrella body that can apply for DBS checks for groups, Safety Net provide child protection training, support with policy writing and advice to groups about safeguarding.

NSPCC

020 7825 2500 | www.nspcc.org.uk

The NSPCC have a range of resources and factsheets about safeguarding a child protection, which you can order from them.

The Safe Network

NSPCC, 3 Gilmour Close, Leicester LE4 1EZ

0116 234 7217 | www.safenetwork.org.uk

The Safe Network provide information and resources about safeguarding for community groups. It has lots of resources you can download, and you can call them if you have a question relating to safeguarding in your group.

Resource Centre Library

6 Tilbury Place, Brighton BN2 0GY

01273 606160 | www.resourcecentre.org.uk

At the Resource Centre we have a reference library which local groups can use. Our resources on safeguarding include:

Are they safe? The Safe network guide for community organisations.

Safe communities NSPCC safeguarding guide

First check NSPCC comprehensive guide book for organisations