Disclosure and Barring Service (DBS) Checks

Guidance for Applicants
Disclosure and Barring Service Checks

Guidance for Applicants

This guidance provides the following information:

Introduction .................................................................................................................................................. 3
Some important points to remember: ......................................................................................................... 3
Who can apply for a DBS check with CIW .............................................................................................. 4
How to arrange for a DBS check via CIW ............................................................................................... 5
Charges and payment method .................................................................................................................. 5
Submitting your DBS application to CIW ............................................................................................... 6
Presenting your DBS certificate to CIW .................................................................................................... 7
‘Positive’ information contained on DBS certificates ............................................................................... 8
Lost certificates ........................................................................................................................................... 8
Changes of name ...................................................................................................................................... 8
Renewing your DBS certificate through CIW .......................................................................................... 9
The DBS Update Service .......................................................................................................................... 9
Undertaking status checks of your DBS Update Service record .............................................................. 10
DBS renewal frequency ............................................................................................................................ 11
‘POVA First’ checks (DBS Adult First checks) ......................................................................................... 12
What we do with the information we receive from you ......................................................................... 13
Information sharing between Welsh Government/CIW and DBS .................................................................. 13
Annex 1 - Who needs to apply for a DBS check with CIW? ................................................................. 15
 Disclosure and Barring Service Checks
 Guidance for Applicants

Introduction
The Disclosure and Barring Service (DBS) was established in 2012 and replaced the previous Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). It provides a service that combines both criminal record checks and details of ‘barred’ individuals.

DBS checks help ensure that people who work with children and vulnerable people do so on the basis that information relating to criminal convictions or cautions is made known. All people who provide and/or work in social care services are required to have a current DBS certificate. Most of these are processed through employers or umbrella bodies.

Some important points to remember:

- Only persons who are legally eligible for a DBS check may obtain one.
- All DBS checks for people working in social care roles with direct or potential access to children and vulnerable people must be for an enhanced with barred service check.
- Your DBS check needs to correspond with the work force area you are employed or involved in.
- CIW strongly encourage the use of the DBS Update Service for all social care workers across Wales as this offers a number of positive benefits.
- CIW will always need to be assured that an applicant is who they say they are. All new applications and re-registrations will require ID checking of applicants as part of the registration process and this must be done in person.
- If you use the DBS Update Service, CIW will always need to see the original copy of your DBS certificate.
- CIW do not receive copies of DBS certificates. Therefore we will need to see your original certificate to complete your registration or renewal application.
- From April 2018 applicants seeking a DBS check via CIW will need to pay the £44 fee charged by DBS for processing your check.
- CIW will continue to pay the DBS fee for all applications submitted prior to April 2018.
**Who can apply for a DBS check with CIW**

Some people must obtain their DBS certificate via CIW. This is necessary where they are required to register with us and are unable to process their own DBS application – or where CIW is legally required to countersign their application. This also applies where people are required to renew their certificate three yearly but cannot otherwise obtain a check themselves.

For a full list of people required to make a DBS application and/or renew their DBS certificate (also see Annex 1).

Social care services in Wales are governed by different legislation that varies slightly in the way they relate to DBS checks - and therefore who is required to obtain their check via CIW, as follows:

**Regulation and Inspection of Social Care (Wales) Act 2016** (care home; domiciliary support or residential family services)

For applicants seeking to register (or re-register) under the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) a current DBS check is required as part of your application submission. By ‘current’ we mean that the certificate must be less than three months old. If your latest certificate is more than three months old you will need a new check/certificate.

As a general rule, you should obtain a current DBS certificate from your employer. If you are self-employed or a sole provider and are unable to obtain a DBS check yourself, CIW can process an application for you.

**Care Standards Act 2000** (fostering/adoption and adult placement services)

For applicants looking to register with us, CIW will probably be required to counter-sign and process your DBS application. Even if you use the DBS Update Service, the Act does not allow us to accept a DBS certificate that was not counter-signed by us.

Therefore, we can only accept your DBS Update Service check if the certificate used at the time you subscribed was counter-signed by us. Otherwise you will be required to complete a new DBS application provided by us which we then counter-sign and send to DBS.

**Children and Families (Wales) Measure 2010** (Childcare and Play Services)

CIW will continue to provide DBS checks where required – these include child minders; household members; registered persons and responsible individuals. We will accept a DBS certificate that has been obtained via another route (an umbrella body for example), but we will always need to see the original certificate.
From April 2018 CIW will no longer process DBS checks for Persons in Charge (PICs); the checks relating to their employment will be the responsibility of their employer.

