



# 4.0 Volunteers

## Disclosure and Barring Services

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On 1 December 2012 the **Criminal Records Bureau (CRB)** and the **Independent Safeguarding Authority (ISA)** merged to form the **Disclosure and Barring Service (DBS)**. As a result '**CRB checks**' are now called '**DBS checks**' and ISA barred lists are now known as **DBS barred lists**.

A criminal records check is a process of gathering information about an applicant's criminal record and includes spent and unspent convictions, cautions, reprimands and final warnings held on the **Police National Computer (PNC)**.

Many organisations working with children, young people and adults at risk require their staff and volunteers to undergo criminal records **Disclosure and Barring (DBS) checks**.

## Using Criminal Record Checks as Part of Safer Recruiting

For most jobs or volunteer positions an employer is not allowed to know about an individual's criminal record other than those convictions which are considered 'unspent'. Most cautions and convictions eventually become 'spent' after a certain amount of time (called the rehabilitation period) has passed. Some sentences never become spent such as a prison sentence of more than 4 years

However, for positions working with vulnerable groups an organisation can ask for a criminal records check. **There are 3 types of check.**

### Standard DBS Check

There are some professions and job roles where an employer can ask to see an individual's full criminal record. These are known as exempted positions and listed under the **Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975**. A standard disclosure will show all criminal record information held on the **PNC**; spent (not protected) and unspent convictions, cautions, reprimands, final warnings.

### Enhanced DBS Check

There are certain types of work, particularly those working with children and adults, considered vulnerable at that particular time, for which there is eligibility for the highest level of criminal records checks known as an enhanced check. These positions must be specified in the **Exceptions Order to the Rehabilitation of Offenders Act 1974** and regulations made under the **Police Act 1997**. An enhanced disclosure includes all criminal record information held on the **PNC** as above and also non conviction information which the police believe to be reasonably relevant to the post for it to be disclosed.

## Enhanced DBS Check With Barring List(s) Check Regulated Activity

The **Safeguarding Vulnerable Groups Act 2006** sets out the activities and work which a person who has been barred from working with a particular vulnerable group, children and/or adults, must not do. This is known as regulated activity.

The **Protection of Freedoms Act 2012** revised the definition of regulated activity to focus on work which involves close and unsupervised contact with vulnerable groups including children. The new definition came into effect September 2012.

Employers who wish to engage a person in regulated activity must not knowingly employ a barred person and can ask for an enhanced **DBS** check to include a check against the relevant **DBS** barring list (children and/or adults list). This barring list check will show if someone is included or not on the relevant **DBS** list.

## Cost of DBS Checks

**DBS** checks for volunteers are free of charge plus an admin fee per check. A volunteer for **DBS** purposes is defined as

'a person who performs any activity which involves spending time unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than, or in addition to, close relatives'

For paid employees the **DBS** charges

Standard Check	£23.00
Enhanced check with or without barring list checks(s)	£40.00

### Accessing DBS Checks

DBS checks can only be accessed through the **Disclosure and Barring Service (DBS)** via **Registered Bodies (RBs)**. An individual cannot do a criminal records check on themselves.

An organisation that uses **DBS** checks can apply to **DBS** to become an **RB**. However, certain conditions need to be met and many organisations may consider this inappropriate for them or may be unable to meet the criteria. Alternatively, an organisation can use the services of a **DBS Umbrella Registered Body (URB)** which acts on behalf of other organisations but will usually charge an administration fee in addition to the **DBS** cost of a check.

Third sector organisations can access **DBS** checks for their staff and volunteers through the services of a **URB**. Previously the sector was served by the **WVCA Criminal Records Unit (CRU)**, which received funding from Welsh Government to provide a free access service. **The Welsh Government** has refocussed the funding to provide a wider safeguarding support service that is not specific to **DBS** check access.

### To Check or Not to Check

Eligibility decisions can be quite complicated and often voluntary organisations are under pressure by funders or insurers to carry out 'blanket' checks on all volunteers and staff even when there is no eligibility. It is therefore important that **DBS** checks are not considered in isolation but as part of a wider safeguarding process and that they are accessed by an experienced RB who can support the eligibility decision.

**DBS** checks may be used as best practice or they can be mandatory where there is other legislation which requires a check against a barring list e.g. **regulated activity**.

Those activities and work which no longer meet the revised definition of regulated activity (e.g. **some activities carried out by supervised volunteers**) are still eligible for enhanced **DBS** checks but are not eligible for the barred list checks as part of that application.



