

# **Social Care Managers Forum**

## **DBS Barring Workshop**



Disclosure &  
Barring Service

# Workshop objectives

The aim of this workshop is to understand:

- the role of the DBS
- when a DBS barring referral should be made, including when the legal duty is met
- the three different referral routes
- the consequences of not making appropriate barring referrals
- the consequences of being included on one or both Barred Lists



# The role of DBS

The Disclosure and Barring Service, also known as DBS, is responsible for the delivery of disclosure and barring functions on behalf of government.

We operate **disclosure** functions for England, Wales, Jersey, Guernsey, and the Isle of Man under Part 5 of the Police Act 1997, supported by the following:

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

We also operate **barring** functions for England, Wales, and Northern Ireland under the following:

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Protection of Freedoms Act 2012

# Types of barring referral

Referral type	Discretionary	Autobar	Disclosure information
Referral source	<ul style="list-style-type: none"><li>• Employers</li><li>• Agencies</li><li>• Keepers of Registers</li><li>• Supervisory authorities</li></ul>	<ul style="list-style-type: none"><li>• Specified convictions and cautions from PNC</li><li>• Autobars without representation</li><li>• Autobars with representation</li></ul>	Enhanced with Barred List(s) DBS checks that include convictions, cautions, or police intelligence
Representations	Yes, in all cases	Yes, but only where allowed – set out in law	Yes, in all cases
Appeal	Appeals may be made to the Upper Tribunal on a point of law or error in facts		
Request review	Under 18 – one year; 18 to 24 – five years; 25 and above - ten years; a material change		

# Who has a legal duty to refer?

## **A regulated activity provider:**

Employers or voluntary organisations who are responsible for the management or control of regulated activity and make arrangements for people to work in regulated activity

## **Personnel suppliers:**

An employment business, employment agency or an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity

# When must you refer?

When two main conditions have been met:

## **Condition one:**

You withdraw permission to engage in regulated activity: dismissed, re-deployed, retired, been made redundant, or resigned

## **Condition two:**

You think the person has either:

- engaged in relevant conduct
- satisfied the harm test; or
- received a caution for, or a conviction for a relevant offence

# What is relevant conduct?

Relevant conduct is conduct which :

- endangers a child or adult, or is likely to endanger a child or adult
- if repeated against or in relation to a child or adult, would endanger the child or adult, or be likely to endanger the child or adult
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child or adult

# What is harm?

A person's conduct endangers a child or adult if they:

- harm a child or adult
- cause a child or adult to be harmed
- put a child or adult at risk of harm
- attempt to harm a child or adult
- incite another to harm a child or adult





