

Introduction to DBS Regional Outreach and Barring Overview

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Disclosure &
Barring Service

Introduction

Our Purpose:

Protecting the public by helping employers make safer recruitment and employment decisions, and by barring individuals who pose a risk to vulnerable people.

Our vision:

Making Recruitment and Employment Safer: by being a visible, trusted, and influential organisation. We will provide an outstanding quality of service to all of our customers and partners. Our people will understand the important contributions they make to safeguarding and feel proud to work within an inclusive and increasingly diverse organisation.

[DBS Business Plan: 2024-25](#)



DBS Outreach Service

As the Regional Outreach Adviser for the South West, I can support organisations and networks within the region in several ways, including:

- Answering DBS related queries and providing advice in relation to DBS services
- Informing how DBS forms a part of safer recruitment and safeguarding
- Attending meetings, training and conferences
- Developing and delivering workshops/webinars that support organisations in safer recruitment and safeguarding
- Collating feedback, suggestions or comments and feeding this back into DBS
- Helping organisations to understand what level of DBS check can be applied for, and what information these checks will provide
- Informing organisations and employers of their legal duty or power to refer to DBS



Workshops/webinars

Introduction and overview of DBS (1 hour)

- Who are DBS and what is our role?
- Introduction to the different levels of DBS checks
- Introduction to The Update Service

Disclosure – understanding eligibility (2 hours)

- Understanding the different levels of checks
- Understanding eligibility – when are roles eligible for a DBS check
- What ‘Regulated Activity’ is – with adults and children

DBS Enhanced check process (1 hour)

- The Enhanced DBS application process
- Stage 4 of the Enhanced process and how it impacts the disclosure of information
- What to do if you experience delays

DBS Update Service (1 hour)

- What the Update Service is and is not
- Which DBS certificates can be registered
- Status checking and interpreting results

Workshops/webinars

Barring and Legal Duty to Refer (2 hours)

- Three different referral routes
- Understand when a DBS referral should be made
- How to make a referral
- Consequences of not making a referral and being included on a Barred List

Legal Duty to Refer (1 hour)

- When a DBS barring referral should be made and when the legal duty is met
- The consequences of not making appropriate barring referrals
- The consequences of being on a barred list.

Harmful behaviour outside of the workplace (2 hours)

- Harmful behaviour transferring into the workplace
- Relevant conduct and risk of harm
- Harmful behaviour and the transferability of risk

How to make a good quality barring referral (1 hour)

- Information and important documents to include
- Responding to information gathering requests and why this is important
- Checking your referral

How to use The Barring Referral Service (1 hour)

- The benefits of using the Barring Referral Service
- Step by step guide to using the Service
- Important information to consider

DBS information gathering requests (1 hour)

- Duty to provide information to DBS upon request
- What is prescribed information
- Legislation and permission to share
- Consequences of not sharing information in a timely manner

The role of DBS

The Disclosure and Barring Service, also known as 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 under Part 5 of the Police Act 1997, supported by the following:

- Rehabilitation of Offenders Act 1974 (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

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 a relevant offence

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	
Providing healthcare	Yes	Yes	Yes	Anyone carrying out any of these activities would be eligible for an Enhanced DBS check with a Children's Barred List check
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 homes
- 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 on more than 3 days in any 30 day period or once 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

Regulated activity with adults

If done once, the following activities are regulated activity with adults:		Anyone carrying out any of these activities would be eligible for an Enhanced DBS check with an Adults' Barred List check
Providing health care	By or under the direction/supervision of a regulated healthcare professional	
Providing personal care	Washing and dressing, eating, drinking and toileting, oral care and care of skin, hair and nails	
Social Work	Provided by a social care worker to an adult who is a client or potential client	
Assistance with the day-to-day financial running of the adult's own household	Managing cash, bills or shopping	
Assistance with the conduct of an adult's affairs	Power of attorney, deputies appointed under Mental Health Orders	
Conveying an adult	Must be for health, personal or social care due to age, illness or disability	
Day-to-day managers/supervisors of those who carry out regulated activity with adults		

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

Power to refer

The power to refer happens when an organisation is not acting as a regulated activity provider. This will usually be when the organisation is undertaking their safeguarding role. Under the SVGA 2006 (SVGO 2007 N.I) Local Authorities have the legal power to refer to DBS

The power to refer can be used when an organisation thinks a person has either:

- Harmed or poses a risk of harm to a child or vulnerable adult
- Has satisfied the harm test; or
- Has received a caution or conviction for a relevant offence; and
- The person they're referring is, has or might in future be working in regulated activity; and
- The DBS may consider it appropriate for the person to be added to a Barred List

