

# **Harmful behaviour in and outside of the workplace – should this be referred to DBS?**

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# Workshop objectives

The aim of this workshop is to understand:

- What we mean by harmful behaviour
- Safeguarding, Abuse and Neglect
- Relevant Conduct and Risk of Harm
- Harmful behaviour and the transferability of risk
- How to make a Barring referral to DBS



# The role of DBS

The Disclosure and Barring Service, also known as DBS, is responsible for the delivery of disclosure and barring functions on behalf of government.

We operate **disclosure** functions for England, Wales, Jersey, Guernsey, and the Isle of Man under Part 5 of the Police Act 1997, supported by the following:

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

We also operate **barring** functions for England, Wales, and Northern Ireland under the following:

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Protection of Freedoms Act 2012

# Types of barring referral

Referral type	Discretionary	Autobar	Disclosure information
Referral source	<ul style="list-style-type: none"><li>• Employers</li><li>• Agencies</li><li>• Keepers of Registers</li><li>• Supervisory authorities</li></ul>	<ul style="list-style-type: none"><li>• Specified convictions and cautions from PNC</li><li>• Autobars without representation</li><li>• Autobars with representation</li></ul>	Enhanced with Barred List(s) DBS checks that include convictions, cautions, or police intelligence
Representations	Yes, in all cases	Yes, but only where allowed – set out in law	Yes, in all cases
Appeal	Appeals may be made to the Upper Tribunal on a point of law or error in facts		
Request review	Under 18 – one year; 18 to 24 – five years; 25 and above - ten years; a material change		

# DBS barring statistics

Barred List	As at 31/5/2024		Received for Financial Yr 2023/2024
Number on Adults' Barred List	67,987	Referral cases	11,039
Number on Children's Barred List	87,838	Disclosure information cases	14,732
Total number on one or both Barred Lists	100,047	Autobar cases	33,277
		Total all barring cases	59,048

# Regulated activity with adults

<b>If done once, the following activities are regulated activity with adults:</b>		<p>Anyone carrying out any of these activities would be eligible for an <b>Enhanced DBS check with an Adults' Barred List check</b></p>
Providing health care	By or under the direction/supervision of a regulated healthcare professional	
Providing personal care	Washing and dressing, eating, drinking and toileting, oral care and care of skin, hair and nails	
Social Work	Provided by a social care worker to an adult who is a client or potential client	
Assistance with the day-to-day financial running of the adult's own household	Managing cash, bills or shopping	
Assistance with the conduct of an adult's affairs	Power of attorney, deputies appointed under Mental Health Orders	
Conveying an adult	Must be for health, personal or social care due to age, illness or disability	
Day-to-day managers/supervisors of those who carry out regulated activity with adults		

# Who has a legal duty to refer?

## **A regulated activity provider:**

Employers or voluntary organisations who are responsible for the management or control of regulated activity and make arrangements for people to work in regulated activity

## **Personnel suppliers:**

An employment business, employment agency or an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity

# When must you refer?

When two main conditions have been met:

## Condition one:

You withdraw permission to engage in regulated activity: dismissed, re-deployed, retired, been made redundant, or resigned

## Condition two:

You think the person has either:

- engaged in relevant conduct
- satisfied the harm test; or
- received a caution for, or a conviction for, or been convicted for a relevant offence

# What is relevant conduct?

Relevant conduct is conduct which:

- endangers a child or adult, or is likely to endanger a child or adult
- **if repeated against or in relation to a child or adult, would endanger the child or adult, or be likely to endanger the child or adult**
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child or adult

# The ‘harm test’

The harm test is satisfied when relevant conduct cannot be established but it appears to DBS that a person may:

- harm a child or adult who is in receipt of regulated activity
- cause a child or adult who is in receipt of regulated activity to be harmed
- put a child or adult who is in receipt of regulated activity at risk of harm
- attempt to harm a child or adult who is in receipt of regulated activity
- incite another to harm a child or adult who is in receipt of regulated activity

# What do we mean by ‘harm’?

- Harm is the detrimental effect or impact of an action or inaction (the abuse or neglect)
- It can be a psychological/emotional or physical injury
- The impact of abuse on individuals can differ greatly from person to person depending on the circumstances of the abuse and their ability to cope with the aftermath or consequences.

# What is harmful behaviour?



# How can someone's behaviour be harmful to others?

# Harmful behaviour transferring into the workplace

- Bullying, belittling, intimidation, verbal abuse
- Domestic Abuse
- Discriminatory abuse – protected characteristics
- Sexual harassment
- Neglect of children - Poor parenting
- Physical assault/sexual assault
- Verbal abuse - Use of inappropriate language
- Theft
- Sharing of inappropriate social media content
- Misuse of drugs or alcohol

# Should a DBS referral be made?

Paul is a domiciliary carer providing personal care support to adults in their own home.

Paul was seen by a colleague arguing with his wife in a restaurant.

Paul was visibly drunk and so the colleague offered to give them both a lift home. On dropping Paul and his wife off, the colleague witnessed Paul hit her on the driveway.

This was reported to Paul's manager.

# Should a DBS referral be made?

Simon is a social worker for Adult Social Services.

In his free time Simon supports his local football team. Following a recent football match, one of the players received racist abuse online and shared some of the comments and direct messages he was receiving on his social media; including comments Simon had sent from his personal accounts. The incident made the local newspapers, and Simon was recognised by one of his patients.

The patient contacted Simon's employer to inform them of this.

# Should a DBS referral be made?

Patrick a full-time Health Care Assistant role at his local hospital.

