



Disclosure &
Barring Service

DBS Checks: Working with Children in the Charity Sector

This guidance provides information on criminal record checks in England, Wales, the Channel Islands and the Isle of Man.



Understanding DBS checks

The DBS offers four different levels of Disclosure Check. These are as follows:

- **Basic Disclosure Checks** will disclose details of any unspent convictions and conditional cautions. Anyone can apply for a Basic Disclosure Check themselves via our website or via an organisation registered with the DBS to submit basic checks (known as Responsible Organisations). There is a fee for a Basic Disclosure Check. This fee also applies to volunteers.
- **Standard Disclosure Checks** will disclose details of spent and unspent convictions, cautions, warnings and reprimands. Standard Disclosure Checks should only be applied for when an individual is taking on a role or carrying out activities mentioned in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Individuals can't apply for their own standard check, only an employer or recruiter can apply via an organisation registered with the DBS (known as a Registered Body). There is a fee for a Standard Disclosure Check, but it is free of charge for volunteers.
- **Enhanced Disclosure Checks** will disclose the same information as a standard check but can also include other non-conviction information that the police believe is relevant to the workforce applied for. Enhanced Disclosure Checks should only be applied for if a role meets the definition of 'work with children' (the child workforce) and/or 'work with adults' (the adult workforce) or falls into the 'other workforce'. Only an employer or recruiter can apply via an organisation registered with the DBS (known as a Registered Body). There is a fee for an Enhanced Disclosure Check, but it is free of charge for volunteers.
- **Enhanced Disclosure with Barred List Checks** will disclose the same information as an Enhanced Disclosure Check and include a check of the Children's Barred List, the Adults' Barred List or both, depending on which group the individual is working with and whether the role is eligible.
- If someone is included on a barred list, it means that they must not carry out 'regulated activity' within the workforce they are barred from and an employer must not employ them in that role. Only an employer or recruiter can apply via an organisation registered with the DBS (known as a Registered Body). There is a fee for an Enhanced Disclosure Check with Barred List Checks, but it is free of charge for volunteers.

The minimum age at which someone can be asked to apply for a DBS check is 16.

Definition of a charity

If your organisation is registered with the Charity Commission and has a registered charity number, it is a charity. If your organisation is not registered with the Charity Commission, it may still be a charity. The Charities Act 2011 defines a 'charity' as an institution that:

- Is established for charitable purposes only; and
- is subject to the control of the High Court's charity law jurisdiction

The Charity Commission have published guidance on their website for more information:

<https://www.gov.uk/government/publications/what-makes-a-charity-cc4>

Definition of a volunteer

For DBS purposes, the definition of a volunteer is set out in the Police Act 1997 (Criminal Records) Regulations 2002. If a role is eligible for a Standard or Enhanced Disclosure Check, the charity must ensure it meets the criteria set out in the definition below before submitting a free-of-charge Disclosure application:

A 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 other than, or in addition to, a close relative.

If the role satisfies both parts of this definition the 'volunteer' box on the application form can be marked and the application will be free of charge.

Someone carrying out unpaid work as part of a course of study that would lead to a qualification isn't considered to be a volunteer for DBS purposes. Work experience which is intended to make someone more employable is also not classed as voluntary work.



Eligibility for DBS checks

Access to Standard and Enhanced Disclosure Checks is controlled by the law.

The law doesn't say when a Standard or Enhanced Disclosure Checks 'must' be carried out, but it does specify when a DBS check 'can' be applied for. Organisations may produce their own guidance stating when they want DBS checks to be requested, but this guidance must comply with the law that allows a DBS check to be applied for.

Anyone can apply for their own Basic Disclosure Check via our website – it doesn't have to be for recruitment purposes and there's no eligibility criteria that needs to be met.

Standard and Enhanced Disclosure Checks should only be applied for when someone will be carrying out the activities that would make them eligible for a check. They shouldn't be applied for because someone 'may in the future' carry out that work.

The Safeguarding Vulnerable Groups Act 2006 specifies that when a child is aged 16-17 and is in any kind of paid or unpaid employment, those who teach, train, instruct, care for or supervise them, or those who provide them with advice and guidance as part of their employment aren't in regulated activity with children. This means that they are not eligible for a Standard or Enhanced Disclosure Check. If the child is under 16 and in any kind of employment, then the person teaching, training etc. them would be in regulated activity (if the period condition is met).

Working or volunteering for a charity

Not all roles working or volunteering for a charity are eligible for a Standard or Enhanced Disclosure Check.

