



Disclosure & Barring Service

CHILD WORKFORCE

These are roles which relate specifically to working with children which include, but are not limited to:

- those in regulated activity with children; which includes those who manage others in regulated activity with children, or others who would be in regulated activity except for the fact that they are supervised
- members of households where adoption, special guardianship, fostering or childminding takes place

Disclaimer: The plain English explanation which appears at the top of each section is not to be taken as the legislative purpose; it is a descriptor of the legislation in each section.

A detailed list can be found in the table below:

Enhanced level DBS certificate

DBS criminal record check applications for types of work known as [regulated activity with children](#)

Legislation

Any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006

DBS criminal record check applications for types of work which would have been regulated activity with children before the introduction of the Protection of Freedoms Act 2012 in September 2012

Legislation

Any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

DBS criminal record check applications for types of work known as [regulated activity with children](#) but where the work is done infrequently*. This also applies to those types of work which would have been regulated activity with children before the introduction of the Protection of Freedoms Act 2012 in September 2012

*Infrequently means they do not meet the frequently or intensively conditions required for a position to be classed as regulated activity with children. Frequently or intensively means an activity carried out by the same person once a week or more often or on 4 or more days in a 30-day

period.

Legislation

Work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

DBS criminal record check applications relating to;

- **registration as a childminder agency or managing a childminder agency**
- **prospective childminders or childcare providers**
- **or anyone over the age of 16 who lives or works in the premises where the childminding or childcare takes place and has the opportunity to have contact with the children**

Legislation

Registration for child minding, providing day care or a childminder agency under:

- Part 2 of the Children and Families (Wales) Measure 2010
- Part XA of the Children Act 1989
- Chapters 2, 2A, 3, 3A or 4 of Part 3 of the Childcare Act 2006

including assessing the suitability of any person to have regular contact with children who is –

- (i) aged 16 or over and living on the premises at which the child minding or day care is being or is to be provided
- (ii) aged 16 or over and working, or who will be working, on the premises at which the child minding or day care is being or is to be provided at times when such child minding or day care is being or is to be provided

DBS criminal record check applications relating to working for a childminder agency in a quality assurance role visiting day care or childminding premises.

Legislation

Working for a childminder agency under Chapters 2A or 3A of part 3 of the Childcare Act 2006 in a quality assurance role where the duties involve entering a childcare premises and their work means they have the ability to have contact with children while they are on the premises or have access to sensitive or personal information about the children for whom the childcare is provided.

DBS criminal record check applications relating to prospective foster carers or anyone aged 18 and over who lives in the fostering household or applications when someone wishes to foster a child privately or anyone aged 16 and over who lives in the private fostering household

Legislation allows for checks of anyone aged 16 and over for fostering purposes however Department for Education advise organisations to follow Fostering Regulations and only request checks for those aged 18 and over where it is not private fostering

Legislation

Placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of section 67 of that Act or article 108 of that Order (welfare of privately fostered

children), including obtaining information in respect of any person who is –

- (i) aged 18 or over and living in the same household as a person who is, or who wishes to be approved as, a foster parent within the meaning of section 53(7)(a) or (b) of the Safeguarding Vulnerable Groups Act 2006;
- (ii) aged 16 or over and living in the same household as a person who fosters, or intends to foster, a child privately within the meaning of section 66(1) of the Children Act 1989 or who is otherwise a private foster parent within the meaning of section 53(7) (c) and (8) of the Safeguarding Vulnerable Groups Act 2006.

DBS criminal record check applications relating to prospective adoptive parents or special guardians and anyone aged 18 and over who lives in the adoptive or special guardian household

Legislation

A decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or the compiling of a report for the authority making a decision in respect of an application to be a special guardian within the meaning of section 14A of the Children Act 1989, as to a person's suitability to adopt a child or be a special guardian, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter or special guardian

DBS criminal record check applications relating to registration to manage any type of agency or accommodation relating to the welfare of children

Legislation

Registration under Part II of the Care Standards Act 2000 (establishments and agencies).

DBS criminal record check applications relating to persons who work in a Further Education College or 16-19 Academy where the work they do brings them into regular contact with students aged under 18. Regularly in these circumstances should be applied by each organisation as appropriate

Legislation

Considering the applicant's suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002) or a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with persons aged under 18

DBS criminal record check applications for someone aged over 16 lives in a household which is on the premises of an educational institution, or on the premises where regulated activity takes place and where another person in the household is being assessed to work with children. This also applies to those types of work which would have been regulated activity with children before the introduction of the Protection of Freedoms Act 2012 in September 2012

Legislation

Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of –

- (i) engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act

2012

- (ii) working in a further education institution (within the meaning of section 140 of the Education Act 2002) where the normal duties of that work involve regular contact with children
- (iii) working in a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with children

where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place

DBS criminal record check applications relating to registration as a social care worker

Legislation

Registration under Part IV of the Care Standards Act 2000 (social care workers)

Standard level DBS certificate

Any work relating to children that is eligible for a standard level certificate by virtue of its inclusion in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975