

Assessing job roles for DBS requirements: Guidance for managers

Contents

- 1 [Scope](#)
- 2 [Introduction](#)
- 3 [What types of DBS check are available?](#)
- 4 [Roles that are eligible for Standard checks](#)
- 5 [Roles that are eligible for Enhanced checks](#)
 - 5.1 [With children's barred list](#)
 - 5.2 [With adults' barred list](#)
- 6 [Definition of regulated activity from September 2012](#)
 - 6.1 [Regulated activity in relation to children](#)
 - 6.2 [Regulated activity in relation to adults](#)
- 7 [Definition of regulated activity pre-September 2012](#)
- 8 [Research roles](#)
 - 8.1 [Assessing a research project for DBS requirements](#)
 - 8.2 [NHS Research Passports](#)
- 9 [Rechecks](#)
- 10 [What happens next](#)
 - 10.1 [After the role has been assessed](#)
 - 10.2 [When the DBS certificate is issued](#)
 - 10.3 [On-going employment](#)
- 11 [Useful links and further reading](#)

1 **Scope**

The aim of this document is to provide initial guidance to managers when assessing job roles for DBS requirements, and what happens after the assessment. It contains information on the types of DBS check available, roles that are eligible for checks, and definitions of regulated activity.

2 **Introduction**

The Disclosure and Barring Service (DBS) provides employers and those organisations engaging volunteers in England and Wales with information to assist them in assessing the suitability of an individual for work in certain positions of trust, including work with children and vulnerable adults (see paragraphs 6.1 and 6.2 for definitions of 'children' and 'vulnerable adults'). The service is also available to other professional, licensing, and regulatory bodies whose volunteers, employees and licensees are not necessarily in direct contact with the vulnerable, but who still need to uphold the highest standards of professional performance.

The University provides a wide range of services which bring staff members into contact with children and vulnerable adults, and it is essential that staff who work with these groups are subject to DBS checks prior to commencing employment and at intervals throughout their employment with the University.

A DBS check, when completed, will result in a DBS certificate being issued to the subject of the check. Depending on the type of check conducted, the certificate may show spent and unspent convictions, if an individual is barred from working with children and vulnerable adults, and any other information deemed relevant by police. With the information provided in the certificate, the University can make an informed assessment of the suitability of the individual for the role in question.

3 What types of DBS check are available?

There are three different categories of DBS check: Basic, Standard, and Enhanced. Basic checks can only be requested by the individual, not an employer, and therefore are not relevant to this guidance. The Standard and Enhanced checks can be requested by employers (or organisations acting on their behalf), but not by individuals.

For certain job roles, an Enhanced check can include a check of the Children’s Barred List or Adults Barred List, which are lists containing details of individuals who are barred from working with either group.

The table below sets out when certain checks are required and what information the resultant certificate will provide.

Type of check	What the certificate shows	When the check is required and who can apply
Basic	Unspent convictions and unconditional and conditional cautions	No job requirements Any individual over 16 years of age can apply for a basic check
Standard	Spent and unspent convictions, spent and unspent cautions, police reprimands, and warnings	When the position is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (“ROA”) For certain specified occupations, licences and entry into certain specified professions Any individual over 16 years of age but countersigned, or submitted electronically by a registered person confirming their entitlement to apply for the certificate

