

England Netballs Position on the DBS Update service

1.0 England Netball's Position

Currently England Netball (EN) does not accept the DBS update service and following guidance review rationale is presented below ([section 7.0](#)). This document provides both an outline of the update service along with reasoning as to EN's non partaking in the scheme. England Netball complies and agrees with the [DBS Code of Practice](#) and has a recruitment of [Ex-Offenders policy](#). Further our full [DBS guidance](#) and [Safeguarding policy](#) can be found within.

2.0 Introduction

The DBS Update service allows employers to carry out an instant online check, viewing the status of an existing DBS (Standard or Enhanced) Certificate. This process can only be completed provided the criteria in [section 3.0](#) are met, as it is the employer who is responsible for understanding and applying the legislation to each role recruited for.

3.0 Status checking

The organisation must complete "the statement" ([found here](#)) confirming consent and legal right to "ask the exempt question"- meaning they have right to see non protected spent conviction information, more information [here](#). With exception of non-protected spent and unspent conviction information, enhanced certificates may contain relevant non-conviction information, which is required to be disclosed, including child and/or adult barred list status'. In agreeing to the declaration organisations state they have consented to be provided with suitability assessment information and are legally entitled to the requested level.

The organisation is required to answer "Yes" to the following questions, if they are unable to do a status check cannot be carried out.

- Have you [the organisation] seen the applicants original certificate?
- Have you [the organisation] checked the applicant's ID to confirm their identity?
- Do you [the organisation] have the applicants consent?
- Are you [the organisation] legally entitled to the same level of DBS certificate-standard or enhanced?
- Does the DBS certificate only contain the exact workforce that you [the organisation] are entitled to know about for the recruited role?

3.1 workforce types

The 'workforce' is split into three categories: child, adult and child & adult, defined under the following (More information on this can be found [here](#)):

3.1.1 Child

Role(s) eligible under the pretence of working with children, include interactions with children which are classified under regulated activity. Applicants not meeting regulated activity criteria but remaining in contact with children within a specific setting are also included.

3.1.2 Adult

Adult workforce DBS relates to roles based on regulated activity with vulnerable adults. As with child workforce, those not meeting the regulated activity criteria but remaining with the opportunity to be in contact with vulnerable adults can apply under this workforce category.

3.1.3 Child and adult

Individuals may apply for a check under 'child and adult workforce' dependent upon the role, with consideration given to all aspects of the individuals role. Importantly the individual must meet the eligibility criteria for both vulnerability groups.

4.0 Interpreting status check results

Upon completing the status check the system will provide one of the following results.

4.1 No information revealed.

"This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue".

The DBS certificate was issued as "clear"- it did not retrieve positive content and no new information has been found post issue, hence, can be accepted as being both valid and current.

4.2 Information remains current.

"This DBS certificate remains current as no further information has been identified since it's issue".

The original DBS certificate revealed positive content. Since this point no new information have been found therefore the certificate can be accepted as current and valid.

4.3 No longer current.

“This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information”.

New positive content has come to light- since the DBS certificate was issued, therefore the individual will need to apply for a new DBS check for this information to be seen.

5.0 Frequency of data searches for new information

The DBS regularly searches for new information post original certificate issue. Search frequency depends on the level and type of certificate; criminal convictions and barring information is searched on a weekly basis, whilst non-criminal conviction is searched every 9 months. The DBS will not inform the organisation of any status change; hence, they must perform periodic checks of a certificate.

6.0 reasons for certificate status change

The certificate will be changed based on the following conditions.

6.1 All DBS certificates

- New convictions, cautions, reprimands, or warnings added to police records.
- An amendment has been made by the police to current convictions, cautions, warnings, or reprimands.

6.2 Enhanced certificates

- As per the above plus any new relevant information

6.3 Enhanced certificates with a check against either barred list

- As above plus if the person becomes barred for either/both barred lists.

7.0 Rationale behind England Netball’s decision

In reviewing section [3.0 Status Checking](#) EN are mandated to answer “yes” to all questions prior to completing status checks. Answer rationale is presented below.

- *Have you seen the applicant’s original certificate?*
 - EN would require seeing every original certificate directly regardless of outcome (positive or clear), totalling over 1500 p/a. Currently EN do not hold the resources to enable this. Currently, EN are notified when a certificate contains positive content, therefore sight is only required on these records.
- *Have you checked the applicant’s ID to confirm their identity?*
 - This is a face-to-face requirement, requiring; EN staff, EN trained verifier or the post office. Further the original certificate needs presenting for

verification, meaning it would need to be seen by multiple persons, prolonging the process.

- *Do you have the applicant's consent?*

EN's volunteer consent form grants permission For EN to view the certificate should there be positive content on it, however doesn't provide written permission for a status check.

- *Are you legally entitled to the same level of DBS certificate- standard or enhanced?*
 - Dependent on the original certificate, the level of check required may differ therefore a carrying out a status check may not be possible.
- *Does the DBS certificate only contain the exact workforce that you are entitled to know about, for the role you are recruiting for?*
 - Depending on the original certificate applicant's workforce a check may not be possible if the check requires a different workforce.

Secondly interpretation of the status check result requires consideration ([section 4.0](#)). Whilst for the majority [section 4.1](#) would be relevant, sections [4.2](#) and [4.3](#) provide implications EN must consider with a requirement to complete all risk assessment procedures.

Status checks returning "Information remains current" (4.2), require content risk assessment to ensure there is no perceived risk to those in Netball. EN must see sight of the original certificate, prolonging the process over a new certificate being issued (current process). Checks returning 4.3 "No longer Current" require a new certificate as new content needs risk assessment, current processes flag this content reducing the time frame.

Addressing the above, EN's current processes mitigate these issues as each positive disclosure is risk assessed following receipt of a positive disclosure. Hence, risk assessment procedures are acted upon immediately, juxtaposed to waiting for the status check to be completed and subsequent actions.

The update service frequently searches for information on individuals providing updates on records. However, information is not automatically provided to the organisation, instead the organisation must check for any updates. Consequently, EN would need to check the records of many individuals regularly ensuring any new content was flagged and risk assessed, however individual must consent to these checks. Two issues may impact upon the status check and risk assessment, where applicable: The individual may

unsubscribe from the service, not allowing a status check to be completed subsequently EN would be unaware of any new content. Secondly individuals may not provide up to date contact details impacting on the procedures dependent on the outcome.

The above provides reasoning and rationale behind EN not currently accepting the DBS update service, however this position may change if new evidence/ protocols come to light. EN are constantly seeking to review and update services to ensure that safeguarding is maintained and at the forefront of every action taken.