

DBS Eligibility Guidance

This guidance is written by SRS compliance using information from the DBS. It should be used in conjunction with [official DBS guidance](#).

Introduction

As a registered body, we can check the criminal record of anyone studying at UCL where an activity related to their studies will involve interaction with vulnerable groups. This is known as getting a Disclosure and Barring Service (DBS) check. Students are eligible to obtain a DBS through the university where, as part of the requirements of completing the course, their research or placement requires one.

Types of Check

There are different levels of DBS check which can be requested depending on the activity that the student will be undertaking. These are:

- A *basic check*, which shows unspent convictions and conditional cautions
- A *standard check*, which shows spent and unspent convictions, cautions, reprimands, and final warnings
- An *enhanced check*, which shows the same as a standard check plus any information held by local police that's considered relevant to the role
- An *enhanced check with a check of the barred lists*, which shows the same as an enhanced check plus whether the applicant is on the adults' barred list, children's barred list or both

What is the barred list?

The barred lists contain information about individuals who are barred from working in a regulated activity with either children or adults in certain circumstances.

It's a criminal offence for a person to work with a group from which they have been barred from working.

To decide whether an individual should be listed on the barred list, the DBS usually considers a range of information from the police, as well as referrals from employers, regulatory bodies, and other agencies.

The DBS considers offences (convictions or cautions), evidence of inappropriate behaviour and evidence of behaviour likely to harm a child or vulnerable adult.

Before the DBS comes to a barring decision, the individual in question is given the information the decision is based on and the opportunity to explain their case.

Eligibility

A [basic check](#) is not a legal requirement and has no eligibility requirement. These cannot be requested by UCL. The student themselves would need to request this check and this can be done on the [DBS website](#).

The eligibility for the other types of DBS checks is set out in the following legislation:

- For a standard level DBS certificate, the position must be included in the [Rehabilitation of Offenders Act \(ROA\) 1974 \(Exceptions\) Order 1975](#)

- For an enhanced level DBS certificate, the position must be included in both the [ROA Exceptions Order](#) and in the [Police Act 1997 \(Criminal Records\) regulations](#)
- To request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the [Police Act 1997 \(Criminal Records\) regulations](#) as being eligible to check the appropriate barred list(s).

What level of check is right for your student?

The eligibility for a check depends on what activity the student will be undertaking, how often, the location, if they will be supervised and who they will be working with. Each request is assessed individually based on the information provided in the Level of Check Form. Where the form includes all the relevant information, it will be easier for compliance to process the request. Please note it is not possible to request a standard or enhanced check for students conducting ethnographic studies or gathering opinion from participants. In this situation, a student could only request a basic check which they would need to complete themselves. To provide some more information on how activities are classified, please see the information below.

If you are unsure about what level of check is right for your student, please submit a [Level of Check Form](#) to compliance and we can make an assessment.

Standard DBS Check

The full guidance on eligibility for a standard DBS check can be found on the [DBS Website](#).

However, in practice, there are several types of activity which could mean a student would need a standard DBS check. The activity must not be defined as [regulated activity](#) otherwise they would be eligible for an Enhanced check with a barred list check. Regulated activity will be explained in more detail in the next section.

The examples below select work that may be relevant for students and are adapted from the legislative wording. This is not an exhaustive list and the full legislative wording is available on the [DBS website](#).

1. A student working or conducting research within the precincts of a prison, a remand centre, a removal centre, a short-term holding facility, a detention centre, a Borstal institution or a young offender's institution and members of boards of visitors (England & Wales) (Legislative wording 13). For example, undertaking research on casework in a prison or detention centre.
2. A student taking part in activity which is concerned with the provision of health services but not providing healthcare themselves, but through the work may have access to persons in receipt of health services in the course of his normal duties. For example, conducting an observation on a hospital ward or interviewing patients. (Legislative wording 14).
3. Any research which is carried out within an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service, or a fostering agency and where they may have contact with children or access to sensitive or personal information about children (Legislative wording 16).
4. If the student will have regular access to personal information relating to an identified or identifiable member of the judiciary as part of their research or placement (Legislative wording 22).
5. If the student would have unsupervised access to court-houses, offices and other accommodation used in relation to the courts or tribunal buildings, offices and other accommodation used in relation to tribunals (Legislative wording 25 and 26).

