



## Disclosure & Barring Service

### DBS News

July 2013

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The past few months has seen more operational change than our legacy bodies saw in the past few years. With so much happening in such a short space of time, it's understandable that there has been some confusion. Much of this was not within our direct control, but we are acutely aware of the impact on you, and are committed to doing everything possible to help you deal with the issues raised by these changes. We have appreciated your feedback – positive and less so – and aim to continue to respond directly and through channels such as this special edition of DBS News.

Our teams have been listening to your difficulties, and so we hope that this edition is particularly helpful to you. We intend it to address the main problems you have been experiencing, especially with our criminal record application form.

Despite the challenges, around 2,000 people have already joined the Update Service. We believe this is positive, since its primary purpose is to make it easier and cheaper for individuals and employers to maintain up-to-date information that supports employment decisions.

After such a hectic couple of months, we appreciate that it may take a little more time to settle down – and we will continue to work with you until they do. No further changes are planned for this period.

We'll continue to respond to your feedback, and collate it for our Board and sponsor department, so please do tell us if there is anything more we can do to help make the road ahead rather less bumpy.

You have my thanks for all your support.

**Adrienne Kelbie**  
**Chief Executive**

## Application form: help to get it right

We have received lots of queries about how to complete certain sections of the application form. We know this has been confusing for you so please accept our apologies for any unnecessary concerns that we may have caused.

In this article, we will clarify exactly what it is you need to be doing with the sections on the form that are proving particularly problematic. Read on for user guides to sections e55, x61 and x66. If you still have any questions about filling in the application form after reading this section, please get in touch through the usual methods and we can point you in the right direction.

### Section e55

On 29 May 2013, changes in legislation led us to remove certain specified old and minor offences from DBS certificates.

We advised you to inform your applicants when completing e55 of the application form they should treat the question as: *'Do you have any unspent convictions, cautions, reprimands or warnings?'*

Since this guidance was introduced, we have received a number of queries about how this should be interpreted. You made it clear in your feedback that the revised e55 question has caused confusion. We have used your feedback as the basis of consultation with the Ministry of Justice (MoJ), and this has led to a clearer form of words.

Please now **ignore** previous advice and advise applicants completing e55 to treat this question as if they were being asked:

***'Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance?'***

The [DBS filtering guidance](#) is available on our website. It contains full details of the filtering rules and a list of offences which will never be filtered, which has been derived from legislation.


We have been asked whether or not employers should amend their recruitment processes when asking about previous criminal offences. The MoJ suggest that you should use the following question as a template for your own processes:

***'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) by SI 2013 1198'.***

Please click on the link below to read up on the Rehabilitation of Offenders Act:  
[http://www.legislation.gov.uk/uksi/2013/1198/pdfs/uksi\\_20131198\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/1198/pdfs/uksi_20131198_en.pdf)

Further information on this issue is available within a [news story](#) on our website.

## Section x61



The screenshot shows a form field labeled '61 position applied for'. The text is entered in a grid format across two lines. The first line contains 'CHILD WORKFORCE' followed by 10 empty boxes. The second line contains 'TEACHER IN PRIMARY SCHOOL' followed by 4 empty boxes.

We recently told you about changes that came into force on 17 June 2013 to the way you must complete field x61 on the application form. Because of the short notice we were able to give you, we implemented a temporary manual workaround, whereby we would add the information (where it had not been supplied) by using the information you provided in fields x64 and x65.

**This temporary process ended on 27 June. So we must now reject any paper application form which does not include the relevant workforce and position applied for in field x61. We will return these forms to you for completion as per current procedures. E-bulk users have been asked to make the necessary changes to their systems to ensure workforce and position applied for is captured.**

The changes were made to give the police the information they need for their relevancy test which is now applied against the new prescribed purpose of child and/or adult workforce. This helps applicants to take their DBS certificate from job to job within the same workforce, and is used to check for updates when they join the Update Service.

To do this, it is vital that field x61 Line 1 **MUST** contain the relevant workforce, and field x61 Line 2 **MUST** contain the position applied for. The accurate completion of this information needs to be the responsibility of the Registered Body and is a mandatory requirement for all applications for criminal records checks.

The accurate completion of both of these fields is critical because they are needed for the consideration of relevance by the police, and will allow the applicant to utilise the Update Service if they choose to do so. They are referenced in the declaration which the Countersignatory signs before submitting the application.

The relevant workforces are:

- Child Workforce
- Adult Workforce
- Child and Adult Workforce
- Other Workforce

If you make a mistake in field x61 you can cross out any information and add the

appropriate Workforce and Position Applied For information in the space above field x60.

