

Information Sheet - Duty to Refer to the Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) helps employers and organisations make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The DBS was established under the Protection of Freedoms Act 2012.

There is a legal requirement for an employer or organisation to make an online referral to the **Disclosure and Barring Service (DBS)** when it believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

The following groups have the duty and the power under the Safeguarding Vulnerable Groups Act 2006 to make a referral to the DBS:

Duty to Refer

- Regulated activity suppliers (employers and volunteer managers); and
- Personnel suppliers.

Power to Refer

- Local authorities (safeguarding role);
- Education and library boards;
- Health and social care (HSC) trusts (NI);
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council;
- Supervisory authorities e.g. Care Quality Commission, Ofsted; and
- If the person being referred to the DBS is a teacher in England they should also be referred to the National College for Teaching and Leadership.

The DBS has expert caseworkers who process referrals about individuals who have harmed or pose a risk of harm to children and/or vulnerable groups.

They make decisions about who should be placed on the child barred list and/or adults' barred list and are prevented by law from working with children or vulnerable groups.

An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

If the person you are referring to the DBS is a teacher in England and the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the ~~local authority~~ Designated Officer within the local authority should discuss with the case manager and their personnel adviser whether a referral to the DBS for consideration of inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching (see **Keeping Children Safe in Education (2015)**).

Guidance on making a referral to the DBS can be found using the following link: [DBS barring: making a referral booklet](#)

Further information and guidance, including factsheets and instructions can be found in the DBS referrals guidance.