6. If a student would be working within the Office of the Public Guardian, with access to data relating to children and vulnerable adults (Legislative wording 29).

In summary, this level of check is most relevant where students are not necessarily directly interacting with a vulnerable group on a regular basis. However, the location or their access to data may require them to have a standard DBS check.

Enhanced DBS Check

The [Police Act 1997 \(Criminal Records\) regulations](#) separates eligibility for enhanced DBS checks into:

- Work with children – [the child workforce](#)
- Work with adults – [the adult workforce](#)
- Everything else – [the other workforce](#)

There are certain activities that will require an Enhanced DBS check only but there are some activities which are classified as “Regulated” which would mean that individual would also need a barred list check (Child/Adult/Both). Whether an activity is considered as regulated, can be due to the location, frequency and whether it is under supervision.

An Enhanced DBS Check only

Below are some examples of activity and circumstances working with children (anyone under 18) that would mean a student would only need an Enhanced check only (without barred list):

1. Providing unsupervised teaching, training, or instruction to children on a **one-off basis**
2. Caring for or supervising children on a **one-off basis**
3. Providing advice or guidance on physical, emotional, or educational wellbeing on a **one-off basis**
4. Driving children on a one-off basis
5. Moderating a web-based service such as a chat room, or online video call on a **one-off basis**
6. Providing supervised teaching, training or instruction on a **one-off basis**
7. Conducting an interview or activity with a child under supervision on a **one-off basis**

The above activities are **not** considered regulated activities.

If a student is working with anyone over the age of 18 who is receiving [a listed health or social care service](#) (anyone receiving healthcare, or anyone receiving care because of their age, disability or health for example prescription medication for anxiety). The full list is available in annex 1 in paragraph of the [Adult workforce guide](#) , they may be eligible for an enhanced DBS check.

Below are some examples of activity and circumstances working with adults that would mean a student would need an Enhanced check only (without barred list), all activities would need to be undertaken at least 3 times in a 30-day period or on a weekly basis to be eligible for the enhanced check.

1. Working or conducting research but not providing healthcare in a high security psychiatric service
2. Training, teaching, instructing, providing assistance, advice or guidance to [anyone in a listed health or social care service](#)
3. Working in a care home but not providing healthcare or personal care

Child Barred list

Please see the table below, where it says “yes”, this means that it is regulated activity and we would need to request an Enhanced check with the child barred list.

	Once	More than 3 days in a 30-day period	Once overnight with opportunity for contact between 2am and 6am
Teaching, training or instruction, care or supervision of children – unsupervised	No	Yes	Yes
Moderating a web service wholly or mainly for children	No	Yes	No
Advice or guidance wholly or mainly to children	No	Yes	Yes
Driving a vehicle for children	No	Yes	No
Health care or personal care	Yes	Yes	Yes

Figure 1: Table showing classification of regulated activity with children (DBS, 2021)

Further to the above, *any activity* which takes place in a school, nursery, children’s home, children’s centre, childcare premises, or detention centre and occurs on **more than 3 days in a 30-day period or overnight between 2am and 6am** would require us to ask for an enhanced check with the child barred list.

Adults Barred list

For the adults barred list, it does not matter how many times an activity takes place. If any of the below activities are going to be done once by the student, we would need to ask for an Enhanced check with adult barred list check.

- Providing healthcare (if unsupervised or supervised)
- Providing personal care such as washing, dressing, eating, drinking and toileting
- Providing social work by a social care worker to an adult who is a client or potential client
- Assisting an adult who can’t manage themselves because of their age, illness, or disability with the day-to-day running of their household relating to managing the adult’s cash; paying the adult’s bills; shopping.
- Conveying adults to, from or between health care, personal care and/or social work services who can’t convey themselves because of their age, illness, or disability

Note on Healthcare: Healthcare includes procedures that are similar to medical or surgical care but are not provided in connection with a medical condition. For example, this could be where the student is connecting a device to measure the oxygen saturation for a research study on sleep. Where the student is working under the supervision or direction of a registered healthcare professional and the activity is similar to a medical or surgical procedure then they may be eligible for the enhanced with barred list check.

Example Scenarios

A student will have access to patient's medical records as will be using them as data in their research. They will be visiting the hospital to view these records and may interact with patients during their visits but would be under supervision and would not be providing healthcare to the patients. They are only intending on visiting the hospital twice.



