

Disclosure and Barring Overview

London Safeguarding Children Board

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Disclosure &
Barring Service

Workshop objectives

The aim of this workshop is to understand:

- The different levels of DBS checks and their eligibility
- DBS Update Service
- What information is filtered from a DBS certificate
- Regulated Activity with children
- The three different referral routes
- When to make a barring referral – Duty to Refer
- What makes a good barring referral



Introduction

Our Purpose:

Protecting the public by helping employers make safer recruitment decisions and by Barring individuals who pose a risk to vulnerable groups from working in certain roles.

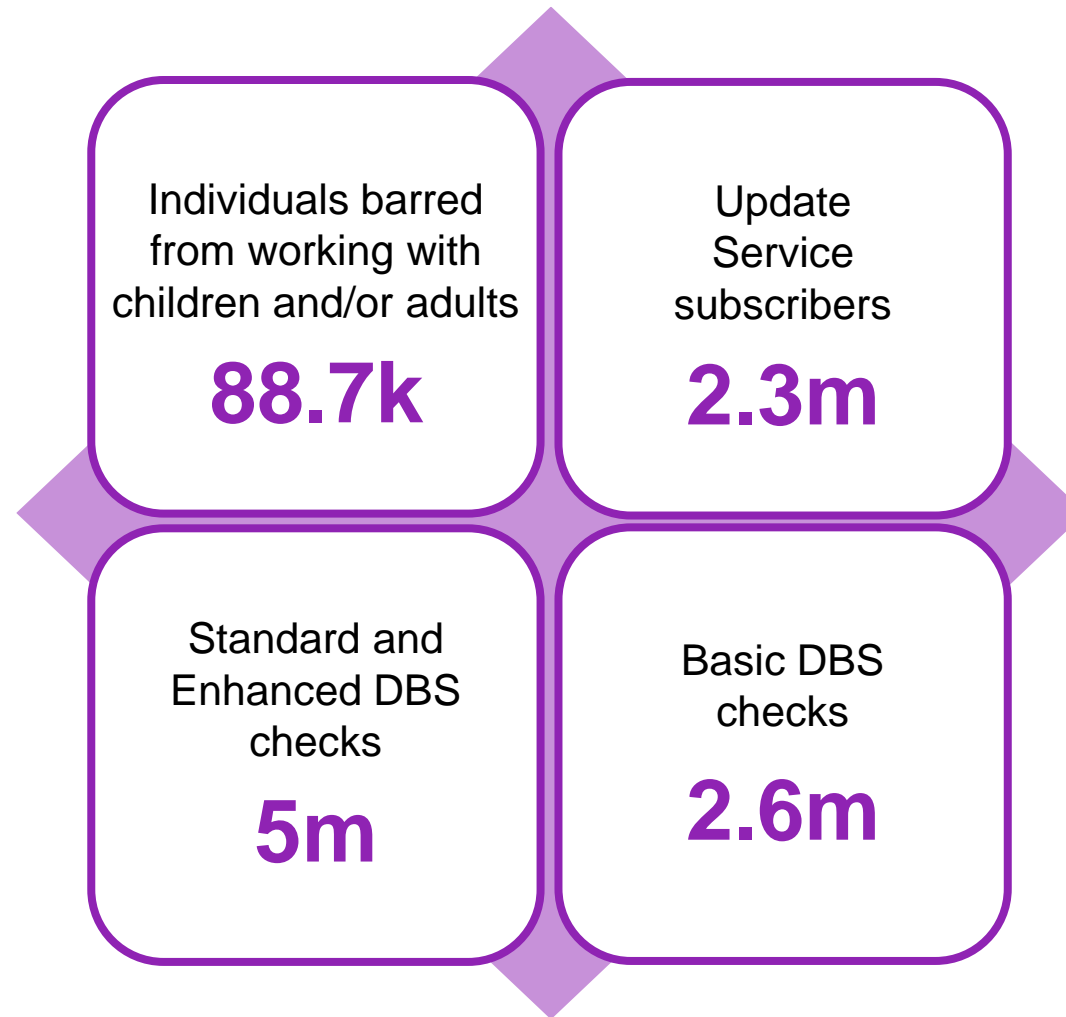
Our vision:

Making Recruitment Safer: By being a visible, trusted and influential organisation, providing an outstanding quality of service to all our customers and partners. Where our people understand the important safeguarding contributions they make and feel proud to work here.