### Important Information

A DBS check can only be requested where eligibility conditions are met and cannot be carried out on anyone under 16 years old:  
It is a criminal offence otherwise.

[Find out which DBS check is right for your employee](#)

### Duty to Refer

There is a legal duty to refer when an employer or organisation believes a person working in regulated activity has caused harm or poses a future risk of harm to vulnerable groups, including children.



### Information

Referrals should be made to the **Disclosure and Barring Service (DBS)** and further information can be found in the **DBS referral guidance**.

[DBS Referral Guidance](#)

## Recent Changes to Disclosure and Barring Services

### Single Issue Certificate

The **DBS** now provides only a single issue of a **DBS** certificate which goes to the applicant directly. Organisations will need to ask to see this certificate in order to assess suitability.

Organisations can use **DBS** online tracking to find out when the check is completed and then make arrangements to see the applicant certificate whilst confirming ID at the same time, check the certificate to ensure it is genuine and risk assess any information disclosed.

Although the recruitment process at advertisement and interview stage should have highlighted the need for the volunteer or paid employee to disclose any relevant criminal record, this provides a further opportunity to discuss any content which may appear on the certificate.

New staff and volunteers entering regulated activity should not start in their role until the appropriate barring list checks have been undertaken and confirmed by the organisation.

A **DBS** check has no official expiry date. Any information included will be accurate at the time the check was carried out. It is up to an employer to decide if and when a new check is needed, but this can be made far easier with use of the [DBS Update service](#).

### Update Service

The **DBS Update Service** allows for a certain level of “portability” as a **DBS** certificate can be kept up-to-date and taken from role to role, within the same workforce, where the same type and level of check is required.

An individual can subscribe to join the **Update service** and an employer, with the applicant's permission, can make a free online status check via the **DBS** website to see if the applicant's certificate remains current **i.e. no new information has been added since its issue**. A new check need only then be carried out if the certificate status has changed and a new certificate is issued with its information updated.

The recruiter still needs to check that the certificate viewed is appropriate to the role using these details. The certificate is:

- a. the one referenced on the Update service (**personal details and numbers should correspond**)
- b. appropriate to the workforce (**adult or child**) that the volunteer will be working with
- c. appropriate to the level of check required for the role  
**e.g. has a barring list check where the work is regulated activity.**



#### Information

The Update Service subscription costs £13 per year for employed staff but is free for volunteers.

For further information and to join the update service:

[DBS Update Service](#)

### Rehabilitation of Offenders

Whilst the focus of **DBS** is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children, it is also important that anyone who has a criminal record is treated fairly and is not discriminated against because of a conviction or other information revealed.

### Disclosing Criminal Record Information

Since May 2013, some [PNC information will now be filtered](#) and will not appear on the certificate i.e. **certain old and minor cautions and convictions are no longer subject to disclosure under the ROA Exceptions Order.**

Amendments to the filtering guidance means that less irrelevant information should now appear on the DBS certificate.

Employers cannot take these old and minor cautions and convictions into account when making decisions about any individual. However, there are a range of serious offences including those of relevance for posts concerned with safeguarding children and adults at risk, that will never be filtered.

Job application forms will need to reflect the filtering changes so that

- Employers ask the right questions
- Employees give the right (**legally accurate**) answer and employers are encouraged to include the paragraph below in their standard application forms.

**“The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure to employers, and cannot be taken into account”**

Also as part of recruitment (of paid employee or volunteer) employers are advised to ask;

**“Do you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)”**



#### Important Information

Any criminal information should be risk assessed and discussed with the volunteer (or paid employee). It is also required that an organisation using DBS checks follows the **Code of Practice** which includes having a policy statement in place for the recruitment of ex-offenders: A model policy is included with this information sheet.

[Model Policy - Recruitment of Ex-Offenders](#)

## Further Information

### **Investing in Volunteers - Standards**

#### **Investing in Volunteers**

<https://iiv.investinginvolunteers.org.uk/download-the-standard>

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### **WCVA Safeguarding**

#### **Wales Council for Voluntary Action**

Tel : 0800 2888 329

[safeguarding@wcva.cymru](mailto:safeguarding@wcva.cymru)

<https://wcva.cymru/safeguarding/>

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### **Disclosure and Barring Services**

#### **UK Government**

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

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### **Recruitment of Ex-Offenders Model Policy**

#### **UK Government**

<https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders>



Cefnogi Trydydd  
Sector **Cymru**

Third Sector  
Support **Wales**

Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact  
<https://thirdsectorsupport.wales/contact/>

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### Disclaimer

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.