

## Disclosure and Barring Service (DBS) checks (formerly CRB checks)

### Summary

On 1 December 2012 the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to form the Disclosure and Barring Service (DBS). As a result 'CRB checks' are now called 'DBS checks'.

A Disclosure and Barring Service (DBS) check provides information about a volunteer's criminal history. It helps volunteer involving organisations determine whether a person is a suitable candidate for the role for which they are applying. It forms one part of the [wider volunteer safeguarding process](#). Careful consideration should be given to whether it is necessary to conduct a check or whether other safeguarding measures provide adequate protection. Only certain posts and activities are eligible for checks, and DBS checks should not be used simply as a 'just in case' box ticking exercise. This guidance aims to help organisations determine whether a check is required and how to obtain one.

This guidance is principally aimed at volunteers and volunteer involving organisations and relates to the disclosure and barring system as it currently exists. The system was recently reformed through the [Protection of Freedoms Act 2012](#). The reforms aim to reduce some of the red tape historically associated with DBS (CRB) checks. When understood correctly the new system has the potential to make it easier for people to volunteer, while ensuring vulnerable groups are adequately protected.

This information sheet covers:

- 1. What is the purpose of a DBS check?**
- 2. How do I know when a DBS check is required?**
  - Standard checks
  - Enhanced checks
  - Enhanced Check with Children and/or Adult Barred list check
  - Eligibility versus necessity
- 3. What is Regulated Activity?**
  - Is the volunteer engaged in Regulated Activity with Children?
  - Is the volunteer engaged in Regulated Activity with Adults?
  - The duty to refer
- 4. Striking a balance - keeping it safe and easy to volunteer**

## 5. How do I obtain a DBS check?

- Individuals
- Organisations
- Accessing DBS checks

## 6. Changes to the disclosure and barring system

- Changes planned for early 2013
- Changes already effective

## 7. Further information

# 1. What is the purpose of a DBS check?

A Disclosure and Barring Service (DBS) check forms one part of the [wider safeguarding process](#). It helps volunteer involving organisations determine whether a person is a suitable candidate for a particular role by providing information about a volunteer's criminal history. There are two levels of check:

- (i) **Standard checks** reveal information relating to spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).
- (ii) **Enhanced checks** reveal the same information as Standard Checks but also check against information held by local police forces (for instance, relevant on-going investigations). *When specified*, an Enhanced Check can also be used to check against lists of people prohibited from working with children and vulnerable adults. These are known as 'barred lists' (see below). In this respect there are two types of Enhanced Check (see section 2).

DBS checks are free for volunteers. The DBS defines a 'volunteer' as a person who is "engaged in an activity which involves spending time unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative."

# 2. How do I know when a DBS check is required?

The minimum age at which someone can apply for a DBS check is 16. Organisations wishing to undertake a check should choose between three routes depending on the nature of the role:

## Standard Check

To be eligible for a Standard Check the position **must** be specified in the [Exceptions Order to the Rehabilitation of Offenders Act 1974](#).

