



DBS referrals guide: employers and volunteer managers – when to make a referral to the DBS

Purpose

This guide provides general guidance on when an employer of people who work (paid or unpaid) with children or vulnerable adults is required to make a referral to the DBS.

What is a referral?

A referral is information regarding a person working in regulated activity with children or vulnerable adults which notifies us of concerns that harm or risk of harm has occurred to a child or vulnerable adult. A referral is made on the DBS Referral Form and is usually provided to the DBS by an employer or volunteer manager.

For more detailed information see the [DBS referral guidance and referral form](#) on our website or call the barring helpline on 01325 953 795.

When to refer - specifics

The Safeguarding Vulnerable Groups Act (SVGA) 2006 and Safeguarding Vulnerable Groups (Northern Ireland) Order (SGVO) 2007, place a legal duty on employers, volunteer managers and personnel suppliers (employment agencies, employment businesses and some educational institutions) of people working with children or vulnerable adults to make a referral to the DBS in certain circumstances. This is when an employer, volunteer manager or personnel supplier has **dismissed or removed** a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned etc.) because the person has:

1. been cautioned or convicted for a relevant offence; or
2. engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or
3. satisfied the harm test in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists].

The legal duty to refer to DBS applies to employers and volunteer managers even when a referral has been made to a body such as a local authority safeguarding team or professional regulator regardless of whether that body has made a referral to the DBS about the person.

1. Caution or conviction for a relevant offence

If an employee who works with children or vulnerable adults in regulated activity has been cautioned or convicted for a relevant offence the employer must make a referral to the DBS. This should be done as soon as the employer is aware of the caution or conviction.

A relevant offence is a serious offence that will, subject to consideration of representations where permitted, automatically bar a person from working with children or vulnerable adults. Relevant

offences are defined in secondary legislation. We have a plain English version of [relevant offences](#) in on our website.

2 or 3. Relevant conduct or harm test is satisfied

An employer or volunteer manager must make a referral to the DBS if the following criteria have been met:

- they have dismissed or removed the person from working with children or vulnerable adults (or would or may have done so if they had not left or resigned etc.); because
- the person has engaged in relevant conduct; or the harm test is satisfied.

A referral should not be made when an allegation is first made. The employer must first undertake an investigation and evidence gathering in order to establish if the allegation has foundation. Without evidence or information for the DBS to consider, many allegations will be quickly closed down as there will be no basis on which the DBS can proceed.

A referral should be made when the employer has gathered information and evidence to support the allegation and decided that the criteria for making a referral to the DBS has been met.

Points to note

- if you suspect that a crime has been committed you should contact the Police.
- the DBS has no investigatory powers and relies upon the evidence provided with referrals and any other evidence that it may gather.
- it is crucial that employers do not make a referral to the DBS without providing supporting evidence. The [DBS referral form](#) details the information you should provide if you have it.
- employers should, as far as possible, complete their investigations (even if the person has left their employment). This will ensure that the DBS has all available information and evidence on which to base its decision.
- if additional relevant information becomes available to an employer after making a referral, this should also be provided to the DBS.
- in all cases, the referral should be made on the [DBS referral form](#) and posted to the DBS enclosing all relevant information that the employer holds.