

Safer employment – Guidance on the use of DBS checks and Basic Disclosures

Some roles are eligible for a DBS check. Please see the government guidance documents on which roles are [eligible](#).

Managers should note that the statutory/government references to 'eligibility' for a DBS check are not necessarily reflective of the way the term is used in everyday English. If a post is 'eligible' for a DBS check, there is a firm requirement for the post holder to obtain a DBS clearance before they can carry out work duties that fall under the definition of 'regulated activity'.

The attached flow diagrams are provided to enable you to establish, which, if any, level of check is required. The DBS checks that are available are:

1. **Enhanced DBS with a barred list check**

To be eligible to request a check of the children's or adults barred lists, the position must be eligible for an enhanced level DBS certificate as below and be specifically listed in the Police Act 1997 (Criminal Records) regulations as able to check the appropriate barred list(s). An enhanced level certificate with barred list check contains the same PNC information and check of information held locally by police forces as an enhanced level check but in addition will check against the children and or adults barred lists.

- a. **(Adults)** – regulated activity relating to adults (see Diagram 1).
- b. **(Children)** – regulated activity relating to children (see Diagram 2).
- c. **(Children and Adults)** – used when someone is undertaking regulated activity relating to both children and adults (see Diagram 1 and 2).

2. **Enhanced DBS Check** – To be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations. An enhanced level certificate contains the same PNC information as a standard level certificate but also includes a check of information held locally by police forces. So this is where a role meets the pre September 2012 definition of regulated activity (see Diagram 3)

3. **Standard DBS Check** – The standard check is available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and subsequent amendments. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered.

Basic Disclosure – A basic disclosure is a check on unspent convictions and conditional cautions.

Certificates of good conduct – It is important to note that the criminal/police records searched as part of a DBS checked are confined to information held by authorities in the United Kingdom. Candidates for posts which require DBS clearances who have lived overseas for any period in the last five years prior to their appointment are normally required to submit a Certificate of Good Conduct [or equivalent document] issued by the consular authorities of the countries where they have been residing. Candidates may be asked to supply certified translations for documents issued outside the EEA and/or submitted in a language other than English.

Controlled Activity- It is important to note that work duties that until 2012 fell under the definition of “controlled activity” (covering people who had frequent access to education, health or social services records), are no longer eligible for a DBS check. Consequently, DBS checks are no longer required for workers who undertake such duties. It is possible to apply for a Basic Disclosure, as it is for all roles.

