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Disclosure and Barring Service

A guide for Children's Entertainers and freelance entertainers

What is the Disclosure and Barring Service (DBS)?

The DBS is a checking service for employers who are legally entitled to ask about an applicant's criminal background. The service was launched on 1st December 2012 effectively replacing the system of Criminal Records Bureau (CRB) checks that was previously in place. The new body is a merger between the Criminal Records Bureau and the Independent Safeguarding Authority (ISA).

Why did the system change?

In its last term of office the previous Labour government was moving forward with introducing a new system called the Vetting and Barring Scheme (VBS). This would have gradually put together a live database of those suitable to work with children or vulnerable adults to replace the previous system of paper certificates. The advantage would have been that checks would be always up to date and portable between employers. The main problem was that it was estimated that around 9 million adults would have needed to have been on this database under the rules at the time. When the coalition government was elected they suspended the introduction of the scheme and held a review and then looked at scaling back the system to 'common sense levels'. The recent changes were then included with the Protection of Freedoms Bill which was enacted during 2012.

Where does it apply?

These changes in the law apply in England, Wales and Northern Ireland only. Scotland has its own system under Disclosure Scotland which is not covered fully in this information sheet.

How does this affect Children's Entertainers?

In relation to children, the Protection of Freedoms Act 2012 defines 'Regulated Activity' as activity which a barred person must not do. The definition of this activity is much more tightly defined than it used to be and only those who regularly carry out largely unsupervised activities with children or vulnerable adults would need to be checked. Most freelance work in schools would not meet this criteria as the work is generally supervised so there should be no need for a check. This would also go for a lot of other work connected to local authorities and the public sector in general. Checks

have never been needed for work in private homes or for general children's party work and that remains the same.

What if an employer says I need a check?

There are some roles undertaken by Equity members which do constitute 'Regulated activity' and in that case a check would be needed. If that is the case then the employer, you would expect, would organise and pay for that on your behalf. Likewise for some volunteering roles a check would be needed and the charity or organisation should also be able to undertake the check and there would not normally be a charge for this.

It may, however, be the case that an employer (or agent) is asking for a check because they misunderstand the rules and a check is in fact not required. The employer could well be breaking the law by requesting such a check and that should be discussed with them if you feel you do not need one for the role. You can contact Equity for advice if you have a problem with this.

A number of employers who were registered with Equity's Job Information Service used to request a CRB then a DBS check but many, on discussion with the member of staff concerned, dropped this requirement.

Can I get a check myself?

If an employer says you need a check and will not get it done for you then, as with any previous system, an individual cannot get a check done on themselves. This is because the basic premise of a check is to ask an individual about their criminal background and it would then be an individual asking themselves! A check, however, can be obtained through an Umbrella Body. Such Umbrella Bodies can be found online through the Home Office website and Equity has links with some which its members can use. Please contact Michael Day on the details below. Unless a check is actually a requirement of your work then Equity would not suggest obtaining a check.

How much do checks cost?

The check needed for work with children is the 'Enhanced with barred list checks'. This checks various lists of those who are barred from working with children or vulnerable adults. The DBS charges £44 for the check, which normally takes about 4 weeks to process, and the Umbrella Body would add on an admin fee in the region of £15 + VAT.

What is the Update Service?

A system called the Update Service was introduced in the summer of 2014 and allows employers to access up to date information about your certificate online. You need to register for the Update Service within 19 days of your certificate being issued and pay an annual fee of £13.

Further information can be found on <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/>

What if there is something on my certificate, will it stop me working?

From 29th May 2013 old and minor offences were 'filtered' such that they did not appear on new certificates. This had presented a problem for a small number of members who had perhaps accepted cautions for minor offences when they were much younger and this information was appearing on a check. Where offences do appear on a certificate it is unlawful under the Rehabilitation of Offenders Act 1974 for an employer to refuse employment on the basis of a spent conviction. There are exceptions to this, however, for certain roles which is likely to include those which contain regulated activity.

Why do some employers suggest getting a check from Disclosure Scotland?

Through the Disclosure and Barring Service covering England and Wales there is no system whereby an individual can directly obtain a certificate themselves. Through Disclosure Scotland, however, an individual can apply for a basic level disclosure for the fee of £25. This shows only unspent convictions throughout the UK and can easily be applied for online. Some employers are now asking for individuals to provide this for many different types of work across the UK. Other than for certain roles employers are not allowed to ask about spent convictions under the Rehabilitation of Offenders Act 1974 but can ask about unspent convictions and this certificate backs up the applicant's statement. It is expected that these certificates will become available through the DBS in the future.

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