DBS Barring Workshop

Presenter: Owain Rowlands

Date: 13/11/2026

Disclosure & Barring Service

Housekeeping

 Breaks |  Microphones |  Questions

 Confidentiality |  Captions |  Slides

 AI Notetaking

Workshop objectives

The aim of this workshop is to understand:

- what ‘regulated activity’ is
- when a DBS barring referral should be made, including when the legal duty is met
- how to make a good quality referral
- the consequences of not making appropriate barring referrals
- the consequences of being included on one or both Barred Lists



Where DBS operates and the legislation

Disclosure functions:

- England, Wales, Jersey, Guernsey, and the Isle of Man



Legislation

- Police Act 1997 (Part 5)
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

Where DBS operates and the legislation

Barring functions:

- England, Wales, and Northern Ireland



Legislation

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Protection of Freedoms Act 2012

Barring Myths

1. There has been a concern with an employee which I have reported to the police, therefore a DBS referral isn't needed.	**False**
2. I have reported the abuse to the regulator/keeper of register, therefore a referral to DBS isn't needed.	**False**
3. Although the individual has resigned from their role and cannot cause any other harm within this regulated activity provider, I still need to make a DBS referral.	**True**
4. An individual could be included on one or both Barred Lists, despite having no interaction with the police.	**True**
5. I am only able to make a referral to the DBS if the legal duty to do so is met.	**False**

Regulated activity: children

If the role involves:

✔ Providing healthcare ✔ Providing personal care	✔ Teaching, training or instruction ✔ Care for or supervision ✔ Providing advice or guidance on wellbeing (wholly or mainly)	✔ Driving children under arrangements ✔ Moderating a web-based service (wholly or mainly)
Once	**On more than 3 days in any 30-day period, or once overnight between 2am and 6am**	**On more than 3 days in any 30-day period**
Eligible for an Enhanced check + Children's Barred List check		

Regulated activity: children

Managers/Supervisors of Regulated Activity

Day-to-day responsibility for managing those undertaking regulated activity

Enhanced DBS + Children's Barred List check



Childminders

Where registration is required, including voluntary registration

Enhanced DBS + Children's Barred List check



Foster Carers

Applying to be:

- A foster carer
- A private foster carer

Enhanced DBS + Children's Barred List check



Specified establishments

Where does the activity take place?

- Schools (including pupil referral units)
- Alternative provision academies (England)
- Nurseries
- Detention centres for children
- Children's homes
- Children's centres
- Relevant childcare premises
- Secure accommodation services and care homes for children (Wales)



Further details are available at: Safeguarding Vulnerable Groups Act 2006

Specified establishments: criteria

Individuals must satisfy all of the following criteria:

- Work there on more than 3 days in any 30 day period or once overnight between 2am and 6am; **and**
- Have the opportunity for contact with children in the establishment; **and**
- Work there for the purpose of the establishment; **and**
- It's not a temporary or occasional role



Further details are available at: Safeguarding Vulnerable Groups Act 2006

Regulated activity: adults



If the role involves:

✓ Providing health care	By or under the direction/supervision of a regulated healthcare professional
✓ Providing personal care	Washing and dressing, eating, drinking and toileting, oral care and care of skin, hair and nails
✓ Social Work	Provided by a social care worker to an adult who is a client or potential client
✓ Assistance with the day-to-day financial running of the adult's own household	Managing cash, bills or shopping
✓ Providing support with the conduct of an adult's own affairs	Specified advocacy roles and services, powers of attorney, deputies and benefit appointees
✓ Conveying an adult	Must **be** for health, personal or social care due to age, illness or disability
✓ Day-to-day managers/supervisors of those who carry out regulated activity with adults	
Eligible for an Enhanced DBS with Adults' Barred List check	

Who has a legal duty to refer?

A regulated activity provider:

Employers or voluntary organisations who are responsible for the management or control of regulated activity and make arrangements for people to work in regulated activity

Personnel suppliers:

An employment business, employment agency or an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity

When must you refer?

