



# Disclosure & Barring Service

## A GUIDE TO OTHER WORKFORCE ROLES

This will help you identify whether the position you are recruiting for falls into the other workforce when completing the “Position Applied For” field on a DBS application form and where access to a children’s and adults’ barred list check is available. These are roles which don’t specifically relate to working with children and/or adults.

It is important to make sure that the law allows you to submit a DBS application before you identify the relevant workforce. You are legally responsible for making sure you can submit applications and should be aware of the legislation that supports each application in case we need further clarification.

### **Disclaimer:**

**This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.**

DBS checks can be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), or in the Police Act 1997 and Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make it a mandatory requirement.

Decisions on when and whether to undertake a DBS check are a matter for the relevant employer or regulator. It is not discretionary as such, but a matter of considering the nature of the activities undertaken and if they are eligible for DBS checks. The DBS provide an electronic [eligibility tool](#) which can also help with this.

### STANDARD level DBS certificate

Applications for standard DBS certificates **must** contain a workforce or they will be rejected. This is a mandatory requirement

**Individuals whose role does not relate to working with children or adults which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

### ENHANCED level DBS certificate

Applications for enhanced DBS certificates **must** contain a workforce or they will be rejected. This is a mandatory requirement

**Individuals applying for or renewing a taxi or private hire vehicle licence – not taxi drivers who are entering into a contract to drive children or adults**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2014/955

- Considering the applicant's suitability to obtain or hold a taxi driver licence.

**Individuals applying for or renewing an operating licence to run premises where gambling can take place**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding an operating licence under Part 5 of the Gambling Act 2005 for the purposes of that Act.

**Individuals applying for or renewing a personal licence to perform the functions of a specified management office, or a specified operational function, in relation to facilities for gambling**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding a personal licence under Part 6 of the Gambling Act 2005 for the purposes of that Act.

**Individuals applying to work for the Gambling Commission**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Considering an individual's suitability for a position as Commissioner for the Gambling Commission and for any office or employment in the Commissioners' service.

## ENHANCED level DBS certificate

Applications for enhanced DBS certificates **must** contain a workforce or they will be rejected. This is a mandatory requirement

### **Individuals applying for or renewing a licence to run the National Lottery or promote or sell tickets in relation to that lottery**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding a licence under section 5 or 6 of the National Lottery Act 1993 (running or promoting lotteries).

### **Individuals required to be registered by the Immigration Services Commissioner to provide immigration advice or services, not in connection with criminal proceedings – not individuals who work in UK Visas and Immigration**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2009/1882

- Considering the applicant's suitability for work as a person who provides immigration advice or services as defined in section 82(1) of the Immigration and Asylum Act 1999 and is –
  - (i) a registered person under Part 5 of that Act, or
  - (ii) a person who acts on behalf of and under the supervision of such a registered person, or
  - (iii) a person who is exempt by section 84(4)(a) to (c) of that Act

### **Individuals applying for or renewing a licence to produce, supply, offer to supply or have in his possession any controlled drug**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2009/1882

- Considering the applicant's suitability to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001 or under Article 3(2) of Regulation 2004/273/EC or under Article 6(1) of Regulation 2005/111/EC where the question relates to any person who as a result of his role in the body concerned is required to be named in the application for such a licence (or would have been so required if that person had had that role at the time the application was made).

### **Individuals applying to be a Maritime armed guard on UK ships where they can carry, acquire or transfer weapons and/or ammunition**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.4) Regulations 2012/3016

- Considering an individual's suitability to have in their possession, to acquire or to transfer, prohibited weapons or ammunition to which section 5 of the Firearms Act 1968 applies.

## ENHANCED level DBS certificate

Applications for enhanced DBS certificates **must** contain a workforce or they will be rejected. This is a mandatory requirement

### **Individuals applying to be employed for the purpose of national security for the following:**

- **in service of the Crown;**
- **the United Kingdom Atomic Energy Authority**
- **the Financial Conduct Authority (FCA);**
- **the Prudential Regulation Authority (PRA)**

Wording from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013/1198

- Any question asked by or on behalf of any person, in the course of his duties as a person employed in the service of the Crown, the United Kingdom Atomic Energy Authority or the FCA or the PRA in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed for the purpose of safeguarding national security.

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Assessing the suitability of a person for any office or employment which relates to national security

### **Individuals applying to be appointed to judicial appointments, such as Judges, Magistrates, Coroners or Justices of the Peace.**

Wording from section 116 of the Police Act 1997

- An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for a judicial appointment.

### **Individuals applying to be employed by the Crown.**

Wording from section 116 of the Police Act 1997

- An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for an appointment by or under the Crown to a position of such description as may be prescribed.

### **Access to the DBS CHILDREN'S AND ADULTS' BARRED LIST**

Applications for enhanced DBS certificates in the other workforce **including a check of the children's and adults' barred lists** are not in regulated activity with children or adults

#### **Individuals applying for or renewing a taxi or private hire vehicle licence – not taxi drivers who are entering into a contract to drive children or adults**

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2012/2114

- Considering the applicant's suitability to obtain or hold a licence under section 46 of the Town Police Clauses Act 1847; section 8 of the Metropolitan Public Carriage Act 1869; section 9 of the Plymouth City Council Act 1975; section 51 of the Local Government (Miscellaneous Provisions) Act 1976; or section 13 of the Private Hire Vehicles (London) Act 1998