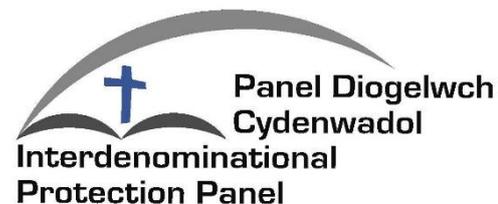


# Disclosure and Barring service checks (DBS) INFORMATION SHEET



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# **Disclosure and Barring Service Checks (DBS)**

## **Our Policy and a summary of eligibility**

### **Policy Statement**

***The guidance and advice in this document and the Safeguarding Vulnerable Groups Handbook forms the adopted policy of the Union of Welsh Independents, Baptist Union of Wales and Presbyterian Church of Wales in regard to working with vulnerable groups. This document should be read in conjunction with the Safeguarding Vulnerable Groups Handbook.***

- ✓ **All ministers, workers and volunteers engaged in regulated activity with vulnerable groups must obtain an enhanced DBS disclosure certificate with a check of the barred list before commencing their work. This check should be done through the Interdenominational Protection Panel.**
- ✓ **Where a role does not meet the current criteria for regulated activity but met the pre-September 2012 criteria there is an eligibility to do an enhanced DBS check without a check of the barring list. It is our policy that one should always be done in these circumstances.**
- ✓ **A DBS disclosure should be repeated every 4 years.**

### **What is a Disclosure and Barring Service (DBS) check?**

Disclosures enable organisations to check information about individuals that is held on national and local police records and confidential lists held by the Disclosure and Barring Service (DBS) on those unsuitable to work with vulnerable groups.

There is specific eligibility criteria to establish if a check should be done and at what level and the actual role and level of contact with vulnerable people must be considered. The DBS guidelines do not allow us to check all those who work with children, young people or vulnerable adults as a matter of course, nor is it possible to do a check “just in case” someone may be involved in work with vulnerable groups in the future. Organisations must not breach the requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 by submitting ineligible Disclosure Applications with children and/or vulnerable adults. The Interdenominational Protection Panel administers DBS applications in Welsh and English and adheres to the DBS code of practice.

### **Who is eligible to do a DBS check?**

Ministers, workers and volunteers undertaking regulated activities must have a DBS enhanced check with a check of the barred list done before working with vulnerable groups. This is because an “employer” must by law ensure that they are not allowing a barred person to engage in regulated activity.

Where someone is working closely and regularly with vulnerable groups, but does not fit the current criteria for regulated activity, there is often an eligibility to do an enhanced check *without* barring details if the activity or position was eligible for a check before Sept 2012. This includes active managing trustees.

Please note that a check is done in order to work with a specific group – this could be children only, adults only or children and adults. If a check has been done in order for someone to work with one group and they later begin working with a different group, another check will need to be done. This will also be the case if someone begins doing regulated activity when they have previously been doing non-regulated activity.

## **What is Regulated and Non-Regulated Activity?**

In order to decide if a check needs to be undertaken, and if so, what level of check is appropriate it is essential to consider if the activity is regulated or not as defined by the Protection of Freedoms Act, 2012

**Regulated Activity:** Is an activity that a barred person cannot do.

**A. With CHILDREN** Regulated activity will involve:

1. Unsupervised Activities: such as teaching, supervising, training or providing personal care or advice/guidance on well-being.
2. Specified Establishments: including educational establishments, childcare premises and residential children's care homes.
3. Personal Care\*: Washing and dressing, eating, prompting, drinking and toileting.
4. Health care\* provided by any health care professional, or under the direction or supervision of one.
5. Registered Child minding\* and Foster-Carers\*.
6. Day to day management on a regular basis of a person providing a regulated activity.

**Frequency condition with children:** With the exception of those marked \* there is also a frequency condition to decide if an activity is regulated. The applicant needs to be involved in the activity:

- Once a week or more
  - 4 or more days in a 30-day period or
  - Overnight between 2am - 6am with the opportunity for face-to-face contact
- Therefore an occasional helper would not be classed as working in a regulated activity unless they are helping with personal care or health care. Helping with personal care only once would be classed as regulated activity.

**B. With ADULTS** The definition of 'Regulated Activity' concentrates on the activities provided as situations in which an adult will be considered vulnerable at that particular time. There are six categories within the new definition of regulated activity:

1. Health care: provided by a health care professional or under the supervision of one.
2. Personal care: Washing and dressing, eating, drinking and toileting.
3. Social work.
4. Assistance with household affairs: Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's cash, paying the person's bills, or shopping on their behalf.
5. Assistance with the Conduct of Affairs: Power of attorney/Deputies appointed under the Mental Capacity Act.
6. Transporting an adult for health, personal or social care due to age, illness or disability. **There is no specified establishment or frequency requirement for adults as there is with children post 2012.**

Typically **regulated activity** would include the following types of work but this may vary depending on local circumstances or role:

- Minister
- Sunday school supervisor
- Sunday school teacher (not always supervised or who helps young or disabled children with toileting)
- Youth work leader
- Crèche worker
- Pastoral visitor who helps with transport to hospital or finance or shopping

**All individuals involved in regulated activity must do a DBS enhanced check with a check of the barred list every 4 years and usually upon changing their role.**

## **Non-regulated activity**

Where a worker or volunteer is in a role that involves substantial access to vulnerable groups but does not meet the 2012 definition of 'Regulated Activity' as noted above, there remains provision to request an enhanced disclosure without a check of the barring list status.

This may include:

- Sunday school helper (always supervised) but involved in regular work with children
- A vulnerable adult worker who is involved in regular/ frequent work with vulnerable adults
- Youth group helper (always supervised)
- Trustee (not involved in specific activity with vulnerable groups)

## **Trustees and DBS checks**

If a trustee is involved in **regulated activity** as defined above they will be required to do a DBS enhanced check with a check of the barring details because of the nature of the work, not because of the title "trustee".

Please also note: A trustee, involved in the running of a church that provides activities for children and /or vulnerable adults, is eligible to do an enhanced check without a barred list check because of the trustees' responsibility for the activities of the vulnerable groups charity.

**Where there is eligibility it is our policy that a DBS enhanced check should be done.  
This is in line with best practice principles and Charities Commission guidelines**

## **Are DBS certificates portable?**

A DBS certificate should be obtained for each organisation that you work with. For example if someone has a DBS certificate in connection with their work as a school teacher they would still need to apply for a certificate in connection with their church work through the Interdenominational Protection Panel.

DBS certificates are not transferable. However, it may be possible to reuse a DBS certificate if the applicant has registered with the DBS update service. This means that their record will be updated electronically and all future "employers" can check online to see if the certificate contains the most up to date details. An applicant has to personally apply to join the update service within 30 days of the issue date of their DBS certificate and needs to have a valid email address. This service is free for volunteers and costs £13 per year for paid workers.

## **Further Information**

***The Safeguarding Vulnerable Groups Handbook*** is available on the Interdenominational Protection Panel website and denominational websites

More information on all aspects of DBS checks including the update service can be found on the Panel website <http://www.paneldiogelwch.org.uk>

or the DBS website <https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

Please contact the Interdenominational Protection Panel office if you need further advice, a handbook, paper copies of any of the guidance above or to obtain DBS application forms.

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*Additional information leaflet August 2017*