Type of check	What the certificate shows	When the check is required and who can apply
Enhanced	Same as Standard check, plus any information held by police which is reasonably believed to be relevant for the role	<p>When the position is included in the ROA and the Police Act Regulations (listed in Part V of the ROA)</p> <p>For those carrying out activities such as gaming and lottery licenses and judicial appointments; or working with children or vulnerable adults meeting the pre-September 2012 definition of regulated activity**</p> <p>Any individual over 16 years of age but countersigned, or submitted electronically by a registered person confirming their entitlement to apply for the certificate</p>
Enhanced with children's barred list	Same as Enhanced check, plus any information stored about the individual on statutory lists (containing details of individuals who are considered unsuitable to work with children)	<p>When individuals are undertaking regulated activity* with children</p> <p>Any individual over 16 years of age but countersigned, or submitted electronically by a registered person confirming their entitlement to apply for the certificate</p>
Enhanced with adults' barred list	Same as Enhanced check, plus any information stored about the individual on statutory lists (containing details of individuals who are considered unsuitable to work with vulnerable adults)	<p>When individuals are undertaking regulated activity* with vulnerable adults</p> <p>Any individual over 16 years of age but countersigned, or submitted electronically by a registered person confirming their entitlement to apply for the certificate</p>
Enhanced with children's and adults' barred lists	Same as Enhanced check, plus any information stored about the individual on statutory lists (containing details of individuals who are considered unsuitable to work with children or vulnerable adults)	<p>When individuals are in regulated activity* with children and vulnerable adults</p> <p>Any individual over 16 years of age but countersigned, or submitted electronically by a registered person confirming</p>

		their entitlement to apply for the certificate
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* See point 6 for definitions of regulated activity

** See point 7 for definitions of regulated activity pre-September 2012

A conviction is considered “spent” if the individual does not re-offend during the specified rehabilitation period. A conviction is considered “unspent” if the individual is still within the rehabilitation period.

Managers may find it helpful to access [this collection of documents](#) to help decide whether a role is eligible for a Standard or Enhanced DBS check.

4 **Roles that are eligible for a Standard check**

- Any work that relates to providing health services where that work means there is also contact with the patients
- Head of legal practice of a licensed body
- Chartered/certified accountants

Example roles at the University:

- Any BSMS professional services staff who work in patient-facing areas (eg, receptionist)
- Any Payroll/Finance roles that require chartered/certified accountants
- Head of General Counsel/Governance

The full guidance on all roles eligible for Standard checks can be found on the Gov.UK website [here](#).

5 **Roles that are eligible for an Enhanced check**

- Work which would have been regulated activity with children or adults before changes were made to the definition in September 2012 (see 5)
- Regulated activity with children where the work is done infrequently

Example roles at the University:

- Widening Participation staff who occasionally (less than 3 times per month) visit schools
- Sussex Sport staff who facilitate activities/parties for children on an infrequent (less than 3 times per month) basis

5.1 **With children’s barred list**

- Individuals who provide teaching, training or instruction to children on more than 3 days in a 30-day period
- Individuals who provide care for or supervision of children on more than 3 days in a 30-day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children
- Individuals who provide health care to children, either as a health care professional or under the direction or supervision of a health care professional
- Individuals who undertake the regular day to day management or supervision of individuals carrying out regulated activity with children

Example roles at the University:

- Residential staff who supervise students below the age of 18
- Any BSMS clinical staff who provide healthcare to children
- Widening Participation staff who frequently (more than 3 times a month) visit schools

5.2 With adults' barred list

- Individuals who provide health care to adults, either as a health care professional or under the direction or supervision of a health care professional
- Individuals who manage or supervise anyone on a day to day basis who carries out regulated activity with adults

Example roles at the University:

- Any BSMS clinical staff who provide healthcare to adults

The full guidance for all roles eligible for Enhanced checks with and without barred lists can be found on the Gov.UK website [here](#).

6 Definition of Regulated Activity from September 2012

6.1 Regulated activity in relation to children

Children are defined as those under 18. The following (a – d) constitutes regulated activity with children regardless of regularity:

- a) Registered child-minders or foster carers
- b) Health care for children provided by, or under the direction or supervision of a regulated health care professional
- c) Physical help in connection with eating or drinking for reasons of illness or disability; physical help for reasons of age, illness or disability in connection with toileting, washing, bathing and dressing; or prompting with supervision or training or advice in relation to these examples where the child is unable to decide to carry out the activities without that prompting or advice
- d) A person who manages or supervises someone who undertakes a regulated activity is also counted as undertaking a regulated activity. A person who manages someone who is not in regulated activity (but would be except for the fact that they are supervised) is also in regulated activity

The following (e – f) only constitutes regulated activity if it is carried out regularly, either:

- Frequently (once a week or more often), or
 - Intensively (four times or more in any 30-day period), or
 - Overnight (between 2am and 6am)
- e) Unsupervised activity including teaching, training, caring for or supervising children, driving a vehicle solely for children
 - f) Working in a 'specified establishment'¹ where there is opportunity for contact with children. (This does not include supervised contact by volunteers)

¹ A specified establishment is an educational institution exclusively or mainly for the provision or full time education of children; a pupil referral unit; a provider of nursery education; a detention centre for children; a children's home or home provided under the Children Act 1989; a children's centre; or a relevant childcare premises.