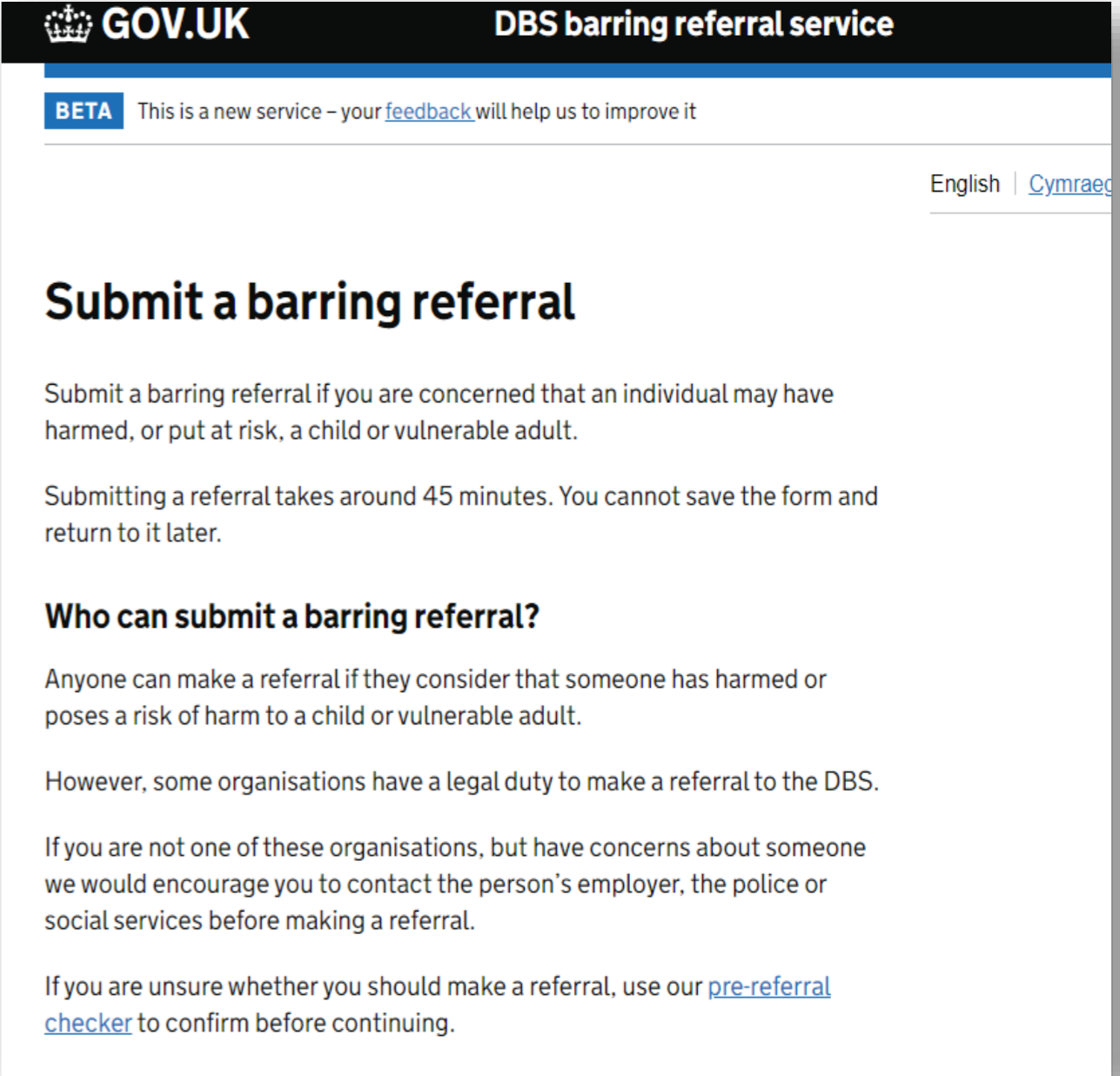
How to make a barring referral

[Submitting a barring referral to DBS](#)

What you will need to complete the form

If you find you do not have all of the following information, you should complete as much of the form as possible.

- your contact details, including e-mail address and phone number
- details of the person being referred (including their name, address, date of birth and national insurance number)
- contact details for any other agencies involved in investigating the relevant conduct
- details of the risk of harm or harm suffered
- documents in support of your referral (for example, statements, reports, meeting minutes and other evidence)



The screenshot shows the GOV.UK website for the DBS barring referral service. The page header includes the GOV.UK logo and the title 'DBS barring referral service'. A 'BETA' badge is present with the text 'This is a new service – your [feedback](#) will help us to improve it'. There are language options for 'English' and 'Cymraeg'. The main heading is 'Submit a barring referral'. The text explains that a referral should be made if someone is concerned about an individual who has harmed or put at risk a child or vulnerable adult. It notes that the process takes about 45 minutes and cannot be saved. A section titled 'Who can submit a barring referral?' states that anyone can make a referral if they believe someone has harmed or poses a risk to a child or vulnerable adult. It also mentions that some organizations have a legal duty to refer. For those not in these organizations, it advises contacting the employer, police, or social services. A link to a 'pre-referral checker' is provided for those unsure about making a referral.

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

Useful Links

- [DBS Guidance Leaflets](#)
- [DBS Barring Referral Guidance](#)
- [How to make a Good Quality Barring Referral](#)
- [Information for individuals that have been referred to DBS](#)

How to contact us

South West: Mel Berry

Email: mel.berry2@dbs.gov.uk

Regional Outreach:

Email: DBSregionaloutreach@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>

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

How to contact us – Regional Outreach Advisers

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