Help on how to work out whether eligibility exists is available on our website

www.gov.uk/government/collections/dbs-eligibility-guidance

Here are some examples of different types of charity roles.

Trustees of children's charities

Any trustee of a children's charity can be asked to apply for an Enhanced Disclosure Check in the child workforce. For the trustee role, there's no eligibility for a Children's Barred List Check.

For DBS purposes, a charity is a children's charity if the charity workers/volunteers include those who carry out work that falls into the legal definition of regulated activity with children. Regulated activity with children is defined at **Annexe A** of this leaflet.

However, a trustee of a children's charity may also carry out other roles for that charity. Before they are appointed, (or if their role changes) organisations should assess any other responsibilities against the eligibility criteria to see whether the activities being done fall under the definition of regulated activity with children. This would allow them to ask the trustee to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. If the trustee is also in regulated activity, both roles should be made clear in the position applied for field.

Charity retail workers

Anyone working in retail, e.g. charity shops, can apply for a Basic Disclosure Check – regardless of whether they are working with children or not. Whether organisations can apply for Standard or Enhanced Disclosure Checks on their workers depends on who they're working with, what activities they're doing for them and how often they do them.

For someone working in retail to be eligible to apply for a Standard or Enhanced Disclosure Check, they must be undertaking activities which meet the eligibility criteria for those checks. In specific circumstances described on the following page, the age of the child affects eligibility.

Where someone has specific responsibility for:

- teaching, training, instructing, caring for or supervising a child who is under the age of 16 in relation to their employment; or
- providing a child under the age of 16 with advice or guidance on their emotional, educational or physical well-being in relation to their employment; and
- they do this on more than 3 days in any 30-day period

this is regulated activity.

Where someone has specific responsibility for:

- teaching, training, instructing, caring for or supervising a child who is age 16 or 17 in relation to their employment; or
- providing a child who is 16 or 17 with advice or guidance on their emotional, educational or physical well-being in relation to their employment

this is not regulated activity

The day-to-day manager or supervisor of a shop worker who is in regulated activity with children is also in regulated activity with children. This means the manager or supervisor can be asked to apply for an Enhanced Disclosure Check in the child workforce, including a Children's Barred List Check.

Please see our guidance on eligibility for individuals working in the Child Workforce on our website www.gov.uk/government/collections/dbs-eligibility-guidance for more information.

Example

A 15-year-old student is undertaking a Duke of Edinburgh placement at a local charity shop

A charity shop worker has responsibility for training and supervising the 15-year-old two days a week for three months. She is in regulated activity with children. This means she can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. In this scenario, the shop worker's supervisor would also be in regulated activity and can be asked to apply for the same level DBS check.

If the charity shop worker does this only one day a month for six months, she can still be asked to apply for an Enhanced Disclosure Check in the child workforce, just without the Children's Barred List Check.

Other people working in the shop alongside the 15-year-old won't be eligible for a Standard or Enhanced Disclosure Check. They can apply for a Basic Disclosure Check.

A 17-year-old student is undertaking voluntary work at the local charity shop

A charity shop worker has responsibility for training and supervising the 17-year-old two days a week for three months. The law says that the activities she is undertaking are not regulated activity because of the age of the student. She doesn't do anything else that would make her eligible for a Standard or Enhanced Disclosure Check. This means she can be asked to apply for a Basic Disclosure Check.

Fundraising Events

As an activity itself, fundraising for a charity generally doesn't make an individual eligible for a Standard or Enhanced Disclosure Check unless the criteria within sections 1, 2, 3, or 4 of **Annexe A** are met and someone else is making a suitability decision about the fundraiser. In this case, fundraisers would be in regulated activity with children and so eligible for an Enhanced Disclosure Check in the child workforce including a Children's Barred List Check. If they met the relevant criteria of sections 2, 3 or 4 but were carrying out the role less frequently, they wouldn't be in regulated activity, but would still be eligible for an Enhanced Disclosure Check, just without a Children's Barred List Check.

Someone who is marshalling an event, e.g. a sponsored walk or 5k run where only children participate, could be a volunteer or employee of the charity, so eligibility may exist for the charity to request a DBS check if they carry out the activities mentioned in the '15-year-old work experience placement in a charity shop' section. If they don't carry out these activities, the charity can ask the individual to apply for a Basic Disclosure Check.

As a participant in this type of event, an individual won't be volunteering for or employed by the charity, so the charity can't request Standard or Enhanced Disclosure Checks on these individuals.



