

NCVO volunteer information sheet

Disclosure and Barring Service (DBS) checks

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Introduction

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.

The system was reformed in 2012 through the [Protection of Freedoms Act 2012](#). The aim of the reform was to reduce some of the red tape historically associated with DBS (CRB) checks. The new system aims to make it easier for people to volunteer, while ensuring vulnerable groups are adequately protected.

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 two).

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."

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.

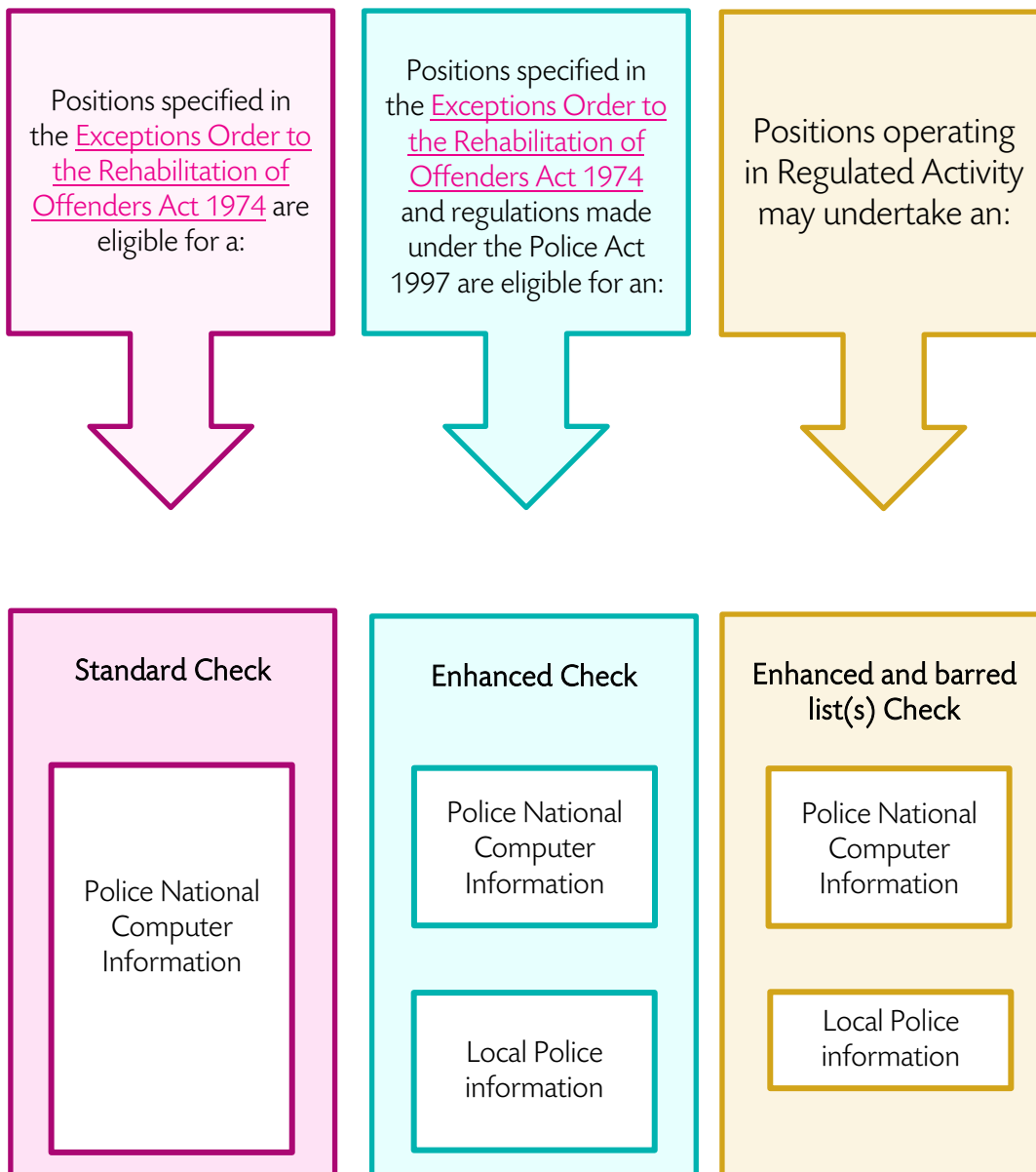
Enhanced Check

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.