Patrick's employer has been contacted by the manager of a local pharmacy, with CCTV stills of him stealing over £100 worth of over-the-counter medication; after the staff at the shop recognised his lanyard. The manager of the shop advises Patrick's employer they will be informing the Police.

# Barring Decision Making

## Risk Assessment Factors

What are they at risk of doing?

Is the behaviour transferable?



What is the potential harm?

What is the likelihood?

# Points to consider

- Barring decisions are only as good as the information received
- It is important that anyone referring someone to us provides as much information as possible
- Missing information could undermine any decision made – either to Bar or take No Action
- Enquiries are only made to the relevant parties if the referral form or documents supplied indicate further information may be available
- We only make requests for information we believe is relevant and necessary to help us make a barring decision

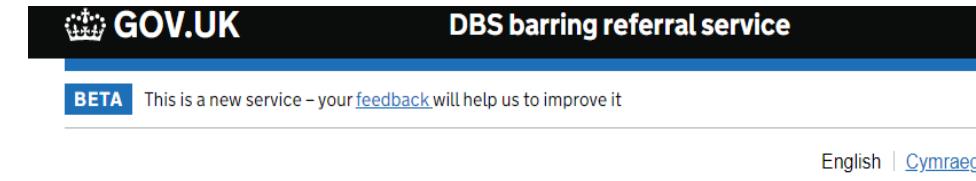
# How to make a barring referral

We accept referrals made using The Barring Referral Service [Submit a barring referral](#)

This service is only available Monday to Sunday, 8am to 11:30pm

If you do not add any information for 90 minutes your session will end, your answers will not be saved and you will need to start the referral again

If you are unable to use the Barring Referral Service you can find out about the other options on [Barring Referral Service - GOV.UK](#), or ring 03000 200 190 (For Welsh Language 03000 200 191)



GOV.UK

DBS barring referral service

BETA This is a new service – your [feedback](#) will help us to improve it

English | [Cymraeg](#)

## Submit a barring referral

Submit a barring referral if you are concerned that an individual may have harmed, or put at risk, a child or vulnerable adult.

Submitting a referral takes around 45 minutes. You cannot save the form and return to it later.

### Who can submit a barring referral?

Anyone can make a referral if they consider that someone has harmed or poses a risk of harm to a child or vulnerable adult.

However, some organisations have a legal duty to make a referral to the DBS.

If you are not one of these organisations, but have concerns about someone we would encourage you to contact the person's employer, the police or social services before making a referral.

If you are unsure whether you should make a referral, use our [pre-referral checker](#) to confirm before continuing.

# How to make a barring referral

## What you will need

If you find you do not have all of the following information, you should complete as much of the form as possible.

1. Your contact details
2. Details of the person being referred (including their name, address, date of birth and national insurance number)
3. Contact details for any other agencies involved in investigating the relevant conduct
4. Details of the risk of harm or harm suffered
5. Documents in support of your referral (for example, statements, reports, meeting minutes and other evidence)

You are allowed to provide this information under UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA). You can find more information about GDPR on our [guidance pages](#).

# Impact of being Barred from regulated activity across UK jurisdictions

**Children's Barred List** - not allowed to engage in regulated activity with children in England, Wales, and Northern Ireland.

**Adults' Barred List** - not allowed to engage in regulated activity with vulnerable adults in England, Wales, and Northern Ireland.

It is a criminal offence to work, seek work, or offer to work in regulated activity when barred on the relevant list

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity

There is a maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

# Final messages

- Where an organisation knows that harm has occurred, they should consider whether a referral is appropriate even if a vulnerable person was not involved
- If making a referral and you know that harm has occurred outside of the workplace (domestic violence or coercion for example) you should consider telling us about it
- More information regarding barring referrals can be found in our barring referrals guidance.
- If you are unsure, ask. Remember if you don't make the referral, who will?

# Resources and useful links

- [DBS Guidance Leaflets](#)
- [DBS Barring Referral Guidance](#)
- [DBS Barring Referral Form and Guidance](#)
- [How to make a Good Quality Barring Referral](#)

# How to contact us

## Regional Outreach:

Email: [DBSregionaloutreach@dbs.gov.uk](mailto:DBSregionaloutreach@dbs.gov.uk)

## Partnerships Team:

Email: [DBSEngagement@dbs.gov.uk](mailto:DBSEngagement@dbs.gov.uk)

## Further information - Disclosure:

Helpline: 03000 200 190 | Email: [customerservices@dbs.gov.uk](mailto:customerservices@dbs.gov.uk)

## Further information - Barring:

Helpline: 03000 200 190 | Email: [Contactus@dbs.gov.uk](mailto:Contactus@dbs.gov.uk)

Website: [www.gov.uk/dbs](http://www.gov.uk/dbs)

Facebook: <https://www.facebook.com/dbsgovuk/>

Twitter: <https://twitter.com/DBSGovUK>

LinkedIn: Disclosure and Barring Service (DBS)

## Please get in touch for bespoke support:

- Questions about DBS checks, eligibility, and regulated activity
- Support with making barring referrals and the 'legal duty to refer'
- Delivery of training and workshops directly to your team or network
- Support your training programmes that require DBS information
- Provide us feedback so we can improve our DBS products and services

# How to contact us – Regional Outreach Advisers

North West: Jordan Hayden  
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Northern Ireland: Sean Maskey  
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# Evaluation

Please access this link to complete a short evaluation form:

[DBS Harmful Behaviour workshop evaluation](#)

Your feedback is very important to us in the DBS Partnership team.



Thank you for listening.  
Any questions?