Roles in Schools

Volunteering in schools

Those volunteering in schools may be eligible for a Standard or Enhanced Disclosure Check, depending on the activities they carry out and whether they are supervised by someone who is in regulated activity.

If the individuals volunteering in schools are carrying out any of the activities in parts 1-4 in the definition in **Annexe A**, they are in regulated activity with children and the charity/school can request an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check.

If they meet the criteria in part 4 but they are supervised by someone else who is in regulated activity, then they aren't in regulated activity themselves. However, they are still eligible for an Enhanced Disclosure Check in the child workforce, just without a Children's Barred List Check.

Paid workers in schools

Members of the school governing body, including the clerk can be asked to apply for an Enhanced Disclosure Check in the child workforce without a check of the Children's Barred List.

Those who teach, train, instruct, care for, supervise, provide advice or guidance to children, will be in regulated activity if they carry out these activities on more than 3 days in any 30-day period. This means they can be asked to apply for an Enhanced Disclosure Check in the child workforce with a check of the Children's Barred List. If they carry out the activities less frequently, they can apply for an Enhanced Disclosure Check without a check of the Children's Barred List.

Other people in schools who are not carrying out the activities above e.g. cleaners, admin staff can also be asked to apply for Enhanced Disclosure Checks with a check of the Children's Barred List if they meet the criteria in part 4 of **Annexe A**.

Charities providing care to children

Anyone providing personal care or healthcare by, or under the direction of a healthcare professional is in regulated activity with children regardless of how frequently they do this. They can be asked to apply for an Enhanced Disclosure Check in the child workforce with a check of the Children's Barred List.

Those providing any form of treatment or therapy for children that isn't personal care or healthcare, for example complementary therapies like acupuncture, hypnosis, massage; can be asked to apply for an Enhanced Disclosure Check in the child workforce without a check of the Children's Barred List if they do this work with children on more than 3 days in any 30-day period.

Counselling/mentoring roles

Any role, whether paid or unpaid, that involves providing counselling or mentoring to children relating to their physical, emotional or educational well-being will be in regulated activity if it is carried out frequently enough i.e. more than three times in any 30-day period, **or** at any time between 2am and 6am (with the opportunity for face-to-face contact with children). This gives eligibility for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. Again, anyone managing or supervising a counsellor on a day-to-day basis would also be in regulated activity and be eligible for the same level DBS check.

If the counselling/mentoring is provided less frequently, the counsellor will not be in regulated activity but, can be asked to apply for an Enhanced Disclosure Check in the child workforce, just without a Children's Barred List Check. This does not extend to anyone managing or supervising the counsellor in this scenario.

Faith positions

As with nearly all charity positions, faith roles are not named in legislation and so are not automatically eligible for a Standard or Enhanced Disclosure Check.

Those making suitability decisions should consider the activities that the people working/volunteering for faith organisations are carrying out, who they are carrying them out for, where they are carried out and how often, to determine eligibility.

Guidance on our website www.gov.uk/government/collections/dbs-eligibility-guidance, including our electronic eligibility tool and workforce guides will help you to decide whether a role is eligible, and if so, which level of DBS check is suitable.

Example

Crèche in a church hall

Workers/volunteers working directly for the crèche, i.e. caring for or supervising children more than three times in any 30-day period, can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. This is in line with the Office for Standards in Education's (Ofsted) registration regime.

Other people working or volunteering on the church premises whilst the crèche is open, but who aren't there for the purpose of the crèche could only be asked to apply for a Basic Disclosure check. This also applies to childcare facilities based within other premises, e.g. crèches in the work place.

Choir leader with mixed age group

Even if a choir is made up of both children and adults, if the choir leader meets the criteria in part 2 or part 4 of [Annexe A](#), because children are expected to attend, they are in regulated activity with children.

This means that the church can apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. They shouldn't request a DBS check in the adult workforce unless the relevant criteria detailed in the 'Working with adults in the charity sector' leaflet are met.

Faith-based education – e.g. Sunday schools/madrassas

Charities providing education in religious settings can ask those responsible for teaching, training, instructing, caring for, supervising or providing advice or guidance to children to apply for an Enhanced Disclosure Check. If they are providing these activities more than three times in any 30-day period, **or** at any time between 2am and 6am (with the opportunity for face-to-face contact with children), they are in regulated activity and can also request a check of the Children's Barred List.

Driving for a charity or as a volunteer

Drivers are only eligible for Standard or Enhanced Disclosure Checks in very specific circumstances. Whether the work is paid or unpaid doesn't change what level of DBS check is available. In all cases the driving must be done as part of a formal third-party arrangement, for example a school bus service, i.e. not a personal arrangement between friends or neighbours.