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 the tasks undertaken by a volunteer fall within either of these categories an organisation may request an Enhanced Check against the respective DBS barred list.

The reform of the system in 2012 reduced 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?

NCVO has 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:

Disclosure and Barring Service (DBS) checks

- (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 child minding; 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?

NCVO has 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).

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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.

When volunteers are involved in the regulated activity identified organisations are eligible to request an enhanced DBS with a barred list check.

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](#).

It is against the law for employers to employ someone or allow them to volunteer for this kind of work if they know they're on one of the barred lists.

Organisations must refer someone to DBS if they:

- sacked them because they harmed a child or adult
- sacked them or removed them from working in [regulated activity](#) because they might have harmed a child or adult otherwise
- were planning to sack them for either of these reasons, but the person resigned first.

An employer is breaking the law if they don't refer someone to DBS for any of these reasons.

You can contact the DBS barring helpline for help referring someone to DBS.

DBS barring helpline – 01325 953795

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.

[NCVO provides further guidance on safeguarding.](#)

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. There is an [online guide to completing the DBS application form](#).

[Detailed guidance for applicants](#) is available from DBS 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.

[Detailed guidance for organisations](#) (in the guidance, referred to employers) from DBS.

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 [contact the DBS to apply to become a 'registered body'](#), otherwise it should apply through an 'umbrella body'. Many local authorities act as umbrella bodies for smaller organisations – [find an umbrella body in your area](#).

Disclosure and Barring Service (DBS) checks

DBS checks are free for volunteers but 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.

Receiving the information

Once the check is completed the applicant will receive the disclosure with the details of the results. A copy of this will not be sent to the organisation who applied for the check on their behalf. Organisations will therefore need to arrange to see the disclosure for the volunteer. Alternatively you may be able to use the update service, following the guidance provided below. You will then need to use this information responsibly to make a decision with regard to the recruitment of the volunteer. A criminal record is not necessarily a barrier to volunteering and you can read more information on how to make decisions about recruiting ex-offenders in our information sheet on the topic.

DBS update service

The DBS update service allows DBS applicants to keep their certificates up to date online and for organisations to check someone's DBS certificate.

In order to use the update service volunteers and organisations need to register. Organisations will still need to be legally eligible to complete the check and will need the volunteer's permission. Registration to use the service is free for volunteers. Volunteers must register to use the service within 19 days of receiving their certificate.

You should read the full details about the [DBS update service and how to use it](#). DBS has also provided [guidance videos on YouTube](#).

The update service may mean that volunteers may not have to complete a new check each time they move to a different organisation. This makes DBS certificates more portable and can help save time and resource that would have previously been used to complete another check. However it is important to ensure that the volunteer role is still eligible for a check.

Further information

KnowHowNonProfit – safeguarding and volunteers

<http://knowhownonprofit.org/people/volunteers/keeping/safeguarding-volunteers>

NCVO practical support on Volunteering

<http://www.ncvo.org.uk/practical-support/volunteering>

Disclosure and Barring Service (DBS) checks

gov.uk

www.gov.uk/dba

Department for Education (DfE) safeguarding children pages

<https://www.gov.uk/schools-colleges/safeguarding-children>

DBS Disclosure service contact details

Email	customerservices@dba.gsi.gov.uk
Disclosure helpline	0870 90 90 811
Minicom	0870 90 90 344
In Welsh	0870 90 90 223