In specified establishments only, work carried out by volunteers supervised to a reasonable level that is in accordance with the [statutory guidance on supervision](#)², is not regulated activity.

Should the organisation decide to supervise the employee, with the aim that the employee will then no longer be undertaking regulated activity, the following points must be noted:

- There must be supervision by a person who is in regulated activity,
- The supervision must be regular (on an ongoing basis) and day to day, and
- The supervision must be 'reasonable in all the circumstances to ensure the protection of children'.

The complete guidance on regulated activity in relation to children can be found on the Gov.UK website [here](#).

6.2 Regulated activity in relation to adults

The definition of regulated activity in relation to adults identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. The focus therefore is on the activities required by the adult, not the setting in which the activities occur, nor the personal characteristics or circumstances of the adult receiving the activities. (An adult is a person aged 18 years or over).

Six categories of activity fall within the definition of regulated activity for adults, a broad outline of which is given below:

- **Healthcare** for adults provided by, or under the direct supervision of a regulated healthcare professional
- **Personal care** for adults involving hand-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
- **Provision by a social care worker** of social work which is required in connection with any health services or social services
- **Assistance with cash, bills and/or shopping** due to an individual's age, illness or disability arranged via a third party
- **Assistance in the conduct of a person's own affairs** under a formal appointment
- **Conveying** adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party

A person whose role includes day to day management or supervision of any person engaging in regulated activity, is also engaging in regulated activity.

And individual only needs to engage in the activities listed once to be carrying out regulated activity relating to adults.

The complete guidance on regulated activity in relation to adults can be found on the Gov.UK website [here](#).

² Keeping children safe in education, Annex F: Statutory guidance

7 **Definition of Regulated Activity pre-September 2012**

Work carried out in specified settings (as noted in 6.1) and/or work that involves specified activities³ will constitute regulated activity under the pre-September 2012 definition **if** it is carried out frequently or overnight (between 2am and 6am) **and** the activity has opportunity for contact with children (those under 18) and/or vulnerable adults.

A person is a vulnerable adult if they have attained the age of 18 and are for example receiving healthcare, a welfare service, or are living in sheltered housing.

If you think the pre-September 2012 definition of regulated activity may apply to the role you are assessing, please contact [HR Compliance](#) for the complete definition and further guidance.

8 **Research roles**

Some staff may not need a DBS for their day-to-day activities at the University, however they may take on specific research projects that require a DBS check.

A DBS check for a research project should only be requested when the project is confirmed to be going ahead, as part of the preparatory paperwork for that project. This may be in line with an individual's employment start date, but may also occur at any point during their employment.

A DBS check should not be pre-emptively requested at the beginning of an individual's employment, before any research project is confirmed to be taking place. This is because we must have a clear legal basis for requesting a check, and cannot request a check on the basis that it might be needed in the future for an unspecified project.

8.1 **Assessing a research project for DBS requirements**

Any research project should be assessed by the Principal Investigator in the same way as a manager would assess a job role, with due consideration given to the groups that the researcher will be interacting with as part of the project and whether this interaction would come under the definition of Regulated Activity.

8.2 **NHS Research Passports**

A DBS check may sometimes be required as part of an NHS Research Passport. An employee's existing DBS check may be used if it meets the level required for the research activity, however if the individual's existing DBS check is of a lower level then a new check will be needed.

