

Making Recruitment Safer

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What we will cover

- DBS – who we are and what we do
- Partnership and engagement outreach
- DBS checks
- Filtering
- Update Service
- Barring referrals – when to make one and what to include

Introduction to DBS

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

- We operate **disclosure** functions for England, Wales Jersey, Guernsey and the Isle of Man
- We also operate **barring** functions for England, Wales and Northern Ireland under the following

Partnership and Engagement

Partnership Management Team

- Corporate partnership management and reporting
- Strategic engagement
- DBS Conference
- National and sector specific engagement
- Developing and delivering regional and sector based events

Registered Body Account Management Team

- Specific RB account activities and support

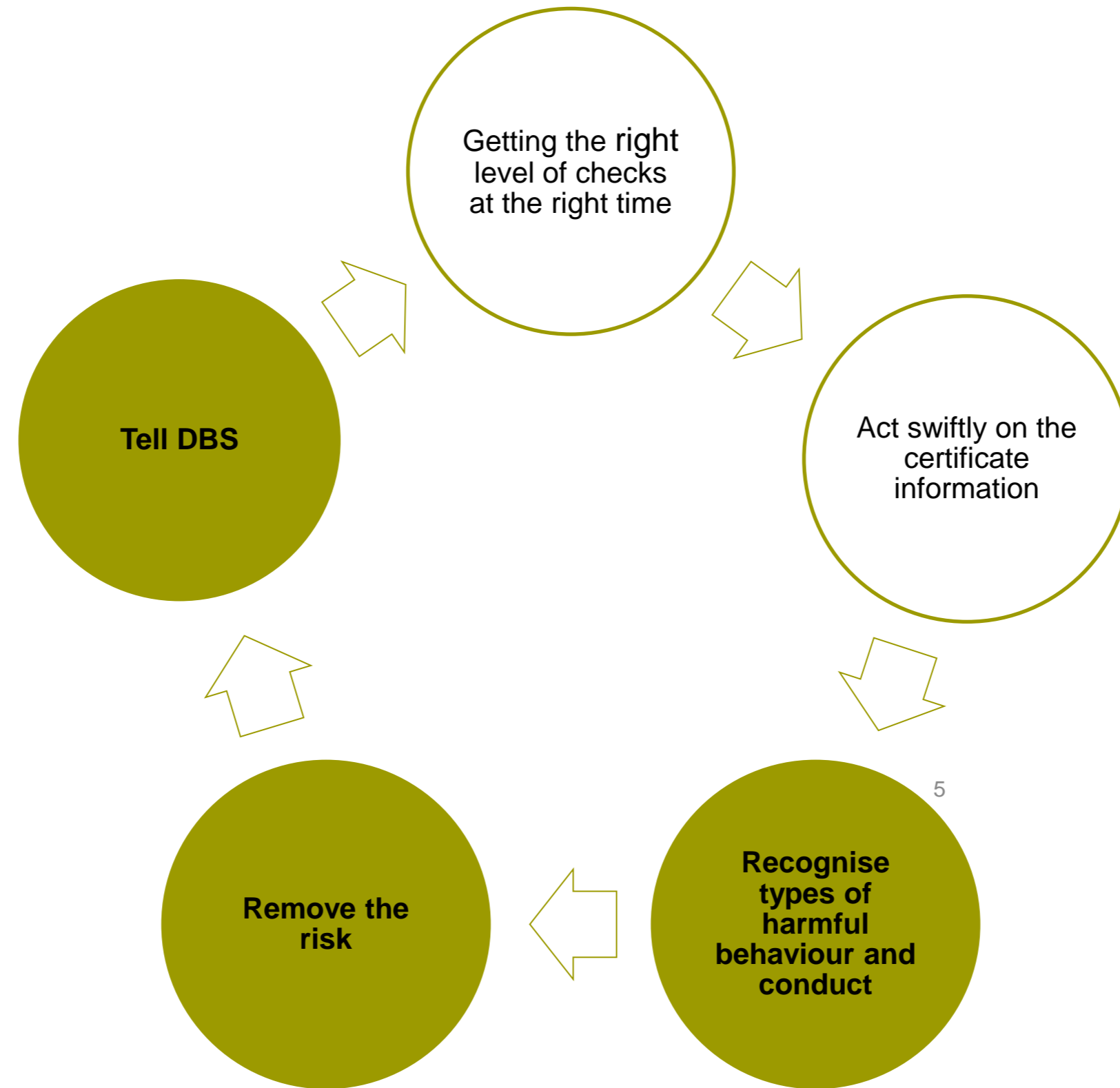
Regional Safeguarding Outreach Team

- North East
- North West
- East Midlands
- Greater London
- Wales
- Northern Ireland

- Local level support
- Building regional relationships
- Acting as the first point of contact for DBS

Remaining regions of England in 2021

DBS and You



Levels of Checks

a range of products to suit your needs.



What is the check for?

Role	Level of check	Workforce	List(s)	RA
Taxi/PHV Licence	ENHANCED	OTHER	Children's Adults'	NO
Driving CHILDREN under an arrangement on more than three occasions in a 30 day period	ENHANCED	CHILD	Children's	YES
Driving ADULTS for health, personal or social care due to age, illness or disability	ENHANCED	ADULT	Adults'	YES
Proprietor/operator/staff	BASIC			NO

DBS Filtering Rules

Convictions

- 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

- 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 on the DBS list of specified offences that will never be filtered.
- Youth cautions are not disclosed on DBS certificates.