[DBS Business Plan 2023-24](#)



DBS Insight



DBS Quiz

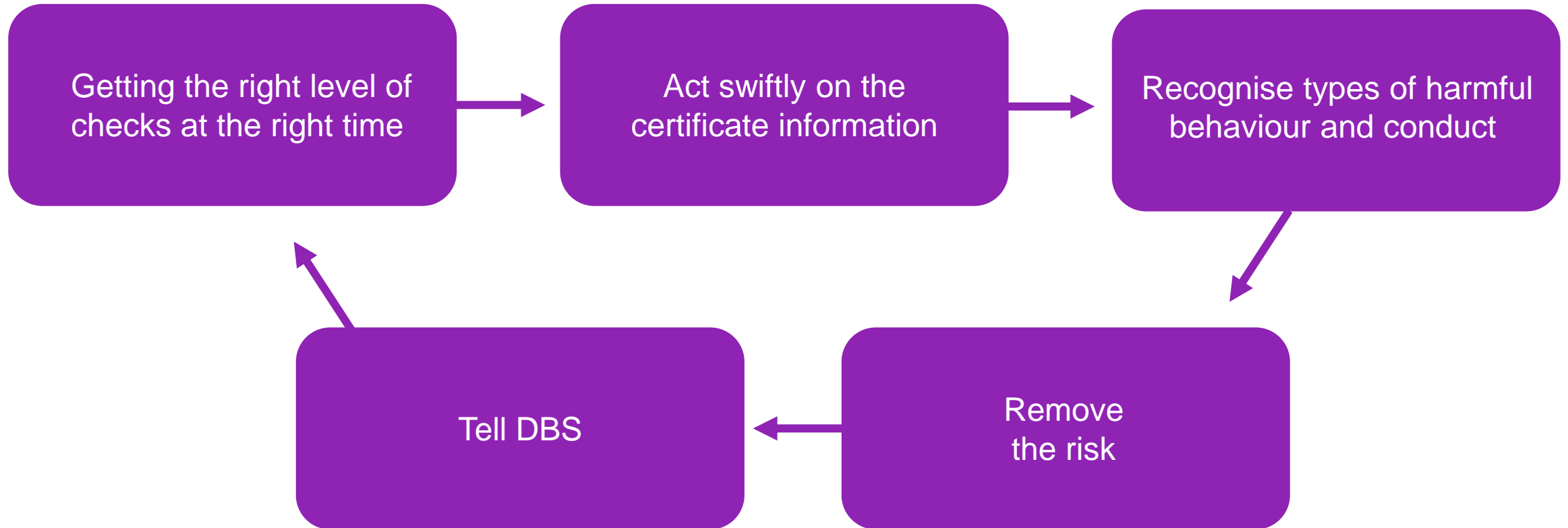
1. An individual could have police information on their certificate, even if they've never had a conviction for an offence - **TRUE**
2. DBS certificates do not have an expiry date - **TRUE**
3. My new employer cannot accept my current DBS certificate because it has my previous employer's name on it - **FALSE**
4. There has been a concern with an employee which I have reported to the police, therefore a DBS referral isn't needed - **FALSE**
5. An individual could be included on one or both Barred Lists, despite having no interaction with the police - **TRUE**
6. Regulators will automatically inform DBS if an individual is banned/struck off from working with a specific sector - **FALSE**

