DBS Disclosure Workshop
Housekeeping

• Questions
• Confidentiality
• Microphones
• Captions
• Slides
• Breaks
Workshop Objectives

• The benefits of DBS and The Church of England working together
• The different levels of DBS checks
• When an employee is eligible for a check
• What Regulated Activity is
• The DBS Update Service
• Have an understanding of what safe recruitment practices can be in place that DBS checks can form a part of.
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.

[Link to DBS business plan: 2021-22 - GOV.UK (www.gov.uk)]
The Role of DBS

DBS is responsible for the delivery of disclosure and barring functions on behalf of Government.

We operate **disclosure** functions for England, Wales and the Islands under Part 5 of the Police Act 1997 supported by the following:

- Rehabilitation of Offenders (Exceptions Order) Act 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

We also operate **barring** functions for England, Wales and Northern Ireland under the following:

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Protection of Freedoms Act 2012
DBS Disclosure Quiz

1. I should always apply for the highest level of DBS check when I am recruiting for any role.
2. Anyone who works around children or vulnerable adults is eligible for a standard or enhanced level DBS check.
3. The job I’m recruiting for does not work with children or vulnerable adults, so I cannot apply for any DBS check.
4. A DBS certificate came back without any information on it – This means the DBS have said it is okay to employ them.
5. The DBS will tell me if an employee has any new convictions after the DBS certificate has been issued.
6. An individual could have police information on their certificate, even if they’ve never had a conviction for an offence.
7. My new employer cannot accept my current DBS certificate because it has my previous employer’s name on it.
8. A DBS check is not a legal requirement.
9. DBS certificates do not have an expiry date.
DBS and You

- **81.9k** Individuals barred from working with children and/or adults
- **1.9m** Update Service Subscribers
- **3.5m** Standard and Enhanced Disclosures
- **2.2m** Basic Disclosures

Making Recruitment Safer
Safeguarding Environment
DBS and You

Getting the right level of checks at the right time

Act swiftly on the certificate information

Remove the risk

Recognise types of harmful behaviour and conduct

Tell DBS

Making Recruitment Safer
Safe Recruitment Practices Exercise

As an employer who is currently recruiting, what should be considered and what could/should be in place as part of safe recruitment practices?
Safe Recruitment Practices

• A DBS Check
• References from previous employer/s
• Safer Recruitment Policy
• Recruitment of Ex Offenders Policy
• Whistleblowing Policy
• Training plans & programmes
• Supervision
• Job shadowing
• Probation periods
• Clear job descriptions
The Different Levels of DBS Checks

- **Basic** £23
  - Unspent convictions and conditional cautions

- **Standard** £23
  - Spent & unspent convictions, and cautions (subject to filtering)

- **Enhanced** £40
  - Spent & unspent convictions, and cautions (subject to filtering)
  - Relevant Police Intelligence

- **Enhanced with Barred List Checks** £40
  - Spent & unspent convictions, and cautions (subject to filtering)
  - Relevant Police Intelligence
  - Children’s and/or adults’ barred list (optional)
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 is the person’s only conviction;
• 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
Any pattern of offending behaviour
Seriousness of offence
Circumstances surrounding offending behaviour
Age at time offence committed
Evidence of rehabilitation
The Update Service – supporting your safeguarding measures

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:
- Re-check when you need to with the individual’s consent
- Cheaper than a 3 yearly re-check
- 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

Understand:
Who your organisation provides services for – children/adults/both?
What the role involves
How often it is performed
When you need to consider if it is supervised work
Where the role is performed

There are some different rules for roles in Wales

DBS online eligibility guidance
https://www.gov.uk/government/collections/dbs-eligibility-guidance
DBS workforces

Police Act 1997 (Criminal Records) regulations separate eligibility for enhanced DBS checks into:

- Work with children – the **child** workforce

- Work with adults – the **adult** workforce

- Everything else – the **other** workforce
Work with children

The Child Workforce

For DBS purposes, a child is a person who has not yet reached the age of 18.
### What, how often and is it Supervised?

