



## **Disclosure and Barring Service (DBS) Checks**

### **Frequently Asked Questions (FAQ's)**

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### **Q.1 what will change?**

Currently, Care Inspectorate Wales (CIW) provides the DBS application form for people who are registering with us and have to apply for a DBS with barred list check. We then process completed forms and pay all DBS fees.

We will introduce a number of important changes during 2018. These include:

- In April 2018, applicants will be required to pay the fee (Currently £44) for a DBS check.
- Most applicants will have the option of using a DBS certificate they have used to subscribe to the [DBS Update Service](#) as long as certain criteria is met.
- Some people who were previously required to undertake DBS checks with CIW will no longer need to (eg. PICs; registered managers of RISCA services).
- Later in the year we will appoint a third party provider to manage DBS checks on our behalf; applicants using this service will be required to pay an additional administration fee for this service.
- CIW will no longer accept new DBS applications submitted by post; all new applications must be submitted in person by the applicant.

### **Q.2 what are the benefits of these changes?**

The introduction of the fee for the DBS check will bring CIW into line with other UK regulators who have required applicants to pay this for some time now. In making these changes however, there are clear advantages for applicants.

By moving to a third party model and using an on-line system we plan to introduce a quicker and more efficient process for undertaking checks. There will be reduced risks in terms of data and information security and a less time consuming process for all concerned.

The third party model will also be compatible with the DBS Update Service. We strongly recommend the use of Update Service as this offers you some clear benefits, including:

- An online service that is convenient to use;
- The ability to manage your own DBS check for employment and volunteering purposes;
- Not having to renew your certificate three yearly - as long as you maintain your DBS Update Service subscription and no new information is revealed during your status check;
- Saving you the time and expense of having to travel to a CIW office to renew your DBS certificate;

- CIW can now accept the assurance of the DBS Update Service (for almost all applicants), even if (as in most cases) your original DBS certificate is not countersigned by Welsh Ministers but complies with the correct level check and workforce area;

Some people (see below) previously DBS checked by us can now, as a result of regulatory changes, be checked by their employers. CIW will monitor compliance through our inspections.

### **Q.3 what types of DBS checks will CIW no longer process?**

**From December 2017** the following roles/persons (in a Child Care and Play setting) are not eligible for a CIW sponsored DBS check:

- Regular visitors;
- Potential partners are not eligible unless they become resident at the premises.

**From April 2018** persons in charge (PICs) in child care and play services will not be eligible for a CIW sponsored DBS check:

**From April 2018** registered managers for care home and domiciliary care services will be required to register with [Social Care Wales](#). They will no longer need to submit a separate application to register with CIW and checks, including DBS checks, will not be processed by us.

These applicants are advised to use an alternative route to obtain the required DBS check e.g. umbrella organisation/body or via their employer.

### **Q.4 what types of DBS checks will CIW continue to process?**

CIW recognise that for some groups of people independently obtaining a current DBS check is not possible. Persons who are for example, self-employed; who are sole traders or where there are legal bars on applying for or processing checks. Where this is the case we will continue to process checks. This is more likely to apply to the following roles/persons:

Child minders;  
House hold members of child minders;  
Self-employed child minding assistants;  
Responsible persons;  
Responsible individuals\*.

\* Responsible individuals who are employed by the organisation they represent should ordinarily obtain a DBS check from their employer.

However, where you subscribe to the DBS Update Service you do not need to obtain a DBS check with CIW as long as we have viewed the original certificate you used to subscribe to the service; it complies with the correct level check and workforce area and you have given us permission to check your Update Service record (this does not yet apply to persons working in fostering; adoption or adult placement services).

**Q.5 when should I renew my DBS certificate via CIW?**

You will need to renew your certificate via CIW if;

- You are legally required to renew your DBS certificate every three years (ie. RISCA and Child Care and Play services);
- You do not currently subscribe to the DBS Update Service;
- You are unable to obtain a new DBS check through your employer;
- You do not have an employer (you are self-employed or are a sole provider);
- Your certificate is at least two years and nine months old (you cannot apply to renew if it is less than this);
- You work in a fostering; adoption or adult placement service.

