



An employers guide to using the DBS Update Service

Introduction

The key aim of the DBS Update Service is to improve the ease and speed with which employers can apply for criminal record checks.

It offers a level of portability of criminal record information which means that people will be able to change roles and employers more quickly without the constant need for a new DBS check. This is regardless as to whether the individual is moving within the NHS or to a different sector, as long as the new position doesn't change the type of vulnerable group they are working with and the activities they are undertaking do not require them to have a different level of check.

A new check will always be required if the individual is working or volunteering:

- with a different type of vulnerable group (e.g. is currently working with in a regulated activity with adults but is moving to a new regulated position working with children, and therefore will need clearances against the Children's barred list)
- is moving to a position which requires a different level of check (e.g. moving from a non-regulated activity into a regulated activity).

Subscription to the service is voluntary, therefore its success is, in the main, reliant on employers raising awareness of the benefits to staff and encouraging subscription as part of their recruitment processes.

Purpose of this briefing

If used effectively, there is potential for the financial spend on DBS checks to be vastly reduced, as well as speeding up the time for appointments to be made and enhancing safeguarding processes. This briefing paper is therefore intended to provide some additional clarity around:

- [the mutual benefits of the service](#)
- [encouraging staff to subscribe](#)
- [who can obtain an online status check](#)
- [how to access the service](#)
- [charges for subscription and use of service](#)
- [information received when undertaking an online status check](#)
- [what happens if an individual's subscription elapses](#)
- [where to access the DBS communication tools](#)
- [where to find further information](#)

Mutual benefits of the service

For employees

The new service is likely to be most beneficial to those who are highly mobile such as doctors on training rotations; senior clinicians who hold a substantive post within one organisation but are required to provide emergency services or specialty expertise in another NHS organisation; and temporary or bank workers. It may also be of benefit to those who are developing their careers and therefore are likely to change their position more frequently over a set period of time, or where taking up a secondment opportunity or volunteering role.

- In the majority of cases, this will mean that one DBS check is all individuals applying for eligible posts will ever need to have, thus speeding up their appointment
- Individuals are able to re-use their disclosure certificate whenever they change positions - where the new role doesn't change the level of check required and they continue to work with the same workforce (children, adults, or both - *there is also a fourth option 'other' which does not apply to positions in the NHS and should not be indicated*)
- Individuals are in control of their DBS disclosure certificate.

For employers

- No more DBS application forms to fill in or extended processing times due to postal delays
- No need for repeat DBS checks, saving money and time to recruit
- Access to perform a free online status check which will instantly confirm whether or not the individual's existing disclosure certificate is up to date
- Notification received when new information is known about an individual therefore enhancing safeguarding processes.

The Police Act 1997 (Criminal Records) Regulations 2002 defines a volunteer as:

"A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative."

For DBS purposes, it is deemed that 'unpaid' means not in receipt of any payment including remuneration, allowance, financial benefit, payment in kind, or other means of support, in relation to that activity. The applicant must not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full time role/qualification.

When to encourage subscription to the service

Individuals will need to subscribe to the Update Service when they first apply for a DBS check. When employers go through the Disclosure application process with the individual, they can do a number of things to help them join the Update Service at the earliest opportunity. The DBS have produced an [Update Service checklist and application form reference receipt template](#) to help with this process.

It is important that employers make sure that:

- ✓ the correct [workforce and position](#) is applied for in lines one and two of field x61 within the 60 character limit. *This field was introduced in June 2013 due to the introduction of a new relevancy test for police forces. This test is used when considering the release of non-criminal conviction information on individuals which now must be relevant to the contact they will have with vulnerable groups (workforce) and not the actual job role. Incorrect details being entered into this field is one of the attributing factors which quite often causes unnecessary delays in processing which has a knock-on effect with the ability to recruit*
- ✓ the applicant is directed to the DBS website to [join the Update Service](#)
- ✓ the applicant is provided with the disclosure application form reference number or e-reference receipt so that they can immediately apply to join the Update Service and [track the progress of their application online](#). *This will be an 'F' number on the paper application form or an 'E' number on the online form acknowledgement receipt (known as a 'crb003' if using e-Bulk)*
- ✓ the DBS receives the disclosure application form within **28 days** of the applicant joining the Update Service
- ✓ the applicant is made aware that if they join the Update Service using their DBS certificate number, they must subscribe **within 14 days from the issue date shown on the certificate**, and not from the date they actually received the certificate. *Any application received on or after the 14 days have elapsed will be rejected by the DBS which means they wont be able to subscribe until they next need a DBS check.*

It is important to stress that the service does not introduce any new requirements for employers to undertake periodic or retrospective checks on staff. Any decision to undertake DBS checks on a regular basis continues to be down to local policy. Where employers have an existing policy in place to undertake periodic DBS checks on staff (including doctors on rotational training programmes), we would recommend that they encourage staff to subscribe to the Update Service when their DBS check is next scheduled for renewal.

Who can obtain an online status check

To obtain an online status check and access information on the Update Service you must have a legitimate interest in the individual you will be checking i.e. they are in your employ/are volunteering in your organisation/are contracted to work in your organisation.

