

Disclosure and Barring Service (DBS) Frequently Asked Questions

There are **three types of DBS**:

- **Standard (not suitable for individuals working or volunteering in schools):** this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- **Enhanced:** this provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- **Enhanced with barred list check:** where people are working or seeking to work in regulated activity with children, this allows for an additional check to be made as to whether the person appears on the children’s barred list.

1. What is regulated activity?

Activity:	
a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;	Work under (a) or (b) is regulated activity only if done regularly i.e. if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children. Work is also regulated if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.
b) work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.	
c) relevant personal care, or health care provided by or provided under the supervision of a health care professional: <ul style="list-style-type: none"> • personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;⁴⁵ • health care means care for children provided by, or under the direction or supervision of, a regulated health care professional. 	Those activities are always regulated activities, regardless of frequency or whether they are supervised or not.

2. When is a barred list check included in a DBS certificate?

A barred list check is part of the check for an enhanced DBS for someone employed in regulated activity.

The person is...	Level of DBS check required:
in regulated activity	Enhanced DBS with barred list information
not in regulated activity	Enhanced DBS

Wiltshire Council advises that all employees in a school/academy are deemed to be in regulated activity.

Supervised volunteers are not in regulated activity. Refer to KCSIE and comments below.

3. How can we retrospectively check that a DBS certificate includes a barred list check?

The DBS certificate will show whether a Barred List check was requested therefore a school/academy should view a copy of the applicant’s certificate:

- If “None requested” appears in the box, the type of DBS certificate is Enhanced but it does not contain the barred list check

- If any information, or “None recorded” appears in the box, the type of DBS certificate is Enhanced with barred list check.

If the applicant has not retained a copy of the DBS certificate to verify whether a barred list check had been done, and the post being applied for requires a barred list check, the school/academy should request a new DBS certificate including a barred list check.

4. Can someone start work/volunteering without a DBS in place?

No. In exceptional circumstances, where a school allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed. Wiltshire Council recommends the Headteacher completes a DBS risk assessment form and seeks advice from HR. A copy of the risk assessment must be kept on the personal file for the period of employment/volunteering.

5. How can we undertake a separate barred list check?

You must submit a children’s barred list only application (where applicable) via Atlantic Data (DBS) login. The LA recruitment team can then check the certificate on your behalf and update accordingly at no extra cost. You will receive an email directly from Atlantic Data. If you have problems accessing Atlantic Data, please contact the LA Recruitment Team for help 01225 718040.

If you do not have access to Atlantic Data, you can undertake a separate barred list check via Teachers Pensions.

To undertake the barred list check, visit the Teachers’ Pension (TP Online) website www.teacherspensions.co.uk. The process/information required to undertake this check can be found in employer section under TP online.

Access to TP Online is granted by applying for downloading a digital certificate to ensure you can perform checks. To access TP Online please download and complete the TP Online application form. There is an annual charge for the digital certificate.

6. What is List 99?

A List 99 check is a list of individuals barred from working in education under section 142 of the Education Act 2002; this has been replaced by The Children’s Barred List, a list maintained by the DBS of individuals who are barred from working with children.

7. Are we able to carry out DBS with barred list check for *all* appointments?

No, requesting a Barred List check for those not in regulated activity is unlawful.

8. We have a volunteer who have been with the school for 10 years and has no DBS. Can a risk assessment be undertaken instead of a DBS?

No. If a volunteer is in regulated activity, the school should obtain an enhanced DBS certificate with barred list information.

If the volunteer is supervised, then an enhanced DBS Certificate without barred list information should be obtained.

9. What is the difference between the barred list check and a prohibition check?

• Barred list check:

The DBS maintains ‘barred lists’ of individuals who are unsuitable to work with children or vulnerable adults. The DBS decides who appear on these lists as a result of automatic barring offence, disclosure or referral. If an individual is listed, this will appear on their enhanced DBS certificate when a barred list check is requested.

• Prohibition check:

Anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching or managing a school (Section 128 check).

10. What is the minimum age you can request a DBS certificate?

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

11. Do we need to see the actual DBS certificate before we enter details on the SCR?

Yes. Prospective employees must show the DBS certificate prior to employment. Alternatively, if the applicant has subscribed to the online update, the school must check via this DBS Update Service.

12. As well as doing a DBS check, what checks must the school / academy carry out to verify someone's identity?

The school / academy must check the identity of candidates and record on the SCR that this has been done. There is more information about identity checks available on the schools / academies HR online site.

13. Whose responsibility is it to check a DBS disclosure?

It is the responsibility of the Headteacher/Principal to check the disclosure. They must check the content fully to ensure that there is no information on the disclosure which would make the person unsuitable to work in the school / academy.

For DBS checks on proprietors of the academy trust it is the responsibility of the chair of the academy trust to check the disclosure.