If you meet one or more of the criteria above you can contact CIW to request a DBS application form.

**Please note:** Responsibility for renewal lies with you as the certificate holder and not with CIW.

**Q.6 where can I find further advice and guidance on DBS checks?**

All applicants are advised to read the guidance documents/links below 'Guidance for Applicants' prior to making their application:

**CIW website** ['Guidance for Applicants'](#) and [RISCA FAQ's](#)

**DBS web site** [DBS applicant guidance](#) and [Update Service](#)

**Q.7 what is the cost to me?**

The cost for each person needing a DBS check is as follows:

Table 1

|              | Phase 1         | Phase 2   |
|--------------|-----------------|---|
| Type of cost | From April 2018 | From appointment of third party provider (start date to be announced) |
| DBS fee      | £44             | £44   |
| Admin fee    | n/a             | £17.50*   |

|                                    |       |        |
|------------------------------------|-------|--------|
| DBS Update Service                 | £13** | £13**  |
| Sub-total                          | £57   | £74.50 |
| Deduct Year 1 – transition payment | n/a   | £13    |
| Total to pay                       | £57   | £61.50 |

\*Administration cost to be confirmed following procurement of third party contract. The cost will be set at or below this limit.

\*\* A new DBS check will only be required if new information is recorded against a DBS certificate.

### **Q.8 why has CIW introduced charges for DBS checks?**

At present CIW pays £44 for each initial check and every three yearly renewal, and we also cover administration costs. For people working in the social care sector in Wales this approach has proved to be a disincentive to using the DBS Update Service.

In addition, across the UK, other regulators require these business costs to be met by applicants. This change brings CIW into line with the approach taken by other UK regulators.

Through the new arrangements we aim to promote the use of the DBS Update Service and enable providers and ourselves to benefit from that service. The [DBS Update Service](#) lets you keep your DBS certificate up to date online and allows employers to check a certificate online.

### **Q.9 can CIW reduce the fee?**

No. The DBS fee and DBS Update Service charge are set by DBS not CIW.

The cost of the administration fee will be set following a procurement exercise and be set by the third party provider. A £17.50 maximum fee is set in the procurement criteria so it will be no more than this and possibly lower.

### **Q10 when and how do I pay for my DBS check?**

From April 2018 all persons requiring a check via CIW will need to pay the DBS check fee of £44.

You will be required to pay this fee via a secure online portal and before your application form is counter-signed and sent to DBS. Contact a CIW office to make an appointment. Payment is via debit or credit card (except American Express and Diners Club cards). We cannot accept cash or cheque payments.

If you have posted your DBS application to us to renew your DBS certificate (all new applicants must present their application and supporting ID in person), we will contact you to arrange payment over the phone. If we cannot contact you by phone we will send you an e-mail asking you to contact us to arrange payment.

Later in 2018, CIW plans to establish a third party provider to manage DBS applications and checks. Once approved and operational, the third party provider will also charge an administration fee for the service

## **Introduction of new arrangements under the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA)**

### **Q.11 my current DBS certificate is new and valid for three years. Will I have to apply for another DBS check to be in line with the changes in 2018?**

To re-register your service under RISCA you are required to submit a 'current' DBS certificate (ie. one that is three months or less since its date of issue) with your application. If your DBS certificate is less than three months old you may use it to support your application to re-register. The certificate you present must be for an enhanced level check with barred list check *and* for the correct workforce area.

If it does not meet the criteria above you will be required to obtain a new DBS check to support your application.

### **Q.12 my latest DBS is only 3 months and one day old - why won't you accept it?**

Legislation requires a certificate that is 'current'. To be as proportionate as possible we have set a threshold that your DBS certificate must be no older than 3 months when the application is submitted.

### **Q.13 what if I am already signed up to the DBS Update Service?**

We must see the certificate you have used to subscribe to the service. The certificate must be for an enhanced level check with barred list check *and* for the correct workforce area.

If so, we would accept your application, but you will need to either:

- Book an on-line appointment to come in and present your original DBS certificate to us in person; or
- Send us your original DBS certificate using registered post (ensuring you quote the application reference and giving us permission to carry out an on-line status check)\*.



