

## **Legal duties to refer to the DBS**

9.1.1 In some circumstances it is your legal duty to refer an individual, whether employed by yourself or supplied by an agency or contractor, to the DBS.

9.1.2 When the role involves regulated activity, you should refer an individual or seek advice on referring if:

- they have attempted applying for a role involving duties they are barred from
- there is significant and concerning information in the DBS check related to the role
- you have been made aware of harm to an adult/child in receipt of regulated activity.

9.1.3 The duty to refer applies even when a report has already been made to another body, such as a professional regulatory or licensing body. This helps the DBS to make sure they have all the relevant information to fully consider a case and, decide whether or not the individual needs to be added to one or both the children's and adults barred lists.

9.1.4 A person/organisation that does not make a referral when the legal duty conditions are met will be committing an offence and, if convicted, may be subject to a fine of up to £5,000.

9.1.5 If you are unsure of your duties or how to make referral, further advice can be obtained by calling the DBS helpline on 03000 200 190.