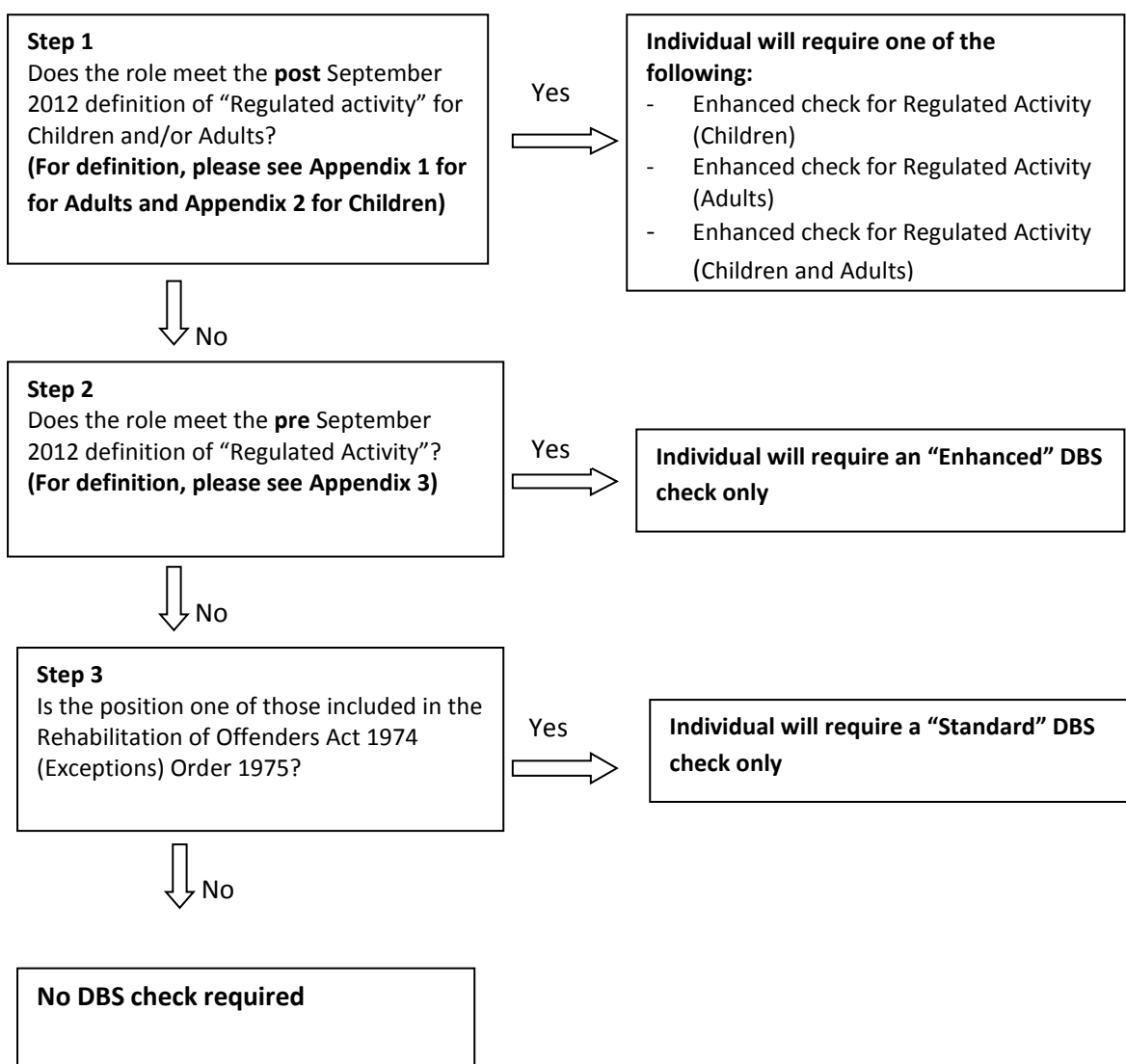
DBS Eligibility Flow Diagram

This flow diagram and supporting guidance is designed to enable you to identify:

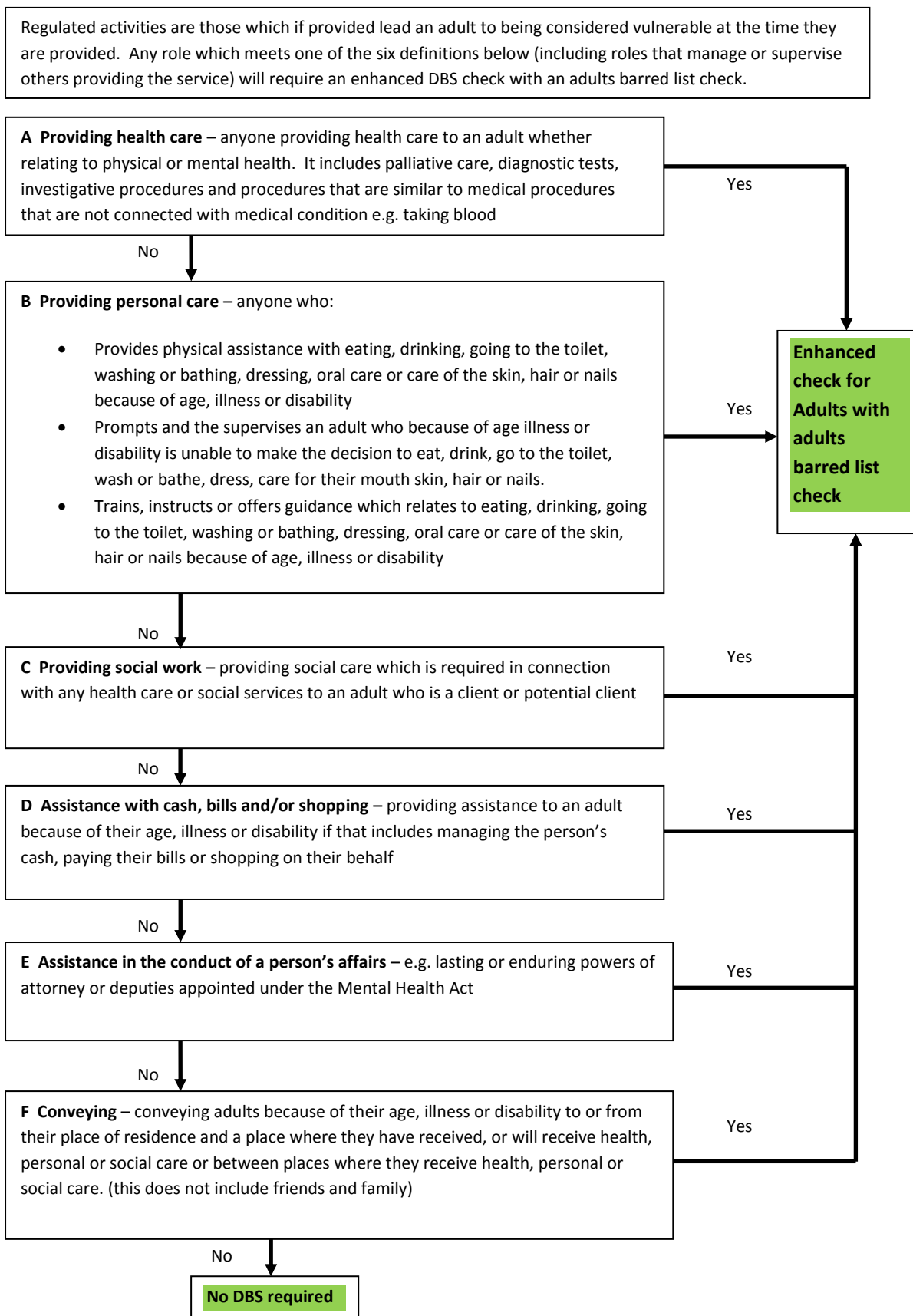
- if a check is required, and
- if it is, what type of check is appropriate.