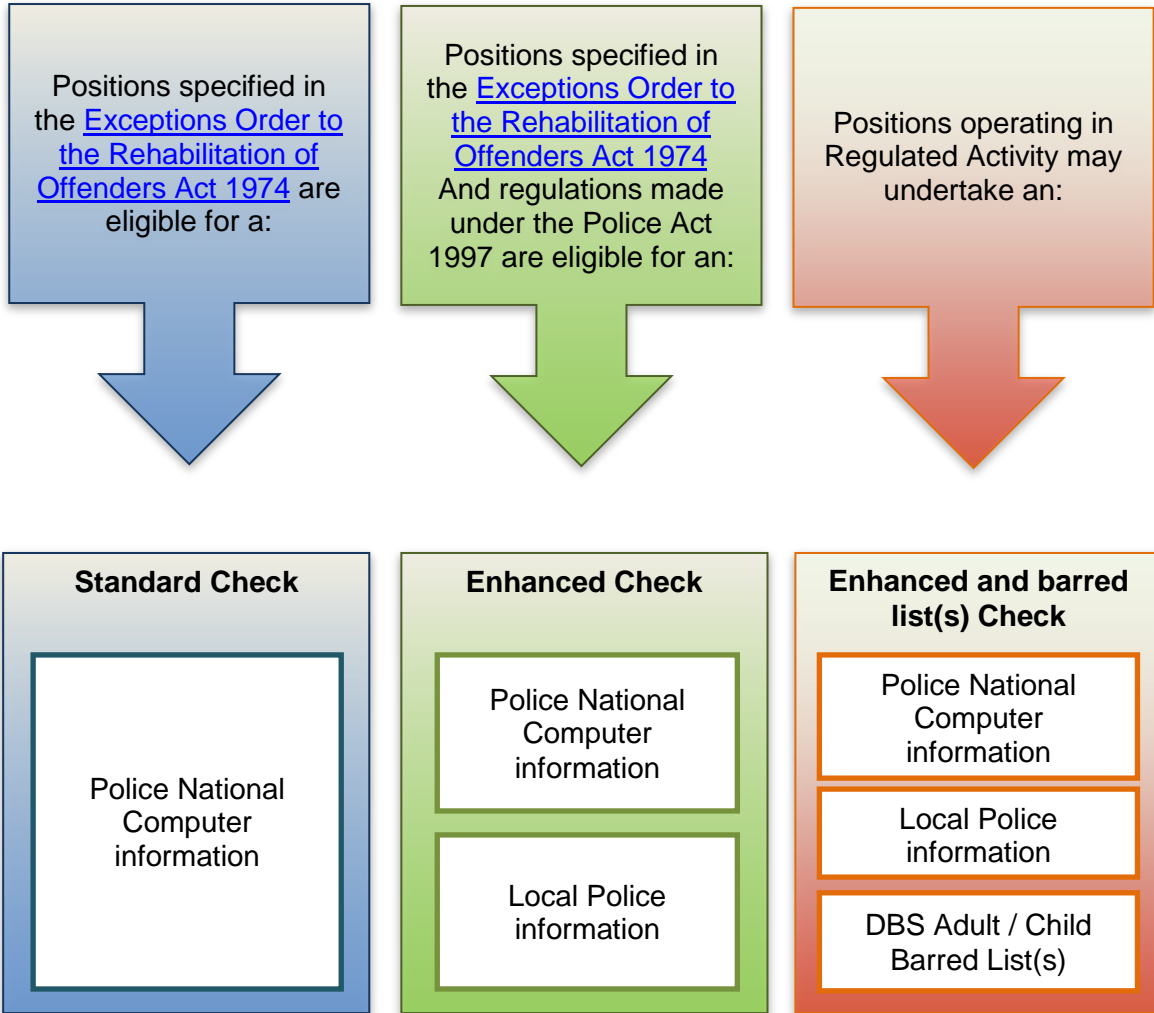
**Enhanced Check**

To be eligible for an Enhanced Check the position **must** be specified in the [Exceptions Order to the Rehabilitation of Offenders Act 1974](#) **and** regulations made under the Police Act 1997. This includes work with vulnerable persons, including children. Positions falling within the current definition of ‘Regulated Activity’ (see section 3) **and** the old definition of ‘Regulated Activity’ (see the [Safeguarding Vulnerable Groups Act 2006](#)) are eligible for an Enhanced Check.

**Enhanced Check with Children and/or Adult Barred list check**

This determines whether a would-be volunteer is barred from working with vulnerable persons, including children. To be eligible for an Enhanced Check with Children’s and/or Adults Barred list check the position **must** meet the DBS definition of ‘Regulated Activity’ (see section 3).

**Available routes for checking volunteers:**



**Eligibility versus necessity**

Under the [Rehabilitation of Offenders Act 1974](#) a volunteer with a criminal record is not required to reveal past convictions unless the role they are applying for, or are currently occupying, is [listed as an exception to the act](#). However, just because a

volunteer is eligible for a DBS check, doesn't mean you necessarily need to undertake one. Where an organisation is eligible and feels compelled to conduct a check because of their legal 'duty of care' towards its employees or clients, a risk assessment should be carried out to determine whether a check is actually necessary. In many circumstances other safeguarding measures may alone offer adequate protection (see section 4 'Striking a balance – keeping it safe and easy to volunteer').

**Important** It is illegal to apply for a check unless the role is eligible for one. You must also tell the volunteer why they are being checked.

### **3. What is Regulated Activity?**

Regulated Activity is work a person who appears on the Disclosure and Barring Service (DBS) barred lists is prohibited from doing. This includes work that involves close and unsupervised contact with vulnerable groups, including children. There are two types of Regulated Activity; Regulated Activity relating to Children and Regulated Activity relating to Adults. If a volunteer falls within either of these categories an organisation may request an Enhanced Check against the respective DBS barred list.

In an effort to reduce red-tape and bureaucracy the disclosure and barring system was [recently reformed](#). This involved reducing the scope of Regulated Activity, so that some roles that previously needed a barred list check no longer do so. However, those posts taken out of Regulated Activity remain eligible for Enhanced Checks.

Reducing the scope of Regulated Activity has led to a rebalancing of responsibilities between the state on the one hand, and volunteer involving organisations on the other. There is now a greater role for organisations in deciding whether a volunteer is a suitable candidate for a particular role. To do this effectively they must also use other safeguarding measures rather than rely on legal provisions alone (see section 4).