Disclosure

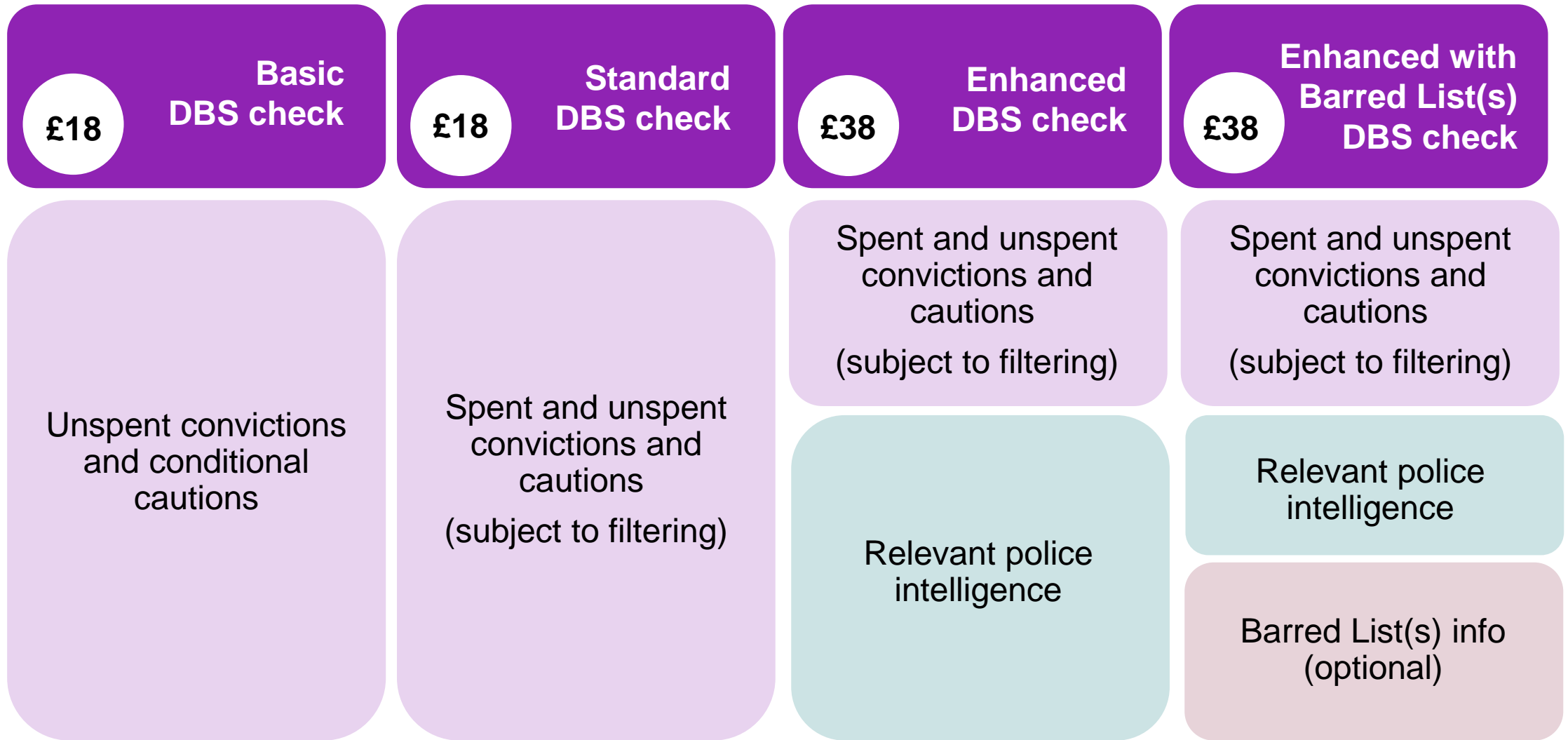


Disclosure &
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Getting it right



Different levels of DBS check



DBS filtering rules

Convictions

All convictions are considered individually

A conviction will be filtered from a criminal record certificate only if:

- 11 years have elapsed since the date of conviction (5½ years if under 18 when convicted);
- it did not result in a custodial (or suspended) sentence;
- It is not on the DBS list of specified offences that will never be filtered

Cautions, reprimands, or final warnings

- A caution for adults will be filtered after 6 years have elapsed since the date of the caution – and only if it does not appear DBS list of specified offences that will never be filtered.
- Youth cautions are not disclosed on DBS certificates
- Childhood reprimands & warnings will not automatically be disclosed

The police still have the power to disclose this information if it is relevant and ought to be disclosed.

Responding to disclosure information

Regulated activity – are they barred from the workforce?

Legal or regulatory requirements

Seriousness of offence

Age at time offence committed

Any pattern of offending behaviour

Circumstances surrounding offending behaviour

Evidence of rehabilitation

DBS Update Service

Organisations and employers can check online, free-of-charge, with the individual's consent – the certificate must be at a level that you are able to check and for the correct workforce.