Drivers are carrying out regulated activity with children if they are driving a vehicle being used only for conveying children, including their carers or supervisors, and doing this on more than three times in any 30-day period. If the driver meets these criteria they can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check.

If they are driving a vehicle being used only for conveying children, including their carers or supervisors but less frequently, they aren't in regulated activity, but are still eligible for an Enhanced Disclosure Check in the child workforce, just without a Children's Barred List Check.



Telephone helpline workers

Helpline call handlers may be eligible for a standard or Enhanced Disclosure Check depending on whether they are providing advice or guidance as part of their role, who they're providing it to and how often they are providing it. Whether the role is paid or unpaid doesn't affect what level of DBS check they can be asked to apply for.

For example, a charity helpline is set up wholly or mainly for children and provides advice and guidance to children on their emotional, physical and educational well being. If the helpline call handlers provide this advice and guidance more than three times in a 30-day period, then this is regulated activity with children. The charity can request an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check for any helpline call handler doing this work.

If the helpline call handler is providing the advice and guidance to children less frequently, they are still eligible for an Enhanced Disclosure Check in the child workforce, just without a Children's Barred List Check.

Helplines that are set up for any member of the public, i.e. not aimed specifically at children, can only ask their workers/volunteers to apply for a Basic Disclosure Check.

Internet chat room moderation

Moderators of chat rooms set up to be used mainly by children can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check if they are doing it for the purpose of protecting the children and they are doing this often enough.

These moderators must do one of more of the following:

- Be monitoring the content of the service;
- Be able to remove or prevent the addition of content to the service; **or**
- Control access to the service.

Moderators must also:

- Have access to the content of the service;
- Have contact with the children using the service, whether this is online or face-to-face; **and**
- Do this more than three times in any 30-day period, **or** at any time between 2am and 6am (with the opportunity for face-to-face contact with children).

If they don't do this often enough but meet all of the other conditions they can still be asked to apply for an Enhanced Disclosure Check in the child workforce, just without the Children's Barred List Check.

There's no eligibility for people who build the chat rooms or websites to be asked to apply for a Standard or Enhanced Disclosure Check. People in these roles can be asked to apply for a Basic Disclosure Check.

Fostering and adoption charities

Adoption

Adopting a child is not regulated activity, but those arranging the adoption can ask prospective parents and any household members aged 18 and over to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check.

Foster carer

Foster carers can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. This is because foster care is named in the Safeguarding Vulnerable Groups Act (SVGA) 2006 as a regulated activity with children. The foster carer is paid and so is not entitled to a free of charge check.

Fostering household members

As they are living with someone who is carrying out regulated activity in their home, household members aged 18 and over are eligible to be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. Household members are not in regulated activity themselves though. Because the foster carer is paid, this application will not be free of charge. In private fostering circumstances a DBS check can be requested on household members aged 16 and over.

Respite carers and back up support roles

If they are named and assessed as part of the overall fostering registration arrangement and meet the requirements of regulated activity (see [Annexe A](#)), respite carers and those in backup support roles can be asked to apply for an Enhanced Disclosure Check in the child workforce with a Children's Barred List Check. Because the foster carer is paid, these applications would not be free of charge. This is regardless of whether the applicants are paid to provide the respite or supporting roles.

If these roles are not named and assessed as part of the fostering registration and are just a personal arrangement with the foster parents, then there is no eligibility for a Standard or Enhanced Disclosure Check.

Fostering/adoption Service or Agency staff

Those working in fostering or adoption who have contact with the children or access to sensitive or personal information about children can be asked to apply for a Standard Disclosure Check.

Fostering/adoption panel members

Members of a fostering or adoption panel can be asked to apply for an Enhanced Disclosure Check in the child workforce without a check of the Children's Barred List.

ANNEXE A – Definition of regulated activity with children

Regulated activity is something that must not be done by a person who is barred. If someone is included on the Children's Barred List, they must not apply to work in a role that involves regulated activity with children.

If someone who knows they're barred from regulated activity with children applies for work that meets the definition of regulated activity below, they are committing an offence; as is anyone who allows them to work in a role involving regulated activity knowing that they are barred. Both could be liable for up to 5 years imprisonment and/or a fine.

An organisation that has any number of roles that meet the definition of regulated activity is known as a 'regulated activity provider'. These organisations have a legal duty to make referrals to the DBS when they believe a person has caused harm or poses a future risk of harm to vulnerable groups, including children. They also must provide information to DBS when requested to do so by us and may be fined unless they have a reasonable excuse for not providing the information.

