

DBS update service Employer guide

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1. Introduction

You can access the update service to carry out free, instant online status checks on an individual's DBS certificate. You may never need to apply for another DBS check again.

What is the DBS update service?

For a small annual subscription of just £13 (free for volunteers), applicants can have their DBS certificate kept up-to-date and take it with them from role to role, within the same workforce, where the same type and level of check is required.

Next time you recruit someone and need to get them DBS checked – why not ask if they are a member of the update service. If they are, with their permission, you can use their current DBS certificate and carry out a free, instant online check to see if any new information has come to light since its issue.

Important

Where possible, give the applicant their application form reference number so they can subscribe to the update service when they apply for their DBS check.

If they wait to subscribe with their DBS certificate number they must use it within 19 calendar days of the resulting DBS certificate issue date.

How do you access the update service?

After viewing the original DBS certificate, if you are entitled to carry out a status check and have the individual's permission go to <u>www.gov.uk/dbs-update-service</u>.

Carrying out a status check is quick and simple

- Enter your:
 - organisation name
 - o forename
 - o surname

Information required for DBS certificate being checked

- Enter the
 - DBS certificate number
 - current surname of the DBS certificate holder as specified on their DBS certificate
 - o date of birth of the DBS certificate holder as recorded on the DBS certificate

Results

- The result will be returned instantly
- The individual will be able to see who has carried out a status check on their DBS certificate and when the status check was carried out

Benefits to you

- instant online checks of DBS certificates.
- no more DBS application forms to fill in.
- you may never need to apply for another DBS check for an employee again.
- less bureaucracy.
- saves you time and money.
- enhances your safeguarding processes and may help to reduce your risks.
- easy to incorporate into your existing suitability decision-making processes.

Benefits to your employee

- saves you time and money.
- one DBS certificate is all you may ever need.
- take your DBS certificate from role to role within the same workforce.
- you are in control of your DBS certificate.
- get ahead of the rest and apply for jobs DBS pre-checked.

What else you need to know

A number of other changes came in at the same time as the update service:

DBS Certificates

The DBS will no longer automatically issue a copy of the applicant's DBS certificate to the Registered Body who countersigned the DBS application form. Employers will need to ask the applicant for sight of their DBS certificate.

Registered Bodies will be entitled to ask the DBS for a copy of the applicant's DBS certificate 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; <u>and as a result</u>
- the individual has applied for a new DBS check as the result of a change to an existing DBS certificate; and
- the DBS 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 individual has disputed the new DBS certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.

If the individual has disputed the new DBS certificate, and the dispute is 'not upheld', the Registered Body must wait until 28 days after the dispute resolution date before requesting a reprint. This is to give the applicant time to show the DBS certificate to the Registered Body /employer.

Field x61 on the application form

At the same time that the update service became available, the DBS started using a new relevancy test when considering the release of non-conviction information about an individual. It is now based on the type of workforce and no longer the actual job role.

This change means that DBS certificates can be taken from role to role within the same workforce i.e. when moving between jobs that involve working with children, adults, both or other.

To accommodate this change the DBS has extended the Position Applied For field (X61) to include both lines totalling 60 characters on the application form.

Registered Bodies <u>must</u> now complete this field as follows, failure to complete the field correctly may result in the form being rejected, it may also prevent the applicant from using their DBS Certificate for future employment or volunteering purposes:

- X61 Line 1: Write in one of the following form of words to indicate the relevant workforce(s) i.e.
 - Child Workforce
 - Adult Workforce
 - Child and Adult Workforce
 - Other Workforce

Note: 'other Workforce' must be written if the person is not working with children or adults.

• X61 Line 2: Enter a description of the 'Position Applied For' up to 30 characters.

Further information

Detailed information included in this guide:

- quick guides
- frequently asked questions
- terms, conditions and exceptions

You can also find further information at www.gov.uk/dbs

Watch our Update service YouTube video for employers here.

2. Quick guides

Am I entitled to carry out a status check?

