

Introduction

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a legal duty on employers and personnel suppliers to refer any person who has:

- Harmed or poses a risk of harm to a child or vulnerable adult;
- Satisfied the harm test; or
- Received a caution or conviction for a relevant offence.

A regulated activity provider is an organisation or individual that is responsible for the management or control of regulated activity, paid or unpaid, and makes arrangements for people to work in that activity. This will usually be an employer or a voluntary organisation. Examples of a regulated activity provider would be: an NHS hospital or Health and Social Care Trust that employs people to provide care, supervision and advice to children and vulnerable adults; a Further Education College that provides education to children under 18 years of age; or a specialist educational establishment that provides education to vulnerable adults.

A regulated activity provider can also be a person who manages volunteers in a regulated activity position, such as a scout leader or as part of a charitable organisation.

A personnel supplier is an employment agency or business that makes arrangements with a person with a view to finding that person employment, or supplying that person to employers. A personnel supplier is also an educational institution who arranges for its students to undertake placements as part of their studies.

This guide provides general guidance for regulated activity providers and

personnel suppliers on how to complete the Disclosure and Barring Service (DBS) referral form and what information you should include when you refer a person.

For guidance on the general duty to refer please see the **DBS Referral Factsheet 1 - Employer's Duty to Make a Referral** and the **DBS Referral Guide** available on our website: www.homeoffice.gov.uk/DBS

Personnel suppliers must note that there are additional referral requirements. If you are a personnel supplier and are under a duty to refer please follow these instructions on completing the DBS Referral Form and then follow the instructions outlined in the **DBS Referral Instructions - Personnel Suppliers**, available from our website.

Since 10 September 2012 local authorities, keepers of registers and supervisory authorities are not required by law to make referrals to the DBS. However, the Safeguarding Vulnerable Groups Act 2006 does give them the power to refer if they believe it is appropriate to do so. Guidance on the power to refer for these organisations is available from the DBS website.

Legal Requirements

Information in "Legal Requirements" boxes relates ONLY to where **regulated activity providers** and **personnel suppliers** have a legal duty to refer (see the **DBS Referral Factsheet 1 - Employer's Duty to Make a Referral** and the **DBS Referral Guide** available on our website). These sections represent the information that you are required to provide to the DBS by law under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Information) Regulations 2008. This duty only extends to the information identified if you hold it. You are not required to obtain or create additional information.

DBS referral guidance: Completing the form

Documentation

Documentary evidence should be supplied with any referral. You are legally required to provide the documents highlighted under “Legal Requirements” (if they are held by you). “Documentation” boxes are a guide to the type of documents you may wish to consider providing with your referral but are not necessarily legally required. These documents have been demonstrated to assist the DBS in the assessment of cases.

General Guidance on completing the DBS Referral Form

When completing this form, if there is any additional information you need to provide but there is insufficient space provided on the form please continue on separate sheets.

Part 1: Details of the person you are referring

The information you provide in this section will help us establish the identity of the person you are referring. Without this information we may not be able to gather additional information from the Police or, if we bar them, make sure that their barring shows up on their CRB check.

Legal requirement

The legal requirement to supply information for this section is as follows:

- Full name and title.
- Any other name or names by which they are known or a person may be known.
- Date of birth.
- National Insurance Number (NINO)
- Gender.
- Last known address (including postcode).

Information as to whether or not a person is included in any relevant register as defined in section 41(7) of the Safeguarding Vulnerable Groups Act 2006 or any register established and maintained by a supervisory authority and, if so, details of the relevant entries in any such register.

Section A - Personal information

Title

The title used by the person you are referring. If different from the options supplied please specify by what title the person you are referring is known.

Name

Please provide the full name of the person you are referring including any middle names.

Date of birth

Please give the person's date of birth. If you don't know their date of birth please give their age or approximate age.

Previous names and / or alias dates of birth

Please provide details of any other names that the person is, or has been, known by. For example, any maiden names or aliases the person you are referring is known to use. Also, if you are aware that a person has used an alias date of birth, please also provide this information.