Regulated activity can fall into one of 4 parts below:

Part 1

The following activities only need to be carried out **once** to be regulated activity with children:

- Providing personal care – which is:
 - physical help with, or prompting and then supervising a child in connection with eating or drinking because the child needs it due to their illness or a disability; or
 - providing any form of training, instruction or guidance to a child in relation to eating or drinking because the child needs it due to their illness or a disability; or
 - physical help with, or prompting and then supervising a child in connection with toileting, washing or dressing because the child needs it due to their age, illness or a disability; or
 - providing any form of training, instruction or guidance to a child in relation to toileting, washing or dressing because the child needs it due to their age, illness or disability.
- Providing health care by, or under the direction or supervision of a regulated health care professional.

Part 2

The following activities need to be carried out more than three times in any 30-day period, **or** at any time between 2am and 6am (with the opportunity for face-to-face contact with children) to be regulated activity with children:

- Teaching, training or instructing children, unless the teaching, training or instruction is incidental to teaching, training or instruction of people who are not children. If the individual doing these activities is supervised by someone else who is in regulated activity with children, then they are not in regulated activity themselves so are only eligible for an Enhanced Disclosure Check without a Children's Barred List Check.
- Caring for or supervising children, unless the care or supervision is incidental to care for or supervision of people who are not children;
- Providing any form of advice or guidance wholly or mainly for children relating to their physical, emotional or educational well-being; this does not include legal advice.

Individuals don't need to be in contact with the same children over this time frame – it can be with any number of different groups/individuals.

Part 3

The following activities need to be carried out more than three times in any 30-day period to be regulated activity with children:

- Moderating an internet chat room which is likely to be used wholly or mainly by children
- Driving a vehicle specifically for children, including anyone supervising or caring for the children, as part of a formal third-party arrangement.

The following activities are also regulated activity with children:

- Day-to-day management or supervision of a person carrying out regulated activity
- Being a foster carer

Part 4

If charity workers/volunteers aren't carrying out any of the activities explained in parts 1-3, they could still be carrying out regulated activity with children if they do their work in certain establishments and meet certain criteria.

The establishments are:

- An educational institution exclusively or mainly for the provision or full-time education of children
- A pupil referral unit
- A provider of nursery education
- A detention centre for children
- A children's home or a home provided under the Children Act 1989
- A children's centre (managed by or on behalf of, or under arrangements made with, an English local authority, through which early childhood services is made available, and at which activities for young children are provided, by way of early years provision or otherwise)
- Relevant childcare premises
- A children's hospital **in Wales only**

If the charity workers are working in any of the establishments listed above, they must also meet **all** the criteria below:

- They work there more than three times in a 30-day period, or overnight between 2am and 6am with the opportunity for face-to-face contact with the children; and
- They have the opportunity, because of their job/role, to have contact with the children in the establishment; and
- They work there for the purpose of the establishment; and
- It is not temporary or occasional work; and

- If they are unpaid, to be in regulated activity they must not be supervised by someone else who is in regulated activity. If they are in a paid role, they can be supervised by someone else and still be in regulated activity.

These criteria are aimed at ancillary roles e.g. admin staff, cleaners etc.

Work with Children – where an individual is not in regulated activity but still has contact with children they may be eligible for an Enhanced Disclosure Check without a check of the Children's Barred List. This is described as 'work with children'. This includes situations where the individual would be in regulated activity but do not do the activity often enough. You can find out more about this on our website at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735505/Child_workforce_guide_v10_0_030818.pdf

Further information can be found on the DBS website. You may find the following pages useful.

www.gov.uk/find-out-dbs-check (Our eligibility tool)

www.gov.uk/government/publications/dbs-workforce-guidance

Information about regulated activity with adults is also available from the Department of Health and Social Care (DHSC).

www.gov.uk/government/publications/new-disclosure-and-barring-services



Information about regulated activity with children is also available from the Department for Education (DfE).

www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf

NHS employers provide a range of sector specific guidance on their website and have an eligibility tool for NHS roles

www.nhsemployers.org/case-studies-and-resources/2017/04/dbs-eligibility-tool

Information on checks available in Scotland can be obtained from Disclosure Scotland:

<https://www.mygov.scot/organisations/disclosure-scotland/>

Information on checks available in Northern Ireland can be obtained from Access NI:

<https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks>





Disclosure & Barring Service

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