\*CIW cannot be held responsible for any documents lost in the post.

We will return your DBS certificate by secure post.

**Q.14 what if I don't have a DBS certificate at all or it's older than 3 months?**

You will need to apply for a new DBS check through your employer. If you are a sole provider you may obtain one via CIW. Without one you will not be able to submit your application to register or re-register.

The certificate you obtain must be an enhanced level check *with* barred list check and for the correct workforce area.

Once you have your new certificate you should sign up to the DBS Update Service and complete the DBS section of the on-line application form. You will then be able to complete the application and submit it.

Following submission and providing the completeness check was successful, we will accept your application. We would then email you to request that you:

- Arrange an on-line appointment to come in and present your original DBS certificate to us in person; or
- Send us your original DBS certificate using registered post\* (ensuring you quote the application reference and giving us written permission to carry out an on-line status check);

\* CIW cannot be held responsible for the loss of any documents lost in the post.

We will then return your DBS certificate by secure post.

**Q.15 if I subscribe to the DBS Update Service will my DBS certificate remain current?**

Yes, your on-line status will remain current unless:

- any new convictions, cautions, reprimands or warnings are recorded;
- there is an amendment or change to a current conviction, caution, warning or reprimand;
- you are referred to the children or adults barred list; or
- you fail to maintain your annual subscription to the Update Service.

If any of the above applies your certificate will no longer be current and you will need to apply for a new DBS check and present your new certificate to us.

**Q.16 how does CIW monitor my Update Service record?**

In the short term, we will, with your permission, undertake periodical status checks of your DBS Update Service record. We will make these checks to make sure your status has not changed.

Once a third party provider has been appointed they will be responsible for undertaking on-line status checks and will alert us if there is a change to your on-line status.

**Q.17 who is responsible for ensuring that my renewal application is processed before my DBS certificate expires?**

Responsibility for renewing your DBS certificate lies with you as the certificate holder and not with CIW. If you fail to renew your certificate and your current certificate expires, CIW will consider you to be non-compliant with the terms of your registration.

The best and easiest way to renew your certificate is to register with the DBS Update Service when you next renew your DBS check. DBS will send you by e-mail a reminder to pay your annual subscription and by doing so your on-line status will be maintained.

**Q.18 I have two jobs with different employers; do I need more than one DBS check?**

By joining the DBS Update Service when you apply for your next DBS check renewal, you will be able to enjoy its many benefits – one of which is the portable nature of your certificate. Portability will allow you as the certificate holder to use the same certificate in multiple jobs or voluntary positions within the same work force area.

Without this you will need a separate DBS check for each employer each time one is required.

**Service specific DBS information/queries**

**a. Child minding services**

**Q.19 what will be the costs of DBS checks for a child minder?**

The costs are the same for every individual application and these are set by DBS. Until now CIW has met these costs, but from April 2018 you will be required to meet the cost of each check we undertake for you.

**From April**, all applicants, including child minders, will need to pay the £44 DBS fee.

**Later in 2018**, we will introduce a new online service provided by a third party provider. An administration fee will then be added to the £44 DBS fee.

The total cost could be higher for some child minders because they are required to have DBS checks for all members of their household who are 16 years and over. The change would lead to a cost of £61.50 per applicant in the first year (withdrawal of the £44 subsidy plus an administration fee of an estimated £17.50).

If you register with the [DBS Update Service](#) when you apply for your DBS check, a transitional arrangement will apply which will effectively fund your £13 subscription to the DBS on line Update Service in 2018. This will apply to every applicant (i.e. the child minder and any household members applying for a DBS check).

**As an example** of the cost to a child minder with a spouse/partner and two children over the age of 16, the total first year cost will be £246.

**The following costs relate to the new system which will be introduced later in 2018.** All household members' will be charged an admin fee in addition to their DBS fee. After the first year there will be a cost of £52 annually: £13 for the child minder and £39 for three household members' subscriptions to the DBS online Update Service.