The maximum number of characters, including spaces, for this information continues to be 60. If you exceed 60 characters then none of the information provided for field x61 will be shown on the final DBS certificate.

Further guidance will be available shortly on our website to help you to understand the types of roles which are included in each workforce.

## Section x66

66 does this position involve working with children or adults at the applicant's home address?

In April's edition, we told you that several of our police forces had contacted us to say they were dealing with an unusually high number of home-based applications. Having explored this, we discovered that a high percentage of these applications had been erroneously completed and were not actually home-based.

Relatively few roles compared to our overall volumes of applications received are home-based, so please only tick this for roles that are undertaken at the applicant's home address.

For example, in the last month, some of the job roles that police are dealing with as home based because you have incorrectly crossed 'YES' in box x66 are:

- Radiographer
- Taxi Driver
- Student Paramedic

**Home-based applications should be submitted only for roles which involve working with children and adults at the applicant's home address. This definition applies to all applications including e-bulk even though the wording on the e-bulk specification differs slightly from the wording in field x66 on the paper application form.**

For a home-based application, police must search their databases for information connected to the applicant's own home address and to individuals connected to the applicant who have possible access to the applicant's home address in order to identify any relevant information.

This takes longer and costs more than other checks, and so this problem is causing backlogs with our law enforcement units, and is likely to slow down our turnaround times and cause delays to you.

**Examples when you should cross 'Yes' at section x66:**

- **Foster Carers who look after children in the Foster Carer's own home**

- **Child Minders who look after children in the Child Minder's own home**

**Examples when you should cross 'No' at section x66:**

- **Adult members of the Foster Carer's household**
- **Adult members of the Child Minder's household**
- **Foster Carer support**

To avoid unnecessary delays and to comply with legislation, you need to make sure that section x66 of the application form is completed correctly (does this position involve working with children or vulnerable adults at the applicant's home address?).

**You should only cross 'Yes' at section x66 for applicants who are going to be working with children and/or adults at the applicant's own home address.**

### **The Legal Bit**

The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2010 SI 2010/2702 directs when it is appropriate for an Enhanced DBS criminal records check to be sent to the police for consideration of other relevant information for home-based occupations: "where the application is made in relation to a prescribed purpose which is to be carried out primarily at the applicant's place of residence."

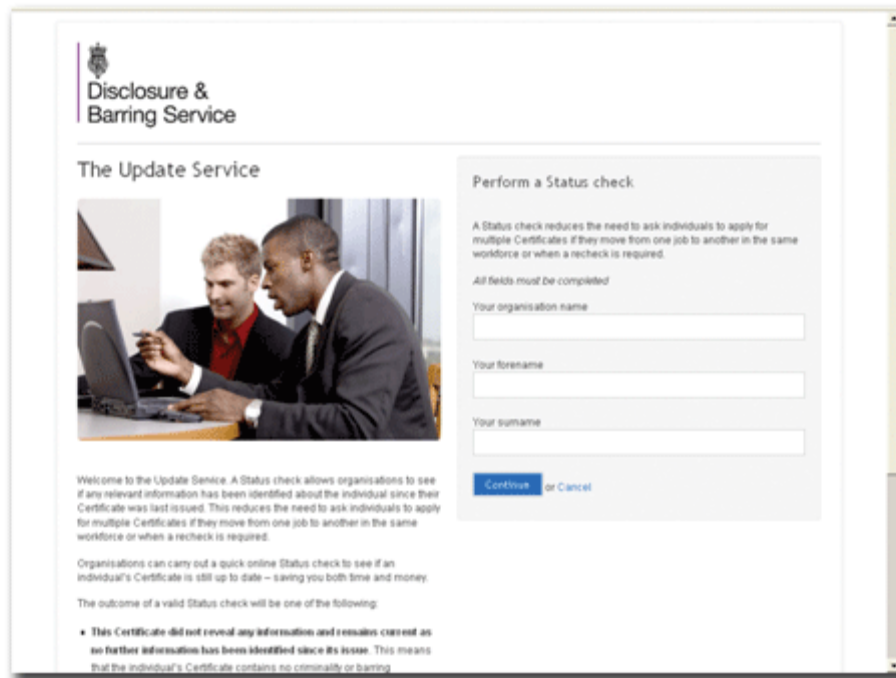
The Regulations above **do not** include other household members.

Any person who is aged 16 or over and living in the same household as an individual applying for a criminal records check for a home-based occupation, is entitled to an Enhanced criminal records check but without the home-based check – therefore you **must not** cross 'Yes' at section x66.