Gender

Please indicate whether the person you are referring is male or female.

Nationality

Please state the nationality of the person you are referring.

National Insurance number (NINO)

Please provide the person's National Insurance number if known. An employer



DBS referral guidance: Completing the form

will always have this information as it is used when paying workers.

Section B - Contact details of the person you are referring

Contact address/Post Code/Country

Please give a full postal address (including postcode and country) of the person you are referring.

Home and mobile numbers

Details of the person's contact telephone numbers should include the area dial code and where necessary the country code.

Work telephone number

If the person you are referring still works for you in a non-regulated activity role please provide a work telephone number they may be contacted on.

Email address

If known, please provide details of the home email address for the person you are referring.

Section C - Address history

If you are aware the person you are referring has resided at any other address, please provide a full postal address including postcode and country (where applicable).

Section D - Professional registration

Professional bodies are organisations like the General Medical Council or the Nursing and Midwifery Council. For a full list of professional bodies please see the DBS website.

Section E - Teacher reference

Where the person you are referring is a teacher registered in England or Wales

please supply their Teachers Pension Number.

Section F - CRB disclosures

If you have a CRB reference number for either a Standard or Enhanced Criminal Records Check, please include the number here.

Part 2: Qualifications and training history of the person you are referring

This section helps us to understand the level of training and skills in relation to their role.

Legal requirement

- A person's qualifications.
- Details of any relevant training undertaken by the person.

Section G - Qualifications

If the person has had relevant training but you do not hold certificates please tell us what the training was. Relevant training would include any training that is relevant to the harm, for example if a teacher slapped a child then child protection training would be relevant or if a carer dropped a vulnerable adult then manual handling and safe lifting training would be relevant.

Please state the title of any qualifications and the dates of any certificates.

Documentation

To evidence this area the following documentation should be supplied with the referral:

- Copies of professional qualification certificates



DBS referral guidance: Completing the form

Section H – In service training / other courses attended

It is recognised that not all training is accredited. If the person has attended relevant training which is not accredited, for example in-service training, short courses, etc., this information should also be supplied.

Please provide us with the details of any training or other course and the dates attended.

Documentation

To evidence this area the following documentation should be supplied with the referral:

- Copies of training certificates which are relevant to this referral

Part 3: Details of the work carried out by the person you are referring

The information provided in this section allows us to better understand the nature of the work carried out by the person you are referring and their previous experience.

This section also allows us to understand whether the person has worked with children or vulnerable adults. It also allows us to identify any connection to work they may have carried out in Scotland.

Legal requirement

- A description of the regulated activity that the person you are referring is, or was, engaged in.
- Information (including copies of relevant documents) relating to their employment, namely:

a) The application for employment

made by them and the letter of appointment.

- b) Their job description including the position held and the duties undertaken by them.
- c) The date on which they started the employment.
- d) Their employment history.
- e) Their disciplinary record.
- f) Whether or not they are still employed and if so, their current job description and a description of their duties.
- g) If they are no longer employed, the date from which and the circumstances in which they ceased to be so employed.
- h) The reasons why permission was withdrawn for them to engage in the regulated activity in question or, where such permission was not withdrawn (but would or might have been withdrawn had they not otherwise ceased to engage in the activity), the reasons why such permission would have or might have been withdrawn.

Section I – About their role

Role Title

This should be the title of the role held by the person you are referring at the time they engaged in relevant conduct, satisfied a harm test or received a caution or conviction for a relevant offence.

Type of role

Please indicate whether the position they held was **Paid** or unpaid/**Voluntary**.

Date they started working / volunteering in the above role

This is the date in which the person started to work within regulated activity in the above role.

Date they ceased working / volunteering



DBS referral guidance: Completing the form

in the above role

Withdrawing a person from regulated activity in the context of making a referral does not necessarily mean permanently removing them. Once your investigations have established harm or risk of harm to children or vulnerable adults a decision needs to be made as to the best way of managing this information. There are a number of options:

1. Return the individual to work with additional training and / or a warning.
2. Dismiss the individual.
3. Return the individual to a non regulated activity.
4. Continue suspension due to risk of harm while seeking advice.

