



Norfolk Safeguarding Children Board

Guide to the Disclosure and Barring Service

Please note for the purposes of this guide:

- reference to children include all children and young people aged under 18
- reference to work and staff also pertains to volunteer tasks and volunteers
- this guidance is primarily aimed at employers, if as an individual you require more information please visit

www.gov.uk/government/collections/dbs-checking-service-guidance--2

What is a DBS Check?

This is a shorthand phrase for a background check undertaken on a named individual, for which a certificate is issued, which tells an employer if that person has a criminal record or is barred from working with children. This is carried out by the Disclosure and Barring Service (DBS), hence the name 'DBS Check'. There are three types of checks:

- 1) Standard
- 2) Enhanced
- 3) Enhanced with Barred List Check

Adults working with children and young people in a regulated activity (see below) should always have an Enhanced with Barred List Check and for the purpose of this guidance, the shorthand DBS check is used to mean this.

What information does the DBS check?

The DBS searches police records and, for certain jobs, the 'barred list' for information. The 'barred list' is a list of persons who should not be working with children and the information is gathered through one of three ways:

- Discretionary referrals
- On application for an enhanced disclosure / relevant information from the update service
- Autobars

The criminal record information will not contain details of all past offences, for example if a person was convicted of shoplifting more than 11 years ago, it was their only offence and they did not get a custodial sentence, this will not show up. The exception to this is that the Chief Police Officer can disclose certain information as 'soft intelligence' if it is reasonably relevant - such as a shoplifting offence when an individual is applying for a domiciliary care role. There is, also, a list of offences (over 1000 types) that will never be removed and so will always appear on a certificate. In addition, if an individual has more than one offence, all the convictions will be included.

Why do I need this information?

This information should help to inform you whether the individual is suitable to work with children within your organisation. It is one aspect of gathering information as part of a safer recruitment process. A guidance document from Norfolk Safeguarding Children Board on safer recruitment can be found at <https://www.norfolkscb.org/about/policies-procedures/8-1-safer-recruitment-guidance/>.

If you have roles that are defined as regulated activity, according to the Protection of Freedoms Act (2012), you have a duty to check whether a person is barred from doing that activity. An enhanced DBS with Barred List check is a way of ensuring you meet this requirement. Guidance on what roles are defined as regulated activity can be found at media.education.gov.uk/assets/files/pdf/r/regulated%20activity%20children%20full%20information%20ewni%20final%202012-06-01.pdf

When should I do a DBS check?

As mentioned previously, a DBS check should form part of a safer recruitment process. Any job offer made should be subject to the receipt of a satisfactory DBS check and you should make all applicants aware of this at the start of the recruitment procedure e.g. a statement on the advert. You should not allow anyone to work unsupervised with children if you have yet to receive their DBS check, this is recommended practice in order to keep children safe.

It is important to note that before an organisation considers asking a person to make an application for a DBS check, they are legally responsible for ensuring that they are entitled to submit a check for the job role. If in doubt, information can be found at

www.gov.uk/government/uploads/system/uploads/attachment_data/file/260319/DBS_guide_to_eligibility_v2.2.pdf .

How do I get a DBS check?

There are two ways to ensure you receive up to date information:

1) Applications:

This is the method that will be most familiar to organisations as it is similar to the previous CRB checks. You will have to use a 'registered body' to process a paper or online application. A 'registered body' is an organisation that is authorised to process applications; an example of a registered body in Norfolk is Momentum (Norfolk) - www.momentumnorfolk.org.uk/ . The registered body will;

1. check disclosure applications and validate information provided by the applicant
2. establish the identity of the applicant
3. submit fully completed application forms
4. countersign application forms to confirm entitlement

The process is:

- Check to see if the applicant is signed up to the Update Service (see below)

- If they are not signed up to the Update Service, ask them to complete the application form and follow the registered body processes
- When the applicant receives the certificate back from the DBS, ensure that you look at the certificate and evidence that you have seen it
- If the applicant does not show you the certificate within 28 days of receiving it, the 'registered body' may be entitled to request a copy from the DBS

2) Update Service:

This has been in place since June 2013 and allows you, under certain conditions, to carry out a status check on an individual's DBS certificate.

For a small annual subscription of just £13 (free for volunteers), applicants can have their DBS Certificate kept up to date and take it with them from role to role, within the same workforce, where the same type and level of check is required.

This means you can carry out checks quicker and easier, providing you are eligible to do this. The DBS guidance states you must be able to say yes to all these questions before you carry out a status check:

- Do you have the applicant's consent?
- Are you legally entitled to the same level of DBS Certificate? Standard or Enhanced
- If you are legally entitled to a Barred List check does the DBS Certificate contain the one you require i.e. Children's list, Adults' list, both or none?
- Does the DBS Certificate contain information which you are legally entitled to see, such as Barred List checks?
- Is the DBS Certificate for the right workforce – Child, Adult, Both or Other? This will be indicated in the 'Position Applied For' section and will show which workforce has been used to determine the relevancy of any locally held police information.
 - Child Workforce: any position that involves working/volunteering with children
 - Adults Workforce: any position that involves working/volunteering with adults
 - Child and Adults Workforce: any position that involves working/volunteering with children and adults
 - Other Workforce: any position that does not involve working/volunteering with children or adults e.g. Taxi licensing

The process is:

- Check to see if the applicant is signed up to the Update Service
- If yes, ask to see the applicant's DBS Certificate
- Check that the person named on the Certificate and the applicant are the same person using robust ID checks
- Check that you are eligible to carry out the Status Check (see above)
- Get the consent of the applicant to carry out the Status Check, ensure this is evidenced

- Have to hand the DBS Certificate number of the applicant, their current surname and date of birth, as they appear on the certificate
- Go to the update service (www.gov.uk/dbs-update-service), scroll down the page to the section titled 'Employers and other organisations' and follow the links and subsequent instructions.
- You will receive 1 of 4 responses:
 1. *This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.*
This means that when the Certificate was issued it was blank and so did not reveal any information and, that there has been no new information and can therefore be accepted as being still current and valid.

