

Volunteers and criminal record checking

This information sheet gives an overview of criminal record checking for volunteers. Organisations working with children or vulnerable adults have to take steps to keep them safe, and criminal record checks – ‘disclosures’ – are part of their armoury.

This can be a complicated area. The purpose of this guidance is to give an overview – please refer directly to the DBS for definitive information. This information sheet includes:

- The different forms of disclosure, and what they reveal
- How to find out whether you are allowed to obtain checks on your volunteers
- An overview of the process
- How to make a recruitment decision based on what came back on a disclosure

What is the Disclosure and Barring Service?

The Disclosure and Barring Service (DBS) is the body that provides criminal record checks (‘disclosures’) in England and Wales. It replaced the Criminal Records Bureau in 2012, though you may still hear many people refer to ‘CRB checks’. The Home Office is responsible for overseeing the DBS.

In addition to criminal record checking, the DBS also maintains the lists of people considered unsuitable for working with children or vulnerable adults.

What kind of disclosures are there, and what information do they reveal?

The DBS provides 3 forms of disclosure:

- Standard disclosure
- Enhanced disclosure
- Enhanced disclosure with barred list check

In general, any role that involves working with children or vulnerable adults will be checked at the enhanced levels.

| Disclosure | What they include |
|---------------------|--|
| Standard disclosure | Spent and unspent convictions Cautions, warnings and reprimands |
| Enhanced disclosure | Spent and unspent convictions Cautions, warnings and reprimands |

| | |
|--|---|
| | Additional relevant information held by local police forces |
| Enhanced disclosure with barred list check | Spent and unspent convictions Cautions, warnings and reprimands Additional relevant information held by local police forces Inclusion on children/adult workforce barred lists held by the DBS |

Some minor offences will no longer come up on a disclosure through a process known as 'filtering'. There are a number of conditions that must be met for this to happen:

- It must be their only conviction (multiple cautions can be filtered, as long as the required time period has passed).
- There was not a custodial (or suspended) sentence.
- The offence was not one from a prescribed list (these include those of a violent or sexual nature, and drugs offences related to supply)

In addition, sufficient time must have passed since the caution or conviction. This will vary depending on how old the person was at the time:

| | Under 18 | 18 or above |
|------------|-----------|-------------|
| Caution | 2 years | 6 years |
| Conviction | 5.5 years | 11 years |

When are we allowed to carry out criminal record checks?

The roles that can be checked are defined in law. You should take reasonable care that you are only asking for disclosures on volunteers who fall into the relevant categories. In the past the DBS (and before that the CRB) have been pretty poor at providing plain English information on this topic, but they recently added a useful tool to their website. By answering a series of questions it lets you know whether your roles can be checked: <https://www.gov.uk/find-out-dbs-check>

The categories are set out in further detail here: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>. However they can be a little hard to navigate, but if you'd like further information please contact the Volunteer Centre.

In general, your volunteers must be working directly with children or vulnerable adults. In some regulated settings ('specified places' within DBS jargon) such as schools and care homes the opportunity for contact with a vulnerable person can be sufficient reason to obtain a DBS disclosure, but for most voluntary organisations this does not apply. Therefore it is unlikely that a reception or admin volunteer (even one with access to personal records) can be checked. You should also note that handling money does not mean that the role can be checked. Organisations can ask for a disclosure for volunteers who handle cash or shopping for vulnerable adults, but cannot for fundraising or finance roles.

When must we carry out criminal record checks?

Some organisations have a legal obligation to carry out checks on volunteers. These are organisations regulated by the government via agencies such as Ofsted and the CQC, e.g. schools and care homes. For most organisations however, it is their decision as to whether or not to carry them out. In most cases, where they are entitled to a disclosure for a role their duty of care suggests they should – that is, it would be a reasonable step to take to protect vulnerable people.

How do we access criminal record checks?

There are two routes for obtaining disclosures. Organisations that process at least 100 checks a year can register directly with the DBS. If you won't carry out so many then you'll have to go through what the DBS call an 'umbrella body'. This is an organisation that processes disclosures for other bodies - there is a directory of them on the DBS website: <https://www.gov.uk/find-dbs-umbrella-body>

Organisations that register directly have to pay £300 and put forward staff members as 'countersignatories' – people whose job it is to ensure that applications are carried out correctly.

Can we accept an old disclosure? How long do disclosures last?

There is no expiry date on a disclosure. Unless you are an organisation that is compelled by regulation to carry out a check when recruiting staff and volunteers the decision is up to you as to whether or not to accept a disclosure carried out on the individual for a prior job or volunteer role.

Clearly though, the longer ago the disclosure was carried out the more chance there is that new information has come to light in the meantime. Many organisations will not accept a previous disclosure at all. One consequence of this however is that some volunteers have to wait many weeks to start volunteering when they do have a recent check.