Those making the check will be advised:

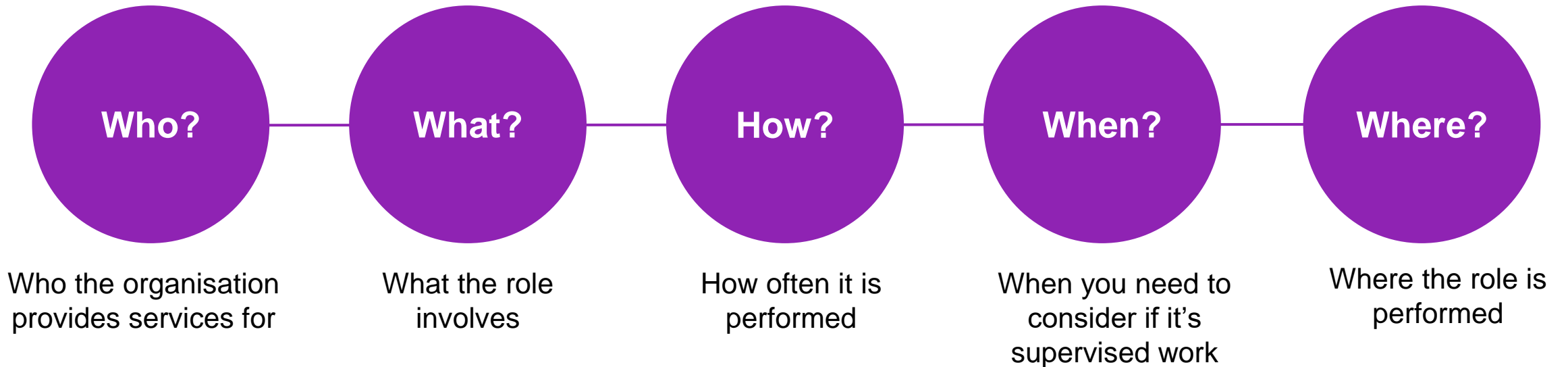
- No new information exists
- If the original certificate contained 'no relevant information'
- New information exists
- There is no record of the certificate in the service



Benefits of the Update Service:

- Re-check when you need to with the individual's consent
- Faster results – you will know instantly if there is no change or if you need to get a new certificate

Deciding what level of check you are able to request



Note, there are some different rules for roles in Wales.

DBS online eligibility guidance

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

Work with children

The **child** workforce

For DBS purposes, a **child** is a person who has not yet reached the age of 18



Regulated activity with children

Role or activity	Once	More than 3 days in a 30 day period	Once overnight with opportunity for contact between 2am and 6am	Anyone carrying out any of these activities would be eligible for an Enhanced DBS check with a Children's Barred List check
Providing healthcare	Yes	Yes	Yes	
Providing personal care	Yes	Yes	Yes	
Teaching, training, and instruction - unsupervised	No	Yes	Yes	
Caring for or supervising - unsupervised	No	Yes	Yes	
Providing advice or guidance on physical, emotional, or educational wellbeing	No	Yes	Yes	
Driving children under arrangement	No	Yes	No	
Moderating a web-based service	No	Yes	No	
Registering to be a childminder (inc voluntary reg)	Not applicable			
Registering to become a foster carer	Not applicable			
Day-to-day managers of staff in regulated activity				

Specified establishments

Where the activity takes place:

- Schools*
- Nurseries
- Children's home
- Children's centres
- Childcare premises
- Detention centres for children

*including pupil referral units and alternate provision academies in England

Individuals must satisfy all of the following criteria:

- Work there more than 3 days in a 30 day period or overnight between 2am and 6am; **and**
- Have the opportunity for contact with children in the establishment; **and**
- Work there for the purpose of the establishment; **and**
- It's not a temporary or occasional role or a supervised volunteer role

Work with children which is not regulated activity

Supervised teaching, instruction, caring for, or supervising children:
Eligible for an Enhanced DBS check

Supervised volunteer in a school or other specified establishments:
Eligible for an Enhanced DBS check

Anyone carrying out regulated activity but not often enough:
Eligible for an Enhanced DBS check

Living or working in childminding or childcare premises
Eligible for an enhanced DBS check with a children's barred list check

Registering to be adoptive parents
Eligible for an enhanced DBS check with a children's barred list check

Trustee of a children's charity:
Eligible for an Enhanced DBS check

Charity Trustees

The level of check that trustees are eligible for depends on what type of charity they support:

Children's Charity

(a charity is a children's charity if the workers or volunteers include those who carry out work that falls into the legal definition of **regulated activity** with children as part of the charities main activities.)