Employers must be able to say 'yes' to the following questions before they carry out a status check. If you answer 'no' to any question you cannot carry out a status check:

- do you have the applicant's permission?
- are you legally entitled to the same level of DBS certificate standard or enhanced?
- if you are legally entitled to a barred list check does the DBS certificate contain the one you require i.e. children's list, adults' list, both or none?
- does the DBS certificate contain information which you are legally entitled to see, such as Barred List checks?
- is the DBS certificate for the right workforce child, adult, both or other? This will be indicated in the 'Position Applied For' section and will show which workforce has been used to determine the relevancy of any locally held police information.
 - o child workforce: any position that involves working/volunteering with children.
 - o adults workforce: any position that involves working/volunteering with adults.
 - child and adults workforce: any position that involves working/volunteering with children and adults.
 - other workforce: any position that does <u>not</u> involve working/volunteering with children or adults e.g. security guard.

Examples

- An enhanced DBS certificate with a check of the children's barred list for the child workforce can be used by a new employer who requires:
 - o an enhanced DBS certificate; and
 - o a check of the children's barred list; and
 - where the individual will be working with children only (not adults).
- An enhanced DBS certificate with no barred list checks for the adult workforce can be used by a new employer who requires:
 - an enhanced DBS certificate; and
 - no barred list check; and
 - where the individual will be working with adults only (not children).
- An enhanced DBS certificate only for the other workforce can be used by a new employer who requires:
 - o an enhanced DBS certificate; and
 - has no legal entitlement to a check of the barred lists; and
 - the person will not be working with children or adults.

How to make a single status check

Step 1

- are you entitled to a DBS check of the level and type as you are going to check the status of?
- do you have the individual's permission to carry out a status check?
- if you have answered 'yes' to both questions, you can carry out a status check.

Step 2

- go to www.gov.uk/dbs-update-service
- please read all instructions carefully.
- enter the name of your organisation.
- enter your forename and surname.
- enter the details of the DBS certificate being checked. All of the details requested are mandatory.
 - enter the DBS certificate number.
 - enter the current surname of the DBS certificate holder as specified on their DBS certificate.
 - enter the date of birth of the DBS certificate holder in the format DD/MM/YYYY, as recorded on the DBS certificate.
- ensure you do not type any spaces after entering the required information.

Step 3

you will then be presented with the legal declaration:

'I confirm I have the authority of the individual to which this DBS certificate number relates to receive up-to-date information (within the meaning of section 116A of the Police Act 1997) in relation to their criminal record DBS certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.'

you must tick the 'I agree with the legal declaration' check box to proceed.

Step 4

- you will be presented with the result of the check which you can print out and then store it safely and securely in line with the <u>Information Commissioner's Office employment practices</u> <u>code</u>
- if you want to carry out multiple status checks at the same time take a look at the <u>Update</u> <u>service: multiple status checking guide</u>

Interpreting status check results

When an organisation decides to carry out an online status check of a DBS certificate:

- you must have seen the original DBS certificate to:
 - check that it is the same level as your required level e.g. standard, enhanced, and enhanced with a children's/adults'/both barred list check; and
 - see what, if any, information that was revealed about the applicant and consider this as part of your recruitment process.
- satisfy yourself through robust ID checks that the person being checked is the same person as that is named on the actual DBS certificate.

You can then carry out the status check and you will get one of the following results.

This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.

This means

- the DBS certificate when issued was blank i.e. it did not reveal any information about the person; and
- no new information has been found since its issue and can therefore be accepted as being still current and valid.

This DBS certificate remains current as no further information has been identified since its issue.

This means

- the DBS certificate revealed information about the person; and
- no new information has been found since its issue and can therefore be accepted as being still current and valid.

This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.

This means

 new information has come to light since the DBS certificate was issued and you will need to apply for a new DBS check to see this new information.

The details entered do not match those held on our system. Please check and try again

This means either:

- the individual has not subscribed to the update service; or
- the DBS certificate has been removed from the update service; or
- you have not entered the correct information.

Multiple status checking

Background

Some organisations submit large numbers of DBS applications and will need to be able to check multiple statuses at the same time. Other organisations may not submit large numbers of applications but may still need to use a quick and efficient multiple status checking facility.