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### **Update Service – the post-launch story**

*We launched:* the Update Service was introduced on 17 June costing £13 (it's free for volunteers). It means applicants can reuse their DBS certificate and employers can carry out free, instant online Status Checks on employees' DBS certificates.



*You helped:* you gave us feedback about what you needed to know and we used this to improve our online guidance. This can be found [here](#) on our website where you can get the information you need that's relevant to you. The page contains general information on the Update Service and more detailed guidance for applicants and employers.

You can also find further information and guidance on the [website](#) including:

- [applicant guide](#)
- [applicants' preview](#)
- [employer guide](#)
- [preview for employers](#)
- [employer presentation](#)
- [stakeholder presentation](#)

You will soon be able to download posters for your office and will have access to two short YouTube videos – one for organisations and another for applicants. We will be able to tell you more about this in next month's edition and where you can find them.

*You got involved:* since the launch date, around 2,000 applicants have subscribed to the Update Service. Thanks for all your help so far in encouraging your employees and prospective employees to join the Update Service.

Please keep spreading the word to your colleagues and clients about the service. It is also important that you continue to raise awareness about the other changes that we have introduced too:

- a change in law that means the Registered Body will no longer automatically receive a copy of the DBS certificate
  - changes to how you complete the Position Applied For field (x61).
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### **Applicant-only certificates: the reasons behind it.**

From 17 June, we stopped sending a copy of the DBS certificate to Registered Bodies. This was part of the legislation that was introduced by the Protection of Freedoms Act 2012, and coincided with the introduction of the Update Service.

It was introduced because Sunita Mason, the government's Independent Advisor on Criminality Information Management, was asked to review the criminal records regime in England and Wales. She found the CRB process at the time issued certificates to both the applicant and Registered Body simultaneously.

One of the major criticisms was that the applicant did not have any opportunity to consider, review or assess the information on a certificate before it was disclosed to a Registered Body. She found in cases where incorrect or inaccurate information was disclosed, this had a serious impact on the applicant.

In her report, 'A Common Sense Approach', she recommended that to issue the certificate only to the applicant would allow an alternative approach to rectifying incorrect or inaccurate information.

This puts applicants in control of their information, enabling them to decide who they share this information with and when. Applicants now have the opportunity to explain the context and background at the point they choose to share the information with employers and have the opportunity to ensure that the information is accurate and up-to-date before they do so.

We understand this legislation has caused a major change for you, particularly because:

- You retain the ability to recruit or retain employees based on whether or not the DBS certificate is provided by the applicant and meets with your recruitment and retention policies (this includes those appointed in a voluntary capacity).
- You are still able to view an applicant's certificate as part of your recruitment and retention practices alongside other relevant recruitment documentation such as identity documents and references. Where an applicant provides a copy of their DBS certificate to you, whether that is for paid or unpaid work, you must comply with your obligations under the Data Protection Act 1998. One of the Principles of this Act states that: 'Personal information must not be kept for longer than is necessary'.
- You can quickly check online and free of charge whether a certificate is up-

to-date **if** the applicant is part of the Update Service and eligible for a valid Status Check.

We can still issue a copy of the applicant's DBS certificate to you, the Registered Body, if all of the following conditions apply:

- The individual is subscribed to the Update Service; **and**
- The employer has carried out a Status Check which revealed a change to the DBS certificate; **and as a result**
- The individual has applied for a new criminal records check through their Registered Body as the result of a change to an existing DBS certificate; **and**
- We issued the new DBS certificate to the applicant more than 28 days ago; **and**
- The applicant has not shown the employer their new DBS certificate.

If the applicant has disputed any of the information on the new certificate, we will not be able to send you a copy of the certificate until the dispute is resolved and the applicant has had the opportunity to provide you with the information.

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## Contacts

### Address:

PO Box 110  
Liverpool L69 3EF

### For Disclosure issues and information, please phone:

Customer Services 0870 90 90 811  
Minicom line 0870 90 90 344  
Llinell Gymraeg 0870 90 90 223

### For Barring issues and information, please phone:

01325 953 795.

As a newly merged organisation, we have two different telephone systems so we're really sorry that we can't transfer your call between our offices.

### Email:

[customerservices@db.s.gsi.gov.uk](mailto:customerservices@db.s.gsi.gov.uk)

### Websites:

[www.gov.uk/db.s](http://www.gov.uk/db.s)

Use our online tracking service to check the progress of DBS applications by visiting [www.homeoffice.gov.uk/db.s-online-tracking](http://www.homeoffice.gov.uk/db.s-online-tracking)