The definitions provided in this document are to establish eligibility for a DBS check. Surrey County Council 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.

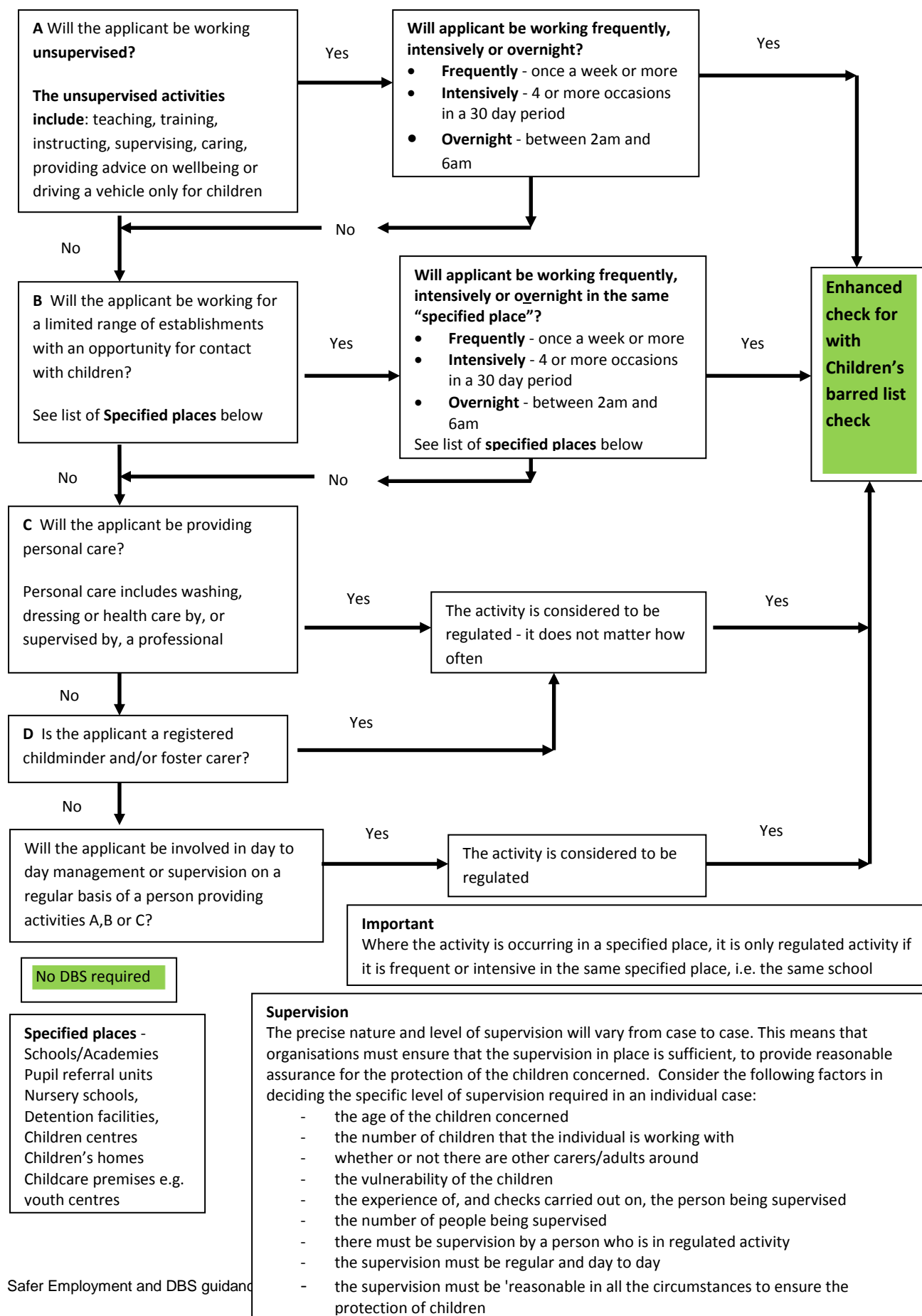
Steps to establish if a DBS check is required as defined in the diagrams attached