# Examples of abuse and harm

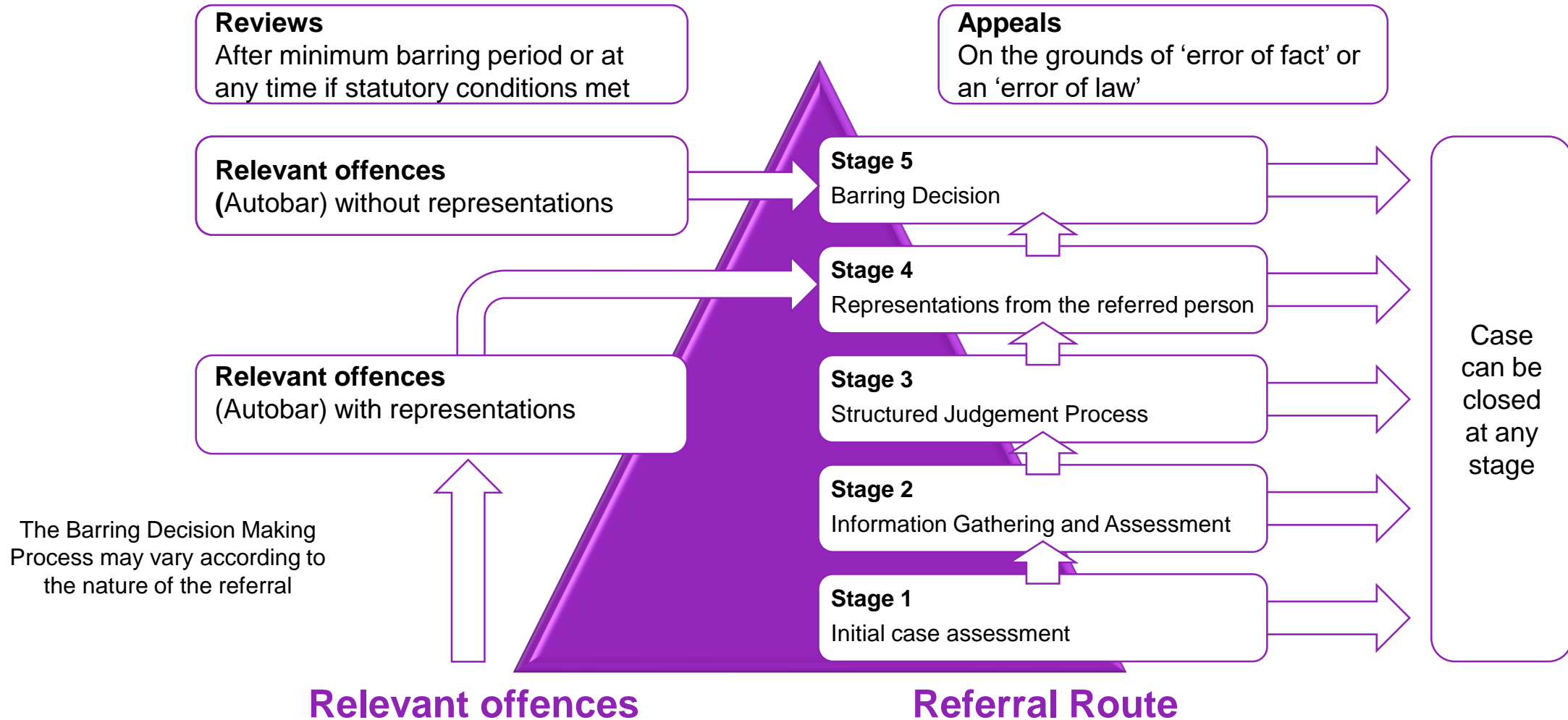
<b>Physical abuse</b>	Assault, hitting, slapping, misuse of medication, improper restraint, shaking, throwing, poisoning, burning or scalding, suffocating
<b>Sexual abuse</b>	Sexual teasing or innuendo, indecent images, rape, indecent exposure, sexual harassment, inappropriate looking or touching
<b>Emotional or psychological abuse</b>	Humiliation, blaming, controlling, cyber abuse, making a vulnerable person feel worthless, unloved or inadequate, not giving them opportunities to express their views, imposing inappropriate expectations
<b>Extremism</b>	Extremism goes beyond terrorism; it includes people who target the young/vulnerable - by seeking to sow division between communities on the basis of race, faith, or denomination; justifies discrimination towards women and girls
<b>Financial abuse</b>	Unauthorised withdrawal from accounts, theft, fraud, exploitation, pressure in connection with wills or inheritance, internet scamming, misappropriation of property, possessions, or benefits
<b>Neglect or omission</b>	Untreated weight loss, failing to administer reasonable care resulting in pressure sores/uncharacteristic problems with continence; poor hygiene, soiled clothes not changed, insufficient food or drink; unmet social or care needs.

# The 'harm test'

The harm test is satisfied when relevant conduct cannot be established but it appears to DBS that a person may:

- harm a child or adult who is in receipt of regulated activity
- cause a child or adult who is in receipt of regulated activity to be harmed
- put a child or adult who is in receipt of regulated activity at risk of harm
- attempt to harm a child or adult who is in receipt of regulated activity
- incite another to harm a child or adult who is in receipt of regulated activity

# Typical Barring Decision Making Process



# Responding to information gathering requests

- After referrals have been submitted, sometimes DBS requires more information in order to reach a barring decision
- The referring organisation or local authority may be approached for this information, which may include minutes of multi-agency meetings, family background, or any other relevant information that will support DBS findings
- DBS' requests for information fall under the legislation Safeguarding Vulnerable Groups Act (SVGA) 2006 which places a duty upon different organisations to provide information to DBS upon request
- It is essential that these requests are responded to and in a timely manner; DBS only approaches organisations for information that is necessary to support the case, and failure to do so can affect the outcome or severely delay the decision