**How to arrange for a DBS check via CIW**

If you are:

- unable to obtain a DBS check via your employer;
- self-employed;
- unable to use an umbrella body; or
- your application must be counter signed by CIW,

You can arrange for a DBS check via CIW and you should:

**a.** Contact a CIW office and request a DBS application form.  
*Please note:* you must complete a DBS application form provided by CIW.

**b.** Complete the DBS application form we provide. The ‘DBS application form: guide-for-applicants’ is available and this will provide you with step-by-step guidance on completing your form.

**c.** Provide identity documents in accordance with DBS guidance submit with your DBS application:

**Important:** It is your responsibility to ensure you correctly complete the application form and submit the appropriate current and valid documents. Failure to do so will prevent your application from being countersigned and submitted and could possibly delay your application to register; or result in us being unable to complete your registration.

**Charges and payment method**

Historically CIW has met the cost of DBS checks for individuals in Wales who are required to register with us; or in the case of household members, responsible individuals and PICs, required to undertake checks with us.

To bring CIW in line with other UK regulators, all applicants will be required to meet the full cost of their DBS checks from April 2018. This will apply to all service areas and apply to all DBS checks undertaken by CIW.

A DBS check currently costs £44. This cost is set by DBS and CIW cannot change this.

From April 2018 payment will be by on-line method only – CIW are unable to accept cash or cheque payments. You will be required to pay once their DBS
application has been checked, but prior to counter-signing (Please telephone 03000 252500).

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 their service.

**Submitting your DBS application to CIW**

CIW cannot accept incomplete applications. If your application is incomplete or you bring supporting documentation that is incorrect, you will be asked to resubmit or return with the correct documentation. This is likely to delay your registration application and in the event of a DBS certificate renewal you may be at risk of delaying your check and breaching your registration requirements.

a. **For new (initial) DBS applications**

All new DBS applications (ie. new time applications involving persons registering for a new service with CIW) must be presented in person. This allows CIW the opportunity to confirm that the identity documents used can be matched to the applicant. This is DBS guidance and CIW cannot allow any exceptions.

Postal applications for new DBS applications cannot be accepted

**To submit your DBS application in person you will need to;**

- Contact your nearest CIW office to make an appointment;
- If you are submitting a registration application* at the same time, you will need to allow approximately one hour for your registration application to be checked for ‘completeness’ and your DBS application and ID documents to be checked.

*does not apply for RISCA services which are on-line applications.

**Please note:** You cannot submit a registration application made under RISCA without providing details of a current DBS certificate.

b. **For DBS renewals**

Applications for DBS renewals can either be presented in person (see above) or by using secure post. Supporting ID documents are required for your DBS renewal.

Whilst we would prefer that you present your application in person, we recognise that this is impractical for some people living in remote locations.
We therefore recommend that you post your completed DBS application (and supporting ID documents) to us using secure mail (a recorded delivery or track and trace service for example is more secure and will provide proof that you have sent the documents). We cannot however accept responsibility for any application lost in the post on the way from you to CIW.

**Important:** If you post your DBS renewal application to us, you must always send it to a [CIW office](#) – do not send it directly to the Disclosure and Barring Service. We will check, complete, counter-sign and send your application to DBS. We will also advise you how to make your online payment.

Before we complete your renewal application we will contact you by telephone to advise you on how to make your online payment. Once this is done we will counter-sign and send your application to DBS.

**Please note:** Incomplete applications will be returned to you by secure post for re-submission. This may delay your registration application and, in the event of a DBS certificate renewal you may be at risk of delaying your check and breaching your registration requirements.

**Presenting your DBS certificate to CIW**

It is important to remember that CIW will not receive a copy of your DBS certificate and you will therefore need to present your original certificate to CIW. This can be done in one of two ways:

- a. To present your original DBS certificate in person you can contact a [CIW office](#).

**Or:**

- b. Post your original certificate, (not a copy), to a CIW office. We recommend a secure postal delivery service. A recorded delivery or track and trace service for example is more secure and will also provide proof that you have sent the documents. We cannot accept responsibility for any DBS certificate lost in the post on the way from you to CIW.

**Please note:**

- CIW will return your certificate to you, at the address you have provided, by secure post.
- If the DBS certificate includes details of offences, we may be in touch with you to discuss them further if we haven’t been made aware of these.
- Any delay in presenting your DBS certificate, or a refusal to do so, may delay your application to register or result in us being unable to
complete, and therefore determine, your registration. In the case of a DBS renewal any delay or failure may put at risk your continuing registration status.

- For DBS renewals, where the certificate is provided after the expiry date of your previous DBS certificate you may be in breach of your registration requirements and your registration status may be at risk.