If the decision is to remove the person either through any of points 2 to 4 above then permission to engage in regulated activity has been withdrawn.

How did they leave or were removed from the role?

Please indicate the manner/method in which the person you are referring was removed from regulated activity (i.e. **dismissed, resigned, retired, or other**). If the method of removal is other, please state the method of removal in the space provided.

Was the role held by the person you are referring 'regulated activity' with Children / Vulnerable Adults / Both?

The DBS only has the power to bar if the referred person is or has been, or might in the future engage in regulated activity relating to children and/or vulnerable adults. Please use this area to indicate if the person you are referring was working with **Children, Vulnerable Adults, or Both** in their role.

Is the person still employed by you?

The duty to refer is only applicable if the

person you are referring has been removed from working within regulated activity. A person may be removed from working in regulated activity but still be employed by you in another function. Where this is the case we need to understand what role they have been moved to.

To your knowledge, has the person ever worked in Scotland?

If you are aware that the person has worked or carried out voluntary work in Scotland during their career (whether in relation to the role you are referring them for or another role), please state **Yes** if you are unsure or do not know please state **No**.

Documentation

To satisfy the legal duty to refer, please ensure that you include the following documentation when submitting the referral form:

- The application for employment made by the person you are referring.
- The letter of appointment sent to them.
- Job description / role statement / person specification.
- Interview report.
- References.
- Where you have moved the person to another role, the job description / role statement / person specification.

Section L – Previous / Other employment (including volunteer work if known)

The career history of a person can greatly assist the DBS to understand the level of experience a person has had working with vulnerable groups (including children) and allow us to identify other parties who may hold relevant information and to identify whether the person is, has or might in the future work in regulated activity with



DBS referral guidance: Completing the form

children or vulnerable adults.

Documentation

To help satisfy the legal duty to refer you may wish to consider providing the following documents:

- Curriculum Vitae / resumé
- Previous contracts of employment

Part 4: Reason for the referral

The information you give us in this section will help us make an analysis of the harm caused. This will allow us to see if the person has carried out “Relevant Conduct” or if they pose a “Risk of Harm”. This is how we decide which of the DBS’ powers we need to use in considering the case. Please give us as much factual information as possible.

Legal requirement

Regulated activity providers and personnel suppliers are required by law to refer a person where they have:

- Harmed a child or vulnerable adult (engaged in relevant conduct)
- Represent a risk of harm to vulnerable groups including children (satisfied the harm test)
- Received a caution or conviction for a relevant offence

You are required to provide information relating to the person’s conduct, (including copies of relevant documents), namely:

- a) A summary of the conduct including details of the setting and location in which such conduct occurred.
- b) Details of any harm suffered by any child or vulnerable adult resulting from or arising from the conduct or any risk of harm that a child or

vulnerable adult was, or may have been, exposed to as a result of such conduct.

- c) Whether the person you are referring has accepted responsibility for or admitted the conduct or any part of it.
- d) Any explanation offered by the person you are referring for the conduct or any remorse or insight demonstrated by them in relation to the conduct.
- e) Any information other than that relating to the person’s conduct which is likely to, or may, be relevant in considering whether they should be included in or removed from a barred list including information relating to any previous offences, allegations, incidents, behaviour or other acts or omissions.

It is a legal requirement to supply information relating to the reason why you consider that the harm test is satisfied in relation to the person you are referring.

You are also required to provide details of any investigation undertaken by any person in relation to the person’s conduct including:

- a) The evidence and information obtained and considered in any such investigation.
- b) The outcome of the investigation, if known.
- c) The contact details (including a name, address, telephone number and e-mail address) of any person responsible for the investigation.

Another legal requirement is for you to provide details of any other proceedings before any court, tribunal or any other person taken or to be taken in relation to the conduct of the person you are referring including the outcome of any



DBS referral guidance: Completing the form

such proceedings. This also includes proceedings brought under the Children Act 1989.