Adult's Charity

(a charity is an adult's charity if the charity workers or volunteers include those who carry out work that falls into the legal definition of **work with adults** or **regulated activity** with adults.)

All other charities

Enhanced

Basic

What level of DBS check are they eligible for?

Maurice works 5 days a week for the catering team of an Academy. He is not always expected to serve food to the children, however on occasion he does and therefore comes into contact with the children.



Enhanced with Children's Barred List Check

What level of DBS check are they eligible for?

Caroline is a forest school volunteer.

She delivers sessions for children from the local primary school as part of the sessions she provides teaching and instruction. She does these sessions twice a month.



Enhanced DBS check

What level of DBS check are they eligible for?

Alice runs an interactive chat room for a youth club of under 16s.

Alice posts content, can remove content and engages with members who contacts using messaging and chat functions on a daily basis.



Enhanced with Children's Barred List Check

What level of DBS check are they eligible for?

Joel is a contractor that is employed for a 6 week project at a primary school to build a new wing of the school.

He is there during weekdays when the children are on the premises but children are not allowed near the building site



Basic Check

What level of DBS check are they eligible for?

Abraham is a Social Worker visiting a school to have a meeting with a child away from the family home due to safeguarding concerns. While Abraham is with the child he carries out activities around emotional wellbeing.

Abraham does this regularly with various children within his case load across schools.

Enhanced with a check of the Childrens' barred list



What level of DBS check are they eligible for?

Sheila works in the Children's Services contact centre.

She answers calls and emails from those requesting help and support for children and families, often recording sensitive details about children and vulnerable adults



Basic DBS Check

Barring



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Types of barring referral

Referral type	Discretionary	Autobar	Disclosure information
Referral source	<ul style="list-style-type: none">• Employers• Agencies• Keepers of Registers• Supervisory authorities	<ul style="list-style-type: none">• Specified convictions and cautions from PNC• Autobars without representation• Autobars with representation	Enhanced with Barred List(s) DBS checks that include convictions, cautions, or police intelligence
Representations	Yes, in all cases	Yes, but only where allowed – set out in law	Yes, in all cases
Appeal	Appeals may be made to the Upper Tribunal on a point of law or error in facts		
Request review	Under 18 – one year; 18 to 24 – five years; 25 and above - ten years; a material change		

Who has a legal duty to refer?

A regulated activity provider:

Employers or voluntary organisations who are responsible for the management or control of regulated activity and make arrangements for people to work in regulated activity

Personnel suppliers:

An employment business, employment agency or an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity

When must you refer?

When two main conditions have been met:

Condition one:

You withdraw permission to engage in regulated activity: dismissed, re-deployed, retired, been made redundant, or resigned

Condition two:

You think the person has either:

- engaged in relevant conduct
- satisfied the harm test; or
- received a caution for, or a conviction for, or been convicted for a relevant offence

What is relevant conduct?

Relevant conduct is conduct which :

- endangers a child or adult, or is likely to endanger a child or adult
- if repeated against or in relation to a child or adult, would endanger the child or adult, or be likely to endanger the child or adult
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child or adult

The 'harm test'

The harm test is satisfied when relevant conduct cannot be established but it appears to DBS that a person may:

- harm a child or adult who is in receipt of regulated activity
- cause a child or adult who is in receipt of regulated activity to be harmed
- put a child or adult who is in receipt of regulated activity at risk of harm
- attempt to harm a child or adult who is in receipt of regulated activity
- incite another to harm a child or adult who is in receipt of regulated activity