Employers should nominate the most appropriate person(s) within their organisation who should have access to this information, one of which may be the Counter-signatory. This may be done in advance and need only be entered onto the system once, regardless of how many individual checks that person will be undertaking.

To undertake a status check you must be able to say 'yes' to the following questions. If you answer 'no' to any question you cannot carry out a status check:

- Have you sought the applicant's consent to obtain a status check?
- Are you legally entitled to require a standard or enhanced DBS certificate?
- Does the DBS certificate contain information which you are legally entitled to see, such as barred list checks?
- Is the DBS certificate presented to you at the right level for the position being applied for?
- If you are legally entitled to a barred list check, is the DBS certificate presented to you for the right workforce i.e. child/adult/both? (*This information will be indicated in the 'Position Applied For' section and will have been used by the police force to determine the relevancy of any locally held police information*).

How to access the service

Individuals

Individuals can subscribe to join the Update Service by going to the Update Service [DBS website](#).

To track the progress of your DBS certificate application you can go to the [DBS online tracking service](#)

For further information, see the DBS [guidance for applicants](#).

Employers

Employers can carry out a status check by going to the Update Service link on the [DBS website](#). After viewing the original DBS certificate, the authorised person will need to enter the name of their organisation, their own forename and surname and then the following details of the DBS certificate being checked:

- DBS certificate number
- current surname of the DBS certificate holder - as specified on their DBS Certificate
- date of birth of the DBS certificate holder - as recorded on the DBS certificate.

[Full guidance for employers](#) on the use of the Service can also be found on the DBS website.

Charges for subscription and use of the service

- Individuals can choose to join this optional service for an annual subscription fee of £13 which is considerably less than having to pay for a DBS check each and every time they change jobs
- Volunteers will be able to subscribe to the service for free however, if they move into paid employment they will need to pay the fee for their annual subscription the next time it is due for renewal
- Employers do not need to subscribe to the service but must have the individual's permission to undertake an online status check on them. Access to this service is free of charge
- Currently payment for subscription to the Update Service must be done online via a credit card arrangement, the DBS are looking at extending the scope of the service to accept other methods of payment. Further guidelines on this will be circulated in due course.

The requirement for a DBS check has always been regarded as an employment requirement and because of this, the majority of employers across the country agreed to put in place arrangements to either pay the fee for DBS certificates on the individuals behalf, or to reimburse individuals for this fee. This is similarly replicated within the NHS in Wales, Scotland and Northern Ireland and across other Sectors. The recent changes to DBS processes do not require employers to review these arrangements.

Employers have local discretion on this matter but any shift from current best practice will need careful consideration, including risks to the ability to recruit - if neighbouring trusts decide to continue to pay for DBS checks, especially in hard to recruit areas; and the impact on staff - particularly if introducing new policies in relation to periodic or retrospective checks. It is therefore strongly recommended that any such considerations be done in consultation with Staff Side.

Did you know

New provisions were introduced from 10 June 2013 which provides relief from income tax where employers pay or reimburse fees for subscribing to the DBS Update Service, and/or the fee for DBS disclosure certificates when applicants become subscribed to the Update Service.

Further information can be found in the *HM Revenue & Customs Tax Information and Impact Note* at <http://www.hmrc.gov.uk/>

If you are an umbrella body (undertaking checks on behalf of a number of NHS organisations), it is important that you make individuals aware of any additional administrative charges for your services.

Information received when undertaking an online status check

The status check will give one of four responses when you log onto the system:

- the certificate is clear and there is no new information (*which means you can accept their current DBS disclosure certificate*)
- the certificate contains information but there is no new information (*which means that you must make your recruitment decision based on the information provided in the individual's original DBS disclosure certificate*)

- new information is known (*which means that new information has been recorded since the issue of their last DBS certificate and therefore you will need to obtain a new DBS check*)
- details not found (*which could mean that the individual has provided the wrong information and you will need to go back and check this with them, or their subscription has not yet been processed or they simply haven't yet subscribed*).

What happens if an individual's subscription elapses

It is the individual's responsibility to ensure that their subscription doesn't elapse in much the same way as it is their responsibility to ensure that registration with a Professional Regulatory Body does not elapse.

If their subscription is allowed to elapse then the account held on the Update Service will be closed and those who have a legitimate interest in obtaining information on that individual will cease to receive information. To re-subscribe the individual must obtain a fresh DBS check. It may therefore be in the best interests of the employer to prompt renewal of subscription.

Communication tools

The DBS have produced a number of tools and resources including a series of fact sheets and two [YouTube videos](#) about the Update Service, one aimed at employers and another aimed at applicants. There is also a suite of downloadable [posters](#), an [employer presentation](#) and [stakeholder presentation](#) which can be used in any communications with managers and staff.

Further information

This briefing paper specifically focuses on use of the Update Service, further information about requirements and eligibility for criminal record checks and other changes to the DBS process can be found in our supplementary [Q&A document](#). Further guidance on wider [employment check requirements](#) can be found on our website.

Queries

If you have any further queries which are not covered in this briefing paper, please do not hesitate to contact us at: employmentchecks@nhsemployers.org