COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

UNITED KINGDOM

Replies received by the Secretariat on 30 June 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term “screening” is used in this questionnaire, this should be understood as “verification of criminal convictions for sexual offences against children”.

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted: **United Kingdom**

b. Entities and bodies which have been involved in responding to this questionnaire:
Home Office
College of Policing
Department for Education (DfE)
Department for Health and Social Care
Ministry of Justice
His Majesty’s prison and Probation Service (HMPPS)
Department for Culture Media and Sport
Ministry of Housing, Communities and Local Government
Government of Wales
Government of Scotland
Disclosure Scotland
Government of Northern Ireland
Health North Ireland
Justice Northern Ireland
Police Service Northern Ireland
AccessNI

<u>Persons concerned by screening requirements</u>

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table): Please see attached annex on UK administrations.

The UK is made up of four administrations: England, Wales, Scotland and Northern Ireland. England and Wales share the Disclosure and Barring (DBS) screening system, while Northern Ireland operates AccessNI and Scotland uses Disclosure Scotland. Screening practices within each sector are shaped by the guidance, regulators and legal frameworks specific to each administration.

England

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes	Yes	Yes	Yes	For every person aged 16 and over (including all volunteers). Answers are in regards to early years settings including nurseries and childminders that follow the follow the Early Years Foundation statutory framework.
Education – Primary	Yes	Yes	Yes	Yes	All paid staff who work in a school. Any volunteers carrying out regulated activity.
Education – Secondary	Yes	Yes	Yes	Yes	All paid staff who work in a school. Any volunteers carrying out regulated activity.
Education – Tertiary	Yes (if provided by public sector- i.e. school)	Not required	Not required but more likely to be used	Not required	All paid staff who work in a school and any volunteers carrying out regulated activity.
Education – Extra-curricular (e.g.	Yes (if provided by public	Not required	Not required- but more likely to be used.	Not required	All staff and volunteers who have regular and unsupervised contact with children.

language schools)	sector- i.e. school)				
Childcare (e.g. kindergartens, crèches, childminders	Not required- but likely to be used.	Not required	Not required	Not required	These answers are for informal and unregulated care settings. This can include: - In a child's own home. - Childcare offered for less than 2 hours a day (e.g. creches) - Nannies who choose not to register with Ofsted (the regulator). (To note, childminders must be registered in England so are not included in this section for consideration.)
Additional information: Formal childcare for children aged 5-8.	Yes	Yes	Yes	Yes	Providers must register with Ofsted (the regulator.) Childminders and providers of childcare on domestic premises can instead chose to register with a childminder agency.
Additional information: Formal childcare for children over the age of 8.	Probably- providers must ensure that staff are suitable.	Probably	Probably	Probably	These providers can choose to register with Ofsted – in which case, they must have checks carried out.
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Yes	All staff working in children's homes, foster service staff and foster carers and all supported accommodation staff.
Detention	Yes- full vetting carried out by Her Majesty's	Yes – full vetting carried out by HMPPS	Yes – full vetting carried out by HMPPS	Case dependent	

	Prison and Probation Service (HMPPS)				
Migration Facilities (including reception centres)	Yes	Yes	N/A	N/A	• Home Office contracted accommodation for asylum-seekers is operated through the Asylum Accommodation and Support contract (please note different arrangements exist for resettlement accommodation as that's usually arranged through local authorities). The providers have to agree to the safeguarding framework which is available at: Asylum support contracts safeguarding framework - GOV.UK • The Refugee Council are the current organisation who operate a contract for supporting Unaccompanied Asylum-Seeking Children (UASC's) at Kent Intake Unit. All their staff are required to undertake criminal checks.
Sport	Yes (if provided by public sector- i.e. school)	Not required	Not required but more likely to be used	Not required	All paid staff or volunteers who coach, instruct, or supervise children or vulnerable adults, and anyone carrying out regulated activity.
Culture and leisure activities	Yes (if provided by public sector- i.e. school). (DfE)	required where roles are classed as regulated activity	required where roles are classed as regulated activity	required where roles are classed as regulated activity	Arts Council England support a number of these sectors with funding. While ACE is not a regulatory or self-regulatory body for cultural sectors, ACE's Safeguarding Policy for Grant Holders, requires grant holder to demonstrate there are safe recruitment procedures in place, including procedures to check background and disclosures of all staff, volunteers, trustees, partners or contractors who will supervise, care for, or otherwise have significant direct contact with children, young people and adults at risk checks with the Disclosure and Barring Service. Arts Council England would not advise on specifics or details of UK rules in respect of criminal record checks, Employees working with children in museums will meet the criteria for regulated activity and require enhanced DBS checks,

					but outside of those specific roles there is probably some variations across the museum sector. Although basic DBS checks for all employees are fairly common, especially for larger museums. However, as 30% of all museums are entirely volunteer-run, even basic DBS checks may be beyond their remit.
Entertainment sector	N/A	Not required	Not required	Not required	
Faith and religion	N/A	Not required	Not required	Not required	The Charity Commission have advised that whether a DBS check is required will relate to whether the provider is a regulated activity provider and/or whether an individual is undertaking, or supervising someone who is undertaking regulated activity, rather than the religious nature of the setting.
Healthcare (including psychological and psychiatric services)	Yes. Required for NHS roles in England that are eligible for a DBS checks.	Yes. Required for volunteer roles in the NHS in England that are eligible for a DBS check.	The private health sector is outside of Department for Health and Social Care's remit.	Self-employed healthcare professionals can voluntarily request a DBS check where the role they are carrying out is legally eligible for one. From January 2026, amendments to the Police Act 1997 allow those in eligible roles to apply for an Enhanced DBS check via a	Clinicians and staff with patient contact, includes but not limited to doctors/psychiatrists, nurses (incl. mental health), clinical/counselling psychologists, psychological therapists/psychotherapists, CAMHS staff, allied health professionals in mental health services, support workers/health care assistants, students/trainees, locums/agency/bank and honorary contract holders. Checks can also be carried out by professional regulators for eligible roles that require registration to legally practise in the UK.

