DBS Checks and when to use them

There are five types of check that are available. A series of flow diagrams are provided to enable you to establish, which, if any, level of check is required. The checks that are available are:

- **Enhanced Check for Regulated Activity (Children)** - used when someone is undertaking regulated activity relating to children (see Diagram 1). This check involves a check of the police national computer, police information and the children’s barred list.

- **Enhanced Check for Regulated Activity (Adults)** - used when someone is undertaking regulated activity relating to adults (see Diagram 2). This check involves a check of the police national computer, police information and the adult’s barred list.

- **Enhanced Check for Regulated Activity (Children and Adults)** - used when someone is undertaking regulated activity relating to both children and adults (see Diagram 1 and 2). This check involves a check of the police national computer, police information and the children and adult's barred list.

- **Enhanced DBS Check** - used where someone meets the pre September 2012 definition of regulated activity (see Diagram 3). This level of check involves a check of the police national computer and police information.

- **Standard DBS Check** - used primarily for specific positions or for work that brings a person into contact with vulnerable groups. Standard DBS checks just involve a check of the police national computer and do not include a check of police information or the children or adult’s barred lists.

Please note:

- From 10th September 2012 you will no longer be able to obtain a DBS check for anyone undertaking “controlled activity”. This category covered people who had frequent access to education, health or social services records. This means there is no longer eligibility for people with access to sensitive data to be DBS checked.
This flow diagram and supporting guidance is designed to enable you to identify:

a) if a check is required, and

b) if it is, what type of check is appropriate.

The definitions provided in this document are to establish eligibility for a DBS check. The Student Registry has a duty to ensure it is not unnecessarily undertaking checks which could result in a breach of the Rehabilitation of Offenders Act 1974 (Exceptions) 1975.

Steps to establish if a DBS check is required as defined in the diagrams attached

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**Step 1**
Does the individual meet the **post** September 2012 definition of “Regulated activity” for Children and/or Adults?  
*(For definition, please see Diagram 1 for Children and Diagram 2 for Adults)*

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**Step 2**
Does the individual meet the **pre** September 2012 definition of “Regulated Activity”?  
*(For definition, please see Diagram 3)*

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**Step 3**
Is the position one of those included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975?  
*(For explanation, see Diagram 4)*

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**No DBS check required**
Diagram 1

Regulated Activity relating to Children (post September 2012 Definition)

(A) Will applicant be working unsupervised?
   The unsupervised activities include: teaching, training, instructing, supervising or caring for children, or providing advice/guidance on well-being, or driving a vehicle only for children

(B) Will applicant be working for a limited range of establishments with an opportunity for contact with children?
   Refer to the Yellow box (below) for list of specified places
   Note: This does not include work by supervised volunteers (for a definition of “Supervision” – see below)

(C) Will applicant be providing personal care?
   Note: Personal care includes: washing or dressing or health care by, or supervised by, a professional

(D) Will applicant be involved in the day-to-day management or supervision on a regular basis of a person undertaking (A), (B) or (C)?

No DBS check required

Yes

Will applicant be working unsupervised frequently, intensively or overnight?

Frequently - once a week or more
Intensively - 4 or more occasions in a 30 day period
Overnight - between 2am and 6am

Yes

Enhanced Check for Regulated Activity (Children) required

Yes

Will applicant be working frequently, intensively or overnight in the same “specified place”?

Frequently - once a week or more
Intensively - 4 or more occasions in a 30 day period
Overnight - between 2am and 6am

Important

Where the activity is occurring in a specified place, it is only regulated activity if it is frequent or intensive in the same specified place, i.e. the same school

Supervision

The precise nature and level of supervision will vary from case to case. This means that organisations must ensure that the supervision in place is sufficient, in their judgment, to provide reasonable assurance for the protection of the children concerned. Organisations should consider the following factors in deciding the specific level of supervision the organization will require in an individual case:
- the age of the children concerned
- the number of children that the individual is working with
- whether or not there are other carers/adults around
- the vulnerability of the children
- the experience of, and checks carried out on, the person being supervised
- the number of people being supervised
- there must be supervision by a person who is in regulated activity
- the supervision must be regular and day to day
- the supervision must be ‘reasonable in all the circumstances to ensure the protection of children