The multiple status checking facility can be accessed by your organisation. It will enable you to make an unlimited number of simultaneous checks which will save you considerable time and will be easy to use. The process of implementing the connection that will enable the data exchange and multiple checks to take place should be quick for your organisation to implement.

For more information about the multiple status checking service and how to access it, go to our multiple status checking facility guide <u>here</u>.

3. Frequently Asked Questions

Applicants can join the update service at the same time as they apply for the next DBS check using the application form reference number. Registered Bodies must make sure the form is received by the DBS within 28 days of the applicant joining the update service with their form reference number.

1. Will I still get a copy of the individual's DBS certificate when I apply for their DBS check?

No. From 17 June 2013 the DBS will issue DBS certificates to the applicant only. You will have to ask the individual to show you their DBS certificate. If the application was submitted before 17 June 2013 but the certificate was issued on or after 17 June 2013, then only an applicant copy will be issued. This also applies to disputes raised on certificates which were issued prior to 17 June 2013.

2. Why are you no longer issuing DBS certificates to organisations?

The government changed the law which meant that the DBS can now only send DBS certificates to the individual on whom the check was carried out.

3. If the applicant disputes the content of their DBS certificate from 17 June will the DBS let me know?

Yes, from 17 June the DBS will notify Registered Bodies if a dispute has been raised. The outcome of the dispute will not be shared with the Registered Body.

4. Can I still phone the DBS to find out whether the certificate was issued blank to enable a recruitment decision?

No, we are no longer able to reveal this information to the employer or Registered Body; you will need to ask the individual to show you a copy of their certificate.

5. Now that the certificate is only sent to the applicant, can I still keep a copy of the certificate for our records?

Yes you can with the applicant's consent. You must apply the same <u>data protection</u> <u>provisions</u> when keeping a copy of the certificate.

6. Do I have to subscribe to the Update service to carry out a status check of a DBS certificate?

No. This is a free service for employers.

7. Do I have to use the update service or can I just keep getting the person to apply for DBS checks?

This is an optional service. However, you may wish to consider the benefits of using this service.

- instant online checks of DBS certificates.
- no more DBS application forms to fill in.
- you may never need to apply for another DBS check for an employee again.
- less bureaucracy.
- saves you time and money.

- enhances your safeguarding processes and may help to reduce your risks.
- easy to incorporate into your existing suitability decision-making processes.

8. How much is it to carry out a status check?

Status checks are provided free-of-charge.

9. Who can carry out a status check?

You can only carry out a status check if you are legally entitled to carry out a DBS check **and** the DBS certificate is the same type and level as you need. If you are unsure, please go to the <u>eligibility page</u> on our website for more information and guidance on entitlement.

If you carry out a status check you will be asked to make a declaration confirming your eligibility to carry out such a check and you must be able to comply with the <u>DBS code of practice</u>.

10. What do I need to do to carry out a status check?

You will need to:

- check the DBS certificate is for the right workforce and is the same type and level as you need.
- check the person's identity.
- check the name on the DBS certificate matches this identity.
- get the person's permission to carry out a status check.
- take a note of the DBS certificate reference number and the person's name and date of birth.
- comply with the <u>DBS code of practice</u> which includes having a policy on the recruitment of ex-offenders and make this available to the person. A sample policy on the <u>recruitment of ex-offenders</u> is available on our website.

11. Do I need to see the actual DBS certificate when I carry out a status check?

Yes. You will need to have seen the original DBS certificate to ensure that it is for the right workforce and of the right type and level that you need and that you are legally entitled to. E.g. enhanced with an adults' barred list check for the adults' workforce.

12. As my organisation no longer receives a copy of the DBS certificate how can we tell if the certificate the applicant shows us is genuine?

You can use the information on the <u>security features of a DBS certificate</u> on our website at to check whether the certificate is genuine.

13. Do I need the person's permission to do a status check?

Yes. You will need their permission, verbal or written, to carry out a status check. You may want to get consent each time you check or you could consider asking for ongoing consent – that will be up to you and the individual. The individual will be able to see who has carried out a status check, and when they did so, from their online account.