There is a system in place to ease the movement of people between jobs or volunteer roles that require checks. It's called the 'update service'. Individuals can sign up to it when they have disclosure carried out on them (it's free for volunteers). Once registered, if the person moves from one role to another working with a similar client group the new organisation will be able to look online to see if there is any new information on the person's criminal record since their previous disclosure was printed. If not, they can make an immediate recruitment decision based on what they know. If new information has arisen they will need to carry out a new disclosure to find out what it is. More information on the update service is on the DBS website: <https://www.gov.uk/dbs-update-service>

Is there a charge for volunteer disclosures?

Disclosures for volunteers are free at the point of the DBS. However if you have to go through an umbrella bodies they will charge an admin fee per disclosure, typically around £10-15. The directory of umbrella bodies does give an indication of cost: <https://www.gov.uk/find-dbs-umbrella-body>

Is obtaining disclosures all we need to do to keep people safe?

It is important not to over-rely on criminal record checks. They are an important and useful tool for keeping people safe, but of course can only tell you where someone has been caught in the past. Therefore see them as part of an overall approach to safeguarding rather than its cornerstone. See the further information section for links to guidance on this issue.

Our volunteer roles don't fall into the DBS' categories, can we just ask for a check anyway?

Knowingly asking for checks that you are not entitled to could lead to problems for your organisation. You could be in breach of the Data Protection Act 1998, the Rehabilitation of Offenders Act 1974 and the Police Act 1997, as well as the DBS code of practice. You should take reasonable steps to ensure that you are complying with the rules – e.g. by using the DBS tool referred to above.

Can we check volunteers who are from overseas?

In general you can. Note that the DBS can only check a person's criminal record in this country. They do however provide guidance on how to get the equivalent of a disclosure from other countries: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

If a volunteer is a refugee or asylum seeker then of course you should not require them to contact the embassy or other authorities from their home country. In this case you have to make a decision about how comfortable you are with someone you cannot check in that particular role. You might decide to put in extra safeguards such as ensuring that the volunteer is always accompanied, or change the role slightly to remove aspects of higher safeguarding risks.

What should we tell volunteers about the disclosure process?

You should let potential volunteers know when a role requires a disclosure. Do remember though that people might not understand exactly what this means, and/or have misconceptions or anxieties about the process.

It's important to be clear that any information about a person's criminal record will remain completely confidential. In fact, you have legal duties to ensure this is the case – you would be in breach of the Data Protection Act to pass this information on to anyone who does not have need to see it as part of the recruitment process.

You should also let potential volunteers know that having a criminal record is not in itself a barrier to volunteering, and that your recruitment decisions are based on fair assessments of the individual and their criminal record (see the section below on making a decision for further guidance).

It would also be sensible to provide some basic information on disclosures, or link to the government's overview of the DBS: <https://www.gov.uk/disclosure-barring-service-check/overview> .

One other consideration is the length of time that it might take for the disclosure to return. They can take a couple of months to be processed. There's a danger that this gap between going through a recruitment process and actually starting volunteering could lead to volunteers losing interest and finding something else to do with their time. This can be hard to tackle – at the very least you should let potential volunteers know, so that they are prepared for the wait. You could also consider other ways of involving the individuals – perhaps starting training, or involving them in activities where the safeguarding risks are low – so that you don't lose their initial enthusiasm.

How do we make a recruitment decision based on what has come back on a disclosure?

In some cases a person's criminal record would clearly make them unsuitable for certain roles – e.g. a sexual offence. However beyond such clear-cut examples it can be hard to know how to make a decision. It is important to consider equal opportunities for ex-offenders, and balance this with your need to protect vulnerable people. A blanket refusal to accept volunteers with a criminal record will mean that you will miss out on a large number of potential volunteers, and will deny many people the opportunity to benefit from volunteering.

There are some questions you can consider when assessing a person's criminal record:

- *The nature of the offence.* How relevant is it to the role?
- *How long ago the offence was committed.*
- *Circumstances at the time of the offence.* There may be circumstances that were associated with the person's offending, which have now changed – for example a period of homelessness, drug addiction or teenage gang membership.
- *Whether there is a pattern of offending.* Does the person appear to have moved on from their offending behaviour?
- *The person's attitude to the offending/volunteering.* Volunteering offers many people the chance to learn new skills, gain work experience, and give something back to the community – it can offer ex-offenders a great opportunity to turn their life around. Many people with a prior criminal record want to give something back, and show that they have moved on

Further information

Disclosure and Barring Service pages:

- DBS home page: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- Basic overview: <https://www.gov.uk/disclosure-barring-service-check/overview>
- Detailed guidance: <https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>
- Eligibility guidance: <https://www.gov.uk/government/collections/dbs-eligibility-guidance>
- Eligibility tool: <https://www.gov.uk/find-out-dbs-check>

NCVO Safeguarding guidance:

<https://knowhownonprofit.org/people/volunteers/keeping/safeguarding-volunteers>

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