

Trust Systems Software (UK) (t/a TRUSTOPIA)

(Revision August 2019)

Attention: **ALL TRUSTOPIA DBS SERVICE USERS**

Please note: This information is for guidance only and should not be considered a substitute for legal advice. It is the express responsibility of the employer/recruiting organisation to determine if candidate check eligibility exists in line with the current UK legislation.

Types of UK Criminal Record Check Available

In the UK, there are 4 x types of Criminal Record Check available:

1. Basic DBS Check or Basic Disclosure Scotland Check:
2. Standard DBS Check:
3. Enhanced DBS Check - *excluding* barred list check:
4. Enhanced DBS Check - *including* barred list check:

Basic DBS Check

Basic DBS Checks can be obtained for anyone, for any reason (with their permission) including for example:

A role where it is in the interest of a customer/employer to obtain a criminal record history; e.g: working in a position of trust, or working in premises unsupervised.

Alcohol / personal license.

Visa Applications.

Aviation Security sector.

Basic DBS checks are for people who live/work in England or Wales or for people who have previously lived in England or Wales.

Basic Disclosure Scotland checks are for people who live/work in Scotland or for people who have previously lived in Scotland.

A Basic Check checks for any unspent convictions that a person may have.

Standard & Enhanced DBS Check

Standard and Enhanced DBS Eligibility criteria is strictly regulated by the law and can only be obtained for certain role types.

To be able to obtain a Standard or Enhanced DBS check (**Standard or Enhanced DBS**) you must first check that the position/role of a staff member or volunteer must be included in the requirements of the UK Rehabilitation of Offenders Act (ROA) 1974 (Exceptions)

Order 1975 and / or and in the UK Police Act Regulations. Roles that meet this criteria include:

- People working in an NHS setting who have contact with patients (not a healthcare role) e.g.: maintenance workers, engineers, trades persons, catering staff, drivers, porters, cleaners, admin (Workforce Type = "Child and Adult Workforce");
- Staff/volunteers working in an NHS setting who do not provide health care but who have access to personal sensitive medical records about children and vulnerable adults e.g.: staff in GP or dental surgeries who do not provide health care e.g.: medical receptionist, medical secretary (Workforce Type = "Child and Adult Workforce");
- Any Non-Healthcare role that relates to providing health services where that work means there is also contact with the patients
- Legal Profession positions: e.g: barrister, solicitor, registered foreign lawyer, legal executive, receiver appointed by the Court of Protection, Judicial appointment, Chartered Legal Executives (CILEx) (Workforce Type = "Other Workforce");
- Financial Services positions: Positions in the financial sector that are regulated by the Financial Conduct Authority, the Prudential Regulatory Authority or the Bank of England, or organisations acting on their behalf.
- These are commonly referred to as being an approved person, a senior manager or carrying out a controlled function and includes chartered accountants, certified accountants (Workforce Type = "Other Workforce");
- People working in the Security Industry, Traffic Wardens, Veterinary surgeons (Workforce Type = "Other Workforce");
- Special Guardians and those aged 18 years old and over living in the same household - Workforce Type: Child Workforce
- Any work for an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service or a fostering agency where that work means that there is contact with the children or access to sensitive or personal information about them

Note: This doesn't include prospective foster or adoptive parents or their household members - they are eligible for Enhanced DBS checks.

- Justices' clerks, assistants to justices' clerks and certain specific officers for magistrates' courts, justices of the peace and local justice areas
- Individuals in any role to do with the running of, or working on the premises of a prison,
a remand centre, a removal centre, a short term holding facility,
a detention centre,
a Borstal institution or
a young offenders institution and
members of boards of visitors.

Note: Some roles in these places can be eligible for an enhanced DBS check.

- Court officers and court contractors who have face to face contact with judges of the Supreme Court, or access to Supreme Court judges' lodgings as part of their work

- Individuals who have regular access to personal information about an identified or identifiable member of the judiciary as part of their work
- Court officers and court contractors who go to either the Royal Courts of Justice or the Central Criminal Court as part of their work
- Court security officers and tribunal security officers
- Court contractors who have unsupervised access to court-houses, offices and other buildings used in relation to the courts as part of their work
- Contractors, sub-contractors, and anyone working with them, who have unsupervised access to tribunal buildings, offices and other buildings used in relation to tribunals as part of their work

If you can't obtain a Standard or Enhanced DBS check you can obtain a Basic DBS check or a Basic Disclosure Scotland Check instead.