14. Can an individual stop me carrying out a Status check on their DBS certificate?

Yes. If the individual leaves your organisation, moves to a position where there is no legal entitlement to the same DBS check, or withdraws their consent you must stop carrying out any further checks. If you continue to carry out status checks on their certificate you would be breaking the law by accessing data you were not entitled to see.

15. How many status checks can I carry out?

You can carry out as many as you want, and as many times as you want, as long as you have the individual's consent.

16. How often does the DBS search for updates on each DBS certificate?

When a person adds their DBS certificate to their update service account, the DBS will search regularly to see if any new information has come to light since it was issued. The frequency varies depending on the level and type of the DBS certificate and based on the likely probability of such changes.

17. What is the frequency that the DBS will search for updates?

For criminal conviction and barring information the DBS will search for updates on a weekly basis as this information can change frequently.

For non-conviction information, which appears on a very small percentage of DBS certificates and changes infrequently, the DBS will search for updates every 9 months.

18. Can I carry out multiple status checks at the same time?

Yes. Full details are available in the update service multiple status checking facility guide

19. What information will I see when I carry out a status check?

You will see the following details:

- the individual's name;
- the individual's date of birth; and,
- one of the following results:
 - this DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.
 - this DBS certificate remains current as no further information has been identified since its issue.
 - this DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.
 - $\circ\;$ the details entered do not match those held on our system. Please check and try again

20. What is likely to cause a change to someone's status, so their DBS certificate is no longer current?

The status will change if:

- for all DBS certificates
 - o new convictions, cautions, reprimands or warnings; or
 - o any amendment or change to a current conviction, caution, warning or reprimand.
- for enhanced DBS certificates
 - o any new, relevant police information.
- For enhanced certificates with a barred list check(s):
 - if the person becomes barred for that list(s) checked on the enhanced certificate.

21. What should I do if an individual's status check reveals a change?

You should have a discussion with the individual about the reasons why there is a change. You should then ask the individual to apply for a new DBS check.

Any action you take before you find out the new information is a matter for your organisation.

22. Can I find out if the change is because the individual has been barred from working in Regulated Activity?

Yes, with the individual's permission you can request an early confirmation check.

You can only request this information if all of the following conditions apply:

- the individual is subscribed to the update service; and
- a status check has indicated that the certificate is no longer up-to-date; and
- the certificate included a check of a barred list(s); and
- you have the applicant's consent.

23. How do I apply for an early confirmation check?

You will need to complete an online form and email this to the DBS. The <u>early confirmation</u> <u>check form</u> is on our website and you will receive a response within 7 working days.

24. What should I do if an early confirmation check confirms that my employee has been barred?

It is illegal for an employer to knowingly employ someone in a regulated activity when they know that person is barred from that regulated activity. It is also an offence for a barred person to work or seek to work in regulated activity with a sector from which they are barred. In the event of your employee appearing in the barred list you will be given guidance by the DBS along with the confirmation.

25. How much will it cost for an early confirmation check?

There is no charge for this service at the moment. However DBS reserves the right to introduce a fee at some point in the future.

26. Can a Registered Body get a copy of the applicant's DBS certificate?

Registered Bodies will be entitled to ask the DBS for a copy of the applicant's DBS certificate 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; <u>and as a result</u>
- the individual has applied for a new DBS check as the result of a change to an existing DBS certificate; and
- the DBS 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 individual has <u>disputed</u> the new DBS certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved. This is to give the applicant time to show the certificate to the Registered Body/employer.

27. Can I print and keep a record of the status check result?

Yes, as long as you protect this information in line with the <u>DBS code of practice</u> and the Data Protection Act.

28. After I have completed a status check will the DBS notify me if the information revealed on the DBS certificate subsequently changes?

No. If you want to check if the DBS certificate remains current you can carry out periodic status checks with the applicant's consent.

29. Do I have to tell the person each time I carry out a status check of their DBS certificate?

You should always have the consent of the person before you check the status of their DBS certificate. All status checks are recorded and can be viewed by the individual on their update service account.