**‘Positive’ information contained on DBS certificates**

If CIW are presented with a ‘positive’ certificate (ie. one which contains details of a conviction or caution), we will need to consider it further.

We will look at the nature of the offence(s); how long ago it took place; how old you were at the time and whether it was an isolated issue. In some cases we will need to discuss this with you - especially if we were previously unaware of the information being presented.

If you are required to attend an interview / discussion regarding a positive disclosure CIW will contact you directly to arrange this.

**Lost certificates**

It is important to remember that we will not receive a copy of your DBS certificate. Your DBS certificate will only be sent to you and DBS will not re-issue your certificate.

If you then lose or mislay your certificate and cannot present it to CIW as required, you will need to make a new application. You will be required to pay the DBS fee (and any administrative fee) for this. Losing your certificate may delay your registration application.

In the case of a DBS renewal losing your certificate and delaying the renewal of your certificate may put you at risk of breaching the requirements of your registration. Your registration status may therefore be at risk as a result.

**Note:** DBS allow applicants to request a ‘Subject Access Request’ of their information. However, this will only include the certificate number and details of all information held about you. It will not confirm the date of issue or the fact that CIW were the counter-signatory. CIW is therefore unable to accept a ‘Subject Access Request’ statement in place of a current certificate.

**Changes of name**

Many applicants will need to provide details in their DBS application relating to a change of name – for example as a result of marriage, change by deed poll or divorce for example.
You will need to tell us about any previous names you have used or been known by and provide documentary evidence to support each name change. Again, you will need to use the identification documents required by DBS. Where possible, ‘Route One’ documents should be relied upon in the first instance.

If you cannot provide full documentary evidence to support each name change we will take a reasonable and proportionate approach. We will clarify with you any gaps in supporting documentation and the reasons you give will be recorded when you present your ID documents. A senior manager will be asked to consider situations where supporting documentation cannot be provided and they will decide whether this will affect the outcome of your registration application.

**Renewing your DBS certificate through CIW**

Some people need to renew their DBS certificate on a three yearly basis (See Annex 1).

**Responsibility for this lies with you as the certificate holder and not with CIW.**

You will need to contact a CIW office to request and complete a DBS application form. You have a ‘three month window’ to do this during the three month period before your certificate expires.

If you fail to submit a DBS application to renew your certificate and allow your current certificate to expire, CIW will consider you to be non-compliant with the terms of your registration. The area inspector for your service will be informed and will consider what action is appropriate to take.

However, if you subscribe to the DBS Update Service (see the following sections) you will not need to renew your certificate with us unless:

- new information comes to light; or
- you fail to maintain your subscription to the service (see below).

**The DBS Update Service**

For an annual subscription fee you can have your DBS Certificate kept up-to-date and take it with you from job to job within the same workforce area where the same type and level of check is required. CIW strongly recommends that all social care workers in Wales subscribe to the Update Service. The benefits of this are:

- It is a convenient and quick system;
● It offers ‘portability’ of your certificate so you can take it from job to job (including working as a volunteer) within the same workforce area;
● There is no need to renew 3 yearly (if there is no new information and you maintain your subscription);
● It will save you the time and expense of travelling to a CIW office to renew and present your certificate;
● You are in control of your DBS certificate.

Further information on the Disclosure and Barring Update Service is also available

Undertaking status checks of your DBS Update Service record

CIW will, with your permission, undertake status checks of your on-line record. How we do this will depend upon which service area you work in.

a. If you work in a childcare and play or RISCA service and have a current (ie. no more than three years old) DBS certificate that:

● CIW has seen;
● relates to the workforce area you are applying for;
● relates to the required check level ( Enhanced with Barred check); and
● your are registered with the DBS Update Service in relation to this certificate; pay the annual subscription fee and give CIW consent to carry out a status check on your DBS information through the Update Service.

We will accept this regardless of whether your original certificate was countersigned by Welsh Ministers and will be able to carry out a status check of your Update Service record.

b. If you work in a service that operates under the Care Standards Act 2000 (fostering, adoption or adult placement service) your uploaded certificate must have been countersigned by Welsh Ministers and seen by us.

If you do not meet the above criteria, you will need to complete a new DBS application form and have it countersigned by CIW on behalf of the Welsh Ministers. You may then opt to subscribe to the DBS Update Service at the time you make your application or within 30 days of receiving your new certificate.

Important:
● In either scenario above you will need to give CIW consent to view your DBS certificate online using the Update Service.
• If you don’t keep up your payments of the annual subscription fee to the [DBS Update Service](https://www.gov.uk/government/publications/dbs-update-service-guidance-for-applicants), or new information becomes available during your on-line check, you’ll need to apply for a new DBS check.