When two main conditions have been met:

Condition one:

You withdraw permission to engage in regulated activity: dismissed, re-deployed, retired, been made redundant, or resigned

Condition two:

You think the person has either:

- engaged in relevant conduct
- satisfied the harm test; or
- received a caution for, or a conviction for a relevant offence

What is relevant conduct?

Relevant conduct is conduct which :

- endangers a child or adult, or is likely to endanger a child or adult
- if repeated against or in relation to a child or adult, would endanger the child or adult, or be likely to endanger the child or adult
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child or adult

The ‘harm test’

The harm test is satisfied when relevant conduct cannot be established but it appears to DBS that a person may:

- harm a child or adult who is in receipt of regulated activity
- cause a child or adult who is in receipt of regulated activity to be harmed
- put a child or adult who is in receipt of regulated activity at risk of harm
- attempt to harm a child or adult who is in receipt of regulated activity
- incite another to harm a child or adult who is in receipt of regulated activity

Examples of abuse and harm

Physical abuse	Assault, hitting, slapping, misuse of medication, improper restraint, shaking, throwing, poisoning, burning or scalding, suffocating
Sexual abuse	Sexual teasing or innuendo, indecent images, rape, indecent exposure, sexual harassment, inappropriate looking or touching
Emotional or psychological abuse	Humiliation, blaming, controlling, cyber abuse, making a vulnerable person feel worthless, unloved or inadequate, not giving them opportunities to express their views, imposing inappropriate expectations
Extremism	Extremism goes beyond terrorism; it includes people who target the young/vulnerable - by seeking to sow division between communities on the basis of race, faith, or denomination; justifies discrimination towards women and girls
Financial abuse	Unauthorised withdrawal from accounts, theft, fraud, exploitation, pressure in connection with wills or inheritance, internet scamming, misappropriation of property, possessions, or benefits
Neglect or omission	Untreated weight loss, failing to administer reasonable care resulting in pressure sores/uncharacteristic problems with continence; poor hygiene, soiled clothes not changed, insufficient food or drink; unmet social or care needs.