14. Can we accept a DBS issued by another employer?

DBS checks from another employer within the same workforce are portable only if the applicant has subscribed to the DBS update service. 'Within the same workforce' means within and across schools and academies.

15. Where someone working for the school is self-employed, can they obtain their own DBS?

No, as self-employed people are not able to make an application directly to the DBS. The school should consider requesting the DBS check.

Wiltshire Council is able to carry out DBS checks for self-employed individuals. The certificate will show their job title and Wiltshire Council as the organisation.

Wiltshire Council recommends that self-employed individuals then subscribe to the DBS update service.

16. How does the DBS update service work?

The online Disclosure and Barring Service (DBS) update service allows:

- applicants to keep their DBS certificates up to date
- employers to check a DBS certificate

If a person has not yet applied for a DBS check, they can register for the update service using the application reference number. DBS must receive the application form within 28 days.

If an applicant has already applied, they can register for the update service using their DBS certificate number. An applicant must do this within 19 days of the certificate being issued.

The applicant must fund the costs of applying for this service. Registration costs £13 per year.

Once registered, the update service can be used to:

- view the applicant's details
- the applicant can take his/her certificate from one job to the next (subject to the level of check being the same as that required for the role being applied for)
- give employers permission to check the certificate
- see who's checked the certificate
- add or remove a certificate.

Employers don't need to pay or register to carry out a status check. They can see the results from the check straight away.

17. Are we required to keep copies of DBS certificates?

Schools do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools comply with the requirements of the Data Protection Act 2018, when a school chooses to retain a copy, it should not be retained for longer than six months.

18. What shall we do when we receive a positive DBS Disclosure?

In the event of a DBS check coming back as positive (containing prosecutions, cautions or similar information) schools should note that only the applicant has sight of the DBS certificate. A decision as to whether to continue with the applicant will be taken by the headteacher while considering the content of the positive DBS disclosure. Schools should therefore discuss the result with the applicant and subsequently carry out a risk assessment to determine whether the person is suitable to work with children. Risk

assessment templates are available from Wiltshire Council HR service or the Safeguarding Effectiveness Advisers. Copies of risk assessments should be kept on the personnel file for the duration of employment.

19. If someone has a spent criminal conviction, can they apply for a role within a school / academy?

Yes, they may apply for a role with the school / academy, however the school / academy will take into account this conviction when considering whether the person is suitable for the role. The person must not apply for a role working with children if they are the subject of a prohibition order, barring them from applying for specific roles working with children.

20. If someone has recently been employed by the school / academy and has subsequently been convicted of a crime, do they need to declare this conviction to the school?

Yes, the person must declare any subsequent convictions, as well as cautions, reprimands or warnings, in order that the school / academy may make an assessment as to whether they may continue to be employed in the particular role they currently do.

21. Should an employee be found to have a change in their DBS status i.e. that new information has been added to it, how is the school / academy informed of this? Do the Police contact the DBS team with details of any updates, or do they contact the school / academy direct?

If a person comes to police attention and they are in a sensitive safeguarding role (e.g. teacher), the police should then make disclosures to an employer via the Common Law Police Disclosure process, if an immediate risk is identified. Officers carrying out investigations by units of the Public Protection Department are aware of the need to do such safeguarding disseminations such as DOFA proceedings.

However, such disclosures cannot be made if a person has lied about their employment status or job title to delay, and in an attempt to avoid, such proceedings. In addition, is it not possible always to identify job titles that may have safeguarding implications for children e.g. administrator and some offences e.g. theft may not indicate a risk to children but may be significant for employers considering the role that the person has in school or setting.

Beyond Common Law Police Disclosure process, there is no process by which the police would update and inform schools about any referrals to DBS between renewal applications.

DBS checks are part of safer recruitment but of course are never the whole picture and cannot be relied upon without clarity about responsibilities and actions taken by schools and settings to keep children safe.

22. Is there a need to undertake DBS for all staff at regular intervals (e.g. three years)?

KCSIE set outs that “if a school has concerns about an existing staff member’s suitability to work with children or learners, it should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school moves from a post that was not regulated activity into work that is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, in respect of existing staff the school or college is not required to request a DBS check or barred list check.”

23. Is there a need to undertake a new DBS if someone moves to a new role within the school?

If a person working at the school moves from a post that was not regulated activity into work that is regulated activity, the relevant checks for the regulated activity must be carried out.

24. Is there a need to undertake DBS for all volunteers at regular intervals (e.g. three years)?

The same advice as in question 22 applies to volunteers. Additionally, Wiltshire Council recommends that all volunteers including governors are encouraged to sign up to the DBS update service at the point of requesting a new certificate. The DBS update service is free for volunteers.

25. Is there a need to undertake a new DBS if someone moves to a new role within the school?

If a person working at the school moves from a post that was not regulated activity into work that is regulated activity, the relevant checks for the regulated activity must be carried out.

