



Disclosure &
Barring Service

DBS News

April 2013



Our new online home - The Update Service - Section x66: help to

*Last ever
paper copy*



I explained last month that DBS is facing an unprecedented level of change. We have been working with a lot of uncertainty due to circumstances that are not within our control, and it has

been deeply frustrating to be unable to share a clear plan for our services with you. I am therefore really pleased to tell you that we expect to launch our new Update Service in the summer.

This is a little later than planned because of the Court of Appeal filtering judgment on the disclosure of certain old and minor convictions and cautions. Last month, I told you that the Home Office and Ministry of Justice had lodged an application to appeal the judgment. They have now started the legislative process (subject to agreement by Parliament) so that certain old and minor convictions and cautions will no longer be disclosed on a DBS Certificate.

These changes will not come into force until after the legislation has completed its passage through Parliament. Until then, its business as usual. I will keep you informed of this process and provide more information to you as soon as it is available.

Let's get back to the Update Service - we appreciate that there is a mixed appetite and that it will change our relationship with you as well as our disclosure applicants. We have taken advantage of our development period to speak with some of you through market research. We want to gauge how much you know and feel about the service. Also, we want to help you to understand the process and take advantage of its benefits.

Thousands of you are looking forward to receiving our next edition electronically.

Since this will be our last paper copy, if you haven't signed up, please take a moment now to go to www.gov.uk/dbs and look for the e-database link.

With my best wishes

Adrienne Kelbie
Chief Executive

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What is the Update Service?

This new subscription service lets individuals keep their DBS Certificates up-to-date so they can take it with them when they move jobs or roles. You, as an employer, can then carry out free, online, instant checks to see if any new information has come to light since the Certificate's issue – this is called a Status check.

This could mean no more application forms to complete and no waiting for the checks to come back. This should save you time and money.

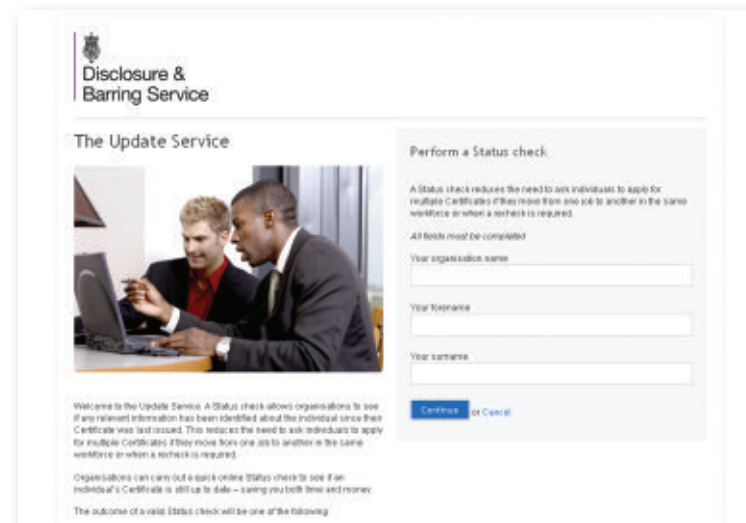
Why are we launching it?

One of the government's priorities is to overhaul the criminal records regime to give

individuals greater control of their own information, allow DBS Certificates to be reused when applying for similar jobs and reduce the burden of red tape on employers.

Who can carry out a Status check?

You don't have to join the Update Service, or pay a fee, to check a DBS Certificate. You must however have the individual's consent, be legally entitled to apply for a DBS certificate of the same type and level as you are going to check, and the individual must be subscribed to the Update Service. When you make a Status check, you need to confirm that you're entitled to carry it out and are able to comply with our Code of Practice. If you are unsure, please go to www.gov.uk/dbs for more information and guidance.



What do you need to do to carry out a Status check?

- Have the applicant's consent either verbally or in writing.
- See the original Certificate to check it is the same type and level as you are legally entitled to, make sure that the right checks have been carried out and see what, if any, information was disclosed about the applicant.
- Check the person's identity.
- Check the name on the DBS Certificate matches this identity.
- Note the DBS Certificate reference number, the person's name and date of birth.
- Comply with the DBS Code of Practice; which includes having a policy on the recruitment of ex-offenders (a sample is available from our publications section at www.gov.uk/dbs), and make this available to the person.

What do the results of the Status check mean?

When you carry out a Status check, you will receive one of the following results instantly:

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

This means:

- The Certificate was issued blank - it did not reveal any information about the person.

- No new information has been found since its issue and it can therefore be accepted as being still current and valid.