#### **Year 1:**

| <b>With respect to:</b> | <b>Child minder's DBS</b> | <b>DBS for spouse/partner</b> | <b>DBS for child living at home aged over 16</b> | <b>DBS for child living at home aged over 16</b> | <b>Total</b> |
|-------------------------|---------------------------|-------------------------------|--|--|--------------|
| <b>DBS fees:</b>        | £44                       | £44                           | £44  | £44  | £176         |
| <b>Admin fees:</b>      | £17.50                    | £17.50                        | £17.50   | £17.50   | £70          |
| <b>Total:</b>           | £61.50                    | £61.50                        | £61.50   | £61.50   | £246         |

#### **After the first year:**

| <b>With respect to:</b>       | <b>Child minder</b>     | <b>Spouse/partner</b>   | <b>Child living at home aged over 16</b> | <b>Child living at home aged over 16</b> | <b>Total</b> |
|-------------------------------|-------------------------|-------------------------|--|--|--------------|
| <b>Update Service renewal</b> | £13 annual subscription | £13 annual subscription | £13 annual subscription                  | £13 annual subscription                  | £52 annually |

**Q.20 can I pass on these costs to parents by increasing childcare charges?**

This is a business decision that you are entitled to make.

Other than market forces, there would be nothing to stop you increasing operating costs, although it may be difficult to justify excessive increases in charges to service users. The additional costs, when considered on a weekly basis are £1.21 for each person who needs a check. In the second and future years, this would reduce to 27 pence per person.

**Q.21 can the additional costs be accounted as a business expense for tax purposes?**

The Professional Association for Childcare and Early Years Cymru (PACEY Cymru) works closely with HMRC to ensure that you have the help you need when it comes to tax return time.

The Pacey website has some relevant information on their [tax return survival guide](#) (External link)

Further information on care providers and child minders expenses can be found on the [HMRC website](#).

**Q.22 do the charges apply to all applicants within the same household?**

Yes. For services that fall under the Children & Families (Wales) Measure 2010 (i.e. a Child Minding or Children's Day Care service) the law requires employers to renew their employees' ([enhanced with barred list](#)) DBS checks every three years. This requirement extends to any person over the age of 16 who lives, works or is otherwise on the premises and has, or is likely to have, regular contact with relevant children. For more information please refer to the [DBS web site](#) guidance:

**Q.23 I am a household member who helps out, but is not paid for this role. Am I considered a volunteer?**

No. The DBS definition of a [volunteer](#) is defined in the Police Act 1997 (criminal records) Regulations 2002 as: "Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative." To qualify for a free-of-charge criminal record check, the applicant must not benefit directly from the position the DBS application is being submitted for.

As a household member at child minding or childcare on domestic premises you will not be working for the benefit of others and therefore do not meet the definition of a [volunteer](#). CIW are legally required to check all individuals living on childcare premises.

**Q.24 I am a child minding assistant and I am not paid for this role. Am I considered a volunteer?**

No. Although some assistants may not be directly paid for the work they do within a child minding setting, they will be contributing to the child minding service being offered. In turn this will mean the child minders can offer an enhanced service by caring for more children and/or offering more flexible care. As there is a monetary or reputational benefit to the childminder in these circumstances an assistant is not entitled to a free-of-charge DBS check. Further information on the [definition of volunteers](#) can be obtained from the DBS website.

As a child minding assistant you are required to have a current DBS certificate. Your check can be undertaken by your employer and in most cases (due to the volume of checks they will submit) an Umbrella Body used by the child minder who employs you is the most likely route for your application.

If however, you are self-employed or you work with a 'Child Minder' who cannot use an 'umbrella' body to process their DBS checks, you will need to use CIWs third party service to obtain a DBS check (see Q26 below).

**Q25 my current DBS certificate is new and valid for another three years. Will I have to apply for new check to be in line with the changes in 2018?**

For people working in services that operate under the **Children & Families (Wales) Measure (2010)** your current DBS check will remain valid for the remainder of the three year period since the date of issue, unless there is a change to your DBS status that requires a new check.