#### **a) Is the volunteer engaged in Regulated Activity with Children?**

Volunteering England has produced a [user-friendly guide](#) to help determine whether a volunteer's role is classified as Regulated Activity relating to Children. This should be read in conjunction with the [full guidance from the Department for Education](#).

Activities that place a volunteer in Regulated Activity with Children:

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is Regulated Activity only if done regularly. 'Regularly' means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight).

(iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once.

(iv) Registered childminding; and foster-carers.

Activity under (iii) and (iv) does not have a frequency restriction and is Regulated Activity even if performed only once.

Broadly speaking the new definition of Regulated Activity relating to children no longer includes certain activities done on an irregular or ad-hoc basis or some activities properly supervised by someone who themselves is in Regulated Activity. It is important organisations understand the distinction between supervised and unsupervised by referring to the [Department for Education's guidance on supervision](#).

#### **b) Is the volunteer engaged in Regulated Activity with Adults?**

Volunteering England has produced a [user-friendly guide](#) to help determine whether a volunteer's role is classified as Regulated Activity relating to Adults. This should be read in conjunction with the [full guidance from the Department for Health](#).

Activities that place a volunteer in Regulated Activity with Adults:

1. Healthcare: if they are a regulated health care professional or are acting under the direction or supervision of one (eg. Doctors, nurses, physiotherapists).
2. Personal care: assistance with washing and dressing, eating, drinking and toileting or teaching someone to do one of these tasks.
3. Social work: provision by a social care worker of social work which is required in connection with any health services or social services.
4. Assistance with a person's cash, bills or shopping because of their age, illness or disability.
5. Assistance with the conduct of an adult's own affairs, eg. lasting or enduring powers of attorney, or deputies appointed under the Mental Health Act.
6. Conveying adults for reasons of age, illness or disability to, from or between places where they receive healthcare, personal care or social work (excludes friends, family or taxi drivers).

Regulated Activity relating to adults identifies the activities which lead to an adult being considered vulnerable at that particular time. As such the setting of the activity and the personal characteristics of the adult are extraneous. There is no requirement for a person to do the activities a certain number of times before they are engaging in Regulated Activity.

**Important** It is a criminal offence for organisations to recruit a volunteer who appears on either of the DBS barred lists in Regulated Activity with the group from which they are barred from working. Likewise, it is a criminal offence for a person to seek work, or work in, activities from which they are barred. If you are unsure whether a particular role is eligible for a check you can contact the DBS direct via [email](#) or by telephone 0870 909 0811.

### **The duty to refer**

Organisations must report volunteers to the Disclosure and Barring Service (DBS) who are dismissed or removed from Regulated Activity (or would have been if the person had not already left) because they harmed or posed a risk to an individual. This 'duty to refer' overrides any obligation to withhold information on the grounds of confidentiality. It is important organisations know their responsibilities in this regard. Further information can be found in the [Disclosure and Barring Service \(DBS\) Referral Guidance](#).

## **4. Striking a balance - keeping it safe and easy to volunteer**

DBS checks are just one part of the wider safeguarding process which includes safe and careful recruitment techniques, training and vigilant day-to-day management. These processes are also essential for identifying problem behaviour at the earliest opportunity and when performed properly, can negate the need for a DBS check in many circumstances.

The decision to conduct a DBS check should always be made carefully and only where there is a strong and demonstrably compelling case for doing so. The temptation for organisations to check 'just in case' should always be resisted. There is anecdotal evidence that some organisations carry out DBS checks on all their volunteers without properly evaluating risk and where there is no entitlement or reason to do so. Not only can this discourage people from volunteering, it is also illegal. Conversely, there is a risk some organisations will avoid recruiting volunteers altogether through fear of making an incorrect checking decision.

Volunteering England provides [guidance on screening and recruiting volunteers](#) and the Institute for Volunteering Research provides a Risk toolkit '[How to take care of risk in volunteering. A guide for organisations](#)' that explains the risks associated with volunteers and how to manage them. This stresses that 'risk' is not inherently bad and that risk-taking is an integral part of volunteering.

## **5. How do I obtain a DBS check?**

### **Individuals**

Individuals must apply through the organisation which they wish to volunteer for. Applicants need to complete the DBS application form with personal details and list their addresses for the past five years. They must then present [certain forms of proof of identity](#) in order for the check to be processed. For a useful guide on how to complete the application form click [here](#).

### **Organisations**

A representative of the organisation must countersign the DBS application. This 'countersignatory' is responsible for making sure that an application is actually justified; for checking the applicant's [identity documents](#); and making sure that the form has been completed correctly. They must also ensure that the applicant meets the [DBS's definition of a volunteer](#). For a useful application checklist, click [here](#).

### Accessing DBS checks

There are two ways in which organisations can apply for DBS checks. If an organisation conducts more than 100 checks a year it can [apply to become a registered body](#) with the DBS, otherwise it should apply through an 'umbrella body'. To locate an umbrella body in your area visit the [Home Office website](#). Many local authorities act as umbrella bodies for smaller organisations.

