

Information Sheet

Eligibility for DBS Disclosure applications

A DBS check cannot be undertaken on anybody below the age of 16 years. The appointment of a person under the age of 18 years to a role that is eligible for a DBS check requires careful consideration of their capability, experience and training to ensure that they can fulfil the responsibilities of the role. It is highly recommended that young people under the age of 18 years are not engaged in regulated activity within the Catholic Church in England and Wales.

Before asking somebody to apply for a DBS check you are legally responsible for making sure that the job role is eligible. This should be done before a counter-signatory signs an application.

The guides below will help you identify the type of workforce that an applicant will be working in and the level of check that the role is eligible for.

The guide is not a comprehensive list of all conditions which have to apply for the role to be eligible. The applicant will still need to meet eligibility criteria before the Registered Body considers the workforce.

<https://www.gov.uk/government/publications/dbs-workforce-guidance>

There are a number of other relevant documents that can be used to help determine whether a role is eligible for a DBS check and barred list check.

The DBS has an online eligibility tool which provides useful assistance. The tool is not intended to act as legal advice and does not cover every role.

See [DBS Eligibility Check Tool](#).

CSAS has developed an eligibility flowchart and an eligibility checklist both of which are intended to assist you in deciding whether a role is eligible for a DBS check and at what level.

http://www.csasprocedures.uk.net/files/add_id_chk_forms/dbs_eligib_f.pdf

http://www.csasprocedures.uk.net/files/add_id_chk_forms/dbs_eligib_checklist.pdf

Key terms

Regulated activity

Regulated activity is work that a barred person must not do. Regulated activity excludes family arrangements and personal, non-commercial arrangements.

Regulated activity with children comprises:

1. Unsupervised activities: teaching, training, instruction, care or supervision of children, provision of advice/guidance on well-being or driving a vehicle only for children.
2. Work for a limited range of establishments ('specified establishments'), with an opportunity for contact with children e.g. schools, children's homes, childcare premises. This does not include work by supervised volunteers.

Those who are in paid posts working 'frequently' in a specified establishment (despite being subject to supervision) are still deemed to be in Regulated Activity. Specified establishments are listed within Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, updated by the Protection of Freedoms Act 2012.

Guidance about [regulated activity with children](#) has been published by the Department for Education (DfE).

Frequently

'Frequently' is defined as work carried out by the same person more than 3 times a month with children or overnight between 2am and 6am where there may be face to face contact with children and the work involves teaching, training, supervising, advising, guiding or caring for children.

Supervision

The generic description of supervision "means day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned." It is for each organisation to determine what is considered to be reasonable supervision in their context.

Relevant unsupervised work is only considered Regulated Activity if it is carried out 'frequently' (see definition above). If someone is carrying out health care or personal care (for example those working in such roles with children on the

Lourdes Pilgrimage) the frequency test does not apply and therefore this activity only needs to be carried out once to be considered Regulated Activity.

Those who provide the day to day management or supervision of a person engaging in Regulated Activity with children are also in Regulated Activity.

See flowchart 'Decision making tool for supervision'.

Regulated Activity with adults is defined as:

There are 6 specific categories:

1. The provision of health care by any health care professional to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional.
2. The provision of personal care which is defined as physical assistance with eating, drinking, toileting, washing, dressing, oral care or care of skin, nails or hair (but excludes hair cutting) because of the individual's age, illness or disability. This also extends to those training, instructing or providing advice on personal care provision and those who prompt and supervise the adult to do so.
3. The provision of social work (meaning a social care worker under the Care Standards Act 2000).
4. Assisting with general household matters for example assisting with managing a person's cash, paying a bill on someone's behalf or shopping due to the adult's age, illness or disability.
5. Assisting in the conduct of a person's own affairs by virtue of a lasting power of attorney for example.
6. Conveying adults to, from or between places where they would receive the above categories of service.

There is no 'frequency' criteria in respect of working with adults (people aged 18 years and over). The first time any of the above activities are engaged in it becomes Regulated Activity and the barred status of the person undertaking such activities must be checked before they provide the activity/service.

Those who provide the day to day management or supervision of a person engaging in Regulated Activity with adults are also in Regulated Activity.

More information about [regulated activity with adults](#) is available from the Department of Health (DH).

Contractors

Contract staff who are not undertaking [Regulated Activity](#) or [Work with Children](#) and do not come within the [DBS Eligibility Criteria](#) e.g. maintenance or building contractors carrying out work in a school or care home, do not have to obtain DBS Disclosures.

However, any contractual staff undertaking Regulated Activity or 'Work with Children' should undergo the checks appropriate for the level of work undertaken.