26. An individual is currently working in a Wiltshire school / academy and has a DBS check. They are moving to another Wiltshire school / academy with continuous service. Does another DBS check need to be carried out?

No - as long as they hold a DBS check and have remained in continuous employment in a Wiltshire school / academy (or have an employment break that does not exceed 3 months) then their DBS is still regarded as valid by Wiltshire Council. However, this is only if they have not had any new cautions, reprimands, warnings or convictions added. This means that the school / academy will need to check the person's DBS check via the online DBS system the school / academy will have access to each time to ensure this is the case.

NB. For any teacher who is appointed to your school, even if they have joined the DBS update service, you must undertake a prohibition order check.

A check of any prohibition can be carried out using the online Teacher Services' system

27. A teacher has been abroad travelling for the ten weeks prior to starting employment. Do we need to carry out overseas checks before they can start work?

There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the **three months** prior to their appointment, the applicant has worked:

- in a school in England in a post:
 - which brought them regularly into contact with children or young persons; or
 - to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or
- in an institution within the further education sector in England, or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including, where the individual is engaging in regulated activity, a barred list check.

28. A new employee is to start work in a school / academy and is not a UK citizen. Do they need a DBS check?

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK). In addition, the school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered,

This might include asking the applicant to provide a Certificate of good conduct from the police authority where they have lived.

Further information regarding overseas criminal checks is available on the [Government website, Criminal records checks for overseas applicants.](#)

Teachers may be able to provide proof of their past conduct as a teacher, issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability. <https://www.gov.uk/guidance/changes-to-checks-for-eu-sanctions-on-eea-teachers-from-1-january-2021>

29. A new employee is about to start work in our school but has been overseas in the armed forces civilian staff until now. Can we get a DBS check for them?

Yes, all service personnel are subject to the Service Discipline Acts (SDA), as are their families and UK based civilians (UKBC) when based or employed overseas. All convictions are recorded on the UK Civilian Police National Computer (PNC) and are available to the DBS as part of their routine checks. In addition, the DBS has access to information held at the Service Police Crime Bureau (SPCB) in relation to serving or former members of the Armed Force.

30. What checks are required when a member of staff returns from parental leave longer than three months?

Parental leave is not considered as a break in employment; therefore, schools are not required to carry out any checks on the staff's return.

31. If I take external cleaning/catering services in house and acquire new staff under TUPE do I have to get new DBS checks for them?

No - the DBS checks they currently hold can be accepted by Wiltshire Council under TUPE arrangements, but you will need to obtain their DBS reference numbers and date of issue from their last employer as part of your due diligence. You also need to check that the level of check is the correct level and it is for the correct workforce.

32. If a school / academy uses invigilators for exams and there is a gap of more than three months between paid work, is it necessary to obtain a new DBS check every time they are used?

If the invigilator has a break from working with a school / academy of more than three months, they will need a new DBS check. The school must be reassured that an invigilator has an up to date DBS check with no cautions, convictions, warning or reprimands which may make them unsuitable to work with children. It is suggested that the invigilator signs up to the DBS Update Service. This means their DBS check will be portable as long as no new information has been added to it and as long as they are moving between 'workforces'. Further information is available on the DBS website.

33. If a school / academy would like to use a 'shadowing' arrangement with another school / academy located in another Local Authority, is it necessary to carry out or check DBS checks for the visitors who will be coming to shadow in the school / academy?

Shadowing arrangements are a very good way of sharing and learning good practice but there is no specific DBS guidance around such arrangements. The school / academy will not however be permitted to obtain a DBS check for those staff who belong to another employer.

In order to make sure that the school / academy is not open to criticism in respect of any potential safeguarding issues, HR recommend that the arrangement be 'genuine' shadowing so that the teacher from a neighbouring LA is always escorted by DBS-cleared staff at the school / academy being visited and that visitors are **never left alone** with a class or individual child.

In addition, it is essential to write to the other school / academy, asking them to confirm that they have completed all pre-employment checks on your visitors, including an Enhanced DBS check (with the reference number and date of issue) as well as confirming that they are suitable persons to be employed in the children's workforce. Both schools / academies should share information in this way for any two-way shadowing.

A copy of correspondence should be kept with the SCR file, together with any risk assessment prior to the shadowing arrangement taking place.

It would be wise to follow this practice this even when 'shadowing' within Wiltshire schools / academies and if further guidance is needed on safe practices, schools / academies may contact an HR case adviser.

34. If a school / academy is participating in a Foreign Student Exchange Scheme is it necessary to ensure the 'host' families who will be hosting the students are DBS checked before non-UK exchange students are placed with them?