#### Regulated activity

<table>
<thead>
<tr>
<th>Activity</th>
<th>Once</th>
<th>More than 3 days in a 30 day period</th>
<th>Once overnight with opportunity for contact between 2am and 6am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing health care</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Providing personal care</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Teaching, training and instruction - unsupervised</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Caring for or supervising - unsupervised</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Providing advice or guidance on physical, emotional or educational well being</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Driving children under arrangement</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Moderating a web based service</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Registering to be a childminder (inc voluntary reg)</td>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registering to become a foster carer</td>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day to day managers of staff in regulated activity</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Anyone carrying out this activity would be eligible for the Enhanced with Children’s Barred List check
Where - specified establishments, the rules
Regulated activity

Where the activity takes place:
- Schools*
- Nurseries
- Children’s Home
- Children’s Centres
- Childcare Premises
- Children's hospital in Wales
- 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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervised teaching/instruction/ caring for or supervising children</td>
<td>- Eligible for an enhanced DBS check</td>
</tr>
<tr>
<td>Registering to be Adoptive parents</td>
<td>- Eligible for an enhanced DBS check with a children’s barred list check</td>
</tr>
<tr>
<td>Living or working in childminding or childcare premises</td>
<td>Eligible for an enhanced DBS check with a children’s barred list check</td>
</tr>
<tr>
<td>Supervised volunteer in a school or other specified establishments</td>
<td>- Eligible for an enhanced DBS check</td>
</tr>
<tr>
<td>Anyone carrying out regulated activity but not often enough</td>
<td>- Eligible for an enhanced DBS check</td>
</tr>
<tr>
<td>Trustee of a children’s charity</td>
<td>- Eligible for an enhanced DBS check</td>
</tr>
</tbody>
</table>
Work with adults

The **Adult** Workforce

For DBS purposes, an **adult** is a person who is aged 18 or over
What is done for the adult
Regulated activity

<table>
<thead>
<tr>
<th>Activity</th>
<th>Regulated activity with adults</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing health care</td>
<td>By or under the supervision of a healthcare professional</td>
</tr>
<tr>
<td>Providing personal care</td>
<td>Washing and dressing, eating, drinking and toileting</td>
</tr>
<tr>
<td>Social Work</td>
<td>Provided by a social care worker to an adult who is a client or potential client</td>
</tr>
<tr>
<td>Assistance with the day-to-day financial running of the adult’s own household</td>
<td>Managing cash, bills or shopping</td>
</tr>
<tr>
<td>Assistance with the conduct of an adult’s affairs</td>
<td>Power of attorney, deputies appointed under Mental Health Orders</td>
</tr>
<tr>
<td>Conveying an adult</td>
<td>Must be for health, personal or social care due to age, illness or disability</td>
</tr>
</tbody>
</table>

Anyone carrying out this activity would be eligible for the Enhanced with Adult’s Barred List check.
Work with adults which is not regulated activity – the rules

**Step 1**
The adult must be 18 or over
and
Receiving a listed health or social care service
or
Receiving a listed activity set out in legislation

**Step 2**
The employee must do one or more of the activities below
- Train, teach, instruct, provide assistance, advice or guidance
- Care for, supervise, provide treatment or therapy
- Moderate a public interactive electronic communication service
- Work in a care home
- Drive adults under contract arrangements

**Step 3:**
Carry out the work often enough:
- more than 3 days in any period of 30 days
- Anytime between 2am and 6am
- Once a week on an ongoing basis
Work with adults – what else is included?

• Trustees of adult’s charities

• Specific positions in England & Wales
  examples would include CQC inspectors in England, local authority social services staff, Directors of social services in Wales but there are more

• Managing anyone who carries out work with adults activities

Use DBS online adult workforce guide for more information

https://www.gov.uk/government/collections/dbs-eligibility-guidance
Home-Based Checks-

A home-based check is for roles that are eligible for an Enhanced DBS check in the child or adult workforce where the individual:

• carries out some or all their work with children or adults in their own home; or

• lives in the household of someone who is being or has been DBS checked because they carry out work with children (not adults) in their own home

To be eligible for an Enhanced DBS check, household members must also have the opportunity for regular contact with the children.
Home-Based Checks-

The purpose of the third-party check is to allow the police to consider information held not only on the applicant, but also on any family member, relative, or friend associated with their home address. As the legislation permits disclosure of ‘any information’, this may be considered for disclosure on a DBS certificate.

Positions are not considered home-based if the work is being carried out at the home of the individual being cared for or being provided with a service or activity. There is no legislation that allows a DBS check for individuals who live in the household of someone who is providing personal care, healthcare or social work to adults who need it.

Home-based position definition and guidance - GOV.UK (www.gov.uk)
Home-Based Checks-

Child workforce

Does the applicant for this DBS check carry out any of the functions below from their own home address?
- teaching, training, instruction, guidance, supervision, care or healthcare of or for children
- childminding, fostering or adoption of children

No →

Does the applicant for this DBS check work and live on the premises of a further education institution or 16–18 academy for children?

No →

Does the applicant for this DBS check work and live in any of the following specified places?
- an educational institution exclusively or mainly for the full-time provision of education of children
- an institution for the detention of children
- a children’s home, nursery school or children’s centre

No →

Does the applicant for this DBS check live in the same household as another person who is being checked for any of the reasons above?