				DBS-registered umbrella body. However, there is no legal requirement for the individual to share the check with patients or the public.	
Social protection services	Yes	n/a	Yes	Yes	Social worker is a protected title, they are required to declare any criminal convictions (i.e. DBS check) as part of annual registration with Social Work England (the regulator for the social work profession).
Law enforcement	Yes	Yes	N/A	N/A	When applying to be a police officer, individuals go through formal vetting consisting of a variety of checks including full criminal records checks, and assessment of non-conviction data and police intelligence. Applicants must disclose all convictions, cautions and police contact. Checks are also completed on family members and other close associates. Any conviction for sexual offences against children will normally exclude someone from becoming a police officer. Where posts require DBS checks, recruitment vetting and management vetting will be sufficient if the post is under the direction and control of the chief constable as these checks review the DBS barred list on the police national database. Therefore, in this circumstance, a further DBS check is not required. If the role is not under the direction and control of the chief constable and it meets the statutory criteria for DBS checks, these will need to be completed in addition to any non-police personnel vetting and clearance.

Judicial	Yes	The requirement applies to all individuals seeking appointment to judicial office including but not limited to judges, magistrates, tribunal members, and any quasi-judicial roles where contact with children may occur. It also extends to any volunteers or self-employed professionals acting in a judicial or quasi-judicial capacity	N/a	N/a	The requirement applies to all individuals seeking appointment to judicial office including but not limited to judges, magistrates, tribunal members, and any quasi-judicial roles where contact with children may occur. It also extends to any volunteers or self-employed professionals acting in a judicial or quasi-judicial capacity
Civil society organisations		•Not required	Not required	Not required	

Victim services (including Barnahus, domestic violence services)					Victim support services in England comprise a mix of healthcare services and civil society organisations. Individuals working in regulated activity with children are expected to hold an Enhanced DBS certificate as the standard safeguarding measure.
Any other sectors (please specify)					

Wales

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes – where role involves regulated activity/ regular contact with children (DBS enhanced; barred list check where required).	Yes – for regular volunteers/placements with children (DBS enhanced; barred list where required).	Yes – private/third-sector early years settings where staff are in regulated activity/ regular contact (DBS enhanced; barred list where required).	Yes – where self-employed individuals deliver care/tuition/support directly to children (DBS as appropriate; barred list where required)	Early years staff working with children (e.g. nursery/maintained nursery/early years setting staff); supply/agency staff; regular volunteers/placements; peripatetic/visiting professionals (e.g. therapists) where in regulated activity.
Education – Primary	Yes – school workforce roles involving regulated activity/ regular contact with children (DBS enhanced;	Yes – for regular volunteers/governors (as appropriate), and others with regular	Yes – independent schools and contracted providers delivering education/ services to children (DBS	Yes – where self-employed individuals provide teaching/ tutoring/therapy/ support to children and meet regulated activity criteria	Teachers; learning support assistants; supply/agency staff; school leadership; ancillary staff with regular contact (as applicable); governors/regular volunteers; peripatetic teachers; visiting professionals (e.g. counsellors/therapists) where in regulated activity.

	barred list where required).	unsupervis-ed contact (DBS as appropriate; barred list where required).	enhanced; barred list where required).	(DBS as appropriate; barred list where required)	
Education – Secondary	Yes – school workforce roles involving regulated activity/ regular contact with children (DBS enhanced; barred list where required).	Yes – for regular volunteers/governors (as appropriate) and others with regular unsupervis-ed contact (DBS as appropriate; barred list where required).	Yes – independent schools and contracted providers delivering education/ services to children (DBS enhanced; barred list where required).	Yes – where self-employed individuals provide teaching/ tutoring/therapy/ support to children and meet regulated activity criteria (DBS as appropriate; barred list where required).	As for primary, including: subject teachers; ALN/behaviour support staff; pastoral staff; cover supervisors; work experience coordinators; regular volunteers (e.g. mentoring/reading) and governors where applicable; visiting professionals where in regulated activity.

Education – Tertiary	Yes – for staff in FE/tertiary settings who teach/train/ supervise learners under 18 or otherwise have regular contact (DBS enhanced; barred list where required).	Yes – for regular volunteers/mentors/ placements supporting learners under 18 where they meet the regulated activity threshold (DBS as appropriate; barred list where required).	Yes – independent/ contracted tertiary providers delivering education/ training to under-18s (DBS enhanced; barred list where required).	Yes – for self-employed tutors/trainers/assessors/ therapists working directly with learners under 18 where regulated activity criteria are met (DBS as appropriate; barred list where required)	FE teachers/lecturers working with under-18s; learning support; pastoral/wellbeing staff; work-based learning staff and assessors (where delivering/supervising under-18s); governors/volunteers where applicable; visiting professionals where in regulated activity.
Education – Extracurricular (e.g. language schools)	Yes – where provision is delivered by a public body and staff have regular contact with children (DBS enhanced; barred list	Yes – for regular volunteers/coaches/ tutors working with children (DBS as appropriate; barred	Yes – private providers (e.g. language schools/ tutoring centres) where staff are in regulated activity/ regular contact with	Yes – self-employed tutors/ instructors running sessions for children (DBS as appropriate; barred list where required)	Tutors/instructors/teachers (including visiting/supply where used); club leaders; mentors; volunteers supporting regular activities with children; online/face-to-face provision where it meets regulated activity criteria (DBS/barred list as appropriate).