The employee's line manager or Principal Investigator should complete the DBS assessment for the Research Passport. If the employee already holds the appropriate level of clearance then this should be noted and evidence provided when submitting the Research Passport forms to Human Resources.

³ Specified activities are defined as teaching, training or instruction, care or supervision of children; moderating a web service wholly or mainly for children; advice or guidance wholly or mainly for children; driving a vehicle for children; health care or personal care; registering to be a foster carer; and registering to be a childminder or childcare provider.

9 Rechecks

DBS certificates are not issued with expiry dates. A certificate is accurate at the time it was issued, and it is left up to individual employers or regulatory bodies to determine if and how often rechecks are required.

Rechecking of DBS certificates for existing employees should take place in line with regulatory requirements if appropriate (eg, for Widening Participation staff who visit schools), otherwise it is at the manager's discretion. For managers who wish to undertake rechecks, every 3 years is recommended as an appropriate timeframe.

10 What happens next

After a role has been assessed for any DBS requirements, the information must be passed to the HR Compliance team for actioning. The HR Compliance team will perform the check and maintain a record of the relevant details.

Please see below for specific scenarios and what action is required.

10.1 After the role has been assessed

If the role has been assessed as part of a recruitment exercise:

- Complete the RTF tracker with details of which type of DBS check is required. This information will be passed to HR Compliance.

If the role has been assessed with an existing employee already filling the role:

- Contact HR Compliance directly with details of the type of check required.

If the assessment has not resulted in a clear answer:

- Contact HR Compliance with details of the role and where the assessment has stalled.
- The team will assist with completing the assessment, and if necessary seek external advice in order to establish what type of DBS check is required.

If the role assessment has resulted in no DBS check being required:

- In this instance, a Basic level check can be applied for. However, the University cannot apply for this check and the employee must apply themselves. Applications can be made online and cost £23.
- The Basic check application form can be found on the Gov.UK website [here](#).
- It may also be appropriate to conduct a risk assessment, if a Standard or Enhanced check is not permitted but the employee in question will have access to sensitive information or restricted areas of the University.

10.2 When the DBS certificate is issued

If a DBS certificate is issued and contains information about a conviction:

- The certificate information will be seen by the HR Compliance team in the first instance, who will alert the relevant HR Business Partner.
- The Business Partner will discuss the information with the recruiting manager and support them in making a recruitment decision.
- It is important to note that refusing employment on the grounds of a "spent" conviction is unlawful under the Rehabilitation of Offenders Act 1974.

- HR Compliance will retain relevant DBS certificate information (level of check, date of issue, certificate number) on the employee's personnel file.

If a DBS certificate is issued and contains no information:

- HR Compliance will inform the relevant line manager that the DBS check has been completed and the employee is clear to begin work.
- HR Compliance will retain relevant DBS certificate information (level of check, date of issue, certificate number) on the employee's personnel file.

10.3 On-going employment

It is an employee's responsibility to inform their employer if, after their DBS check has been conducted, they then engage in any criminal activity which would show up on a later check.

If your employee discloses to you that they have engaged in criminal activity, please contact your HR Business Partner.

11 Useful links and further reading

Links to the government guidance on DBS checks are contained within the main text of this guidance document, however they have also been gathered here for ease of use.

Eligibility guidance:

- [Standard checks](#)
- [Enhanced checks](#)
- [Regulated activity in relation to children](#)
- [Regulated activity in relation to adults](#)
- [Complete collection of guidance leaflets](#)

The links below are to other governmental DBS documents which provide useful context and information about the wider DBS process and our role as an employer, however they're not essential for completing a DBS assessment.

[DBS code of practice](#)

Contains information about the responsibilities of a Registered Body, as well as the correct handling of sensitive information.

[DBS checks: guidance for employers](#)

Contains information about a wide range of topics, including stages of the DBS checking process, disputes, validity periods, and processes for transgender and overseas applicants.

[Documents that must be provided for a DBS check](#)

Outlines the documents that an applicant must provide for an identity check as part of a DBS application.

[DBS home page](#)

The main DBS website, which includes regular news updates about the service and relevant interests.

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