# How to make a barring referral

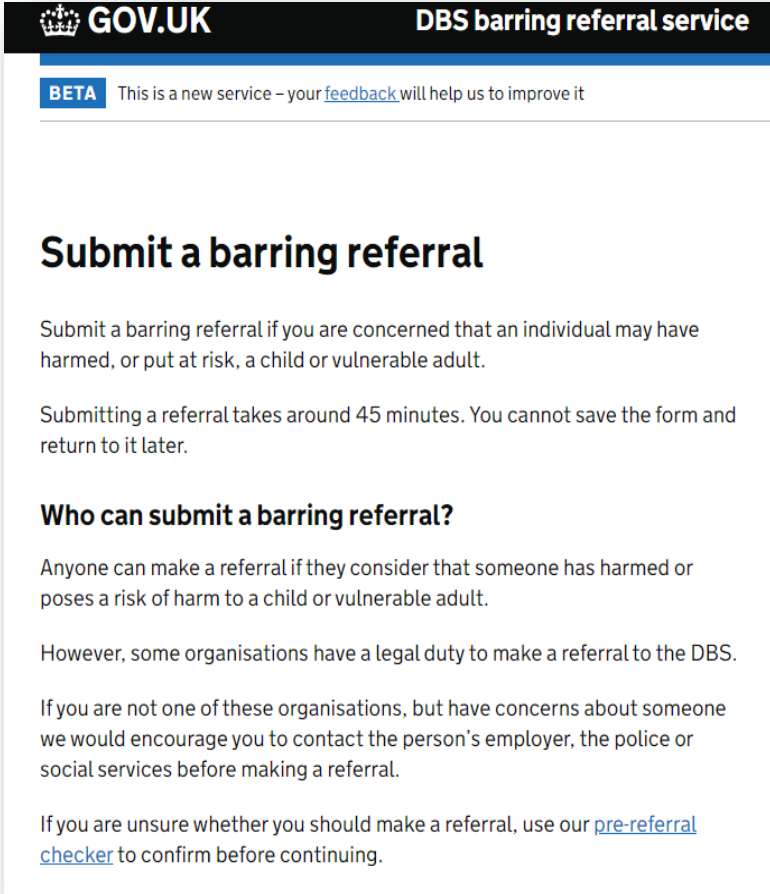
We accept referrals made using The Barring Referral Service:

[Submit a barring referral.](#)

You are allowed to provide this information under UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA). You can find more information about GDPR on our [guidance pages](#).

This service is only available Monday to Sunday, 8am to 11:30pm.

If you do not add any information for 90 minutes your session will end, your answers will not be saved, and you will need to start the referral again.



The screenshot shows the GOV.UK DBS barring referral service page. At the top, there is a header with the GOV.UK logo and the text 'DBS barring referral service'. Below the header, there is a blue bar with the word 'BETA' and a message: 'This is a new service – your [feedback](#) will help us to improve it'. The main heading is 'Submit a barring referral'. Below this, there is a paragraph: 'Submit a barring referral if you are concerned that an individual may have harmed, or put at risk, a child or vulnerable adult.' Another paragraph states: 'Submitting a referral takes around 45 minutes. You cannot save the form and return to it later.' The next section is 'Who can submit a barring referral?' followed by a paragraph: 'Anyone can make a referral if they consider that someone has harmed or poses a risk of harm to a child or vulnerable adult.' Another paragraph says: 'However, some organisations have a legal duty to make a referral to the DBS.' A paragraph follows: 'If you are not one of these organisations, but have concerns about someone we would encourage you to contact the person's employer, the police or social services before making a referral.' The final paragraph states: 'If you are unsure whether you should make a referral, use our [pre-referral checker](#) to confirm before continuing.'

# Impact of being barred from regulated activity across UK jurisdictions

**Children's Barred List** - not allowed to engage in regulated activity with children in England, Wales, and Northern Ireland.

**Adults' Barred List** - not allowed to engage in regulated activity with vulnerable adults in England, Wales, and Northern Ireland.

It is a criminal offence to work, seek work, or offer to work in regulated activity when barred on the relevant list

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity

There is a maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

# DBS barring statistics

Barred List	As at 31/5/2024
Number on Adults' Barred List	67,987
Number on Children's Barred List	87,838
Total number on one or both Barred Lists	100,047

	Received for Financial Yr 2023/2024
Referral cases	11,039
Disclosure information cases	14,732
Autobar cases	33,277
Total all barring cases	59,048

# How to contact us

## Regional Outreach:

Email: [DBSregionaloutreach@dbb.gov.uk](mailto:DBSregionaloutreach@dbb.gov.uk)

## Partnerships Team:

Email: [DBSEngagement@dbb.gov.uk](mailto:DBSEngagement@dbb.gov.uk)

## Further information - Disclosure:

Helpline: 03000 200 190 | Email: [customerservices@dbb.gov.uk](mailto:customerservices@dbb.gov.uk)

## Further information - Barring:

Helpline: 03000 200 190 | Email: [Contactus@dbb.gov.uk](mailto:Contactus@dbb.gov.uk)

Website: [www.gov.uk/dbb](http://www.gov.uk/dbb)

Facebook: <https://www.facebook.com/dbb.gov.uk/>

Twitter: <https://twitter.com/DBSGovUK>

LinkedIn: Disclosure and Barring Service (DBS)

## Please get in touch for bespoke support:

- Questions about DBS checks, eligibility, and regulated activity
- Support with making barring referrals and the 'legal duty to refer'
- Delivery of training and workshops directly to your team or network
- Support your training programmes that require DBS information
- Provide us feedback so we can improve our DBS products and services



# How to contact us – Regional Outreach Advisers

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Thank you for listening.  
Any questions?