To cover administration costs, umbrella bodies will often charge organisations an administration fee for carrying out DBS checks. This can also apply to checks for volunteers. If your organisation is relatively small or does not require many checks each year, you probably can't avoid using an umbrella body and paying an administration charge. However, administration costs should not be passed on to volunteers.

## 6. Changes to the disclosure and barring system

The Protection of Freedoms Act 2012 made some key changes to the disclosure and barring system. These are covered in detail in a concise and easy to read Home Office booklet '[Changes to disclosure and barring: What you need to know](#)'. You should read the booklet to fully understand the reforms and their implications. This is particularly important for organisations that used the old system. Below is a summary of some of the key changes you need to be aware of.

### Changes planned for early 2013:

- A DBS check currently produces two certificates; one that is sent to the organisation making the check and another to the applicant. This is set to change with a single certificate sent only to the applicant. Organisations will be able to see (using the DBS online tracking facility) whether the certificates are clear or not, and if necessary make arrangements to see clear certificates; see certificates that contain information; and check the certificate to ensure it is genuine.
- An Online 'Update Service' making DBS checks more 'portable' is planned for Spring 2013. This will enable organisations to check online to see whether there is any new criminality information on a DBS certificate since a volunteer first applied for a check (this will not provide detailed information but just an indication that new information exists). Portability has long been campaigned for by the voluntary sector and has the potential to avoid many unnecessary repeat applications. **Subscription to the Update Service will be free for volunteers.**
- Legislation is planned for late 2013/early 2014 that will make it a legal requirement to check the barred lists before engaging a person in Regulated Activity.

### Changes already effective:

- A new definition of Regulated Activity (see above).
- The 'Controlled Activity' category has been repealed. Positions previously identified as "Controlled Activity" have either become Regulated Activity or are now outside Regulated Activity altogether.

- Individuals aged under 16 are no longer eligible for a DBS check.
- What the police can disclose has been subject to a strengthened test of relevance and individuals can ask the Independent Monitor to review what is disclosed on their certificate.
- The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to form the Disclosure and Barring Service (DBS). Now one organisation deals with both checks and barring decisions.
- Individuals other than the applicant can now challenge information they suspect to be inaccurate on a DBS certificate.

## **7. Further information**

### **Volunteering England Information Sheets and Briefings**

[www.volunteering.org.uk/information sheets](http://www.volunteering.org.uk/information sheets)

### **Volunteers and the Law, 2005 – Volunteering England**

A free publication by Volunteering England offering a readable guide to the law

[www.volunteering.org.uk/law](http://www.volunteering.org.uk/law)

### **Relevant legislation and guidance**

There is a range of government guidance for specific sectors such as schools or care providers. Some of this guidance can be found in Volunteering England's Good Practice Bank under the Core Theme 'Protection and Safeguarding':

[www.volunteering.org.uk/goodpractice](http://www.volunteering.org.uk/goodpractice)

### **Home Office**

[www.homeoffice.gov.uk/disclosure-and-barring](http://www.homeoffice.gov.uk/disclosure-and-barring)

### **Department for Education (DfE) disclosure and barring pages**

[www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring](http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring)

### **Department for Health (DH) disclosure and barring pages**

[www.dh.gov.uk/health/2012/08/new-disclosure-and-barring-services-definition-of-regulated-activity/](http://www.dh.gov.uk/health/2012/08/new-disclosure-and-barring-services-definition-of-regulated-activity/)

### **Gov.uk**

This new government portal replaces what used to be Business Link and DirectGov. All government department websites will be migrated to this site over the coming months

[www.gov.uk/](http://www.gov.uk/)

## **Useful contacts**

### **Disclosure and Barring Service (DBS)**

Information Line: 0870 90 90 811

[www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs)



**Nacro**

A crime reduction charity that supports ex-offenders and their families.

Telephone: 020 7840 7200

[www.nacro.org.uk/](http://www.nacro.org.uk/)

**Disclaimer**

We make every effort to ensure that our Information Sheets are correct at the time of publication. They are intended as a brief summary of relevant issues to help you plan or develop your work with volunteers. Legal advice should be sought where appropriate. NCVO is unable to accept liability for any loss or damage or inconvenience arising as a consequence of the use of this information.

The inclusion of other organisations in the Information Sheets does not imply any endorsement of independent bodies; all sources of further information are listed solely for signposting purposes.

**Copyright**

Please note that this Information Sheet is subject to copyright, which is owned by NCVO. Further information on NCVO's copyright can be found at:

[www.ncvo-vol.org.uk/website-terms-of-use](http://www.ncvo-vol.org.uk/website-terms-of-use)