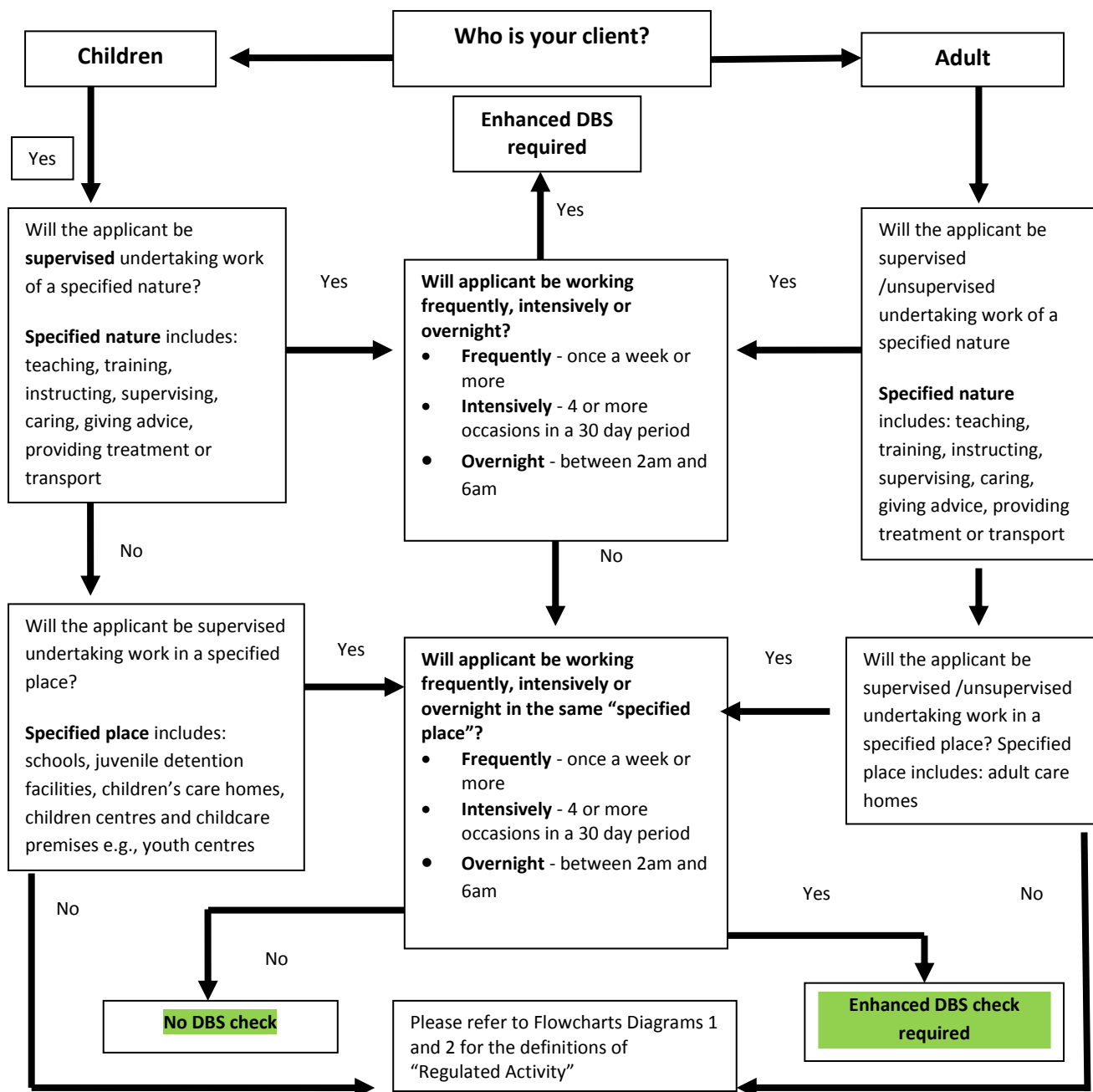
Regulated activity relating to Adults (Post 2012 Definition)



Regulated activity relating to Children (Post 2012 definition)



DBS check without a barred list check (Pre Sept 2012 definition)



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. See the flowchart above for the factors to consider in deciding the specific level of supervision required in an individual case.