When your current DBS certificate expires and you require a new check you will need to apply through the service available at that time. We strongly advise that you then subscribe to the DBS Update Service as this will allow you to access its benefits - including the need not to renew your certificate in future (as long as you maintain your subscription and no new information is made available).

**Q.26 I need to obtain a DBS check for the assistant I employ. How do I do this?**

If possible you should use an ['umbrella body'](#) to do this. This is a registered body that gives non-registered organisations access to DBS checks. The check must be an enhanced level check *with* barred list check and for the correct workforce area.

If you cannot use an umbrella body you may process your assistant's DBS application through CIW – you will be required to pay the fee of £44 from April 2018.

## **b. Day care and play services**

### **Q.27 as a provider of a children's day care service, can I apply for a DBS check through CIW for the person in charge (PIC)?**

No. From April 2018, CIW will no longer process and pay for checks for PICs. Their DBS check, and other checks necessary for their employment, will be your responsibility as their employer. We will view recruitment checks for all your staff during the course of our inspections.

If however, the person in charge is also the Registered Person they should then approach CIW for their DBS check.

### **Q.28 as the registered person of a children's day care service must I renew my DBS certificate through CIW?**

If you subscribe to the DBS Update Service using your current certificate we will accept this if:

- your certificate is an enhanced level check *with* barred list check and for the correct workforce area;
- we have seen the certificate used to subscribe to the service; and
- we have your permission to undertake status checks of your on-line account.

If you have not subscribed to the Update Service you must renew your DBS check through us. From April 2018 you will be required to pay for this – currently the fee charged by DBS is £44.

Later this year we will appoint a third party provider to manage our DBS checks and an additional administration charge will also be payable.

When you renew your DBS check, we recommend you use your certificate to subscribe to the DBS Update Service and, after we have seen your new certificate, give us permission to view your on-line DBS record. As long as you maintain your Update Service subscription and no new information becomes available in relation to your record, you will not be required to renew your certificate again.

## **c. Services operating under the Care Standards Act 2000**

### **Q.29 as the provider of an adoption agency how do the changes to the DBS process affect me?**

During 2018/19 some services will continue to operate under the Care Standards Act 2000 (CSA) before they re-register under the Regulation and

Inspection of Social Care (Wales) Act 2016 during 2019/20. Fostering, adoption and adult placement services will be affected in this way.

As a result applicants linked to CSA service areas will continue to obtain DBS checks in the way that you do now.

You will be required to request, complete and submit a DBS application form provided by CIW - and we will need to check and countersign the application before sending it to DBS. We will advise you how to pay the required fee.

Once you receive your new certificate you will need to present the certificate to CIW – either in person or by secure post.

We recommend that you subscribe to the DBS Update Service at that point as you will be able to enjoy the benefits associated with the service.

**Q.30 I already use the DBS Update Service for my job and as a volunteer. Is this acceptable to CIW?**

Only if the certificate you used to subscribe to the service was counter-signed by CIW.

The Care Standards Act 2000 does not allow us to accept a DBS certificate that was not counter-signed by us. Therefore, you will need to apply for a new check as described above.

### **Third party queries**

**Q.31 who and where is the third party provider I will have to use?**

CIW intends to approve and appoint a third party provider during 2018. We are currently undergoing a procurement exercise to appoint an external provider and, when this is complete and the provider appointed, we will publish the information on the [our website](#). The third party provider we propose to put in place will enable you to apply for a check and also benefit from the speed, efficiency and convenience of an online service.

Child minders or sole providers running small businesses who are not on the [DBS Update Service](#) and need a DBS check, cannot request a check directly and need to use a licensing body – also known as an '[umbrella body](#)'.

We recognise that not everyone will be able to use an umbrella body and in the short term therefore some will still need to use CIW to process their check.

**Q.32 will the new arrangements apply to the DBS checks we manage for the staff we employ?**

No. The new arrangements only apply to individuals who register with CIW and do not have an employer or use an umbrella body to process DBS checks. If the individual has an employer who can arrange the DBS check, they should also use another route to attain a DBS check.

Checks for staff not registered with CIW will continue to be managed as before.

