

1. Standard Disclosure checks:

"Eligibility (for Standard Disclosures) is determined based upon the duties of the position and in order for a position to be eligible for a DBS check the position must be:

Listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975

The roles of Contractors, Maintenance Engineers and similar job roles are not included in the ROA (Exceptions) Order 1975 in their own right, nor can we see any inclusion which would cover the duties undertaken by the Contractors, Maintenance Engineers or similar when they are working in a school or college. Therefore we cannot see any eligibility for a Standard level DBS check for these roles."

Consequently, because Standard Disclosures relate to the job role alone and because job roles such as Multi-skilled Operative are not on the 'Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975', applicants of this nature would not be eligible for Standard Disclosures.

2. Enhanced Disclosure checks:

"Eligibility is determined based upon the position and in order for a position to be eligible for a DBS check the position must be:

Listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, and Prescribed in The Police Act 1997 (Criminal Records) Regulations – this enables an application for an Enhanced level check."

However, an applicant can be eligible for an Enhanced Disclosure even if their job role isn't listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, as long as they meet the following criteria:

Do they work in an establishment quoted in the 'Regulated Activity' legislation (i.e. school, college, nursery, care home, hospital, etc)?

Do they have opportunity for unsupervised contact with a vulnerable party?

Do they work on the above premises for at least one day of the week or four days of in a 30 day period?

Consequently, if you can realistically answer 'yes' to each of the above for an applicant, you can apply for an Enhanced Disclosure (without any barred list check) on their behalf, regardless of their job title. It is for you to determine whether the services that are being provided by your staff are being carried out on an occasional or temporary basis and whether they meet the above criteria. If an applicant does not meet the above criteria and the job role alone isn't eligible then you will need to apply for a Basic Disclosure for the applicant through Disclosure Scotland (they provide all Basic Disclosures across the UK).

3. Basic Disclosure Checks:

If your applicants do not meet the criteria for Standard or Enhanced checks then you can apply for a Basic Disclosures these are available to any person in any job role and are supplied by Disclosure Scotland who provide all Basic Disclosures across the UK.



Any Questions, Give us a call.

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