	where required).	list where required)	children (DBS enhanced; barred list where required).		
Childcare (e.g. kindergartens, crèches, childminders	For unregistered provision, exempt through the Child Minding and Day Care Exceptions (Wales) Order 2010, providers are expected to comply with the Working together to safeguard people: code of safeguarding practice, however, it would not be independently monitored or regulated and therefore compliance	For unregistered provision, exempt through the Child Minding and Day Care Exceptions (Wales) Order 2010, providers ar e expected to comply with the Wor king togethe r to safeguard people: code of safeguardin g practice, however, it would not be independ ently monito red or	For unregistered provision, exempt through the Child Minding and Day Care Exceptions (Wales) Order 2010, providers are expected to comply with the Working together to safeguard people: code of safeguarding practice, however, it would not be independently monitored or regulated and therefore compliance and	For unregistered provision, exempt through the Child Minding and Day Care Exceptions (Wales) Order 2010, providers are expected to comply with the Working together to safeguard people: code of safeguarding practice, however, it would not be independ ently monitored or regulated and therefore compliance and screening will be dependent on the employer and the	Childminders Childminder assistants Childcare workers Play workers Volunteers Setting leaders

	and screening will be dependent on the employer and the workplace policies.	regulated and therefore compliance and screening will be dependent on the employer and the workplace policies.	screening be dependent on the employer and the workplace policies.	workplace policies.	
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes, for employment in the public sector within institutional or residential care settings, enhanced Disclosure and Barring Service (DBS) checks are mandatory. These checks identify any convictions, cautions, reprimands, or	Yes, individuals s eeking to volunteer in institutional or residential care settings must also undergo enhanced DBS checks. Anyone with a criminal history relating to sexual offences against children will	Yes, private providers of residential or institutional care are required to apply the same safeguarding standards. All staff and volunteers must pass enhanced DBS checks before working with children, ensuring those with convictions for sexual	Yes, self-employed professionals such as independent therapists or tutors providing services within these facilities must obtain enhanced DBS checks. Organisations commissioning their services are responsible for ensuring these checks are current and	This requirement applies to all individuals whose roles involve regular contact with children in institutional or residential care settings. It includes employees, volunteers, private sector staff, self-employed professionals such as therapists and tutors, and anyone working or volunteering in environments like foster homes, orphanages, and closed residential facilities. Relevant legislation for individual employed in regulated settings: Regulation and Inspection of Social Care (Wales) Act 2016 And associated regulations

	warnings for offences, particularly sexual offences against children. Individuals with such convictions are barred from employment in these environments.	not be permitted to volunteer in roles involving contact with children.	offences against children are prevented from employment in these settings.	valid, and those with convictions for sexual offences against children cannot work in these environments.	
Detention	Yes, in Wales, the absence of criminal convictions for sexual offences against children is a strict pre-condition for individuals seeking to work or volunteer in any capacity that involves regular contact with	Yes. Volunteers in detention centres who may have regular contact with children are also subject to the same enhanced DBS checks. The absence of convictions for sexual offences	Yes. If private sector organisations are contracted to provide services in detention centres (for example, education, healthcare, or counselling), staff whose roles involve regular contact with children must also	Yes. Self-employed professionals who work in detention centres and whose roles involve regular contact with children (such as independent counsellors, tutors, or visiting specialists) must also be subject to enhanced DBS checks.	This requirement applies to all individuals (whether employed, self-employed, or volunteering) whose roles in detention centres involve regular contact with children. This includes but is not limited to: • Detention centre officers and staff • Teachers, tutors, and education support staff • Healthcare professionals (nurses, doctors, mental health practitioners) • Counsellors and therapists • Social workers • Activity organisers and youth workers • Volunteers assisting with programmes or daily activities

	children, including in detention. This requirement is based on the Safeguarding Vulnerable Groups Act 2006 (as amended), the Children Act 2004, and the Social Services and Well-being (Wales) Act 2014, which collectively ensure robust vetting and barring processes to protect children in all relevant settings, including secure or detention environments.	against children is required b efore comm encing an y voluntary activity. This applies equally as it does to paid positions.	undergo enhanced DBS checks. The requirement to have no convictions for sexual offences against children applies equally to private sector employees in these settings.	They are similarly barred from such work if they have a conviction for a sexual offence against children.	

	This check specifically searches for convictions, cautions, reprimands, or warnings for sexual offences against children. Anyone with such a conviction is legally barred from these positions.				
Migration facilities (e.g. reception centres)	Yes, in Wales, the absence of criminal convictions for sexual offences against children is a mandatory pre-condition for individuals s	Yes, volunteers in migration or reception centres in Wales who are expected to have regular contact with children must	Yes, private sector employees working in migration facilities or reception centres in Wales, whose roles require regular contact with children,	Yes, self-employed professionals (such as independent counsellors, tutors, or healthcare specialists) who provide services in migration or reception	This requirement applies to all individuals—whether employed, self-employed, or volunteering—whose roles in migration or reception centres in Wales involve regular contact with children. This includes, but is not limited to: • Centre officers and residential staff • Teachers, tutors, and education support staff • Healthcare professionals (nurses, doctors, mental health practitioners) • Counsellors and therapists

	eeking to work or volunteer in roles involving regular contact with children in migration facilities, such as reception centres. This requirement applies regardless of whether the position is in the public, private, or voluntary sector. The primary legislative framework underpinning this requirement is the *Safeguard-ing Vulnerable Groups Act 2006* (as amended), which applies	undergo enhanced DBS checks. The same barring provisions apply: individuals with convictions for sexual offences against children are prohibited from volunteering in these settings. This is enforced under the same legislation and Welsh safeguarding guidance as for employees.	are also subject to enhanced DBS checks. The requirements regarding the absence of relevant criminal convictions are identical to those in the public and voluntary sectors, as mandated by national legislation and Welsh Government policy.	centres and have regular contact with children must also obtain enhanced DBS checks. If they have convictions for sexual offences against children, they are barred from such work under the same legal and policy framework.	• Social workers • Activity organisers and youth workers • Volunteers assisting with programmes or daily activities • Any external specialists or contractors who engage regularly with children

	across England and Wales, and the *Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975*. These laws are complemented by Welsh Government safeguarding policies, including the *Wales Safeguarding Procedures* and statutory guidance under the *Social Services and Well-being (Wales) Act 2014*. Individuals barred from working with children due				

	to such convictions are listed on the Disclosure and Barring Service (DBS) barred lists and are legally prohibited from working or volunteering in these settings. Enhanced DBS checks are required for all public sector employees in migration facilities or reception centres whose roles involve regular contact with children. These				

	checks disclose convictions, cautions, reprimands, and warnings, incl-uding those relating to sexual offences against children. The absence of such convictions is a statutory requirement for these positions, in line with Welsh Government safeguarding policy and the *Safeguard i-ng Vulnerable Groups Act 2006*.				