**Q.33 as the registered person/responsible individual, I'm already using a third party provider for my staff; why must I use yours to process my own check?**

The registered person or the responsible individual will need to apply for their check through the CIW; unless they are already on the DBS Update Service.

An individual cannot act as an employer to confirm their own identity or eligibility for a DBS check. These checks need to be undertaken by an employer, or where there is no employer, by the regulator. When established, the third party provider set up by CIW will undertake these checks on our behalf and will be the approved body to process checks for sole providers, registered persons and responsible individuals and others who are unable to use an umbrella body.

## **The DBS Update Service**

**Q.34 what is the DBS Update Service and why should I use it?**

The DBS [Update Service](#) is an online subscription service that is operated by DBS - not by CIW.

DBS Certificates for use in the social care sector must be an enhanced level check *with* barred list check and for the correct workforce area.

Whilst we strongly recommend that you register for the DBS Update Service you do not have to do so. There are however, a number of clear benefits for you in doing so and these include:

- An online service that is convenient to use;
- The ability to manage your own DBS check for employment and volunteering purposes;
- Not having to renew your certificate three yearly - as long as you maintain your DBS Update Service subscription and no new information is revealed during your status check;



- Saving you the time and expense of having to travel to a CIW office to renew your DBS certificate;
- CIW can now accept the assurance of the DBS Update Service (for almost all applicants), even if (in most cases) your original DBS certificate is not countersigned by Welsh Ministers;

The DBS Update Service lets you keep your DBS certificate up to date and allows employers to check your DBS status online; with your consent. You can use your certificate again when you apply for another position in the same workforce area, where the same type and level of check is required. As a result, individuals may no longer have to apply for a new DBS check every time they apply for a job or change roles.

We want the social care workforce in Wales to recognise the many benefits of the Update Service and view their subscription as a necessary and normal part of their professional standing.

**Q.35 how much does the DBS Update Service registration cost?**

Registration lasts for 1 year and currently (as of April 2018) costs £13 per year (payable by debit or credit card only). The DBS Update Service registration must be paid by the card holder annually.

**Q.36 how do I join the DBS Update Service?**

You can join the Update Service using your DBS application form reference number when you apply for a DBS check or during the application process via [this link](#)

**Q.37 how long do I have to join the Update Service once I receive my certificate?**

Once you receive your new DBS certificate, you must register with the Update Service within the time limit set by DBS. This is currently (April 2018) within 30 days of the certificate being issued.

**Please note:** These are the requirements of the DBS; the Update Service is operated by DBS **not** CIW. Please refer to DBS Update Service requirements on the [DBS website](#) to ensure you have the latest information.

**Q.38 can I join the Update Service without having to apply for a new DBS check?**

No. Only applicants who apply for a DBS check can join the DBS Update Service. The rules on [Joining the DBS Update Service](#) are determined by the DBS not CIW.

**Q.39 what if I've missed the chance to join the Update Service?**

When your current DBS check is due for its three yearly renewal or your DBS status changes, you will need to apply for a new check. You can then join the DBS Update Service at that point.

**Q.40 will I be reminded when to renew my subscription payment to the DBS Update Service?**

Yes. If you opt to automatically renew your subscription DBS can send you an e-mail reminder when your renewal is due.

If you haven't opted to automatically renew your subscription, you'll receive an email reminder 30 calendar days before your subscription is due to expire. You will need to [log in to your account](#) and make a payment within 30 days before your subscription ends.

DBS have published a [range of guidance](#) about the Update Service on their website. Included in this guidance is detailed information on [renewing your subscription to the update service](#) and automatic renewals.

**Q.41 what if I don't keep up my payments or renew my subscription to the DBS Update Service?**

Responsibility for renewing your subscription to the DBS Update Service lies with you. If you don't renew your subscription annually you will need to apply and pay for a new check and then re-subscribe to the DBS Update Service using your new certificate. This will mean that the full 'year 1' charges will again apply (ie. the full DBS fee *and* Update Service subscription).

**Important: If you fail to maintain your Update Service subscription or fail to renew your DBS certificate, CIW will consider you to have breached the terms of your registration.**