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Disclosure and Barring Service

A handy introduction for employers / engagers in the entertainment industry in England, Wales and Northern Ireland

Who is this introduction for?

This introduction is designed to assist organisations or individuals who engage or employ freelance actors, entertainers or performers in roles which involve contact with children or vulnerable adults.

THIS DOCUMENT IS DELIBERATELY BRIEF AND SHOULD THEREFORE NOT BE TREATED AS A FULL STATEMENT OF THE OF THE LAW IN THIS AREA. FOR MORE DETAILED INFORMATION YOU SHOULD SEEK ADVICE FROM THE APPROPRIATE GOVERNMENT WEBSITES, OR BODIES THEMSELVES, SOME OF WHICH ARE REFERENCED AT THE END OF THIS DOCUMENT, OR OBTAIN FORMAL LEGAL ADVICE.

What is the Disclosure and Barring Service (DBS)?

The DBS is a checking service for employers who are entitled or legally obliged to ask about an applicant's suitability to work with vulnerable groups, including children, through its criminal record checking and barring functions. The service was launched on 1st December 2012 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).

Where does it apply?

These changes in the law apply in England and Wales only. Scotland has its own system under Disclosure Scotland and Northern Ireland under AccessNI which are not covered fully in this document although references are provided at the end.

What is a DBS check?

A DBS check is essentially a check on an individual's criminal past though it can reveal other information held by the police which may suggest the applicant is a risk to vulnerable groups. There are different levels of check which are Standard, Enhanced and Enhanced with Barred Lists. The **Standard** check shows spent and unspent convictions, cautions, reprimands. The **Enhanced** additionally includes information held by local police that will be included if relevant to the job role. The **Enhanced with Barred Lists** check indicates whether the applicant is barred from working with

children or adults. A DBS check has no official expiry date although many individuals are now registered for the Update Service so their live information can be accessed by an employer or the individual.

When does an individual need to have a DBS check?

Where the person to be engaged or employed will be working with children or vulnerable adults there may be a need for a DBS check. If you consider a DBS check necessary, you have a legal duty to check that the proposed job is actually eligible for a check. The Disclosure and Barring Service's publication, A Guide To Eligibility for DBS Checks can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/409805/DBS_guide_eligibility_v7.pdf

If you have checked that the role you will be employing an individual in is eligible for a DBS check, preferably by seeking the advice of the DBS if there is any doubt, then you can get the application form from the DBS website if your organisation is registered to carry out checks or from an umbrella body. The current cost of getting a DBS check done can be found on the following webpage: <https://www.gov.uk/disclosure-barring-service-check/overview> and an umbrella body will normally charge an administration fee on top of between £10 and £20. For volunteers the service should be free. The individual will need to supply proof of ID. The timescale for getting such a check is normally around 4 weeks. When advertising the role it should be made clear that a DBS check will be required at that stage, as well as whether the employer or the individual will be providing and/or paying for it. An employer should only arrange a DBS check on a successful job applicant. The job offer can be withdrawn if the results show anything that would make the applicant unsuitable.

Even if a DBS check is not required by law isn't it a good idea for an employer to ask for an individual to provide a certificate anyway to be on the safe side?

No, a check should not be obtained for an individual who doesn't need one. It should be noted that an employer can only ask for a barred list check for specific roles. It is a criminal offence to ask for a check for any other roles.

Some actors and entertainers put on their advertisements that they are CRB or DBS checked. Does that mean they are safer?

It cannot be assumed that an individual in possession of a clean DBS or CRB certificate is necessarily any more suitable to be left in sole charge of children or vulnerable adults than an individual without such a certificate. It is therefore not good practice to rely on such a document as the only measure to protect children or vulnerable adults.

What is good practice when engaging Children's Entertainers for one-off or private events?

Although this kind of role should not require a DBS check, it is always good practice to ensure that there is always at least one other responsible adult present and the entertainer is not left in sole charge of children. Indeed, many of Equity's contracts for freelance performers state this as a condition of the contract.

References

The links below are to official government sites and documents relating to this topic:

The Disclosure and Barring Service site: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Definition of 'regulated activity' in relation to children:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE.pdf

The Disclosure and Barring Service advice sheet for employers: <https://www.gov.uk/dbs-check-requests-guidance-for-employers>

Government leaflet:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97875/leaflet-england-wales.pdf

References for Scotland

The parallel system in Scotland is administered by Disclosure Scotland under the Protecting Vulnerable Groups Act Scheme. The relevant information for employers in Scotland can be found here: <https://www.disclosurescotland.co.uk/index.htm>

References for Northern Ireland

The equivalent organisation in Northern Ireland is AccessNI which can be accessed via this link: <http://www.nidirect.gov.uk/accessni-criminal-record-checks>

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