Sport	In sport organisations operating within the public sector in Wales (e.g., local authority-run leisure centres, sports clubs affiliated with schools), all employees whose duties involve regular contact with children (teaching, training, instructing or providing guidance) are subject to criminal conviction checks. This is primarily carried out through	Yes. Volunteers in public sport organisations in Wales who have regular contact with children are also required to undergo DBS checks, however this is determined by the activities and responsibilities carried out by the individual. This applies to those volunteering as coaches, team managers,	Individuals employed in the private sector for sports who work with children are required to have a DBS check if their role involves a regulated activity with children. This includes coaches, referees and officials. Eligibility to apply for a DBS check is not based on a person's job title but is based on the activities and responsibilities carried out by	Yes – self employed individuals working in the public and private sport sector in Wales are required to obtain a DBS check. The check is based upon the activities and responsibilities carried out by each individual role.	Within public sport and sport organisations in Wales, the enhanced DBS safeguarding requirement applies to a broad range of professionals and volunteers, including: • Sports coaches and trainers • Team managers and assistants • Referees and officials • Physical education teachers and tutors • Medical staff (e.g., physiotherapists, sports therapists) • Activity organisers and youth workers involved in sport • Volunteers assisting with children's sports programmes or events • External specialists or contractors (e.g., guest coaches, event facilitators) who regularly engage with children

	enhanced DBS checks, which specifically flag convictions for sexual offences against children and other relevant safeguarding concerns. Employment cannot proceed if the applicant is found to have such convictions.	assistants, or in any capacity where they are responsible for or regularly interact with children. Individuals with convictions for sexual offences against child ren are barred from volunteering in these roles.	each individual role.		
Culture and leisure activities	Criminal conviction checks are required for employment in the public sector where the position	Volunteers may require a DBS check if their role involves unsupervise d cultural and leisure activities in	Private sector workers may require a DBS check if they are involved in regulated activity with children. This	Self-employed professionals, such as private music tutors, drama instructors, or sports coaches working directly/direct	This requirement applies to a broad range of professionals and volunteers, including but not limited to: coaches, trainers, activity organisers, youth workers, arts and cultural programme facilitators, external specialists (such as guest artists or workshop leaders), and volunteers assisting with children's events or programmes.

	involves regular contact with children in culture and leisure activities. Enhanced DBS checks are typically carried out before appointment, ensuring compliance with safeguarding legislation.	the public sector. The specific nature of the check depends on the nature of the role and level of risk involved. Organisations should ensure they have the appropriate checks in place to protect the welfare of children and comply with legal requirements referring to government guidance.	includes roles where they have physical contact with Children or be in a position where they could access changing rooms. The employer would be a regulated activity provider who would be obliged to carry out the necessary checks.	contact with children in culture and leisure settings, are also required to obtain a DBS check. If contracted by an organisation, proof of a satisfactory DBS check is usually required before commencing work with children.	
Entertainment sector	Yes, in the entertainment sector in Wales, criminal	Yes, in the entertainment sector in Wales, criminal	Yes and No. Individuals employed in the private sector do not	Yes and No. Self employed individuals, such as private tutors may require a	This requirement in the entertainment sector applies to a broad range of individuals, including but not limited to: entertainers, performers, stage managers, activity organisers, youth workers, drama instructors, music

	conviction checks are mandatory for public sector employment involving regular contact with children. Individuals must undergo a DBS check to ensure they do not have convictions for sexual offences against children, as this is a pre-condition for engaging in such roles.	conviction checks are mandatory for volunteers who have regular contact with children. Individuals must undergo a DBS check to ensure they do not have convictions for sexual offences against children, as this is a pre-condition for engaging in such roles.	require a DBS check if they are not involved in regulated activities. DBS checks are quired for those who frequently, intensively or overnight carry out largely unsupervised a ctivities with children. If a role does not meet these criteria a DBS check Is not required.	DBS, dependent upon their involvement in regulated activity. As of January 2026, self-employed individuals can apply for an enhanced DBS check, including a check against the Children's Barred list if the role involves unsupervised contact with children. The change allows self-employed individuals to demonstrate their suitability for regulated activities.	tutors, external specialists (such as guest artists), and volunteers assisting with children's events or programmes.
Faith and religion	Faith and religious organisations that employ	Volunteers in faith and religious organisation	While faith and religious organisations are typically not	Self-employed professionals providing services to	The requirement applies to a broad range of individuals within faith and religious organisations in Wales, including but not limited to: clergy, youth workers, Sunday school teachers, religious instructors, choir leaders, music tutors, pastoral care staff, activity organisers, volunteers assisting with

	individuals in roles involving regular contact with children—such as youth workers, religious instructors, or pastoral care staff—must carry out enhanced DBS checks prior to employment if that employment involves regulated activity. This includes activities such as supervising, teaching, training, caring for, or providing advice/ guidance on well-being to	s who have unsupervised or regular access to children—such as Sunday school teachers, youth group leaders, or event helpers—are subject to DBS checks.	categorised as private sector businesses, those operating in a private capacity—such as independent religious schools or faith-based childcare providers—are required to conduct enhanced DBS checks for staff and volunteers working with children.	children within faith and religious organisations, such as visiting speakers, music tutors, or activity leaders, must obtain a DBS check.	children's events or religious programmes, and external specialists such as guest speakers.

	children. The level of DBS depends on the frequency of these activities e.g. if an individual performs these activities on more than 3 occasions in a 30 day period they are eligible for an enhanced DBS check with a Children's Barred List check. For individuals engaging in these activities less frequently and enhanced DBS check without the Children's				

