



Making Safeguarding Referrals to the Disclosure and Barring Service (DBS)

On 1 December 2012 the Independent Safeguarding Authority (ISA) and the Criminal Records Bureau (CRB) merged to form a new organisation. This is called the Disclosure and Barring Service (DBS). The legal duty to make referrals remains; however referrals should now be addressed to the DBS.

If you dismiss or remove a person from regulated activity (or may have done so had they not left) because they have been proved through a Safeguarding Adults enquiry or disciplinary action to have harmed or posed a risk of harm to a child or adult at risk from harm, then you have a **LEGAL** duty to refer the person to the [Disclosure and Barring Service](#).

Duty/Power to refer

The following have a **duty** to refer if any of their own employees/volunteers have harmed or posed a risk of harm to adult(s) at risk of harm and/or children:

- regulated activity suppliers (employers and volunteer managers)
- personnel suppliers

Under the provisions of the Safeguarding Vulnerable Groups Act, 2006, the following groups have the power to make a referral to the DBS:

- local authorities (safeguarding role)
- education and library boards
- health and social care (HSC) trusts
- keepers of registers eg General Medical Council, Nursing and Midwifery Council
- supervisory authorities eg Care Quality Commission, Ofsted

The role of the Disclosure and Barring Service is to keep adults at risk and/or children and young people safe by making barring decisions about people who are

referred to it (usually following an employer's disciplinary process). The possible outcome of this is that the person is barred from working or volunteering with children and/or adults at risk.

The DBS uses a fair, thorough and consistent process that ensures that the decision it reaches is both proportionate and appropriate to the risk the person poses to children or adults at risk. This means that **quality and clarity** of recording and decision-making are critical as they are required to facilitate DBS decision-making. This is a decision which can have a huge impact on people's lives, so fullness of information is essential.