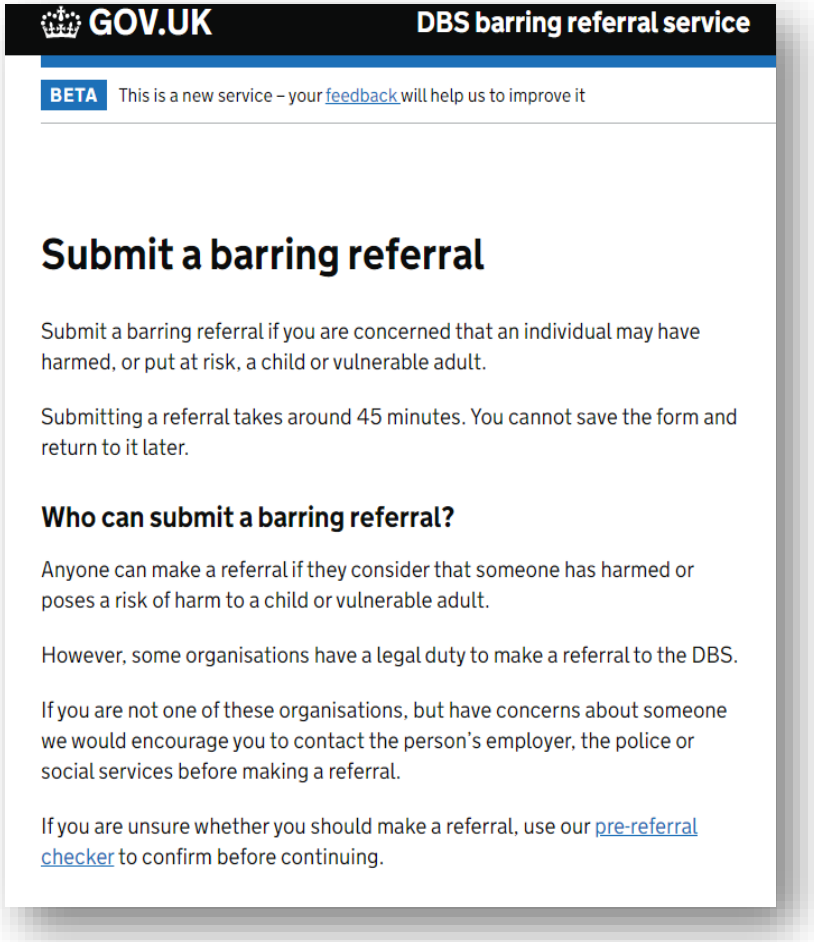
How to make a barring referral

We accept referrals made using the Barring Referral Service: Submit a barring referral.

This service is available Monday to Sunday, 8am to 11:30pm.

Submitting a referral can take approximately one hour. You can save your progress and return to it later where required using the “save and return” function - you cannot save and return at the stage where you upload your documents.

You are allowed to provide this information under UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA).



What you need to make a barring referral

If you find you do not have all of the following information, you should complete as much of the form as possible.

1. your contact details
2. details of the person being referred (including their name, address, date of birth and national insurance number)
3. contact details for any other agencies involved in investigating the relevant conduct
4. details of the risk of harm or harm suffered
5. documents in support of your referral (for example, statements, reports, meeting minutes and other evidence)



If you are unable to use the Barring Referral Service you can find out about the other options on Barring Referral Service - GOV.UK or ring 03000 200 190 or for Welsh Language 03000 200 191

What does a good quality referral look like?

- **Timely:** Balance the need for a swift response with a need for sufficient documentary or supporting evidence
- **Accurate** and fully-completed referral form: Recognition of any gaps, if present
- **Chronology:** Detail the sequence of events from initial notification to the final outcome
- **Relevant information:** To facilitate the DBS decision-making process
- **Victim impact:** What was the impact on the victim
- **Training and supervision records:** Accurate, dated training and supervision records
- **Internal and external investigative and disciplinary processes:** This includes interviews, police intervention, and/or multi-agency meetings. Include recruitment and additional employment information i.e. any previous misconduct or complaint

