

Do I need to DBS Check My Volunteers?

What is a DBS check?

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged into the Disclosure and Barring Service (DBS). This means that the authority that checked for criminal records has merged with the authority that checks the barred lists – lists of people barred from working adults and lists of people barred from working with children.

CRB checks are now called DBS checks.

Like the CRB, the DBS check has no official expiry date. Any information included will be accurate at the time the check was carried out. It is up to you to decide if you think a new check is needed. Organisations generally have a policy regarding renewal of CRB/DBS checks at every 2, 3 or even 5 years. (Please see further information on the DBS Update Service.)

What's new about the DBS check?

There is a new DBS disclosure application form. Your volunteer/employee will receive the DBS disclosure and you will not receive a copy as you did with the CRB disclosure. It is their disclosure, so you will have to ask to see it.

With the Protection of Freedoms Act 2012, the rules regarding regulated activities changed – that is the activities undertaken by the volunteer/employee that make the role eligible for a DBS check. This means that you may no longer need to DBS check volunteers/employees that you checked before. It also means that you may not be permitted to DBS check your volunteers/employees in situations where you think you might like to.

On 29 May 2013 amendments to the Exceptions Order 1975 (2013) came into force. This legislation means that certain old or minor cautions and convictions are no longer subject to DBS disclosure. However, cautions and convictions for specified serious violent and sexual offences and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence will remain subject to disclosure. (This does mean that there are some questions you can no longer ask in your recruitment procedure – effectively you can only ask about those criminal records that would show up in a DBS disclosure. Please ask for further guidance.)

Once your volunteer/employee has applied for a DBS check, they can register (annually) for the DBS Update Service so they may never need to do a DBS check again (so long as the DBS disclosure they have covers the activity they are undertaking – eg working with children in a regulated activity, or working with adults in a regulated activity). The update service is free to volunteers. With your volunteer's or employee's permission (and their registration number) you

can check with the DBS on the current DBS status of that person without going through the whole application process again. This effectively makes the DBS check portable. If a volunteer has done a DBS check with organisation A, organisation B can access that disclosure through the Update Service – if it is for a comparable regulated activity. See more on the DBS Updating Service below.

Types of criminal records check

There are 3 types of check (costs given below are for paid workers, DBS does not make a charge for checks on eligible volunteers, though if you obtain your DBS through an umbrella organisation they will usually make an administration charge). The employer or organisation running the check should provide the applicant with more information about the level of check required. DBS check applicants must be 16 or over.

Type of check and cost	What it will check for	How long it normally takes
Standard - £26	Spent and unspent convictions, cautions, reprimands, final warnings	About 2 weeks
Enhanced - £44	As above - plus any additional information held locally by police forces that's reasonably considered relevant to the post applied for	About 4 weeks
Enhanced with list checks - £44	As above - plus a check of the appropriate DBS barred lists	About 4 weeks

Checks for eligible volunteers are free of charge. This includes anyone who spends time helping people and:

- isn't being paid (apart from travel and other approved out of pocket expenses)
- isn't only looking after a close relative

Getting a DBS certificate

DBS certificates can only be requested by DBS registered organisations, which have to follow a strict process and rules. If your organisation is not registered to carry out DBS checks you will need to approach an umbrella body, such as Community First New Forest, who will assist you through the process and make sure you have the correct policies and procedures in place. While DBS checks for volunteers are free, umbrella bodies usually charge an administration fee for each check. Please see Community First New Forest DBS Service charges.

What roles are eligible for a DBS check?

You must not apply for a DBS check unless the volunteering role or paid job you are recruiting to is eligible for one. You must tell the applicant why they're being checked, and where they can get independent advice (eg Community First New Forest). Normally, you aren't allowed to ask job/volunteer applicants about spent convictions, but for roles that need a DBS check this rule doesn't apply. DBS eligibility guidance lists most roles that are eligible for a check. However, the guidance isn't comprehensive. Ask us if you're unsure.

Working with adults

The Protection of Freedoms Act 2012 amended the definition of regulated activity relating to adults from 10 September 2012.

What has changed?

- the new definition no longer refers to the word "vulnerable" for regulated activity relating to adults
- the specified establishment (a care home) has been removed – the focus is on the activities needed by the adult, not where the activity takes place
- the frequency test has been removed – an individual only needs to engage in the activities listed below once to be carrying out regulated activity relating to adults

The definition focuses on those activities which, should they be needed by any adult, mean that an adult is considered vulnerable at the point of receiving them.

The definition applies to individuals undertaking the following activities:

- healthcare for adults provided by, or under the direction or supervision of a regulated health care professional
- personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
- social work – provision by a social care worker of social work which is required in connection with any health services or social services
- assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party
- assisting in the conduct of an adult's own affairs under a formal appointment
- conveying (ie transporting) adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party

What is not changing?

- an adult is defined as a person aged 18 years or over
- a person whose role includes the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity
- regulated activity relating to adults excludes any activity carried out in the course of family relationships, and personal, non-commercial relationships

Working with children

The Protection of Freedoms Act 2012 amended the definition of regulated activity relating to children. The new definition of regulated activity relating to children applies to individuals undertaking the following:

1. Unsupervised activities

These activities are teaching, training, instructing, caring for or supervising children or providing advice/guidance on wellbeing or driving a vehicle solely for children.

