



Summary guide to DBS checks and eligibility for fostering services (England)

Fostering services in England have an obligation to undertake statutory checks on their staff workforce, approved foster carers including other household members aged 18 and over, approved family and friends' carers and special guardians. Furthermore, fostering services must consider the need for necessary checks where appropriate on fostering support networks and non-resident partners.

This brief guidance addresses some guiding principles when undertaking DBS checks for everyone involved in fostering.

General DBS guidance can be found at [Gov.UK: Disclosure Barring Service](https://www.gov.uk/guidance/disclosure-barring-service). This includes guidance on:

- Eligibility guidance for standard checks
- Eligibility guidance for enhanced checks (with or without access to the DBS Children's Barred List):

Ofsted [guidance for children's social care providers and managers](https://www.ofsted.gov.uk/guidance-for-childrens-social-care-providers-and-managers) (updated 28/10/20)

Background summary to DBS checks and eligibility:

The [Disclosure and Barring Service](https://www.gov.uk/guidance/disclosure-barring-service) helps employers make safer recruitment decisions by processing and issuing DBS checks for England, Wales, the Channel Islands and the Isle of Man. DBS also maintains the adults' and children's Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity. A fostering service as a 'provider of regulated activity' has a [legal duty to refer to DBS](https://www.gov.uk/guidance/legal-duty-to-refer-to-dbs) where certain conditions are met following investigation into allegations or concerns involving potential harm to children or vulnerable adults, and where steps are taken to prevent that person continuing in their role.

Social workers* and supervising social workers working with children must have an enhanced check with access to the DBS children's Barred List. Foster Carers must also have an enhanced check with access to the DBS children's Barred List. Access to the DBS adults' Barred List is dependent on the applicant meeting the [eligibility criteria](https://www.gov.uk/guidance/eligibility-criteria) around care of vulnerable adults. The Care Quality Commission has produced [guidance](https://www.gov.uk/guidance) regarding DBS checks and regulated activity with adults. The criteria are such that much of the work undertaken by foster carers and fostering staff with adult care leavers is not included within these definitions.

Below is a summary table of the different levels of DBS check, how the different eligibility criteria apply to roles within a fostering service and the links to the relevant guidance.

These can only be generalisations. It is important that, for each person, their specific individual role is considered in terms of the work they undertake and what this means for their contact with children and/or access to personal information about children. It is this that will determine the appropriate level of check in each individual case. For example, an administrative worker who takes a role in staffing summer play activities for children may require an enhanced check, whilst another administrator whose role is to undertake office work only would be eligible for a standard check.

Level of check	Enhanced with barred list – REGULATED ACTIVITY	Enhanced with barred list – NOT REGULATED ACTIVITY	Enhanced	Standard
Eligibility criteria	<p>- Individuals applying to be a foster carer (Legislation Wording 21)</p> <p>- Individuals who provide personal care to children which involves:</p> <ul style="list-style-type: none"> ○ physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child on eating or drinking and this is done because of their illness or disability ○ physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child with going to the toilet, washing, bathing or dressing and this is done because of their age, illness or disability <p>This only needs to be done once (Legislation Wording 15)</p> <p><i>Depending on how often this is done and levels of supervision:</i></p> <p>- Individuals who provide care for or supervision of children on more than 3 days in a 30-day period or once overnight between 2am and 6am with the opportunity for face-to-face contact with</p>	<p>Fostering and adoption regulations require the following people to have an enhanced DBS check with barred list regardless of their involvement with regulated activity:</p> <p>- Individuals aged 18 and over (according to Dept for Education regulations) who live in a fostering household or anyone aged 16 and over who lives in a private fostering household (Legislation Wording 24)</p> <p>- Individuals applying to be adoptive parents or special guardians and anyone aged 18 and over who lives in the adoptive or special guardian household (Legislation Wording 25)</p>	<p>Work done infrequently which, if done frequently, would be regulated activity relating to children</p>	<p>Any work for an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service or a fostering agency where that work means that there is also contact with the children or access to sensitive or personal information about them (Legislative Wording 16)</p>

	<p>the children, except where:</p> <ul style="list-style-type: none"> the recruiting organisation decides the individual is sufficiently supervised in line with DfE statutory guidance and they are not a paid member of staff in a specified establishment (Legislative Wording 10) <p>- Individuals who provide advice or guidance wholly or mainly to children and this specifically relates to their emotional, educational or physical well-being on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children, except where: – these activities are being provided to 16 and 17 year olds in work (including voluntary work) (Legislative Wording 11)</p>			
Staff/carer roles	<ul style="list-style-type: none"> Social Worker * Foster carers <p>Depending on activity, frequency and levels of supervision provided:</p> <ul style="list-style-type: none"> Foster carer support network including non-resident partners that 'play a significant role in 	<ul style="list-style-type: none"> Members of fostering households aged 18 and over Members of private fostering households aged 16 and over Special guardians and members of their household aged 18 and over 	<p>Depending on frequency and levels of supervision provided:</p> <ul style="list-style-type: none"> Foster carer support network (including non-resident partners) where the work is done infrequently + Fostering panel members ++ 	<p>Those who deal with personal information but do not have direct contact with children as part of their role:</p> <ul style="list-style-type: none"> Administrative workers

	<p>providing support to the foster carer^{1**}</p> <ul style="list-style-type: none"> • Support staff who have direct contact with children <p>NB it may be that a person/non-resident partner who is 'sharing the care of the child' should be jointly assessed as a foster carer ***</p>			
Link to guidance	<p>DBS: A GUIDE TO CHILD WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS</p> <p>- see Legislative Wording 10, 15 & 21</p> <p><i>* as required by the Police Act (Criminal Records) Regulations 2002 as amended and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The social work role is regulated by Social Work England</i></p> <p>** Statutory Guidance: Volume 4: Fostering Services para 3.87</p> <p>*** Assessment and approval of foster carers p9</p>	<p>DBS: A GUIDE TO CHILD WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS</p> <p>- see Legislative Wording 24 & 25</p>	<p>DBS: A GUIDE TO CHILD WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS</p> <p>+ see Legislative Wording 2</p> <p>++ see Legislative Wording 1</p>	<p>DBS: A GUIDE TO ELIGIBILITY FOR STANDARD CERTIFICATES FOR REGISTERED BODIES AND EMPLOYERS - see Legislative Wording 16</p>
<p>Additional Information:</p> <ul style="list-style-type: none"> • Guidance DBS checks: guidance for employers (Feb 2020) • Guidance DBS Update Service: employer guide (Sept 2018) • Guidance Making barring referrals to the DBS (Nov 2017) • Regulated activity in relation to children: scope Factual note by HM Government (2012) • CQC (Care Quality Commission): Registration under the Health and Social Care Act 2008 Disclosure and Barring Service (DBS) checks (formerly criminal record (CRB) and barring checks) (Oct 2019) 				

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