Details of any action taken, or to be taken, by you (the person referring or providing information under the Safeguarding Vulnerable Groups Act 2006 to the DBS in relation to the person's conduct including whether or not the matter has been referred to the police or to any other person.

Section M – Purpose of the referral

Please indicate under which legal basis you are referring the person – only one should be selected.

- **Harmed a child or vulnerable adult through their actions or inaction (relevant conduct)**

Harm should be considered in a wider context than just physical and can take numerous forms.

Types of harm relating to children can include (but are not limited to):

- **Emotional / Psychological** - Action or inaction by others that causes mental anguish.
- **Physical** - Any intentional physical contact that results in discomfort, pain or injury.
- **Sexual** - Any form of sexual activity with a child under the age of consent.
- **Neglect** - Failure to identify and/or meet care needs.

Types of harm relating to vulnerable adults can include (but are not limited to):

- **Emotional / Psychological** - Action or inaction by others that causes mental anguish.
- **Financial** – Usually associated with the misuse of money, valuables or property.

- **Physical** - Any intentional physical contact that results in discomfort, pain or injury.
- **Sexual** – Coercion or force to take part in sexual acts.
- **Neglect** - Failure to identify and / or meet care needs.
- **Verbal** – Any remark or comment by others that causes distress.
- **Represent a risk of harm to a child or vulnerable adult (satisfied the harm test)**

To satisfy the harm test there needs to be credible evidence of a risk of harm to vulnerable groups including children such as statements made by an individual regarding conduct/behaviour, etc. For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults.

- **Have received a caution or conviction for a relevant offence**

A relevant offence for the purposes of referrals to DBS is an automatic inclusion offence as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 and the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009.

A list of relevant offences is detailed in DBS Factsheet 5 – Relevant Offences which is available from our website.

Section N – Summary of the circumstances which has resulted in this person being removed from regulated activity



DBS referral guidance: Completing the form

In order to consider whether a person should be barred from working with vulnerable groups including children, we need to know how the person:

- Harmed a child or vulnerable adult, or
- Put them at risk, or
- How you believe they represent a risk, and
- As a consequence of the above, what made you remove the person from working with children or vulnerable adults?

Please give a brief summary of the incident that led to this referral. If there are multiple incidents then please continue on separate sheets if required.

Has the person you are referring admitted or accepted responsibility for any harm?

If the person you are referring has admitted any responsibility for the events which have occurred (i.e. apologised, admitted fault in statements, etc.) please indicate **“Yes”**. If the person has not admitted any responsibility please indicate **“No”**. If you are unsure or do not know please indicate **“Don’t know”**.

Documentation

To help satisfy the legal requirement the types of documents you may wish to consider supplying are as follows:

- Witness Statements.
- Statement from the person you are referring.
- Details of internal investigations and outcome (including investigator’s contact details).
- Details of internal disciplinary action and outcome.
- Police investigations and reports.
- Local authority investigations and

reports (including relevant Adult Social Strategy Meetings).

- Investigations and reports of professional regulators / registration bodies.
- Investigations and reports of any other agencies or bodies.
- Court or tribunal proceedings and outcomes including proceedings brought under the Children Act 1989.

Section O – Other organisations or agencies involved in the circumstances of the referral

As the DBS has no investigatory powers it is important for us to understand which organisation may have been involved and who may hold information on a case.

This information may be used by the DBS to gather additional evidence in relation to the referral.

Organisation / address

The name and address of any organisations involved other than the referring party (for example local authorities, the police, etc.)

Contact person / role

Please provide the name of any relevant contact(s) or role(s) working for the organisation that have been involved.

Contact number / email

The details of any contact numbers or emails for the above organisation(s) / contact(s) / role(s).

Part 5: Chronology of events

This section will allow us to understand in what order events have taken place which have led to the person you are referring being removed from regulated activity.



DBS referral guidance: Completing the form

Legal requirement

You are required to provide information relating to the person's conduct, (including copies of relevant documents), namely:

- a) A summary of the conduct including details of the setting and location in which such conduct occurred.
- b) Details of any harm suffered by any child or vulnerable adult resulting from or arising from the conduct or any risk of harm that a child or vulnerable adult was, or may have been, exposed to as a result of such conduct.

