

# SCREENING VOLUNTEERS AND DBS CHECKS

**“The purpose of screening volunteers is to ensure that the appropriate volunteers are recruited for the appropriate projects”**

Volunteering England

Please note:

In May 2013, the DBS announced changes to what conviction data appears on a criminal record certificate. This was due to a Court of Appeal verdict that found that the current (at the time) process of declaring all criminal conviction data was an infringement of an individual's human rights and employment prospects. The DBS introduced a filtering system that means some qualifying conviction data may not be presented on a DBS disclosure certificate

## **Key Words**

DBS (Disclosure and Barring Service) – the organisation that handles all criminal record checks

Portability – the use of a DBS check from one position in an organisation that is used later for another position in another organisation, the DBS has created 'The Update Service' so individuals can register their certificates so that they can be used portably

Screening – the process of ensuring that a volunteer is suitable for a potential role and to manage any risks to children and vulnerable adults in recruiting them into that role

Barred Lists – these are lists of people who are not allowed to work with children and/or adults in certain types of work, called 'Regulated Activity' (see section to the left)

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In 2012, the Protection of Freedoms Bill went through Parliament and dramatically changed the criminal record checking process and rules. It included the creation of a new service, the Disclosure and Barring Service (DBS), which covers the old CRB checks plus the managing of the 'barred' lists – i.e. lists of people who are not allowed to work with children or vulnerable adults.

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

DBS disclosures are used to check if someone has a criminal record. It is just one way of reducing the risk of recruiting new staff or volunteers who may be unsuitable to work with children, young people or vulnerable adults.

There are three types of DBS check or disclosure:

- Standard – This will show a person's filtered convictions, cautions, warnings and reprimands that are held on the police national computer
- Enhanced – This check shows everything that the Standard check does, plus additional discretionary background information from local police forces
- Enhanced with barred list check – This check shows everything that the Enhanced check does, plus an additional check of the appropriate 'barred list' for the work being done

The check should be used alongside an effective recruitment policy, training and supervision of workers (including volunteers) in order to raise concerns about an individual, because disclosure checks are not foolproof: some child sex offenders have no relevant criminal record.

## **When to check**

Checks should only be carried out on people who qualify under the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions Order 1975). These positions often include working with children and vulnerable adults on a regular basis in a caring, supervisory, training or teaching capacity. It is illegal to conduct a DBS check on someone whose role does not qualify them for a check. Some staff are eligible for a check and some must have a check due to the activities they do in their role. This type of activity is called 'Regulated Activity'

## What is Regulated Activity?

Regulated Activity – type of work that means people conducting this activity must be DBS checked at 'Enhanced with barred list check' level:

- Regulated Activities for working with adults are:
- Providing health care (inc. counselling and psychotherapy)
- Providing social work
- Providing personal care (washing, dressing, feeding etc.....)
- Providing legal advocacy
- Managing or spending a person's money (due to their incapacity)
- Conveyance of a person (driving, escorting etc....in a role) due to their incapacity
- Directly managing a person in regulated activity

Regulated Activities for working with children are:

All of the above, plus:

- Registered foster carers
- Registered childminders
- Caring, teaching, training, supervising or advising on a regular basis (more than 3 times in a 30-day period or overnight)
- Paid employment working regularly in 'Regulated Environment' (schools, residential homes, young people's detention centres, Sure-starts, nurseries etc...)

A child is defined as someone under 18 years old (unless in employment or volunteering, when a child is then defined as someone under 16).

People undertaking voluntary work which is considered a 'Regulated Activity' will require an Enhanced DBS disclosure with barred list check. It is against the law for an individual who is barred from working with a particular group (adult or children) to seek employment

(paid or unpaid) working with that particular group which requires 'Regulated Activities' to be performed. It is also an offence to employ someone as outlined above. So, you should make it clear at the beginning of the recruitment process if a role requires a DBS disclosure and at which level the check will be made.

It is not illegal for people who are barred from working with a particular group to apply for work with that group if no regulated activity is being undertaken.

Eligible roles are those where the organisation has a choice to DBS check a volunteer (it is advised that you should check a volunteer who is in a role that is eligible for a check). For adults it includes all roles that do not involve 'Regulated Activity' but are included on the ROA 1974 (Exceptions Order 1975) and can include roles like adult teaching, mentoring, support and befriending. In general, the adult must be classed as 'vulnerable' according to the Safeguarding Vulnerable Groups Act 2006 and be in receipt of a service that also qualifies under that act. For children it includes roles that are done less regularly than the 'Regulated frequency' or in a reasonably supervised capacity (volunteers only).