Enhanced DBS Check (EXCLUDING Barred List check):

To be eligible for an Enhanced DBS Check - *excluding* barred list check - the role must meet the requirements of the UK Safeguarding Vulnerable Groups Act 2006. Roles that meet this criteria include:

- Individuals who work with elderly, ill or disabled adults (18+ years old) once a week or more, or 3 days in any 30 day period, or overnight (between 2am and 6am) providing:
 - a. training or teaching
 - b. instruction or assistance
 - c. advice or guidance
 - d. moderating a public electronic interactive communication service which is likely to be used wholly or mainly by adults who receive a health or social care service (Workforce Type = "Adult Workforce");
- Individuals who work with elderly, ill or disabled adults (18+ years old) who work once a week or more, or 4 days in any 30 day period, or overnight (between 2am and 6am) in the following places:
 - a. an adults' residential Care Home or Nursing Home (a residential setting where older people live and receive personal care)
 - b. an adults' residential Special School
 - c. sheltered housing (accommodation for elderly or disabled people consisting of private independent units with some shared facilities and a warden)
 - d. any service provided specifically to an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 20 to the National Health Service Act 2006 (Workforce Type = "Adult Workforce");
- Armed Security Guards working for a government department, for example: The Home Office - Workforce Type = "Other Workforce".

- Armed Guard on UK Ships: To assess an individual's suitability to possess, remove or transfer a weapon or ammunition, to or from others when acting as an Armed Guard on UK Ships - Workforce Type = "Other Workforce".
- National Security Purposes: To assess if someone is suitable to carry out a role where the work is for National Security Purposes- Workforce Type = "Other Workforce".
- Members of Peer Support Groups (e.g.: Alcoholics Anonymous) - Workforce Type = "Adult Workforce".
- Temporary Contractor or Volunteer working in the following places
*(supervised roles only)
 - a. educational institution mainly used for the full-time education to children (e.g.: school, under-18 further education)
 - b. children's nursery
 - c. children's hospital
 - d. children's detention centre (e.g.: prison, remand centre),
 - e. children's care home
 - f. registered childcare premises

*Note: An Enhanced DBS including the Children's Barred List Check will be required if they will have unsupervised contact with pupils once a week or more, or 3 days in any 30 day period, or overnight (between 2am and 6am) Workforce Type = "Child Workforce".
- Trustee of a Vulnerable Adults' Charity (Adult Workforce)
- Trustee of Children's Charity (Child Workforce)
- School Governor (Child Workforce)
- Roles authorised to deliver Probation services - Workforce Type: Adult Workforce
- Staff working within the Gambling Commission - Workforce Type = "Other Workforce".
- Foster Care Panel Members

Enhanced DBS Check - *including* barred list check

To be eligible for an Enhanced DBS Check - *including* barred list check – requires that you are engaged in a "**Regulated Role**" identified within the requirements of the UK Safeguarding Vulnerable Groups Act (amended by the UK Protection of Freedoms Act 2012).

This is the highest level and most in-depth UK Criminal Record Check available and is strictly restricted by relevant UK Law. An Enhanced level DBS check including barred list check is **only** available if an individual's role meets the criteria listed here:

The CHILDRENS BARRED LIST CHECK can only requested for the following:

Note: A Child is defined as anyone who is under 18 years old.

- Individuals who work with CHILDREN UNSUPERVISED once a week or more, or 3 days in any 30 day period, or overnight (between 2am and 6am) providing:
 - a. teaching, training or instruction to children
 - b. care or supervision of children

- c. advice or guidance wholly or mainly to children and this specifically relates to their emotional, educational or physical well-being
 - d. monitor the content of internet-based services aimed wholly or mainly for use by children
 - e. drive children for a third party (ie: on an employment basis)
 - f. health care to children, either as a health care professional or under the direction or supervision of a health care professional. This includes providing psychotherapy and counselling and also covers first aiders where they provide this through an organisation set up specifically for the purposes of providing first aid, e.g. St John's Ambulance and community first responders. This only has to be done once.
 - g. personal care to children (physical assistance or advice with eating, drinking, washing, going to the toilet, dressing). This only has to be done once.
- *Note: exceptions to the above: this level of DBS cannot be requested if the service is provided and designed for adults so the presence of a child is unexpected, i.e. an adult attends a night class and brings their child with them; or these activities are being provided to 16 and 17 year olds in work (including voluntary work)

- Individuals who work with CHILDREN UNSUPERVISED once a week or more, or 3 days in any 30 day period, or overnight (between 2am and 6am) in the following PLACES:
 - a. educational institution mainly used for the full-time education to children (e.g.: school, under-18 further education)
 - b. children's nursery
 - c. children's hospital
 - d. children's detention centre (e.g.: prison, remand centre),
 - e. children's care home
 - f. registered childcare premises
- A Day to Day Manager or Supervisor of somebody engaging in Regulated Activity (see above) with children.
- The following Child-related roles, even if done only once (without time constraints specified above) - Workforce Type = "Child Workforce":
 - Assisting an ill or disabled child to eat or drink
 - Assisting a child that is ill, disabled or required due to age with toileting, washing, bathing or dressing
 - Health care to children: (treatment/therapy) all forms of physical / mental health healthcare incl. palliative care
- People communicating with children by telephone, internet or other electronic means (once a week or more, or 3 days in any 30 day period, or overnight) - Workforce Type = "Child Workforce".
- Foster Carers - Workforce Type = "Child Workforce".
- Foster Care Household Members: Individuals aged 18 and over (according to Dept for Education regulations) who live in a fostering household or anyone aged 16 and over who lives in a private fostering household - Workforce Type = "Child Workforce"
- Foster Carer Support: Individuals providing support to Foster Carers by supervising or providing childcare to Foster Children