Supervision means day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

An organisation has no entitlement to do a barred list check on a worker or volunteer who, because they are supervised, is not in regulated activity. People who are supervising will need a DBS however.

2. Work for a limited range of establishments (specified places)

These establishments are as detailed in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 with the opportunity for contact with children, including schools and children's homes.

Work carried out by volunteers supervised to a reasonable level, in accordance with the statutory guidance on supervision, in these establishments is not regulated activity. However a supervised paid employee working for a specified establishment does come under regulated activity.

Work carried out involving either an unsupervised activity or in one of the listed establishments is only regulated activity relating to children if done regularly.

Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am).

3. Health care

Health care for children provided by, or under the direction or supervision of a regulated health care professional.

This is regulated activity even if the activity is only carried out once.

4. Personal care

Personal care for children involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising a child

with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks.

This is regulated activity even if the activity is only carried out once.

It also applies to:

- registered childminders
- registered foster carers
- the day-to-day management or supervision of any person engaging in regulated activity is also in regulated activity

People undertaking voluntary work which is considered a "Regulated Activity" will require an Enhanced DBS disclosure with barred list check. It is against the law for an individual who is barred from working with a particular group (adult or children) to seek employment (paid or unpaid) working with that particular group which requires "Regulated Activities" to be performed. It is also an offence to employ someone as outlined above. So, you should make it clear at the beginning of the recruitment process whether a role requires a DBS disclosure and at which level the check will be made.

It is not illegal for people who are barred from working with a particular group to apply for work with that group if no regulated activity is being undertaken.

Eligible roles are those where the organisation has a choice to DBS check a volunteer (it is advised that you should check a volunteer who is in a role that is eligible for a check). For adults it includes all roles that do not involve "Regulated Activity" but are included on the ROA 1974 (Exceptions Order 1975) and can include roles like adult teaching, mentoring, support and befriending. In general, the adult must be classed as "vulnerable" according to the Safeguarding Vulnerable Groups Act 2006 and be in receipt of a service that also qualifies under that act. For children it includes roles that are done less regularly than the "Regulated frequency" or in a reasonably supervised capacity (volunteers only). It is very important to ensure that you are checking appropriately and that you are entitled to do so. It is against the law to DBS check someone who you have no entitlement to check.

DBS update service

The Disclosure and Barring Service (DBS) update service lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online.

Your volunteer/employee can register online when you apply for a DBS certificate (they'll need the reference number of the application form). Otherwise they need to register for the Update Service within 14 days of DBS issuing their

disclosure (they'll need the certificate reference number). It's well worth encouraging them to do so.

You can find out the progress of the DBS certificate through the DBS tracking service.

Registration lasts for 1 year and costs £13 per year (payable by debit or credit card only) for paid workers but is FREE FOR VOLUNTEERS.

Your volunteer/employee will get an ID number with their registration that they will need to log on to the service. Make sure they write it down.

When they join, they'll get an online account that lets them:

- take their certificate from one job to the next
- give employers permission to check their certificate online, and see who has checked it
- add or remove a certificate

Employers and other organisations can check someone's DBS certificate status online and get a result straight away. There's no registration process or fee for employers to check a certificate online, but employers:

- must be legally entitled to carry out a check
- have the worker's permission

Beyond DBS checks

DBS checks are just one piece in the jigsaw of screening volunteers. They are by no means foolproof, and only provide a record of what a person has been caught and convicted of up to the date that the check is carried out. They are not intended to be used either as a character reference or as a way of guaranteeing a person's suitability for a role.

When recruiting any volunteer:

- It is advisable to take up references, usually from two referees, and it is also useful to ask specific questions linked to the role to guide referees (eg, How long have you known the person? Do you think he/she is suitable to work with children/adults? Would you recommend this person to carry out this role?)
- Have a clear volunteering task description and recruitment process.
- Provide volunteers with an induction and relevant training – you could even incorporate taster sessions or a shadowing period as part of your volunteer recruitment, giving you a chance to get to know new volunteers.
- Make sure volunteers have regular supervision and opportunities to reflect on their experience.
- As an organisation, make sure that you have robust policies and procedures in place covering equal opportunities, volunteer recruitment and selection, risk assessments, data protection and, of course,

safeguarding. Volunteer codes of conduct are also a useful reference point for volunteers about what is acceptable behaviour.

- It is also essential that relevant insurance cover is in place to cover volunteers who work for your organisation as they are not automatically considered a 'third party' for purposes of your public liability insurance. In addition, you need to check with your insurance company that you are covered for any work that volunteers do on your behalf.

Further support and links:

DBS Helpline 03000 200 190

For information on the DBS – www.gov.uk/government/organisations/disclosure-and-barring-service

For information for organisations and umbrella bodies (including voluntary and community groups carrying out DBS checks, visit – www.gov.uk/find-dbs-umbrella-body

For information on the Update Service – www.gov.uk/dbs-update-service

For referrals to the DBS – www.gov.uk/government/publications/dbs-referrals-form-and-guidance

For information and guidance on conviction filtering – www.gov.uk/government/publications/dbs-filtering-guidance

For eligibility guidance – www.gov.uk/government/publications/dbs-check-eligible-positions-guidance

Further Assistance

For further information, support or guidance on business planning, please contact Community First New Forest, 01425 482773 / admin@cfnf.org.uk