No →

The applicant is **not eligible** for a home-based position check. Place a cross (X) in the ‘No’ box in field x66 on the DBS application form.

If a household member is not eligible for a home-based check, you need to consider whether they are eligible for a DBS check at all.

Yes →

The applicant is **eligible** for a home-based position check. Place a cross (X) in the ‘Yes’ box in field x66 on the DBS application form.
Home-Based Checks-

Adult workforce
There is no legislation that allows other members of the household of the applicant to have a DBS check.

Does the applicant for this DBS check carry out any of the functions below from their own home address?
- healthcare which is regulated activity
- personal care which is regulated activity
- social work which is regulated activity

Yes

The applicant is not eligible for a home-based position check. Place a cross (X) in the 'No' box in field x96 on the DBS application form.
If a household member is not eligible for a home-based check, you need to consider whether they are eligible for a DBS check at all.

No

The applicant is eligible for a home-based position check. Place a cross (X) in the 'Yes' box in field x96 on the DBS application form.
Trustees/ PCC-

• If it is a children’s/adult’s charity trustees are eligible for enhanced check.
• If not need to look at what the trustee/PCC are doing as part of their role.
• If carrying out regulated activity with children/adult’s- enhanced with barred list check.
• If carrying out “work with children”/ “work with adults” – enhanced check
• None of the above- basic check
What level of DBS Check?

Joshua runs a bible story club for children aged 7 - 11 year.

He teaches the children every Saturday morning in the local church library.
What level of DBS Check?

Kate supports at the bible story club for children aged 7 - 11 year.

She is supervised by Joshua.
What level of DBS Check?

Sophia volunteers with her local Neighbourhood Church Association Group. Her role is to deliver food parcels to local residents.

Some of the residents may have health and social care needs.
Alex volunteers with his local Neighbourhood Church Association Group. His role is to go shopping for elderly members of the church who can’t leave their house. He is given cash from the members do to their shopping.
Danny is a church caretaker. He attends his local church every evening and performs daily spot cleaning in all public areas of the building.

On Thursdays evenings a counselling group is also running in the main hall. Danny provides tea and coffee for the attendees.
Frank is an outreach worker. He goes into his local city centre every Friday and Saturday night. He gives out flip flops to those who’s shoes are hurting, he will support people who are intoxicated and take anyone who needs support to a local police station.

What level of DBS Check?
What level of DBS Check?

Ruth volunteers to take sandwiches and hot drinks to homeless people once a month. Some of the homeless people are elderly and others have substance misuse issues.
What level of DBS Check?

Ellie is a youth worker. She leads the church youth club on a weekly basis.

Occasionally Ellie can not attend so Rosie steps in to run the club. This happens every couple of months.
What level of DBS Check?

Gary volunteers to drive the church mini bus.
On a weekly basis he drives elderly members of the church to worship as they are unable to get there themselves.
What level of DBS Check?

Alice is a eucharistic minister. She distributes the host on a monthly basis. She will often place the host in an individual’s mouth.
What level of DBS Check?

John is a PCC member. As part of his role he manages the youth group leader who has an enhanced with barred list check (children).
What level of DBS Check?

Sarah is a church operations administrator. She keep records of who attends the youth group and have access to all the children’s names, addresses and telephone numbers.
What level of DBS Check?

Caroline is a safeguarding administrator. She keeps records of who has had DBS checks and at what level. She also carries out ID checks and submits applications for DBS checks.
Resources

DBS eligibility information is available at https://www.gov.uk/government/collections/dbs-eligibility-guidance

This provides links to:

DBS online eligibility tool
Eligibility guidance for standard DBS checks
Eligibility guidance for enhanced DBS checks-DFE definition of Regulated Activity with children and DH definition of Regulated Activity with Adults are included here.

DBS guidance leaflets

Information on basic DBS checks can be found at https://www.gov.uk/government/publications/basic-checks
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:
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DBSregionaloutreach@dbs.gov.uk

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North East-  Elizabeth.Dale@dbs.gov.uk

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East Midlands-  Elizabeth.Whittington@dbs.gov.uk

Northern Ireland-  Allister.Woods1@dbs.gov.uk

Wales-  Carolann.Eland@dbs.gov.uk

If you are unsure of your region or do not have named Worker please email the main email.

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
Recap

• The benefits of DBS and Church of England working together
• The different levels of DBS checks
• When an employee is eligible for a check
• What Regulated Activity is
• The DBS Update Service
• Have an understanding of what safe recruitment practices can be in place that DBS checks can form a part of.
Evaluation and close

Thank you for listening
Any questions?

Disclosure & Barring Post Event Survey (Overview + Disclosure) ( surveymonkey.co.uk )