Without any further information, this would be a satisfactory check.

2. *The DBS Certificate remains current as no further information has been identified since its issue.*
This means that the when the Certificate was issued it did reveal information about this person. There has been no new information since its issue and can therefore be accepted as being still current and valid.

You should have seen the information when looking at the applicant's certificate and will need to use this to assess the candidate's suitability to work within your organisation. Where necessary, seek outside help to assist you in this and/or conduct a risk assessment.

If there was no information on their original certificate they would not have given you their most current certificate. You will need to see their up to date certificate before moving forward.

3. *This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.*
This means that new information has come to light since the Certificate was issued and you will need to apply for a new DBS check to see this new information.

You should talk to the individual about the reasons for the change and you will need to follow the applications procedure above. You will need to use the new information to assess the candidate's suitability to work within your organisation. Where necessary, seek outside help to assist you in this and/or conduct a risk assessment.

- You will need to ensure you evidence that you have done the Status Update. You are allowed to print and keep a record of the Status Check result, as long as you protect this information in line with the DBS's Code of Practice and the Data Protection Act. For more information go to www.gov.uk/dbs .

What happens if there is information about offences on the certificate?

If there is information about offences on the certificate, it is your organisation's responsibility to decide how to move forward. What you decide to do may depend on the nature of the offence and length of time passed however you should consider doing a risk assessment and seeking outside help if necessary e.g. the Local Authority Designated Officer.

If the individual is on the Barred List you will be given guidance by the DBS along with the confirmation. Remember it is illegal for an employer to knowingly employ someone in a regulated activity when they know that person is barred from that regulated activity.

What happens if I know someone is on the barred list and is trying to work with children?

It is an offence for a barred person to work or seek to work in regulated activity with a sector from which they are barred. If you are approached by a person who then gives you a certificate that shows they are barred, please contact the Local Authority Designated Officer (LADO) on 01603 223473.

What about existing staff/volunteers?

There is not a requirement on how frequently you carry out a DBS check on existing staff, however it is considered good practice to undertake a DBS check at least on a three-yearly basis. Whatever you decide to do, you should include this in your policy and procedures. If this means changing an existing policy, then ensure you follow the correct HR processes for doing this. The DBS advocate encouraging your staff to subscribe to the Update Service however that is for your organisation to decide. In addition,

What else do I need to be concerned with?

If consent is withdrawn by the individual for whom you wish to do a Status Update then you would be breaking the law if you went ahead, as you would be accessing data you are not entitled to see. This applies to new and existing employees.

What else does my organisation need to do?

You need to make sure that your safer recruitment policy and procedure is reviewed and updated accordingly. If you do not have one in place, then now is an opportune moment to get one written. You must make sure that your policy and procedures reflect the new filtering changes and the DBS recommend you use the following paragraph on your application forms:

'The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.'

What happens if I have a concern about someone working with children?

Your first point of contact should be the LADO. They work within Children's Services and should be alerted to all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against children, or related to a child
- behaved towards a child or children in a way that indicates they are unsuitable to work with children.

The LADO role applies to paid, unpaid, volunteer, casual, agency and self-employed workers. They capture concerns, allegations or offences emanating both at work and from outside of work. The LADO is involved from the initial phase of the allegation through to the conclusion of the case.

They will provide advice, guidance and help to determine whether the allegation sits within the scope of the procedures.

The LADO helps co-ordinate information-sharing with the right people and will also monitor and track any investigation, with the aim to resolve it as quickly as possible.

They will also provide guidance as to when an individual should be referred to the DBS.

There are three key points to remember:

- 1) If you suspect a crime has been committed, you should contact the police
- 2) You must follow your policy and procedures for dealing with allegations and/or disciplinary issues. If you do not have these in place, you should take this opportunity to write them. Failure to follow your procedures could have implications for you as an employer, in terms of recruitment law, and for other agencies such as LADO, in terms of being able to act appropriately and swiftly.
- 3) There is a duty on employers of people working with children to make a referral to the DBS in certain circumstances, this is when you have dismissed or removed a person because that person has harmed or risks harming a child. There are specific circumstances for this but the LADO can advise on what has to be done.

Where can I get more help?

The government website www.gov.uk/dbs is a good starting point but for specific questions you can contact the DBS on customerservices@dbs.gsi.gov.uk .

For a glossary of terms please go to the DBS website.

For specific assistance in how to fill out the form please contact [Momentum \(Norfolk\)](http://www.momentumnorfolk.org.uk/) (www.momentumnorfolk.org.uk/)