







## Individual employers

Individual employers (including anyone receiving a direct payment, personal health budget or self-funding their own care) cannot submit an application for a standard or enhanced DBS check. Similarly, they cannot make a suitability decision based on the results of a check.

Individual employers can ask their local authority, NHS organisation or certain support organisations to request a criminal record self-declaration and conduct a standard or enhanced DBS check on someone they want to employ or offer a job to<sup>4</sup> or on someone already in their employment.

### [Employment Practices](#)

[Code](#) recommends asking questions relating to criminal records at an appropriate stage



## Personal assistants (PAs)

Individuals cannot request a standard or enhanced DBS check on themselves. Instead, they can (for a small fee) [request a](#) \_\_\_\_\_ from DBS:

A basic disclosure more commonly known as a basic DBS check is not the same as a standard DBS check; it is a request for details about unspent conditional cautions and convictions only.

Individuals may be asked to complete a criminal records self-declaration form or provide a declaration statement. If they have any cautions or convictions which need to be disclosed, this is their opportunity to provide further information about the circumstances surrounding offences. Suitable applicants should not be refused posts because of



## Local authorities and NHS organisations

Local authorities and NHS organisations responsible for issuing personal budgets to people employing PAs should always ensure that information and support is available with regard to accessing DBS checks. In addition to carrying out criminal record checks at the appropriate level, i











## Appendix A

### About the Disclosure & Barring Service

The DBS is an executive non-departmental public body, sponsored by the Home Office and they are responsible for:

- processing requests for DBS checks
- deciding whether it is appropriate for a person to be placed on or removed from the barred list

These duties are carried out according to policy and legislation developed by the Home Office.

### The DBS process

When a standard or enhanced DBS check is carried out:

1. The applicant (the employee or potential employee<sup>9</sup>) is given an application form to complete by the organisation conducting the check on behalf of an employer/potential





Job roles should be assessed individually to confirm whether they meet the eligibility criteria and blanket-checking of all roles should not be implemented without establishing this. DBS checks are not mandatory unless there is specific legislation in place relating to the position being offered that makes a check a legal requirement. A request for a person to reveal their full criminal history including spent convictions that are not protected (when a standard or enhanced DBS check is carried out) is known as

### **The main types of criminal record checks:**

#### **Basic DBS checks**



must be eligible for an enhanced DBS check and specifically listed in the Police Act 1997 (Criminal Records) Regulations as eligible to check against the appropriate barred list(s) e.g. Personal care providers, healthcare professionals, managers of those in regulated activity.