It is very important to ensure that you are checking appropriately and that you are entitled to do so. It is against the law to DBS check someone who you have no entitlement to check.

## **DBS certificates**

DBS certificates can only be requested by DBS registered organisations and have to follow a strict process and rules. Most checks take between 2-4 weeks to be returned. It is, therefore, worth considering roles that your volunteers can undertake while they are waiting for their checks to come back. This will help to ensure they do not lose interest while they are waiting and will give you the opportunity to see how they get on in your organisation.

If your organisation is not registered to carry out DBS checks you will need to approach an umbrella body (your local Volunteer Centre may be able to help) who will assist you through the process and make sure you have the correct policies and procedures in place. Be aware that, whilst DBS checks for volunteers are free, umbrella bodies usually charge an administration fee for each check.

The DBS certificate is only issued to the individual applicant; you will need to instruct your volunteer to show you (or the appropriate person in your organisation) their certificate so that they can be deemed suitable to work in the environment that they applied to get the certificate for. When they present the certificate you should:

- Make a record of the name of the applicant, the date of issue and the reference number of the certificate. BUT do not record specific convictions or photocopy the certificate
- If it contains conviction data, you should record that the certificate was not clear and then either record that you deemed the person suitable or not
- Only share information with people involved in the recruitment process (these should usually be named persons within your organisation)
- If an individual has supplied a registered certificate with the Update Service, then you will need to follow that process in order to use the certificate – [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

## **What if the person has criminal convictions?**

Just because a person has a criminal record does not mean they cannot volunteer. In fact, about one quarter of the working-age population in the UK has some kind of criminal record, if you ruled all of them out of volunteering you would greatly reduce your pool of available volunteers. You should, therefore, consider:

- The nature of the offence – whether it is relevant to the volunteering role, how long ago was it, their attitude to the offence, the circumstances surrounding the offence and the extent to which they have changed
- The nature and setting of the volunteer role
- The volunteer's overall suitability to carry out the role

It is a prerequisite of every organisation that uses the DBS processes and services to have a recruitment of re-offenders' policy.

## **Duty to refer**

If you remove a volunteer from a role involving 'Regulated Activity', or they leave whilst they are under investigation for allegedly causing harm, or posing a risk of harm, you must by law inform the Disclosure and Barring Service. Failure to do so is an offence and will carry a significant penalty. This is usually coordinated through a Safeguarding Officer or your local authority social services

## **Beyond DBS checks**

DBS checks are just one piece in the jigsaw of screening volunteers. They are by no means foolproof, and only provide a record of what a person has been caught and convicted of up to the date that the check is carried out. They are not intended to be used either as a character reference or as a way of guaranteeing a person's suitability for a role.

When recruiting any volunteer:

It is advisable to take up references, usually from two referees, and it is also useful to ask specific questions linked to the role to guide referees (e.g., How long have you known the person? Do you think he/she is suitable to work with children/adults? Would you recommend this person to carry out this role?).

- Have a clear volunteering task description and recruitment process.
- Provide volunteers with an induction and relevant training – you could even incorporate taster sessions or a shadowing period as part of your volunteer recruitment, giving you a chance to get to know new volunteers.
- Make sure volunteers have regular supervision and opportunities to reflect on their experience.

As an organisation, make sure that you have robust policies and procedures in place covering equal opportunities, volunteer recruitment and selection, risk assessments, data protection and, of course, safeguarding. Volunteer codes of conduct are also a useful reference point for volunteers about what is acceptable behaviour.

It is also essential that relevant insurance cover is in place to cover volunteers who work for your organisation as they are not automatically considered a 'third party' for purposes of your public liability insurance. In addition, you need to check with your insurance company that you are covered for any work that volunteers do on your behalf.

### **Further support and links:**

- For information on the DBS – [www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

- For information for organisations and umbrella bodies (including voluntary and community groups carrying out DBS checks, visit – [www.gov.uk/find-dbs-umbrella-body](http://www.gov.uk/find-dbs-umbrella-body)
- For information on the Update Service – [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)
- For referrals to the DBS – [www.gov.uk/government/publications/dbs-referrals-form-and-guidance](http://www.gov.uk/government/publications/dbs-referrals-form-and-guidance)
- For information and guidance on conviction filtering – [www.gov.uk/government/publications/dbs-filtering-guidance](http://www.gov.uk/government/publications/dbs-filtering-guidance)
- For eligibility guidance – [www.gov.uk/government/publications/dbs-check-eligible-positions-guidance](http://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance)



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