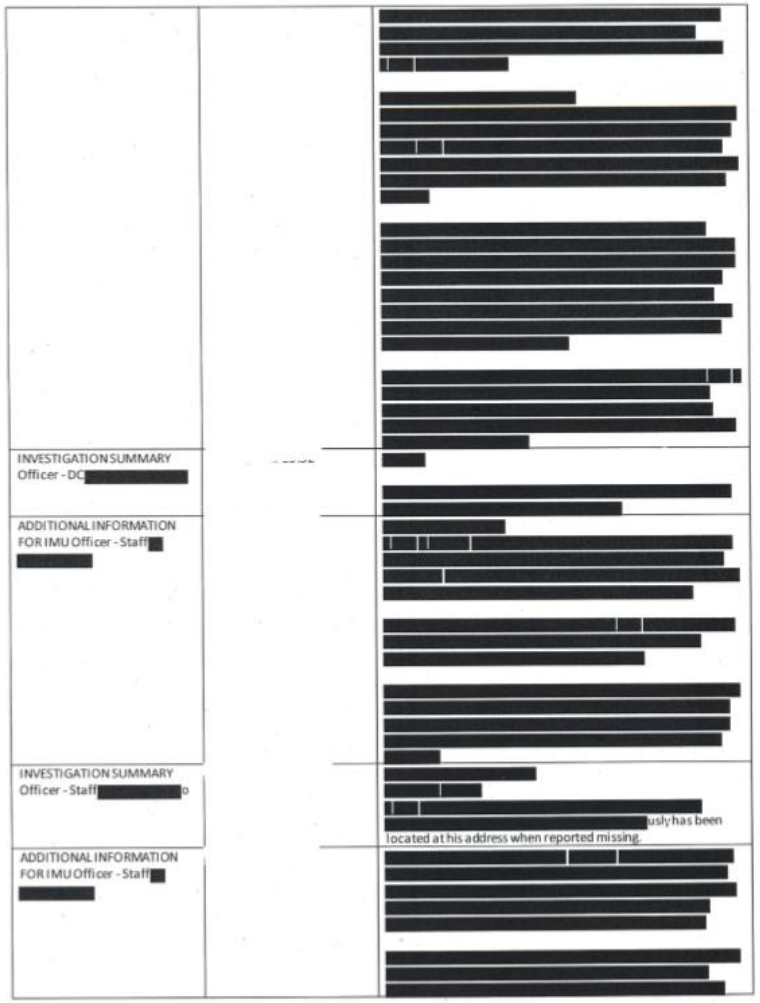
Supporting documentation to upload

- Job Description
- Application Form
- Training Records
- Witness statements
- Statements made by the referred individual
- Victim impact reports or statements
- Minutes of investigation meetings (for example, internal investigation, social services case conference, LADO meeting, and Persons in a Position of Trust meeting, images, charts)
- Minutes of disciplinary meetings
- Letter inviting to an investigatory meeting
- Investigation report
- Dismissal, resignation, or redeployment letters
- File notes concerning previous conduct, behaviour or attitude
- Documentation of any past disciplinary action and complaints
- Any other information that has not been listed above but you believe needs to be provided to the DBS

Things to consider

- Legibility of written statements
- Quality of a document – scanned information
- Redaction
- Acronyms and jargon
- Uploading documents: rename as appropriate and include date

If you are making a DBS referral and are still unsure what information to supply, please get in touch and ask (contact details at the end of the presentation).



Impact of being barred from regulated activity across UK jurisdictions

DBS Children's Barred List - not allowed to engage in regulated activity with children in England, Wales, and Northern Ireland.

DBS Adults' Barred List - not allowed to engage in regulated activity with vulnerable adults in England, Wales, and Northern Ireland.

It is a criminal offence to work, seek work, or offer to work in regulated activity when barred on the relevant list

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity

There is a maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

A final thought…

- If you don’t make the referral to DBS, who will?
- If you don’t make the referral to DBS, how will we know?
- If you don’t make the referral to DBS, the person may go on to cause further harm to a vulnerable adult or child
- If you do make the referral to DBS, we will consider all of the evidence when deciding whether the person should be barred
- We will only bar them from working with vulnerable groups if it is the appropriate and proportionate thing to do

DBS discussions: safeguarding in focus



Continue the conversation with a DBS podcast.

Hear DBS subject matter experts discuss topics relevant to:

- Employers
- HR professionals
- Safeguarding leads

Listen on YouTube, Spotify and other platforms.

Visit the [DBS Discussions Linktree]

Useful Links

- DBS Guidance Leaflets
- DBS Barring Referral Guidance
- How to make a Good Quality Barring Referral
- DBS Barring Referral Service
- How to use the Barring Referral Service
- Information for individuals that have been referred to DBS

Keep up to date with DBS

DBS email notifications:

GOV.UK

Get emails from GOV.UK - GOV.UK
www.gov.uk



Sign up for DBS email updates

How to contact us

Outreach and Partnerships team:
DBSregionaloutreach@dbs.gov.uk
DBSEngagement@dbs.gov.uk

Disclosure enquiries:
Helpline: 03000 200 190
customerservices@dbs.gov.uk

Barring enquiries:
Helpline: 03000 200 190
Contactus@dbs.gov.uk

Social media and website:
Website: www.gov.uk/dbs
X and Facebook: @DBSgovuk
LinkedIn: Disclosure and Barring Service (DBS)



We can help with:

- Questions about DBS checks, eligibility, and regulated activity
- How to make barring referrals and the 'Legal Duty to Refer'
- Training and workshops for your team or network
- Contributions to training programmes requiring DBS information
- Gathering feedback on DBS products and services

Evaluation

Please access this link to complete a **short evaluation form:**

DBS Legal Duty to Refer workshop evaluation

Your feedback is very important to us in the DBS Partnership team.

Thank you for attending

Any questions?

DBSRegionaloutreach@dbs.gov.uk