Section P – Chronology of events relating to this referral

This may be continued on separate sheets if required.

Date

Please indicate the days on which key events took place. This information should be recorded in chronological order.

Event

A brief description of what happened on the dates identified.

Relevant documents

Please identify any document you are supplying that relates to an event, for example witness statements related to events on specific dates or minutes of strategy meetings.

Persons involved

Please identify any key persons involved in events, such as witnesses, victims, etc.

Part 6: Details of the child or vulnerable adult harmed / put at risk of harm

Where possible please tell us the full name of the person who was harmed. Without this, any information that you give us potentially carries less weight and the DBS may not be able to rely on the information to apply a barring decision.

Legal requirement

Details of any child or vulnerable adult harmed including:

- i. The name and date of birth of the child or vulnerable adult.
- ii. Details of the relationship between the person you are referring and the child or vulnerable adult harmed.
- iii. Information relating to the vulnerability of the child or vulnerable adult that may be relevant to the DBS' consideration of whether to include or remove the person you are referring from a barred list including any emotional, behavioural, medical or physical condition.

Section Q - Details of the person harmed / put at risk of harm

Title

The title used by the person harmed. If different from the options supplied please specify by what title the person you are referring is known.

Name

Please provide the full name of the person harmed including any middle names.

Date of birth

Please give the person's date of birth. If you don't know their date of birth please give their age.

Gender

Please indicate whether the person harmed / put at risk of harm is male or female. If there are multiple victims, please provide



DBS referral guidance: Completing the form

their details on additional sheets.

Documentation

To assist in the duty to refer, you may wish to consider providing the following information:

- Extra sheets telling us about other children or vulnerable adults who were harmed (see harmed person template).
- Harmed individual(s) Care Plan.
- Victim impact report or statement(s) (include details of who made the assessment and their position or qualifications to make the assessment).

Section R – Relationship between the referred individual and the person harmed / put at risk of harm

Please explain the relationship between the referred individual and the harmed person(s) e.g. if the referred person was a member of staff did they have specific responsibilities for the harmed person such as a key worker. If there were no specific duties how did the referred individual know the harmed person.

Details of any vulnerability, e.g. emotional, behavioural, medical or physical

Please provide a description of any specific vulnerabilities relating to the person harmed, for example if a service user, what service was the person receiving which made them vulnerable.

To gain a better picture of the person harmed, details of any other relevant illnesses, impairment or disabilities (e.g. learning / physical difficulties, etc) are also useful to gain a better understanding of the type and nature of care needed by the individual.

Part 7: Documentation supplied

All referrals should be supported by documentary evidence. The nature and type of documentation will vary on a case by case basis and will depend on individual specific circumstances of a case and the nature of any investigations carried out.

Providing documentation relating to a referral allows the DBS to gain a much greater understanding of events and come to a more informed decision. In addition there are a number of documents which you are legally required to provide to the DBS.

Legal requirement

Regulated activity providers and personnel suppliers are required by law to refer a person where they have:

- Harmed a child or vulnerable adult (engaged in relevant conduct), or
- Represent a risk of harm to vulnerable groups including children (satisfied the harm test), or
- Received a caution or conviction for a relevant offence.

You are required to provide information relating to the person's conduct, (including copies of relevant documents), namely:

- a) A summary of the conduct including details of the setting and location in which such conduct occurred.
- b) Details of any harm suffered by any child or vulnerable adult resulting from, or arising from the conduct or any risk of harm that a child or vulnerable adult was, or may have been, exposed to as a result of such conduct.
- c) Whether the person you are referring has accepted responsibility for or admitted the conduct or any part of it.



DBS referral guidance: Completing the form

- d) Any explanation offered by the person you are referring for the conduct or any remorse or insight demonstrated by them in relation to the conduct.
- e) Any information other than that relating to the person's conduct which is likely to, or may, be relevant in considering whether they should be included in or removed from a barred list including information relating to any previous offences, allegations, incidents, behaviour or other acts or omissions.