CIW will periodically view your DBS Update Service record. If a check reveals a change in your status this means that new information has been added to your record. You will be required to make a new DBS application so that we can view and consider the new information.

**DBS renewal frequency**

People who work in services that operate under the [Children and Families (Wales) Measure 2010](https://www.gov.uk/government/publications/children-and-families-measure-2010) (ie. a child minding or children's day care service) and the [Regulation and Inspection of Social Care (Wales) Act 2016](https://www.gov.uk/government/publications/regulation-and-inspection-of-social-care-acts-1992-2016) (care home; domiciliary support and residential family services) the law requires employers to renew their employees’ (enhanced) DBS checks every three years if they are to remain current.

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 or vulnerable adults.

CIW recommends the use of the Update Service across the social care sector in Wales. This will mean that three yearly renewals are not necessary as long as the certificate holder maintains their annual subscription and no new information is made available. This should always be done with an employee’s agreement.

For services that operate under the [Care Standards Act 2000](https://www.gov.uk/government/publications/care-standards-act-2000) (Adult Placement Services, Fostering and Adoption agencies) the various regulations provide that registered persons must not allow a person to work or volunteer at the service unless they are “fit” to do so. This includes a requirement that each person must have a DBS certificate that is current.

Registered persons are required to assure themselves of the ongoing fitness of their workers. This includes ensuring that people who are employed in their service continue not to pose a risk to the people who use it. Failure of a registered person to do so will call into question their own fitness.

CIW will expect to see evidence that registered persons keep the suitability of their workers under review. Requiring employees to renew and present their DBS certificate on a regular basis will help evidence this. Where employees subscribe to the DBS Update Service, employers can, with their employees' agreement, regularly check current DBS certificates without the need for a formal renewal application. This will provide evidence of
compliance in this area. CIW strongly recommend this approach for all social care services in Wales.

‘POVA First’ checks (DBS Adult First checks)
With the inception of the DBS, the former ‘POVA First’ check has been replaced by the DBS Adult First check. This check can only be used for people working in adult care home and adult placement services; it cannot be used for people working in domiciliary care agencies and is not available for people employed to work with children.

It provides a check against the adult barring list and is not a substitute for a fully checked DBS certificate. It is always best practice for employers to ensure that prospective employees apply for and present their full DBS certificate before they commence work.

The DBS First check is designed to be used in exceptional circumstances and should not be seen as a standard recruitment approach. It is not a ‘short cut’ for addressing staff shortages or other recruitment/retention issues. Examples where it might be considered could include;

- An unforeseen staff shortage caused by the illness, death or resignation of staff members which has the potential to place people using the service at risk; or
- A situation where specific skills are required in response to, or in anticipation of, the changing needs of a person using the service and the employer must recruit the right staff at short notice.

Where an employee is appointed on the basis of a DBS Adult First check, all other recruitment checks (for example references; proof of qualifications; identity; professional registration or medical reference) must be in place and be satisfactory. Staff appointed on this basis should not be permitted to work in the service unsupervised until their fully checked DBS certificate is issued to them and presented to their future employer.

Where they are required to directly support a person using the service they should only do so when accompanied by an established staff member. The prospective employee should not be required to work alone. This general rule should be applied irrespective of the nature of their involvement and whether that involves providing direct personal care or ‘socialising’ with people using the service.

It is entirely appropriate for a prospective employee who is subject to a DBS Adult First check to be able to take part in induction and other necessary
training or become familiar with prospective colleagues, the organisation of the service, its policies and procedures and the needs of people who use it.

**Important: Registered providers are responsible for ensuring that the people they employ do not pose a potential risk to the people they support and that every reasonable step has been taken to ensure this.** Not doing so may constitute a regulatory failure and may be the subject of enforcement measures up to and including prosecution.

**What we do with the information we receive from you.**

CIW will always aim to safely manage and store any information that you send to us. We will not request information from you unless it is needed to fulfil our regulatory role – this helps us carry out our registration, inspection and enforcement functions. Some information we receive is required for our electronic records – your name; contact and registration details for example.

Where we receive original documents from you we will always aim to consider and return them by return of post. This might include, for example, your DBS certificate or identity documents. We will use secure post to do this.

Where we cannot consider the document immediately, we will photo-copy the original and return this to you. We will securely store the copy and, once we have considered it, destroy it by shredding. Normally we will not need to store a photo-copied document for any longer than 20 working days.