Examples of abuse and harm

Physical abuse	Assault, hitting, slapping, misuse of medication, improper restraint, shaking, throwing, poisoning, burning or scalding, suffocating
Sexual abuse	Sexual teasing or innuendo, indecent images, rape, indecent exposure, sexual harassment, inappropriate looking or touching
Emotional or psychological abuse	Humiliation, blaming, controlling, cyber abuse, making a vulnerable person feel worthless, unloved or inadequate, not giving them opportunities to express their views, imposing inappropriate expectations
Extremism	Extremism goes beyond terrorism; it includes people who target the young/vulnerable - by seeking to sow division between communities on the basis of race, faith, or denomination; justifies discrimination towards women and girls
Financial abuse	Unauthorised withdrawal from accounts, theft, fraud, exploitation, pressure in connection with wills or inheritance, internet scamming, misappropriation of property, possessions, or benefits
Neglect or omission	Untreated weight loss, failing to administer reasonable care resulting in pressure sores/uncharacteristic problems with continence; poor hygiene, soiled clothes not changed, insufficient food or drink; unmet social or care needs.

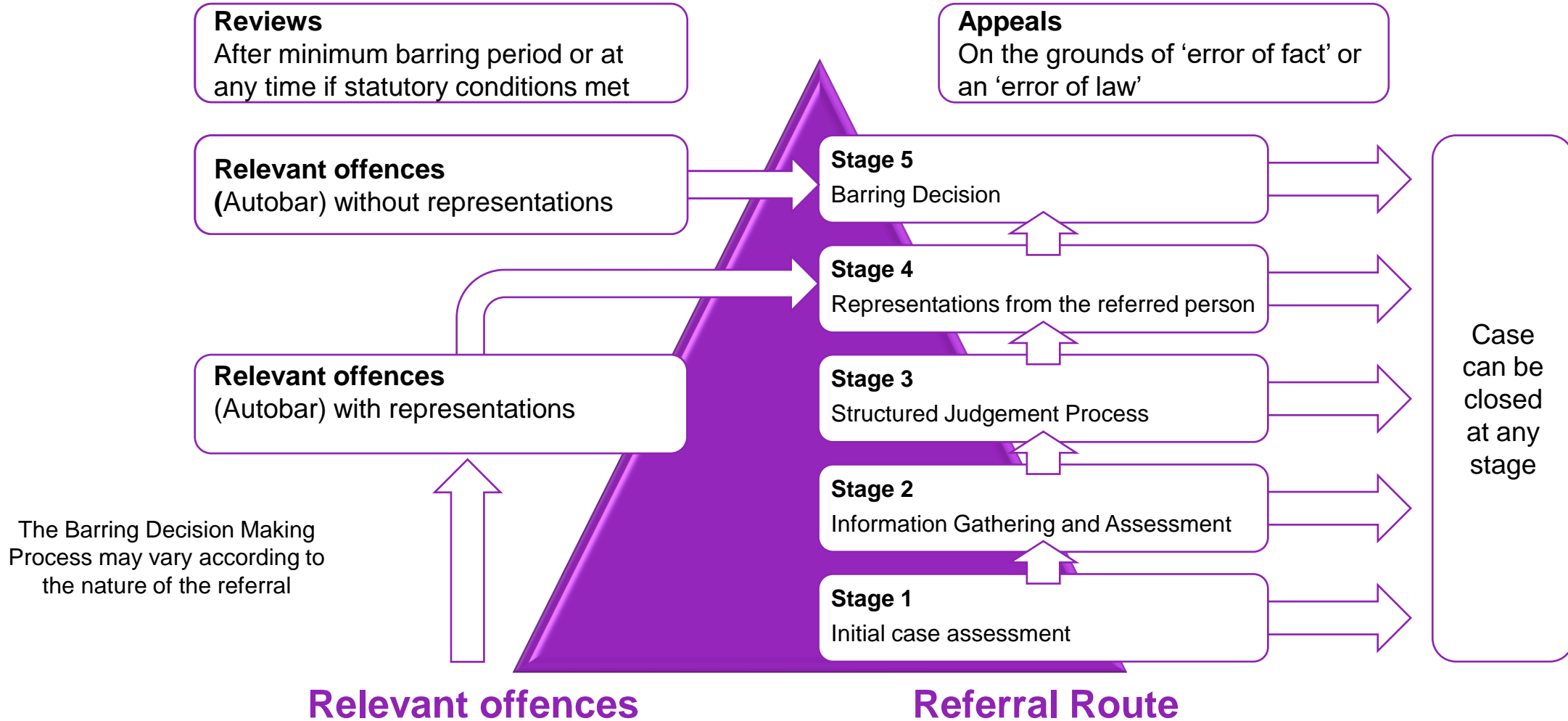
What does a good quality referral look like?