30. Can I share the results of the status check with anyone?

No. If you are carrying out status checks you must comply with our <u>code of practice</u> which sets out when, and with whom, you can share the results with.

31. If a DBS certificate was obtained for an individual carrying out their work from their own home, will the update service reveal new information about other individuals employed or living in their home?

No. The update service will only check for updates based on the individual for whom the check was carried out – not the home address where the work is being undertaken or any other individuals employed or living at that address.

32. Can I check the status of a manual DBS certificate?

No. Unfortunately, if the individual's DBS certificate was not produced by the system they cannot link this to the update service. If they received a manual DBS certificate they will have also received a letter explaining that it is a manual DBS certificate and not a system generated one.

33. Is the update service available in Welsh?

Yes the online service is available in Welsh.

34. How can I use the Update service if our recruitment or suitability decisions are made centrally and not locally?

We have designed the service to suit a wide range of organisations, from those that take decisions centrally, to those that delegate decisions about DBS checks to their local offices. If you make all your decisions centrally and wish to keep this practice you can. If an individual has joined the update service, instead of asking them to complete a new DBS application you can:

Option 1

- 1. get the applicant's consent.
- 2. ask the individual to send you their DBS certificate.
- 3. when you receive it, check it's the same type and level as you need and check if any information was disclosed.
- 4. make a note of the applicant's name as printed on the DBS certificate, their date of birth and the DBS certificate reference number.
- 5. carry out a free, online check to make sure that the DBS certificate is still up-to-date and valid.
- 6. return the individual's DBS certificate.

Option 2

- 1. ask your local office to view the DBS certificate.
- 2. ask your local office to check if the DBS certificate is of the same type and level as you need and if any information was disclosed.
- 3. get the applicant's consent.
- 4. make a note of the applicant's name as printed on the DBS certificate, their date of birth and DBS certificate reference number.
- 5. you can then carry out a free, online check to make sure that the DBS certificate is still up-to-date and valid.

35. Will my organisation's registration be cancelled if we do not meet the minimum application threshold following the introduction of the update service?

The conditions of registration have not changed following the introduction of the update service. One of the conditions continues to be that an organisation must meet the minimum threshold requirement as specified in Regulation 7 (i) of the Police Act 1997 (Criminal Records) (Registration) Regulations 2006, which makes provision for the signing of 100 eligible DBS applications in any 12-month period.

All organisations are able to follow an appeals process if they believe that the decision to cancel a registration or countersignatory status was not made in accordance with the Regulation(s). The appeals process also allows organisations to explain any extenuating circumstances for failing to meet the conditions of registration.

36. Will regulators accept a status check to meet their requirements on inspection?

The DBS anticipates that regulators will accept a status check if the DBS certificate being checked is the same level and type as is required by them. You should speak with your regulator to confirm their requirements.

37. Can I do status checks through the e-bulk service?

No. The two services are not integrated.

You can still carry out checks on DBS applications submitted through the e-bulk service when the DBS certificate is issued. There will also be a separate facility which organisations can use to carry out multiple status checks. You can find further information in the <u>update</u> <u>service multiple status checking guide</u>.

38. Can I sign-up to the update service with my DBS registration application form or when I apply to become a Registered Body or countersignatory?

No. Individuals can only join with an application for a DBS check.

39. Will there be any changes to the online tracking service?

No. You will still be able to <u>track an application form</u> and see when the DBS certificate is issued. The <u>online tracking service</u> will not reveal if the DBS certificate contained any information or not. This is being considered as part of our planned enhancements to the update service next year.

40. Can our organisation pay for employee subscription fees in block payments, or pay for more than one subscription at once?

No, the annual subscription fee is paid by credit or debit card from within the subscriber's account. The subscriber can use someone else's card to pay, with the card holder's permission. Your organisation could choose to reimburse each individual but that is a matter for them and not the DBS.