	Barred List may be required.				
Healthcare (including psychological and psychiatric services)	Yes - In the public healthcare sector in Wales, including NHS hospitals, clinics, and mental health services, enhanced DBS checks are mandatory for roles involving regular contact with children. This applies to medical professionals such as doctors, nurses, psychologists, psychiatrists, therapists,	Yes - Volunteers in healthcare settings, such as hospital play specialists, ward volunteers, or those assisting in child and adolescent mental health services, are also subject to enhanced DBS checks.	Yes - Private healthcare providers, including private hospitals, clinics, and psychological practices in Wales, must conduct enhanced DBS checks for staff and volunteers who work with children. This requirement is enforced for all positions where regular or unsupervised contact with children is expected, such as private psychologists, psychiatrists,	Yes - Self-employed professionals providing healthcare services to children in Wales, such as independent psychologists, counsellors, or therapists, must obtain an enhanced DBS check.	This requirement applies to a wide range of healthcare professionals in Wales, including but not limited to: doctors, nurses, psychologists, psychiatrists, counsellors, therapists, play specialists, mental health workers, allied health professionals, volunteers supporting paediatric services, and self-employed practitioners providing psychological or psychiatric care. Checks can also be carried out by professional regulators for eligible roles that require registration to legally practise in the UK.

	and allied health staff. In Wales, safeguarding in healthcare is primarily governed by the Safeguarding Vulnerable Groups Act 2006 and the Children Act 1989, which set out the legal framework for protecting children and vulnerable adults. These laws require organisations to carry out enhanced DBS checks and ensure that individuals barred from		counsellors, and therapists.		

	working with children or vulnerable groups are not employed in relevant roles. Additionally, the Social Services and Well-being (Wales) Act 2014 outlines duties for healthcare providers regarding the welfare and protection of children and vulnerable adults, reinforcing a multi-agency approach to safeguarding.				
Social protection services	Yes - For social services and social protection workers employed in	Yes - Volunteers working in social services or social protection roles	Yes - Private sector organisations providing social services or child protection activities in	Yes - Self-employed social services professionals in Wales, such as independent social workers or	This requirement applies to a wide range of social services and social protection workers in Wales, including but not limited to: social workers, assistant social workers, support workers, social work managers/leaders, child protection officers, family support workers, youth workers, community care staff, volunteers supporting children's welfare, and self-employed practitioners offering child protection or welfare services.

	the public sector in Wales, enhanced DBS checks are compulsory for any position involving regular contact with children. This applies to roles such as social workers, child protection officers, and family support workers. Individuals with convictions for sexual offences against children are prohibited from taking up these posts. The	that involve contact with children in Wales must undergo enhanced DBS checks. This includes volunteer mentors, family support volunteers, and individuals a ssisting with child welfare programmes . The absence of relevant convictions, particularly for sexual offences aga inst children, is essential for volunteering in these capacities.	Wales must conduct enhanced DBS checks for staff and volunteers who have regular or unsupervised contact with children. This applies to private care agencies, consultancy practices, and independent social workers. The Safeguarding Vulnerable Groups Act 2006 and the Children Act 1989 require that individuals with convictions for sexual offences against children cannot be employed in such roles.	consultants providing services to children, must obtain enhanced DBS checks. Evidence of a clear DBS check is typically required by organisations, schools, and community centres before allowing self-employed professionals to work with children. The Social Services and Well-being (Wales) Act 2014 and the Safeguarding Vulnerable Groups Act 2006 provide the legislative basis for these requirements.	

	Safeguarding Vulnerable Groups Act 2006 and the Social Services and Well-being (Wales) Act 2014 underpin these requirements, ensuring rigorous safeguarding protocols in public sector settings.	These requirements are enforced under the Safeguarding Vulnerable Groups Act 2006 and related regulations.			
Law enforcement	Yes - For law enforcement and public sector roles in Wales that involve working with or around children—such as police officers, community support	Yes - Volunteers working with law enforcement or supporting community policing initiatives that involve contact with children in	Yes - Private sector organisations contracted to provide law enforcement or security services with regular or unsupervised contact with children in Wales must	Self-employed professionals in Wales providing law enforcement-related services to children—such as independent trainers, consultants, or community safety	This requirement applies to a broad range of professionals and volunteers in law enforcement in Wales, including police officers, community support officers, child protection staff, youth justice workers, volunteers in police-led youth engagement programmes, and self-employed trainers or consultants working with children.

	officers, and staff in child protection units—enhanced DBS checks are compulsory. A clean record, particularly the absence of convictions for sexual offences against children, is an essential requirement for appointment to these positions	Wales must also undergo enhanced DBS checks.	conduct enhanced DBS checks on their staff.	advisors—are required to obtain enhanced DBS checks. Organisations or authorities engaging such professionals will require evidence of a clear DBS before allowing them to work with children, and any relevant convictions will disqualify the individual from these roles.	
Judicial	Yes, the absence of criminal convictions for sexual offences against children is a strict pre-condition for appointment	Yes - While most judicial positions are public appointments, there are limited voluntary roles (such as magistrates)	N/A	N/A	The requirement applies to all individuals seeking appointment to judicial office including but not limited to judges, magistrates, tribunal members, and any quasi-judicial roles where contact with children may occur. It also extends to any volunteers or self-employed professionals acting in a judicial or quasi-judicial capacity.

	to judicial roles in Wales where the duties may involve regular or occasional contact with children. This requirement aligns with the overarching safeguarding framework applicable to all positions of trust, including those within the judiciary.	within the judiciary. The same safeguardin g measures apply: indivi duals volunteering for judicial roles that may involve contact with children are subject to enhanced DBS checks.			
Civil society organisations	Yes, all individuals seeking employment in the public sector in Wales, whose roles involve regulated activity with	Yes, volunteers working with children in civil society organisation s in Wales are also subject to criminal	Yes, the requirement for criminal conviction checks applies equally to the private sector. Individuals employed in positions	Yes, self-employed professionals who provide services to or within civil society organisations in Wales—such as Barnahus cen	This requirement applies to all professionals, employees, volunteers, and self-employed individuals who are engaged by civil society organisations in Wales and whose roles involve regulated activity with children. This includes, but is not limited to, counsellors, child advocates, support workers, therapists, legal advisors, outreach workers, and anyone acting in a professional or voluntary capacity where regular contact with children forms part of their responsibilities.