We may need to contact you further to discuss some information and this may mean we may store the copied document for a longer period of time. We will not however, retain any document for any longer than we require it.

For more information please see CIWs own [Privacy Policy](#) and also the [DBS Privacy Policy](#).

**Information sharing between Welsh Government/CIW and DBS**

Welsh Government/CIW and DBS are required by law to share information in certain circumstances. These include:

- Where we have cancelled an individual associated with working in a regulated activity because of a caution or conviction that constitutes a relevant (automatic barring) offence.
- Where DBS requests information regarding a current or former registered individual
- Where the DBS advises of its decision on whether or not to place an employee/worker on a barred list
Where, following a specific request from us, DBS makes a status check for prospective registered individuals who will be carrying out work defined as a 'regulated activity' relating to children and vulnerable adults.

In addition, we have the power to refer an individual to DBS where it has concerns relating to:

a) A caution or conviction for a relevant (automatic barring) offence; or where a person has been or is engaged in relevant conduct; or they satisfy the harm test

And...

b) We believe that the person has been or might in future be engaged in regulated activity and may consider it appropriate for the person to be included in a barred list.

Referral to DBS will take place even where the person has applied to voluntarily de-register, or has left or been dismissed from their employment.

We will always inform you if we refer you to DBS and this will be done in writing at the time we make the referral. We will provide you with details of the referral upon request – any information we hold about you will be managed securely and shared on a 'need to know' basis.

Where DBS are considering whether to include or remove a person from a barred list, CIW may be required to provide DBS with any prescribed information it holds in relation to that person. CIW must comply with these requests.
Annex 1 - Who needs to apply for a DBS check with CIW?

<table>
<thead>
<tr>
<th>Services operating under the Care Standards Act 2000</th>
<th>Initial Applications</th>
<th>Renewals*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Provider</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>New Registered Provider</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Responsible Individual (Initial appointment only**)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>New Responsible Individual (succeeding an initial appointment)</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Manager</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>New Manager</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

*Persons subscribing to the Update Service are not required to renew their certificate via CIW if they have given permission for us to carry out a status check of their on-line certificate.

** ie. The first responsible individual (RI) appointed by an organisation as part of an initial application to register, but not;

a) Other RIs subsequently appointed to work in parallel with that responsible individual within the same organisation;

b) Or a responsible individual already acting for a registered service/provider, but who is now looking to take on that role as part of a new initial application for another service or provider.
<table>
<thead>
<tr>
<th>Services operating under the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial Applications</strong></td>
</tr>
<tr>
<td>Individual Provider</td>
</tr>
<tr>
<td>Responsible Individual</td>
</tr>
<tr>
<td>New Responsible Individual (succeeding an initial appointment)</td>
</tr>
</tbody>
</table>

*Persons registering (or re-registering) under RISCA are required to present a ‘current’ DBS certificate (ie. less than three months old) in support of their application. This should be obtained via their employer. If the person is self-employed, or is otherwise unable to obtain a DBS certificate via an umbrella body, a DBS application can be obtained from CIW who will undertake the check.

**Persons subscribing to the Update Service are not required to renew their certificate if they have given permission for CIW to carry out a status check of their Update Service record. If not the certificate holder must renew their certificate via their employer every three years - as will all staff employed in RISCA related services. If the person is self-employed, or is otherwise unable to obtain a DBS certificate via an umbrella body, a DBS application can be obtained from CIW who will undertake the check.
### Services operating under the Children and Families (Wales) Measure 2010

<table>
<thead>
<tr>
<th></th>
<th>Initial Applications</th>
<th>Renewals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Person</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>New Registered Person</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>Responsible Individual (at initial appointment)</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>New Responsible Individual (succeeding an initial appointment)</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>Child Minders</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>Child Minder's Household members**</td>
<td>✓*</td>
<td>✓*</td>
</tr>
<tr>
<td>Child Minder Assistant***</td>
<td>✗*</td>
<td>✗*</td>
</tr>
</tbody>
</table>

*Persons subscribing to the Update Service are not required to process or renew their certificate via CIW if they have given permission for us to carry out a status check of their on-line certificate and CIW have had sight of that original certificate. If not the certificate holder must renew their certificate via their employer every three years. Only if they are self-employed may they obtain a DBS check via CIW where is no other option for this.

**Important: In Child Minding services all household members who have reached the age of 16 years are required to have a current DBS certificate – checks will need to be undertaken by CIW.

***Where a registered Child Minder employs one or more assistants, they too will require a current DBS certificate. This is the responsibility of the Child Minder. If the assistant is self-employed they may obtain a DBS check via CIW if there is no other option for this.