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

This means:

- The Certificate revealed information about the person.
- No new information has been found since its issue and it can therefore be accepted as being still current and valid.

This 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 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 Certificate has been removed from the Update Service by the individual; or
- You have not entered the correct information.

What else do you need to know?

Status checks are free-of-charge and can be carried out as and when you need to; as long as you have the individual's consent for each check that you make (you may want to get consent each time you check or you could consider asking for ongoing consent – it's up to you!). You can choose to pay for or reimburse the applicant's annual Update Service subscription fee (around £10). The individual will be able to see who has carried out a Status check, and when they did, from their online account.

What should you do now?

- Encourage your staff and volunteers to subscribe to the Update Service when they are due for a new DBS check; (in line with your existing re-checking policies.)

- Review your employment and recruitment policies to see how Status checks can form a part of these processes.
- Sign up to receive announcements and DBS News electronically at www.gov.uk/dbs using the quick link at the top of the page. DBS News will no longer be available on paper so don't miss out as we will continue to look at the Update Service in detail in future editions.
- Look out for news about the Update Service and when applicant and employer guides are published. Then familiarise yourself with the screen previews and guides at www.gov.uk/dbs. They will contain useful information and examples of who could benefit from the service.

The benefits to you

- Instant online check 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
- Easy to incorporate into your processes



Section x61 is extended

At the same time as we launch the Update Service, we will bring in some further changes to enhance the overall Disclosure process. One of these is an extension to section x61 on the application form.

When considering whether to release non-conviction information about an individual, the police will apply the relevancy test to a workforce rather than a single position or role. This is good news for you as it means that when you carry out a Status check, you will know the information released is relevant to the workforce described on the Certificate.

To help you tell us which workforce the applicant is working in, we will give you more room to fill in the 'position applied for' field (section x61) on the application form. You need to make sure this section is completed

correctly otherwise we may need to contact you to obtain further information resulting in your recruitment process being delayed.

Please complete the field as follows:

- **x61 line 1:** You must now include the relevant workforce(s). Choose the appropriate:
Child Workforce
Adult Workforce
Child and Adult Workforce
Other Workforce (use this when the person is not working with children or adults).
- **x61 line 2:** Enter a description of the 'position applied for' up to 30 characters.

61 position applied for
CHILD WORKFORCE
TEACHER IN PRIMARY SCHOOL

Applicant-only certificates

To coincide with launching the Update Service, we will only issue DBS Certificates to applicants and will no longer send a copy to the Registered Body. Employers will need to ask applicants for sight of their DBS Certificate. Registered Bodies, however, will still be able to ask us for a copy of an applicant's DBS Certificate but only if **all** of the following 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 DBS check 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 raises a dispute on the new Certificate, we will not issue a copy to the Registered Body until 28 days after the dispute is resolved.

Section x66: help to get it right

We have been contacted by several of our police forces who say they are dealing with a considerable number of home-based applications. After further enquiries, we have discovered that a number of these are not actually home-based.

Home-based applications are roles which involve working with children and adults at the applicant's home address. For this type of check, the police search their databases to identify any relevant information. This can take a lot of time and could lead to the DBS check not being completed as quickly as a check that is not home-based.

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

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 home address. There may be other individuals who live at the same address who are eligible for a DBS check, but as they are not being employed to work with children and/or adults, you should cross 'No' in this field on the application form.

The Legal Bit

The Police Act 1997 (Criminal Records)

(Amendment No. 2) Regulations 2010 SI 2010/2702 state when Enhanced DBS checks should be sent to the police for consideration for other relevant information. One of these times is: "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 lives in the same household as the individual being checked, is entitled to an Enhanced DBS check; without the home-based check.

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.

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

Our new online home – GOV.UK

All our information has now found itself a new home at www.gov.uk - so add this web address to your internet favourites!

We are sorry the move to the new website took place earlier than planned; unfortunately this was beyond our control and we hope it did not inconvenience you too much.

If you want to go straight to our pages on GOV.UK, here are a couple of handy links for you to bookmark:

- www.gov.uk/disclosure-barring-service-check (our information and guidance aimed at customers, stakeholders and the public)

- www.gov.uk/dbs (Inside Government section holds all of our latest news and corporate and policy information)

You can access the Inside Government section from the GOV.UK homepage – just scroll down the homepage and you will find the link!

Inside Government is still a bit of work in progress but we welcome any comments or feedback that you have about its content. Let us know what you think at customerservices@dbs.gsi.gov.uk



Contact

Website: www.gov.uk/dbs

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.

Use our online tracking service to check the progress of DBS applications by visiting our website and using the quick links.