- **Timely:** Balance the need for a swift response with a need for sufficient documentary or supporting evidence
- **Accurate** and fully-completed referral form: Recognition of any gaps, if present
- **Chronology:** Detail the sequence of events from initial notification to the final outcome
- **Relevant information:** To facilitate the DBS decision-making process
- **Victim impact:** What was the impact on the victim
- **Training and supervision records:** Accurate, dated training and supervision records
- **Internal and external investigative and disciplinary processes:** This includes interviews, police intervention, and/or multi-agency meetings. Include recruitment and additional employment information i.e. any previous misconduct or complaint

Documents to send

- Job description
- Application form
- Training records / certificates
- Any witness statements/complaints
- Any other record of previous misconduct
- Service user information, including their support/care plans where appropriate
- Other organisations who have been informed / involved and any multi-agency meeting minutes
- Appraisal information / one-to-one meetings discussing inappropriate conduct
- Any other complaints/statements – direct written complaints or complaints made to other members of staff (recorded)
- Letter inviting to an investigatory meeting
- Employer HR policies, including disciplinary procedure, recruitment process and whistleblowing policy
- Video evidence of conduct
- Resignation letter if applicable (if no letter, record of phone call etc.)

Typical Barring Decision Making Process



Mr Green - things to consider:

- Does the length of time Mr Green has been employed as a teacher affect his suitability?
- How should the school and charity respond to the conviction on Mr Green's DBS certificate?
- What was the earliest point a referral should have been made to DBS?
- Who should make the referral to DBS?
- Is removing Mr Green from teaching enough to protect children?

Impact of being barred from regulated activity across UK jurisdictions

Children's Barred List - not allowed to engage in regulated activity with children in England, Wales, and Northern Ireland.

Adults' Barred List - not allowed to engage in regulated activity with vulnerable adults in England, Wales, and Northern Ireland.

It is a criminal offence to work, seek work, or offer to work in regulated activity when barred on the relevant list

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity

There is a maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

Resources

DBS eligibility information is available in the [DBS eligibility guidance](#).

This provides links to:

- the DBS online eligibility tool
- eligibility guidance for Standard DBS checks
- eligibility guidance for Enhanced and Enhanced with Barred List(s) DBS checks – this includes the Department for Education’s definition of ‘regulated activity with children’ and the Department for Health’s definition of ‘regulated activity with adults’
- DBS guidance leaflets

Information on Basic DBS checks can be found in the [DBS Basic checks](#) guidance.

Useful links

- [DBS Guidance Leaflets](#)
- [DBS Check process explained - video](#)
- [DBS eligibility guidance](#)
- [Eligibility guidance for enhanced DBS checks](#)
- [DBS Barring Referral Guidance](#)
- [DBS Barring Referral Form and Guidance](#)
- [How to make a Good Quality Barring Referral](#)

How to contact us

Regional Outreach:

Email: DBSregionaloutreach@dbs.gov.uk

Partnerships Team:

Email: DBSEngagement@dbs.gov.uk

Further information - Disclosure:

Helpline: 03000 200 190 | Email: customerservices@dbs.gov.uk

Further information - Barring:

Helpline: 03000 200 190 | Email: Contactus@dbs.gov.uk

Website: www.gov.uk/dbs

Facebook: <https://www.facebook.com/dbsgovuk/>

Twitter: <https://twitter.com/DBSGovUK>

Greater London: Kiran Rehal

Email: Kiranpreet.Rehal@dbs.gov.uk

Please get in touch for bespoke support:

- Questions about DBS checks, eligibility, and regulated activity
- Support with making barring referrals and the 'legal duty to refer'
- Delivery of training and workshops directly to your team or network
- Support your training programmes that require DBS information
- Provide us feedback so we can improve our DBS products and services

Evaluation

Please access this link to complete a [short evaluation form!](#)

Your feedback is very important to us in the DBS Partnership team.