STANDARD DBS CHECK

The student is not providing health care but will have access to patients' records and may have access to persons in receipt of health services during their research.

A student will be visiting a primary school once a week for a month and observing lessons. They will not be unsupervised with the children.

ENHANCED DBS CHECK WITH CHILD BARRED LIST

The student is visiting the school more than 3 times in a 30-day period.



An audiology student will be completing a clinical placement at a hospital for a period of 6 weeks. They will be completing hearing assessments with children and adults. They may be unsupervised during their time with patients.



ENHANCED DBS CHECK WITH ADULT AND CHILD BARRED LIST

The student will be providing healthcare in a clinical setting with both children and adults on a regular basis for an extended period.

The student will be conducting an interview in person with children and their parents in a clinical setting. The student will be alone with the parent and child asking about sensitive information. The interview is scheduled to happen once.



ENHANCED DBS CHECK

As this is only happening once, we cannot ask for the child barred list check. However, they are working with the child in a clinical setting so we would ask for an Enhanced DBS check.

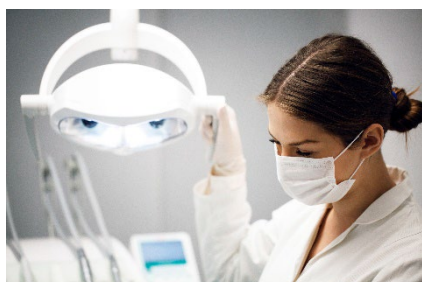
The student will be visiting schools to complete a questionnaire with children in Years 5 and 6. They may be unsupervised whilst they are helping children complete the questionnaire and will be at the school every day for a week.

ENHANCED DBS CHECK WITH CHILD BARRED LIST

The student will be visiting a school setting more than 3 days in a 30-day period so this would be considered regulated activity and would therefore need both the enhanced check and the child barred list.



A graduate dental student who will be providing dental care to adult patients only in a clinical setting during their 3-month placement



ENHANCED DBS CHECK WITH ADULT BARRED LIST

The student is providing healthcare to adults so automatically is eligible for an enhanced check with adult barred list.

A student will be running an activity with care home residents once a week for a period of 6 weeks.

ENHANCED DBS CHECK

The student will be working in a care home on a regular basis, but they are not providing personal care or healthcare so would not need the adult barred list.



A student will be accessing prisoner's data in the office at a prison. They are not meeting any prisoners but will be working at the prison site.

STANDARD DBS CHECK

Although the student will not be directly working with prisoners, they will have access to personal data and will be working at the prison so would need a standard DBS check.



A student will be conducting interviews with teachers and their students from a secondary school. They will conduct the interviews on UCL campus over a two-day period. The teachers are all DBS checked and will supervise the interviews. A member of the UCL research staff will also be present who has an Enhanced DBS check.

BASIC DBS CHECK

The student is not working with a vulnerable group unsupervised or in a setting where they may have unsupervised access to a vulnerable group. The student can request a basic DBS check only.



A student will be conducting research in a hospital with adults on a weekly basis for a period of 8 weeks.



ENHANCED DBS CHECK

The student will be working with adults in a hospital who are receiving healthcare, they will need an enhanced DBS check. They are not providing personal care or healthcare so would not need the adult barred list.

A student will be conducting data collection with children in a UCL lab on campus over a number of weeks and would be supervised by a research assistant and a professor who already hold an enhanced DBS check.

ENHANCED DBS CHECK

The student will be supervised whilst engaged in data collection with children on UCL premises. As the student would be working with a team on campus, they do not need a child barred list check.



A student will be conducting focus groups with neurodiverse adults at UCL and these will take place weekly for 2 months. The student would be unsupervised whilst conducting the research.



BASIC DBS CHECK

The focus groups will record experiences, beliefs and opinions from participants and this is not an activity which would require a DBS check. The student could request only a Basic DBS check.

A student will be working with adults diagnosed with dementia and their informal caregivers. The adults do not reside in a care home and the activity will be conducted on UCL's campus or in their homes.

ENHANCED DBS CHECK

The student will be providing guidance and instruction in relation to dementia but is not providing any form of healthcare or personal care so we would not need the adult barred list.

