

# Voluntary**Action**Islington

## Disclosure and Barring Service Checks (formerly CRB's)

From December 1<sup>st</sup> 2012 CRB checks became known as DBS checks. Now one organisation deals with both checks and barring decisions. As with CRB checks they provide information to an organisation about a volunteers criminal history.

### Levels of Check

As was the case with CRB's, there are two main levels of DBS check available.

**Standard Check:** Reveals information relating national records on spent and unspent convictions and cautions etc.

**Enhanced Check:** Reveals the same information as a standard check but also checks information held by local police forces. It can also be used to check "barred lists" ie prevented from working with children or vulnerable adults.

### When to Make a Check

DBS Checks cannot be requested for anyone under sixteen (CRB's could).

- To be eligible for a check the position must be specified in the "Exceptions Order to the Rehabilitation of Offenders Act 1974" which can be found online. It is illegal to apply for a check otherwise.
- An organisation must explain to volunteers why the role requires them to undertake a DBS check.
- If a role is listed in the Exceptions Order it is still at the discretion of the organisation whether to request a DBS check.
- The Government urges organisations to undertake risk assessments on each volunteer role in order to determine whether a check is necessary or not and then develop a policy accordingly.
- Volunteers with a criminal record are not required to reveal any past convictions unless the role that they are applying for (or are occupying) is listed in the Exceptions Order.
- Organisations need to make a case for each check they undertake. The temptation to check "just in case" must be avoided. Undertaking blanket checks, whatever the role, is illegal.

# Voluntary **Action** Islington

## Applying for a DBS Check

- An organisation making over 100 checks per year can register with the DBS. Volunteer checks would then be free of charge, although there is a one-off registration fee of £300.
- If an organisation makes below 100 checks per year then they need to apply to an umbrella body to make the check for them. The Home Office website has a list of such bodies and many Local Authorities act as umbrella bodies.
- Umbrella bodies may request an admin fee. It is poor practice for organisations to try and pass this fee on to the volunteer.

## Regulated Activity

- Regulated activity relates to the tasks that people appearing on DBS “barred lists” are prevented from participating in.
- Following the change from CRB to DBS checks the list of tasks and roles that come under regulated activity have been reduced.
- There are two types of regulated activity. One relating to working with vulnerable adults, and the other children.

### *Regulated Activity with Children:*

The Activities below count if they are done regularly – eg and average of once a week or more

1. Teaching, training, caring for or supervising children.
2. Providing advice or guidance to children on well-being.
3. Work for an establishment where there is opportunity for contact with children - such as schools, children’s homes, day-care centres etc.
4. Driving a vehicle only for children.

The next activities do not have a frequency restriction (ie once is enough).

5. Personal care assistance such as washing or dressing.
6. Healthcare by, or supervised by a professional.
7. Child-minding and foster care of any kind.

# Voluntary **Action** Islington

## *Regulated Activity with Vulnerable Adults*

Activities are listed below. They do not have a frequency restriction.

1. Healthcare by, or supervised by a professional.
2. Personal care such as assistance with washing or dressing etc.
3. Social work which is required in connection with any health or social service.
4. Assistance with a vulnerable adults finances or expenditure in any way.
5. Assistance with conduct of a vulnerable adults legal affairs in any way.
6. Conveying vulnerable adults in any way to and from care related premises.

## **Laws Around Regulation**

- Organisations must report volunteers to the DBS that are dismissed or removed from any regulated activity because they harmed or posed a risk to an individual.
- It is a criminal offence for an organisation to recruit a volunteer who appears on DSB barred lists to take part in any kind of regulated activity with vulnerable adults or children.

## **Further Changes Coming in 2013**

1. A DSB check currently produces two certificates - one for the volunteer and one for the organisation. This will change so that only the volunteer receives a certificate. The organisation will be informed whether the volunteer is "clear" or not but in terms of a certificate, this will only go to the volunteer.
2. Portable checks have long been asked for - ie whereby once a person has had a DBS check they will not have to repeat the process with every new organisation they assist. Instead a new online service will be used to check whether there have been any changes to a person's record since they took their last DBS check.

## **Dealing With the Information**

- Organisations choosing to ask about convictions or undertaking criminal record checks should operate Equal Opportunities policies in relation to ex-offenders wishing to volunteer.
- Convictions should only be taken into account where they are directly relevant, and any information disclosed should be treated in the strictest

# Voluntary **Action** Islington

confidence.

- It is now accepted practice for organisations to have a written policy on recruitment of ex-offenders including volunteer applications and recruitment.
- If you are taking DBS checks you need to include a statement in recruitment material reassuring applicants that a criminal record will not necessarily be a bar to accepting them, and results will be treated with the strictest confidence.

## **Safeguards Beyond DBS Checks**

- All organisations with vulnerable clients should have a clear child/vulnerable adult protection policy in place and it should include any relevant aspect of volunteer involvement with the clients in question. A DBS check usually forms part of such a policy.
- DBS checks only provide information on people who have an existing criminal record, thus it may be wise to use them as one part of your policy, alongside a number of other safeguards when recruiting volunteers. These might include things like: taking up references; interview procedures; appropriate training and induction; adequate supervision; having channels for clients, volunteers and staff to raise concerns and feedback.

## **Vulnerable Adults Definition**

'Vulnerable adult' is defined as a person aged 18 or over who has a condition of one of the following types:

- A substantial learning or physical disability.
- A physical or mental illness or mental disorder, chronic or otherwise, including an addiction to alcohol or drugs.
- A significant reduction in physical or mental capacity.