In circumstances where a school/academy arrange for a visiting child to be provided with care and accommodation in the UK in the home of a family to which the child is not related the responsible adults will be engaging in regulated activity for the period of the stay. Schools/academies should therefore obtain a DBS enhanced certificate with barred list information for the adult host. This check will be considered a 'volunteer' disclosure if the adult host is in receipt of no more than expenses and can be obtained free of charge. In addition, schools/academies are free to decide whether they consider it necessary to obtain a DBS certificate in respect of anyone aged 16 or over in the household where the child will be staying.

In circumstances where UK students are placed in host families abroad, it is not possible for schools/academies to obtain DBS checks. Schools/academies should liaise with partner schools abroad to establish a shared understanding and agreement to the arrangements in place. Schools should use their

professional judgment to satisfy themselves that the arrangements are appropriate and sufficient to safeguard every child.

35. Our supply teachers are ex-employees – do we need to do a new DBS check for them when they become a supply teacher?

Staff who have continuity of service (no break longer than three months) are not required by current guidance to have a new DBS check, but if they have had a break of more than 3 months, the school should obtain a new DBS certificate.

36. Does someone who has been volunteering at a school / academy for the last year and who has now been offered a paid role there need to be DBS checked?

All employed staff at a school / academy working in a regulated activity must have an enhanced DBS with a barred list check. If a volunteer already had this level of DBS check for their volunteering role and there has been no break of more than 3 months between volunteering and employment another check is not required. If the volunteer is now being employed as a teacher a prohibition check must be done.

It is always good practice to remind staff that they must inform the Headteacher / Principal if they have received any charged or convicted of an offence, or officially cautioned/reprimanded by the police for any reason since the date of the original DBS check. If they have it will be necessary to obtain an updated DBS check.

37. Do contractors require a DBS check?

Yes, contractors whose work provide them with an opportunity for regular contact with children, an enhanced DBS check will be required. Contractors engaging in regulated activity will require an enhanced DBS certificate including barred list information.

38. What level of DBS check does a governor require?

From April 2016, governors in maintained schools are required to have an enhanced DBS certificate. It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. This applies retrospectively.

Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Like any other role, the level of DBS certificate required will depend on whether the governor is in regulated activity:

- Enhanced DBS *without* barred list for those not in regulated activity e.g. a governor who only attends governing body meetings and doesn't have any regular, unsupervised contacts with children
- Enhanced DBS *with* barred list for those in regulated activity e.g. a governor who may carry out learning walks regularly, unsupervised.

The governing body must apply for a DBS certificate in respect of governors within 21 days after their appointment or election. Schools should also carry out a section 128 check for school governors, because a person subject to one is disqualified from being a governor.

39. Do associate members require a DBS check?

DBS checks are not mandatory for associate members. However, academies are advised to decide whether an associate member requires a DBS check on a case by case basis taking into account what access they will have to information relating to the school. It is advised that a risk assessment is undertaken.

40. Do proprietors of the academy trust require DBS and identity checks?

Proprietors of the academy trust must have an enhanced DBS and identity check (either including or not including barred list information as appropriate) prior to being part of the academy trust. The enhanced DBS check will incur the current fee.

41. Can DBS checks be undertaken for staff who have a British Forces Postal Overseas (BFPO) address?

Yes. The DBS requires a 5-year history of addresses. The DBS government site provides detailed information about unusual addresses or you can contact the Council's Recruitment Team for support.

42. What are the cost implications for DBS checks?

Since October 2019 the following DBS fees apply:

- Basic DBS check £23.00
- Standard DBS check £23.00
- Enhanced DBS check £40.00
- Enhanced with barred list check £40.00

The cost of these checks is borne by the school.

43. Are DBS checks free for volunteers and governors?

DBS checks for volunteers and governors are free, although there is a small admin charge per clearance check if a school uses the LA DBS service.

44. What evidence is a school / academy required to provide during an OFSTED inspection that DBS checks on staff, volunteers, governors and proprietors has been carried out?

Schools / academies need to keep a single central record (SCR) of all the pre-employment checks on staff, volunteers, governors and proprietors showing their DBS checks numbers plus the date of the disclosure. If the person was employed at the school / academy prior to pre-2002 then a copy of the List 99 (now known as the Children's Barred List) and local police check evidence should be recorded and retained. In addition, the school / academy needs to record all the other usual pre-employment checks on the SCR. More guidance is available on the School / Academy HR Online site.

45. What evidence is a school / academy required to see in respect of checking 'official visitors' to a school?

Staff such as educational psychologists, supply teachers, trainee teachers, nurses, sports coaches and inspectors should be DBS checked by their 'providing' organisation – for example the supply agency, the university, primary care trust, local authority, etc.

Wiltshire Council staff visiting a school will carry a photo ID badge confirming who they are.

It is sufficient for schools / academies to ask whether the appropriate checks including DBS have been undertaken.

Where an official visitor is not required to have the relevant safeguarding clearances for their role they should be escorted and not be left alone with children.