POSITION APPLIED FOR FIELD

41. Why are you making changes to the Position Applied for field (X61)?

At the same time as the Update service was introduced, the DBS began using a new relevancy test when considering releasing non-conviction information about an individual, and this test will apply to the workforce which the DBS check is related to, rather than a single position or role, i.e. the child workforce, adult workforce, both child and adult workforce, or other workforce (which applies if the person is not working with children or adults). This change means that individuals will be able to take their DBS certificates from role to role within the same workforce.

42. What are the changes you are making to Position Applied for field (X61) on the application form?

From 17 June 2013, we extended the Position Applied For field (X61) to include both lines totalling 60 characters. Registered Bodies <u>must</u> complete this field as follows, failure to complete the field correctly may result in the form being rejected; it may also prevent the applicant from using their DBS certificate for future employment or volunteering purposes:

- X61 Line 1: Write in one of the following form of words to indicate the relevant workforce(s) i.e.
 - child Workforce
 - adult Workforce
 - child and adult workforce
 - other workforce

Note: 'other workforce' must be written if the person is not working with children or adults.

• X61 Line 2: Enter a description of the 'Position Applied For' up to 30 characters.

43. Will this change mean less information is released by the police?

This change should not reduce the information and will enhance the relevancy of their decision making.

44. When will the application form be updated?

We plan to make these changes, as soon as we can.

E-bulk Registered Bodies

45. How can individuals subscribe to the update service if they apply for a DBS check via an e-bulk Registered Body?

If the Registered Body submits the individual's application for a DBS check via the e-bulk application service the individual can subscribe to the update service using their e-reference or DBS certificate number. If they subscribe using their certificate number it must be done within 19 calendar days of the date of issue of the resulting DBS certificate.

46. I am an e-bulk Registered Body; can I advertise the update service?

Yes. The DBS would like e-bulk Registered Bodies to consider how they can advertise this service to their clients and applicants:

- during the online application process
- within any email notification
- on their website
- promotional literature

47.I am an e-bulk Registered Body; can I offer to run status checks for my clients?

Yes. This could be a value added service which you can offer to your clients if they gain consent for each individual.

4. Terms, conditions and exceptions

Subscription

An individual's subscription will continue even if DBS certificates are removed from the
account. If the subscription is not renewed at the end of the subscription period the account
will close. Any DBS certificate attached to a closed account will be removed and
organisations will no longer be able to carry out status checks. If a subscription lapses you
will have to apply for a new DBS check and then re-subscribe to the update service.

Home-based occupations

• The update service will only check for updates based on the individual for whom the check was carried out – not the home address where the work is being undertaken or any other individuals employed or living at that address.

Multiple DBS certificates

- Individuals may still require more than one DBS certificate if their DBS certificate is not of the same type and level of check required by an employer. Employers may require a different level or type of check to the one you have e.g.
 - Level: enhanced <u>not</u> standard check.
 - Type: enhanced with a children's barred list check <u>not</u> an adults' barred list check; or

enhanced without a barred list check.

• **Workforce**: child workforce <u>not</u> adults workforce.

Manual DBS certificates

• Sometimes it is not possible for the DBS to produce a system generated DBS certificate. When this happens the DBS will issue a manual DBS certificate. Manual DBS certificates cannot be used in the update service.

Update Frequency

When a person adds their DBS certificate to their update service account the DBS will keep their DBS certificate up-to-date by *regularly searching to see if any new information has come to light since its issue.

- * Regularly means:
- criminal record conviction and barring information will be searched for updates on a weekly basis as this information can change frequently.
- non-conviction information which is released on relatively few DBS certificates and changes infrequently will be searched for updates every 9 months.

The frequency condition is based on the number of DBS certificates which reveal this type of information; the likely risk of new information coming to light in the time period; and the cost of checking for changes.

Cancelling DBS certificates

If the names declared on a DBS certificate attached to a subscription change, or are found to be incorrect, the DBS reserves the right to cancel the incorrect DBS certificates attached to that subscription.

Retention of payment information

Details of the card used to pay the subscription fee will be retained for the purposes of automatic renewal and refunds where appropriate. The DBS will be using a secure Payment Card Industry (PCI) Data Security Standard system.