The Update Service – supporting your safeguarding measures

WHEN to apply:

Individuals must subscribe to the update service at the time they are applying or within 28 days of receiving their certificate.

WHAT will be updated:

The update service will check for updates against PNC information weekly, barred lists weekly and intelligence every 9 months.

COST:

There is an annual subscription fee – currently £13 – payable by the individual

Checking the status of a certificate is free

CHECKING:

You must have the individuals consent to check the update service.

The service will not proactively tell you if something has changed – regular checking is essential.

The Update Service – status checks

You will need

- DBS certificate number
- Current surname of the DBS certificate holder, as specified on their DBS certificate
- Date of birth of the DBS certificate holder, as recorded on the DBS certificate
- Consent of the individual being checked

Lots of status checks to make?

- The DBS has developed a Multiple Status Check facility which can be accessed via a web service. The Multiple Status Check facility will enable organisations to make an almost unlimited number of Status Checks simultaneously

The Update Service – status check information

Those making the check will be told:

- No new information exists – nothing has changed since the certificate was issued
- If the original certificate contained ‘no relevant information’ and no new information exists
- New information exists – you need to get a new certificate to see what has changed
- There is no record of the certificate in the service –this could be because details were entered incorrectly, the certificate has been withdrawn or superseded by a new certificate or the entire subscription is no longer active

You will not be told when something is no longer disclosable:

- Where a certificate discloses an offence which would now be filtered this will show as no change. The individual must apply for and add a new certificate to the Update Service
- Where a certificate contains information that is no longer disclosable for other reasons it will show as no change. The individual must apply for and add a new certificate to the Update Service

The Update Service

Benefits:

- Re-check when you need to with the individual's consent
- Ability to carry out large number of checks at the same time
- Faster results – you will know instantly if there is no change or if a new certificate is needed
- Enhances your safeguarding processes and may help reduce risks
- Saves time and reduces cost

Things to remember:

- You must see the original certificate at least once so that you can be satisfied that you have made a fully informed decision
- You must do the check – DBS will not push out information on changes
- You can set up bulk checking to save time
- Subscribers are reminded by DBS to renew their subscription, you may want to check they have

The Update Service and Manual Certificates

When a certificate cannot be produced by the DBS Disclosure system it is referred to as a 'manual certificate' and cannot be added to the Update Service

- The new rules for filtering mean we have to produce a small number certificates manually because of the way we now have to consider and remove individual convictions
- This means that a proportion of certificates that we issue from 28 November will not be able to be issued in the usual way and a manual certificate will be issued
- The Update Service is not able to accept manual certificates
- Our data suggests that one of the groups who may be affected by this are those applying for Taxi and PHV licences
- We are actively working on a solution to remove the need for manual certificates in relation to filtering and are also considering how we can support you in the interim period. We would welcome your thoughts and feedback on this

Types of Barring referral

Type of Referral	Discretionary	Autobar	Disclosure Information
Source of referral	<ul style="list-style-type: none"> • Employers • Agencies • Keepers of Registers • Supervisory Authorities 	<p>Specified convictions & cautions from PNC</p> <ul style="list-style-type: none"> • Autobars without representation • Autobars with representation 	<p>Enhanced Disclosures with a barred list check that include convictions, cautions or police intelligence</p>
Representations	YES, in all cases	YES, but only where allowed – set out in law	YES, in all cases
Request review	Under 18 – one year; 18 – 24 – five years; 25+ - ten years; a material change		
Appeal	Appeals may be made to the Upper Tribunal on a point of law or error in facts		

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



A 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:

One

You withdraw permission to engage in regulated activity

- Dismissed
- Redeployed
- Retired
- Redundant
- Resigned

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

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

What is Harm

A person's conduct endangers a child or adult if they:

- harm a child or adult
- cause a child or adult to be harmed
- put a child or adult at risk of harm
- attempt to harm a child or adult
- incite another to harm a child or adult



The Harm Test

The harm test is satisfied when Relevant Conduct cannot be established but it appears to the 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



What does a good quality referral look like?

- **Timely** - balance the need for a swift response with a need for sufficient documentary/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** - including interviews, police intervention and/or multi-agency meetings. NB include recruitment and additional employment information i.e. any previous misconduct or complaint

What would you send as part of a referral?

- Job Description
- Application Form
- Training Record
- Witness statements
- Complaints
- Appraisal information /one:one meetings if they discuss concerns
- Letters inviting person to investigatory meetings
- Evidence of conduct- eg videos, photographs, text messages
- Resignation letter (if no letter, record of phone call etc.)
- Records of previous misconduct
- Information of other organisations who have been informed of behaviour and any multi-agency meeting minutes

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.

Maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

Thank you for listening ...

Any Questions?



Useful Links

- [DBS Update Service](#)
- [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

Partnership and Engagement Team

- **Email** DBSEngagement@dbs.gov.uk

Regional Outreach

- **Email** DBSRegionaloutreach@dbs.gov.uk

Further information - Barring:

- **Helpline:** 03000 200 190 - **Email:** dbsdispatch@dbs.gov.uk

Further information - Disclosure:

- **Customer Services:** 03000 200 190 - **Email:** customerservices@dbs.gov.uk

- **Website:** www.gov.uk/dbs - **Twitter** - @DBSgovuk