You are also required to provide details of any investigation undertaken by any person in relation to the conduct of the person you are referring, including:

- a) The evidence and information obtained and considered in any such investigation.
- b) The outcome of the investigation, if known.
- c) The contact details (including a name, address, telephone number and e-mail address) of any person responsible for the investigation.

If any disciplinary proceedings or measures have taken place, or to be taken, in relation to the person's conduct you are required to provide details including:

- a) The evidence and information obtained and considered in such proceedings or with respect to such measures; and
- b) The outcome of any disciplinary proceedings or measures taken including a copy of any decision or other document evidencing the outcome of such action.

If this matter is to be / has been considered in legal proceedings, details of any other

proceedings before any court, tribunal or any other person taken or to be taken in relation to the person's conduct including the outcome of any such proceedings (including proceedings under the Children Act 1989).

You are also required to provide details of any action taken, or to be taken, by the referring party under the Safeguarding Vulnerable Groups Act 2006 to the DBS in relation to the person's conduct including whether or not the matter has been referred to the Police or to any other person.

Section S – Supplied documents

Please indicate the documents which you are including with this referral from the list provided.

Section T – Additional documents supplied

Where you are providing additional documents not listed in Section S, please state the name of the document in this section.

Part 8: Referring party

We cannot provide information to any person who is not detailed on the referral form unless a change of person is notified to us in writing.

Section U – Referring organisation / establishment

Name of organisation

Please state the full name of the business/organisation/charity that is making the referral.

Type of organisation

Please provide a brief description of the type of organisation (e.g. care home, state



DBS referral guidance: Completing the form

school, independent school, etc.)

Sector

Please use the dropdown list to identify the referring organisations sector of work. If the sector of work is not highlighted please select “Other”.

Contact address

This should be the full address at which the DBS may contact the referring organisation.

Section V – Primary contact and alternative contact

It is important the DBS are able to contact the referring organisation. This will allow the DBS to follow up on your referral, and where a legitimate interest exists inform you of the outcome. The name and contact details of a responsible person must be included here.

For both primary and alternative contact please provide their:

- **Name.**
- **Position.**
- **Telephone number.**
- **Mobile number.**
- **Email address.**

Part 9: Declaration

By completing this section the referring party is confirming that to the best of their knowledge the information in the form is accurate and that all documents legally required and any other relevant documentation are provided. It is understood that the DBS may contact the referring party about the information it holds on the person they have referred.

It should be understood that any information they have supplied will be used by the Disclosure and Barring Service and

may be disclosed to the referred person or other parties in accordance with statutory duties under the Safeguarding Vulnerable Groups Act 2006 and other legislation.

Section W – To be signed by the person making the referral

The person making the referral should be authorised to do so and able to sign the declaration on behalf of the organisation.

To complete this section the person making the referral (on behalf of the organisation) must complete:

Signature

This is the signature of the person making the referral.

Name

This is the name of the person making the referral. Please enter the name in BLOCK CAPITAL letters.

Date of the referral

Position

The position of the person making the referral (i.e. job / role title).

Organisation

The name of the organisation that is making the referral.

Relationship to the individual you are referring

Please state the relationship between the person making the referral and the person being referred (e.g. Line Manager, Departmental Manager, etc).

Section X – Returning the form

When submitting the completed referral form and associated documentation please ensure you have checked that you have



DBS referral guidance: Completing the form

answered all the questions you are able to and have signed the declaration.

The referral form and all relevant documents should be returned to the address shown on the form.

If you have any problems completing the referral form or have any queries, please contact the DBS Helpline on 01325 953795.

Additional Information

There may be occasions where you wish to provide additional information to support a referral or there is insufficient space provided on the form. Additional information may be disclosed using separate sheets. Alternatively you can use the DBS Additional Information Form available from our website:

www.homeoffice.gov.uk/DBS

Personnel Suppliers

Please also refer to the **DBS Referral Instructions – Personnel Suppliers**, available from our website.

Helpline

If you require help in completing this form please contact the DBS helpline on: 01325 953795.

