



Disclosure & Barring Service

Disclosure

- ▶ Around 4.1m certificates issued annually
- ▶ Over 800k applications for volunteer positions processed annually
- ▶ Almost 400k subscribers to the update service since launch

Barring

- ▶ Over 57k individuals on an Adult and/or Children's barred list
- ▶ Around 24k Auto-bar cases considered annually
- ▶ More than 6.5k discretionary referrals handled annually

Contact

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Disclosure & Barring Service

Barring – Making a referral



Barring decisions

It is against the law to employ an individual or allow them to volunteer to work with vulnerable groups, including children, if you know that they are on one or both of the barred lists

We make fair, consistent and thorough barring decisions, which are an appropriate response to the harm that has occurred, as well as the risk of harm posed.

We are acutely aware of the impact barring or not barring can have, both to the individual under consideration and those who they have, or could have, come into contact with.

Employers must refer an individual to DBS if they:

- ▶ dismissed them from working in regulated activity because they have harmed someone while at work
- ▶ dismissed or removed them from working in regulated activity because they might have harmed someone while at work
- ▶ were planning to dismiss them for either of these reasons, but the individual resigned first

It is a legal requirement that you refer an individual to DBS if any of the above circumstances apply.

For more information on making a referral or regulated activity, please go to the DBS website, www.gov.uk/dbs or call our barring helpline on 01325 953795 for further information.

Making a referral

Referrals are made to us when an employer or organisation has permanently removed an individual from regulated activity, either because that person has caused harm, or poses a future risk of harm to children or vulnerable groups.

In these circumstances, the employer must make a referral to DBS.

Where a person or organisation has a legal duty to refer, there are two main conditions which should be met:

1. they have permanently removed a person from regulated activity through dismissal or permanent transfer from regulated activity (or would have if the person had not left, resigned, retired or been made redundant); and
2. they believe the person has either:
 - a. engaged in relevant conduct
 - b. satisfied the 'harm test' (i.e. no action or inaction occurred, but the present risk that it could was significant)
 - c. received a caution or conviction for a relevant offence (a list of these offences is available on the DBS website, or by calling the helpline for advice)

You are legally required to make a barring referral directly to DBS, even if you have already raised it with another body, for example, General Medical Council (GMC) or Local Authority Designated Officer (LADO)



How cases come to us

For more information please visit www.gov.uk/dbs or call our helpline on 01325 953795

1. autobars - there are two types of automatic barring cases where a person has been cautioned or convicted for a relevant offence:
 - a. automatic barring offences (without the right to make representations) will result in the person being included in one or both barred lists by DBS, irrespective of whether they have, are, or may in the future engage in regulated activity
 - b. automatic barring offences (with the right to make representations) may also result in the person being placed on one or both barred lists. This will be subject to whether DBS believes that the person has engaged, is engaging or may in future engage in regulated activity, and the consideration of any representations they make

2. disclosure information - where a person has applied for a disclosure check to work with children or vulnerable groups, with a check of one or both barred lists, and their certificate reveals they have relevant criminal information

3. referrals from an organisation that has a legal duty or power to make referrals to DBS - there is a duty on employers to make a referral to DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult, or where there is a risk of harm

A referral should not be made at the point of allegation. The person or organisation that would normally refer to DBS should carry out an investigation and gather evidence (for example, as part of an internal disciplinary process), to establish if the allegation has grounds. Without evidence or substance to the claims, many allegations will be quickly closed down, as there will be no foundation on which DBS can proceed.

Information on the referral duty for other groups can be found on the DBS website, www.gov.uk/dbs or call our helpline on 01325 953795 for further information.



Making a referral decision guide

