Safeguarding Children: Promoting Welfare – Protecting From Harm

Harmful behaviour outside of the workplace – should this be referred to DBS?

Disclosure & Barring Service

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Today’s aim

To consider what is harmful behaviour outside of the workplace and if it should be referred to the DBS

What is harmful behaviour?

What is harm?

- Harm is the detrimental effect or impact of an action or inaction (the abuse or neglect)
- It can be a psychological/emotional or physical injury
- The impact of abuse on individuals can differ greatly from person to person depending on the circumstances of the abuse and their ability to cope with the aftermath or consequences.

Abuse leads to harm

Abuse	Harm
The act/s of commission or omission	The result
The behaviour	The impact/ the effect

The role of DBS

The Disclosure and Barring Service, also known as DBS, is responsible for the delivery of disclosure and barring functions on behalf of government.

We operate **disclosure** functions for England, Wales, Jersey, Guernsey, and the Isle of Man under Part 5 of the Police Act 1997, supported by the following:

- Rehabilitation of Offenders (Exceptions Order) Act 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

We also operate **barring** functions for England, Wales, and Northern Ireland under the following:

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

Types of barring referral

Referral type	Discretionary	Autobar	Disclosure information
Referral source	• Employers • Agencies • Keepers of Registers • Supervisory authorities	• Specified convictions and cautions from PNC • Autobars without representation • Autobars with representation	Enhanced with Barred List(s) DBS checks that include convictions, cautions, or police intelligence
Representations	Yes, in all cases	Yes, but only where allowed – set out in law	Yes, in all cases
Appeal	Appeals may be made to the Upper Tribunal on a point of law or error in facts		
Request review	Under 18 – one year; 18 to 24 – five years; 25 and above - ten years; a material change		

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, or been convicted 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

What is harm?

A person’s conduct endangers a child or adult if they:

- harm a child or adult
- cause a child or adult to be harmed
- put a child or adult at risk of harm
- attempt to harm a child or adult
- incite another to harm a child or adult

Harmful behaviour transferring into the workplace

- Bullying, belittling, intimidation, verbal abuse
- Domestic Abuse
- Discriminatory abuse – protected characteristics
- Sexual harassment
- Neglect of children - Poor parenting
- Physical assault/sexual assault
- Verbal abuse - Use of inappropriate language
- Theft
- Sharing of inappropriate social media content
- Misuse of drugs or alcohol

Barring Decision Making

Risk Assessment Factors

What are they at risk of doing?

What is the potential harm?

Is the behaviour transferable?

What is the likelihood?

- Barring decisions are only as good as the information received

- It is important that anyone referring someone to us provides as much information as possible

- Missing information could undermine any decision made – either to Bar or take No Action

- Enquiries are only made to the relevant parties if the referral form or documents supplied indicate further information may be available

- We only make requests for information we believe is relevant and necessary to help us make a barring decision

Final messages

- Where an organisation knows that harm has occurred, they should consider whether a referral is appropriate even if a vulnerable person was not involved
- If making a referral and you know that harm has occurred outside of the workplace (domestic violence or coercion for example) you should consider telling us about it
- More information regarding barring referrals can be found in our barring referrals guidance.
- If you are unsure, ask. Remember if you don’t make the referral, who will?

Resources and useful links

- DBS Guidance Leaflets
- DBS Barring Referral Guidance
- DBS Barring Referral Form and Guidance
- How to make a Good Quality Barring Referral

How to contact us

Regional Outreach:
Email: DBSregionaloutreach@dbs.gov.uk
Partnerships Team:
Email: DBSEngagement@dbs.gov.uk

Further information - Disclosure:
Helpline: 03000 200 190 | Email: customerservices@dbs.gov.uk

Further information - Barring:
Helpline: 03000 200 190 | Email: Contactus@dbs.gov.uk

Website: www.gov.uk/dbs
Facebook: https://www.facebook.com/dbsgovuk/
Twitter: https://twitter.com/DBSGovUK

Please get in touch for bespoke support:

- Questions about DBS checks, eligibility, and regulated activity
- Support with making barring referrals and the 'legal duty to refer'
- Delivery of training and workshops directly to your team or network
- Support your training programmes that require DBS information
- Provide us feedback so we can improve our DBS products and services

How to contact us – Regional Outreach Advisers

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