Nacro

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

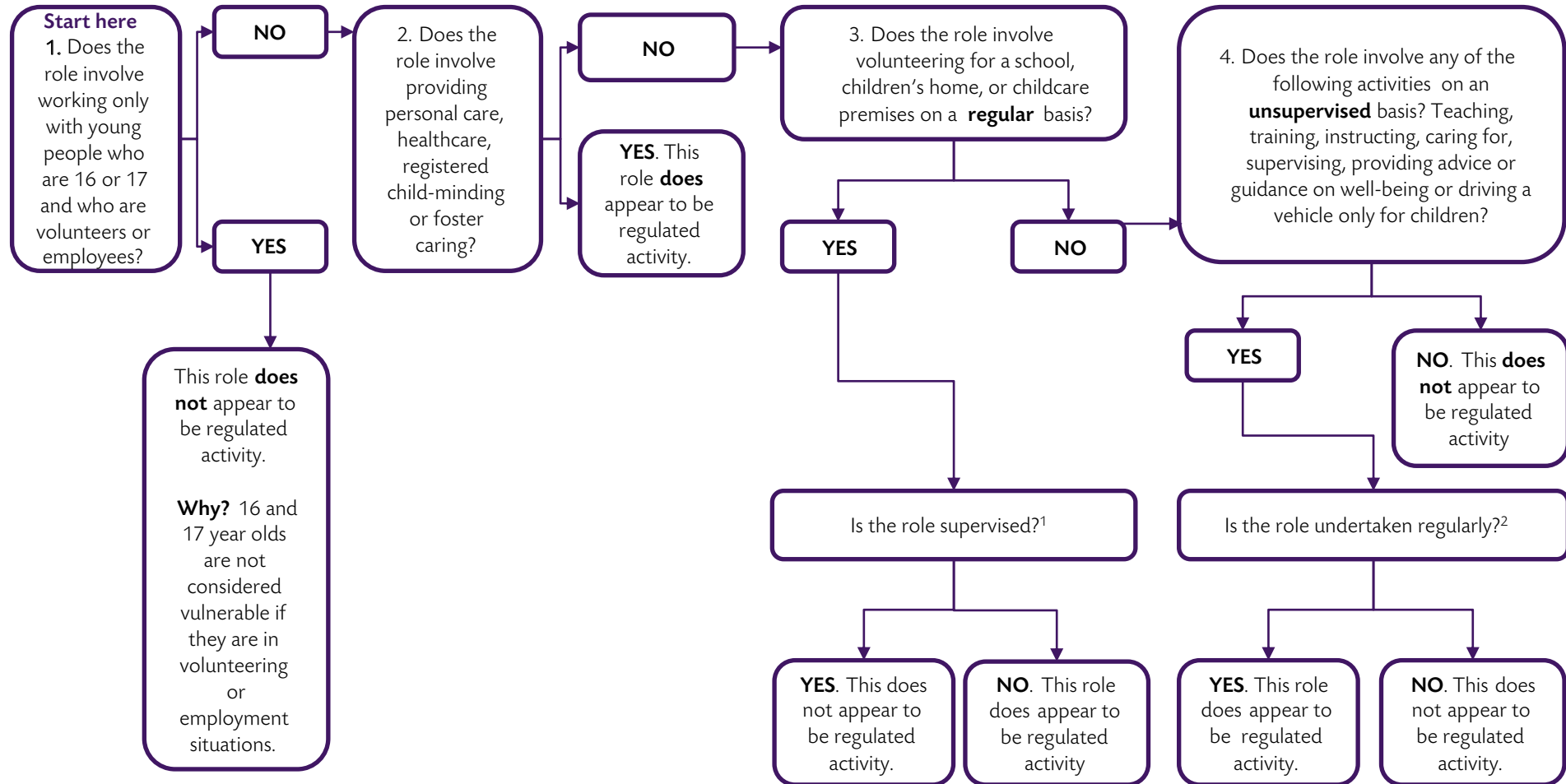
Telephone: 020 7840 7200

www.nacro.org.uk

Appendix

Appendix A: Regulated Activity relating to children and young people

Important: this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education, available via www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring



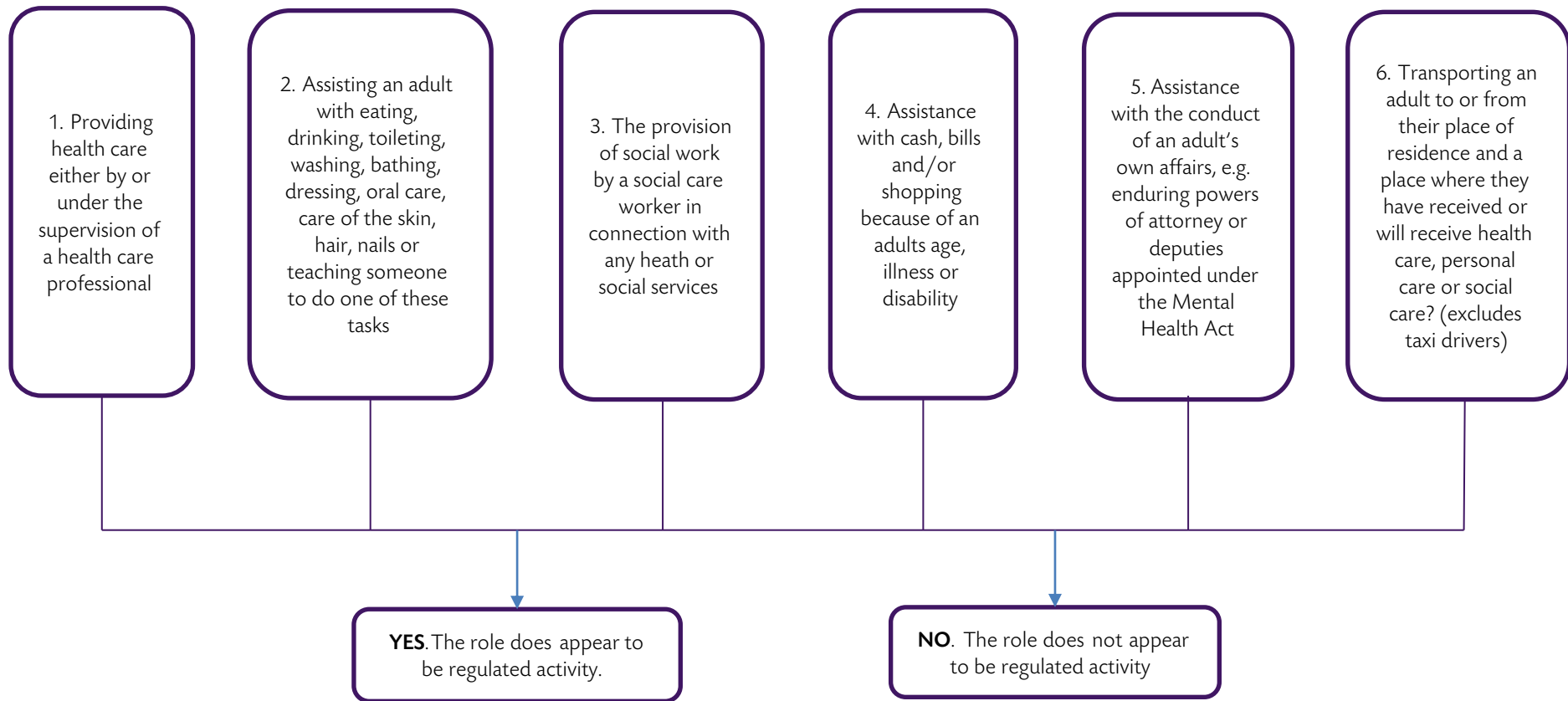
¹ Supervised means regular supervision by someone who themselves is in Regulated Activity. See the Department for Education's guidance on supervision, available via www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

² Regular 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).

Appendix B: Regulated Activity relating to adults

Important: this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education, available via www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

Does the role involve any of the following activities?



Note – Anyone who provides day-to-day management or supervision of persons involved in these activities are in Regulated Activity.

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.

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