	children, must undergo criminal conviction checks, including enhanced Disclosure and Barring Service (DBS) checks	conviction checks. Enhanced DBS checks are required, and anyone with convictions for sexual offences against children is barred from volunteering in roles involving regular contact with children.	involving regular contact with children must undergo enhanced DBS checks	tres or domestic violence support services—are also subject to enhanced DBS checks if their roles involve regulated activity with children.	
Victim services (including Barnahus, domestic violence services)	Yes, individuals seeking employment in public sector victim services in Wales, such as Barnahus centres and domestic	Yes, volunteers in victim services settings, including Barnahus and domestic violence services in	Yes, the same safeguarding standards apply to private sector organisations providing victim services in Wales	Yes, self-employed professionals who provide services within or to victim support organisations in Wales, such as Barnahus centres or	This requirement applies to all professionals, employees, volunteers, and self-employed individuals who are engaged by victim services organisations in Wales, including Sexual Assault Referral centres and domestic violence support services, in roles that involve regulated activity with children. This encompasses, but is not limited to, counsellors, child advocates, support workers, therapists, legal advisors, outreach workers, and anyone acting in a professional or voluntary capacity where regular contact with children forms part of their responsibilities.

	violence services, are subject to criminal conviction checks if they are involved in regulated activities that involve children. The law mandates that employers must verify th e suitability of staff working with vulnerable individuals.	Wales, must also undergo criminal conviction checks.		domestic violence services, and whose roles involve regulated activity with children, are also subject to criminal conviction checks.	
Any other sectors (please specify)					

Scotland

The populated table below captures roles which require Protecting Vulnerable Groups (PVG) Scheme membership and / or Level 2 disclosure.

In Scotland, individuals must become members of the PVG scheme if they wish to engage in specific roles, usually requiring ongoing contact with children. These are referred to as ‘regulated roles’ with children, and they are defined in schedule 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”). In short, someone must be carrying out an activity, and have contact with children, as a necessary part of their role, to mean they are carrying out a regulated role. The activities are listed in Schedule 2. Contact is also defined in Schedule 2 and includes any of the following—

(i) physical contact with children,

(ii) visual, written or verbal communication with children,

(iii) exercising power or influence over children.

This should be read alongside the comments below with regards to the PVG scheme and barring, which set out Disclosure Scotland's functions in relation to this.

	Criminal conviction **check for employment in public sector?**	**Criminal conviction** **check for voluntary activity?**	**Criminal conviction** **check for employment in private sector?**	**Criminal conviction check** **for self-employed professionals?**	**Please specify the professionals to whom this requirement applies**
Education – Pre-school	Yes	Yes	Yes	Yes	Any role in an early years setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.
Education – Primary	Yes	Yes	Yes	Yes	Any role in a school setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph

					21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.
Education – Secondary	Yes	Yes	Yes	Yes	Any role in a school setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.
Education – Tertiary	Yes	Yes	Yes	Yes	Any role in a school setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.
Education – Extracurricular (e.g.	Yes	Yes	Yes	Yes	Any role in a school setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph

language schools)					21, supervision does not exempt an individual from PVG scheme requirements. Where the organisation is defined as a school under the Education (Scotland) Act 1980, the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children) also applies, for which there must be an opportunity for unsupervised contact as a necessary part of their role to mean that PVG scheme membership is required.
Childcare (e.g. kindergartens, crèches, childminders	Yes	Yes	Yes	Yes	Any role in a childcare setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. Where the provider is designated as a nursery or day care premises for children, the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.

Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Yes	Any role in an institutional or residential setting, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role. For foster homes, foster carers require PVG scheme membership. Anyone aged 16 or over that shares a household is entitled to a Level 2 Disclosure with a check of the barred lists for children. Foster carer is defined in section 96 of the PVG Act.
Detention	Yes	Yes	Yes	Yes	Any role in secure accommodation for children, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. In all activities except paragraph 21, supervision does not exempt an individual from PVG scheme requirements. For the activity defined at paragraph 21 of Schedule 2 (which is aimed at ancillary roles that do not involve directly working with children), there must be an opportunity for unsupervised contact as a necessary part of their role.
Migration facilities (e.g. reception centres)	Yes	Yes	Yes	Yes	Any role in secure accommodation for children, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role.

Sport	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. Within the activities under Schedule 2, a specific activity of ‘Coaching children in relation to sports or physical activity’ is provided for. (paragraph 27)
Culture and leisure activities	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. Within the activities under Schedule 2, a specific activity of ‘providing cultural, leisure, social or recreational activities for children.’ is provided for. (paragraph 26)
Entertainment sector	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role.
Faith and religion	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. Within the activities under Schedule 2, a specific activity of ‘providing religious activities or services for children’ is provided for. (paragraph 28)
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. Within the activities under Schedule 2, a specific activity of ‘providing counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing to children, other than where such counselling, therapy,

					advice, guidance or advocacy support is provided in a prison by a prisoner to another prisoner. (paragraph 24) Within the activities under Schedule 2, the following healthcare professions are also specifically listed as requiring PVG scheme membership: • registered medical practitioner • anaesthesia associate or physician associate pursuant to registration with the General Medical Council • registered nurse • midwife • health visitor • profession pursuant to registration with the Health and Care Professions Council • chiropractor pursuant to registration with the General Chiropractic Council • dentist or dental care professional pursuant to registration with the General Dental Council • optometrist or dispensing] optician pursuant to registration with the General Optical Council • osteopath pursuant to registration with the General Osteopathic Council • pharmacist or pharmacy technician pursuant to registration with the General Pharmaceutical Council

					In Health Care, checks can also be carried out by professional regulators for eligible roles that require registration to legally practise in the UK.
Social protection services	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role. Within the activities under Schedule 2, the activities of • acting as a foster carer in relation to the child (paragraph 4) • making decisions in relation to a child's care arrangements where a council has facilitated the child's care arrangements (paragraph 5) • having responsibility for the safety and welfare of a child, other than acting as a foster carer in relation to the child' (paragraph 6)
Law enforcement	Yes	Yes	N/A	N/A	When applying to be a police officer, individuals go through formal police vetting which includes full criminal records checks, disclosure of all convictions, cautions and police contact. Checks are also completed on family members and other close associates.
Judicial	Yes	Yes	Yes	Yes	Judicial appointments are entitled to a Level 2 Disclosure as part of their appointment by Scottish Ministers (section 19 of the Disclosure Act) Solicitors are entitled to a Level 2 Disclosure.
Civil society organisations	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role.

Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	Yes	Any role, paid or unpaid, that includes the carrying out of an activity under Schedule 2 of the PVG Act where they have contact with children as a necessary part of their role.
Any other sectors (please specify)					In addition to the above sectors, there are number of other sectors that can fall within the activities under Schedule 2 of the PVG Act. This includes, but is not limited to: • residential hostels for children • contractors delivering services within locations named in paragraph 21 of Schedule 2 to the PVG Act • careers advisors • care home or independent healthcare providers for children • individuals engaged by or on behalf of a child to provide personal care services • providers of transport services mainly or exclusively for children • voluntary organisations providing services to, or for the benefit of, children

Northern Ireland

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes	Yes	Yes	Yes	
Education – Primary	Yes	Yes	Yes	Yes	
Education – Secondary	Yes	Yes	Yes	Yes	
Education – Tertiary	Yes	Yes	Yes	Yes	
Education – Extracurricular (e.g. language schools)	Yes	Yes	Yes	Yes	
Childcare (e.g. kindergartens, crèches, childminders	Yes	Yes	Yes	Yes	

Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Yes	
Detention	Yes	Yes	Yes	Yes	
Migration facilities (e.g. reception centres)	Yes	Yes	Yes	Yes	
Sport	Yes	Yes	Yes	Yes	
Culture and leisure activities	Yes	Yes	Yes	Yes	
Entertainment sector	Yes	Yes	Yes	Yes	
Faith and religion	Yes	Yes	Yes	Yes	
Healthcare (including psychological	Yes	Yes	Yes	Yes	Checks can also be carried out by professional regulators for eligible roles that require registration to legally practise in the UK.

and psychiatric services)					
Social protection services	Yes	Yes	Yes	Yes	
Law enforcement					
Judicial					
Civil society organisations	Yes	Yes	Yes	Yes	
Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	Yes	
Any other sectors (please specify)					

England and Wales DBS service

The Disclosure and Barring Service (DBS) in England and Wales provides a system of criminal record checks used by employers to assess an individual's suitability for certain roles, particularly those involving trust or working with vulnerable groups, such as children.

Higher-level DBS checks may be required by sectors or employers where roles are legally eligible, particularly where staff are undertaking 'regulated activity' with children or vulnerable adults as defined under the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012 and the Crime and Policing Act 2026). There are several different levels of checks including Basic, Standard, Enhanced and Enhanced with Barred Lists. Basic checks can be used for any role or purpose and will disclose only unspent convictions or cautions. Under the disclosure and barring regime, most convictions become spent after periods of time specified in legislation, after which individuals do not have to disclose them. However, more sensitive roles do allow the disclosure of spent conviction information, and these include those who work with children or vulnerable adults.

Individuals who work in regulated activity with children are eligible for an Enhanced DBS check with a barred list check, and in practice should obtain this before commencing their employment or volunteering. An Enhanced DBS check with barred list checks, will consider spent and unspent convictions, cautions or conditional cautions (subject to filtering rules), as well as relevant non-conviction information from the police, and a check of children's barred list.

For those working in roles that involve access to children or vulnerable adults in England and Wales, certain spent convictions and cautions remain disclosable for safeguarding or security purposes, as stipulated in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. A conviction is considered *unspent* where it remains within its rehabilitation period and must be disclosed. Once this period has elapsed, it becomes *spent*, meaning it no longer needs to be disclosed in most circumstances, except for roles subject to safeguarding or enhanced vetting requirements.

In practise, consideration is given to both spent and unspent convictions for relevant specified offences, including sexual offences against children, where those offences remain legally disclosable.

Serious sexual offences against children are typically 'autobar' offences leading to automatic inclusion on the Children's barred list. Many such offences and all autobar offences are also 'specified offences' and therefore will always be disclosed on Standard or Enhanced DBS checks (subject to DBS filtering rules.) More information on relevant offences and filtering rules can be found in our response to question 8.

Scotland

In Scotland, criminal record checks are managed by Disclosure Scotland, who offer three levels of checks including Level 1, Level 2 and Level 2 with barred list checks. In Scotland, individuals must become members of the PVG scheme (Protecting Vulnerable Groups) to work in roles with children or protected adults. It is a legal requirement to join the scheme if you are working in regulated roles with these groups. Instead of a separate barred-list check, the PVG scheme confirms whether an individual is barred from working with children and provides ongoing monitoring and alerts to employers if new information arises.

Regulated roles with children are defined in schedule 2 of the Protection of Vulnerable Groups (Scotland) Act 2007. Schedule 2 defines regulated roles as those that give individuals supervised or sometimes unsupervised contact with children.

Where Disclosure Scotland receives information that may indicate that an individual may be unsuitable for a regulated role, for instance if an individual has sexual convictions against children, the individual will be placed under the 'consideration for listing' and the information will then be considered to determine whether they should be placed on the Children's list (the list of barred individuals from working with children under the PVG act). Any individual who is barred from working with children is not eligible for the PVG scheme membership and it is a criminal offence for them to carry out that type of role.

Specific offences against children such as rape, would be considered an automatic listing offence, as per the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010. Where an individual has a sexual offence against a child that is not an automatic listing offence, the individual is placed under formal consideration for listing. During this process, Scottish Ministers, in accordance with Part 1, sections 17–20 of the PVG Act, assess information provided by relevant third parties to determine whether the individual should be barred from working with children.

Northern Ireland

In Northern Ireland criminal record and barring list checks are completed through AccessNI. AccessNI has three levels of checks including basic, standard and enhanced. Barred lists checks are only included on enhanced checks.