- Foster Care Assessors
*Note: Foster Care Panel Members are eligible for Enhanced DBS excluding the Children's' barred list check. Foster Care Agency staff who do not provide childcare to Foster Children are eligible for Standard level DBS check only.
- Prospective adoptive parents or special guardians and anyone aged 18 and over who lives in the adoptive or special guardian household - Workforce Type = "Child Workforce".
- A person living at a registered childminding or day care service premises or who regularly works on the premises at a time when the childminding takes place - Workforce Type = "Child Workforce".
- Childminder agencies (Child Workforce):
 - registration as a childminder agency or managing a childminder agency
 - Registered Childminders or Child-Carers
 - prospective childminders or childcare providers
 - or anyone over the age of 16 who lives or works in the premises where the childminding or childcare takes place and has the opportunity to have contact with the children
 - work relating to a childminder agency in a quality assurance role visiting day care or childminding premises.
- Homestay Hosts: Roles that provide hosting for under 18 year olds - Workforce Type = "Child Workforce".

The ADULTS BARRED LIST CHECK can only requested for the following:

Note: For DBS purposes an Adult is someone who is 18+ years old and who is elderly, ill or disabled.

Individuals engaged in any of the following activities with **an ADULT** (18+ years old) because of their **AGE, ILLNESS or DISABILITY** (Workforce Type = "Adult Workforce") including:

- 1. Provision of Health Care** by a regulated healthcare professional, or are acting under the direction or supervision of a regulated healthcare professional, for example doctors, nurses, healthcare assistants and physiotherapists. Health Care roles include:
 - a. Physical care, mental health care and palliative care
 - b. Diagnostic tests and investigative procedures,
 - c. Non-medical procedures such as taking blood (blood donations) and cosmetic surgery,
 - d. Psychotherapy and counselling. This includes the provision of psychotherapy and counselling over the phone.
Note: Life coaching is excluded from regulated activity.
 - e. First aid, when any person administering the first aid is doing so on behalf of an organisation established for the purpose of providing first aid (for example, St John Ambulance Service), this is regulated activity. This includes first aid given by Community First Responders.
Note: Individuals employed for another purpose who volunteers, or is designated, to be that organisation's first aider is not in

regulated activity. For example, a person who works in a department store whose role includes being a first aider is not engaging in regulated activity.

Exclusions to supervision of healthcare: Staff in GP surgeries or dental practices who do NOT provide health care (for example, medical receptionist) is NOT classified as regulated activity - a Standard level DBS check will be sufficient.

2. Providing Personal Care:

- a. Assisting or prompting an adult with eating, drinking, washing, bathing, dressing, oral care, skin/nail care
- b. Training, instructing, or offering advice or guidance to an adult in relation to personal care
- c. Supervising someone providing personal care

3. Providing Social Work; activities of regulated social workers (relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and a social care worker by virtue of section 55(2)(a) of that act)); including:

- a. Assessing/reviewing the need for health or social care services
- b. Providing support

4. Assistance with general household matters (day to day assistance in relation to the running of a household of the person concerned where the assistance is the carrying out of one or more of the following activities):

- a. Managing a person's cash
- b. Paying a person's bills
- c. Assistance with shopping

5. Assistance in the conduct of a person's own affairs:

- a. Lasting/enduring power of attorney (not including family)
- b. Appointed adult's deputy
- c. Independent mental health advocate
- d. Independent mental capacity advocate
- e. Providing independent advocacy services
- f. receiving payments on behalf of an adult under the Social Security Administration act
- g. an order by the court of protection

6. Transporting / Conveying:

- a. Drivers or assistants transporting adults because of the age, illness or disability to, from or between places where they receive healthcare, personal care or social work (not including family, friends).

This includes:

- Hospital porters
- Patient Transport Service drivers and assistants
- Ambulance Technicians
- Emergency Care Assistants.

7. A Day to Day Manager or Supervisor of somebody engaging in Regulated Activity (see above) with adults.

8. Applicants for a Taxi or Private Hire Vehicle (PHV) license (child and adults barred lists) - Workforce Type = "Other Workforce".

Other Factors to Consider:

Volunteers

Roles that meet the DBS definition of a volunteer are eligible for a reduced processing fee with DBS. Note, this only applies to Standard DBS or Enhanced DBS applications. It does not apply to Basic DBS or Basic Disclosure Scotland applications.

Workforce Type

The workforce type needs to be entered onto the DBS Application form.
What workforce type does your role come under?