Important

If the individual is supervised, they may still be eligible for an enhanced DBS check without a barred list check, please see Diagram 3

List of “specified places” includes:
- Schools/Academies
- Pupil referral units
- Nursery schools
- Institutions for the detention of children
- Children’s centres/Children’s homes
- Childcare premises

Important

Note: This does not include work by supervised volunteers (for a definition of “Supervision” – see below)

Note

Important
Regulated activity relating to adults identifies activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity. Anyone meeting the six definitions below (including a person who provides day-to-day management or supervision of those people) will require an enhanced DBS Check with an adults barred list check.

A) Providing health care***- any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional

B) Providing personal care - anyone who:
- Provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult age, illness or disability
- Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bath, get dressed or care for their mouth, skin, hair or nails without prompting or supervision
- Trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability

C) Providing Social Work - the provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client

D) Assistance with cash, bills and/or shopping - the provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf

E) Assistance in the conduct of a person's own affairs - for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Health Act

F) Conveying - Conveying adults because of their age, illness or disability to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they received or will receive health care, personal care or social care.

No DBS check required

Yes

Enhanced Check for Regulated Activity (Adults) required

***Health Care includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. It also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with medical condition, i.e. taking blood from a blood donor or cosmetic surgery.

For an Enhanced CRB check with no barred list check
If an individual does not meet the definition of 'regulated activity' as set out above but does fall within the old definition of "regulated activity".
(See Diagram 3 to see if they meet the old definition)
Diagram 3
DBS Check without a barred list check (Pre September 2013 definition)

Who is your “Client”?  

Children  

Will applicant be supervised, undertaking work of a “specified nature”?  

Specified nature includes: teaching, training, instructing, supervising, caring, giving advice, providing treatment or transport

Yes  

No  

Will applicant be working frequently, intensively or overnight?  

Frequently - once a week or more  

Intensively - 4 or more occasions in a 30 day period  

Overnight - between 2am and 6am

Yes  

No  

Will applicant be working frequently, intensively or overnight in the same “specified place”?  

Frequently - once a week or more  

Intensively - 4 or more occasions in a 30 day period  

Overnight - between 2am and 6am

Yes  

No  

No DBS check required

Enhanced DBS check required

If you have not already, please refer to Diagrams 1 and 2 for the definitions of “Regulated Activity”

Adults

Will applicant be supervised and/or unsupervised, undertaking work of a “specified nature”?

Specified nature includes: teaching, training, instructing, supervising, caring, giving advice, providing treatment or transport

Yes  

No  

Will applicant be supervised and/or unsupervised, undertaking work in a “specified place”?  

Specified place includes: schools, hospitals, juvenile detention facilities, adult care homes

Yes  

No  

No DBS check required

Enhanced DBS check required

Important

Where the activity is occurring in a specified place, it is only regulated activity if it is frequent or intensive in the same specified place, i.e. the same school

Supervision

The precise nature and level of supervision will vary from case to case. This means that organisations must ensure that the supervision in place is sufficient, in their judgment, to provide reasonable assurance for the protection of the children concerned. Organisations should consider the following factors in deciding the specific level of supervision the organization will require in an individual case:

- the age of the children concerned
- the number of children that the individual is working with
- whether or not there are other carers/adults around
- the vulnerability of the children
- the experience of, and checks carried out on, the person being supervised
- the number of people being supervised
- there must be supervision by a person who is in regulated activity
- the supervision must be regular and day to day
- the supervision must be ‘reasonable in all the circumstances to ensure the protection of children
Diagram 4

Eligible positions for a DBS Standard check

Examples relevant to the University

- Veterinary Surgeons
- Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access** to persons in receipt of such services in the course of his normal duties

** Access relates to physical, direct contact with patients, e.g. observation, interviews, focus groups

This list is not exhaustive; if none of the positions/statements listed are applicable but you believe that the student role is eligible for a Standard check, you will need to consult the DBS eligibility guidelines and provide the relevant reference number and a detailed description of the role when you contact the Student Registry.