In Northern Ireland, individuals with relevant convictions for sexual offences against children are barred, or may be barred following assessment, from working or volunteering in roles involving regular contact with children. The Safeguarding Vulnerable Groups (Northern Ireland) Order (2007) (SVGO) establishes a barring regime linked to specified offences and regulated activity, under which barred individuals are legally prohibited from engaging in such roles and organisations must not knowingly employ them. As a result, although framed through exclusion rather than formal eligibility criteria, the absence of criminal convictions for sexual offences against children that lead to barring operates in practice as an effective pre-condition for access to these roles.

Eligibility for an enhanced disclosure check, including a check of the children's barred list, depends on whether a role meets the definition of regulated activity under the SVGO. Where a role is classed as regulated activity, it is eligible for such a check, which enables confirmation of whether an individual is barred from working with children. Individuals who are barred are legally prohibited from engaging in regulated activity, and organisations must not knowingly employ them in such roles.

2. **In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:**

    a) **define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification**
    b) **distinguish between direct, indirect or online contact with children?**

<u>England and Wales</u>

Individuals working in regulated activity with children are eligible for enhanced with children's barred list DBS checks. It is a criminal offence for an individual barred from regulated activity to seek or undertake such work, and for an employer to knowingly allow this to occur.

a. For certain activities such as teaching or training children, there is a period condition which must be met for the role to be considered regulated activity: more than three times in a 30-day period or overnight between 2am and 6am with the opportunity for face-to face contact. In addition, the 'specified establishment' criteria apply, meaning that individuals in paid roles within settings such as schools, full-time educational institutions, alternative provision (AP) academies, nurseries, children's homes (including secure children's homes), children's centres, or relevant childcare premises are considered to be in regulated activity where their work provides the opportunity for contact with children. For other activities such as those carried out by individuals working in health care or personal care, the role is in regulated activity and thus eligible for enhanced with barred list (s) DBS checks even if the activity is only done once.

b. While much of the regulated activity laid out in legislation, involves direct contact with children, there is also a specific provision to include those who 'moderate a public electronic interactive communication service which is likely to be used wholly or mainly by children' into regulated activity.

<u>Wales-specific policy</u>

As part of a unified legal framework, Wales applies the same Disclosure and Barring Service (DBS) regime as England in relation to criminal record and barring checks. However, safeguarding policy is devolved to the Welsh Government, allowing for difference in the interpretation and implementation. Statutory definitions of regulated activity remain consistent across England and Wales. Welsh Government guidance indicates that screening is defined by whether the role amounts to regulated activity in education settings.

a. Roles with only incidental contact (e.g. supervised visitors) are managed through site/visitor controls and supervision arrangements.

b. Online contact can be considered as part of an overall risk assessment with safer recruitment and safeguarding policies when applying, and roles that involve teaching, training or supervision of children require screening.

<u>Scotland</u>

In Scotland, PVG scheme membership is required for those carrying out a regulated role with children.

a. There is no minimum frequency under the PVG Act in relation to how often contact must occur unlike in England Wales. Those working in regulated roles with children must apply for PVG membership if the contact is more than ‘incidental.’

b. Contact with children is defined in the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”) and includes physical contact; visual, written or verbal communication, as well as exercising power or influence over children. The contact must be more than incidental to the carrying out of the activity for the role to be classed as a regulated role. Contact can be supervised or unsupervised. Examples of activities which give the opportunity to have unsupervised contact with children are those which may take place in settings such as schools, hospitals, nurseries, day care premises, hospices, hostels, residential care setting or secure accommodation for children.

Northern Ireland

a. Whether a role constitutes regulated activity depends on the nature of activity and in some cases the frequency of contact. One-off or infrequent contact does not generally meet the definition; however, certain high-risk activities — including personal care of children, healthcare provided by or under the supervision of a healthcare professional, registered childminding, fostering, and overnight activity with opportunity for face-to-face contact — are classified as regulated activity regardless of frequency. Currently some supervised roles do not meet the definition of regulated activity, but legislative change is in process to remove this exemption.

b. Whether a role constitutes regulated activity depends on the nature of the activity, not by whether contact is face-to-face, indirect, or mediated through digital or remote means. Where an individual is barred from regulated activity with children, it is a criminal offence for that person to seek, offer, accept, or continue to engage in regulated activity. Equally, it is an offence for an organisation to knowingly permit a barred person to undertake such activity. These offences apply irrespective of how the regulated activity is carried out. Accordingly, where a position meets the statutory definition of regulated activity with children, the individual’s eligibility to lawfully carry out the role depends on whether they are barred, and criminal liability arises where barred status is disregarded. This framework reflects the principle that safeguarding risks may arise regardless of the form in which contact with children takes place.

3. Is the absence of criminal convictions for sexual offences against children required to become:

a. an adoptive parent
b. a foster parent
c. a child’s legal guardian (including for unaccompanied children)?

England and Wales

In England, individuals must not have criminal convictions for sexual offences against children to be approved as foster carers, adoptive parents or legal guardians. A prospective foster parent or a member of their household, who has received a caution for a specified offence is also disqualified from approval. However, the definition of a ‘relevant offence’ under the Fostering Services (England) Regulations 2011 includes certain nuances.

Welsh Social Care

In Wales, adoption, fostering and special guardianship assessments are governed by the Social Services and Well-Being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016, alongside associated regulations and statutory guidance or codes of practice.

For prospective adoptive parents and foster carers, the assessment and approval process includes criminal record and barred list checks. In Wales, these checks form part of the statutory safeguarding and suitability requirements placed on local authorities and regulated providers when approving carers. For prospective adoptive parents, this is set out in the Adoption Agencies (Wales) Regulations 2005 (as amended), while for prospective mainstream and kinship foster carers, it is governed by the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018.

In practice, a conviction for a sexual offence against a child, or inclusion on the children's barred list, would be highly likely to prevent approval because the approving agency must be satisfied that the person is suitable to care for children and that the child would be safeguarded. Foster carers are treated as undertaking regulated activity with children and are eligible for an enhanced DBS check with a children's barred list check. Prospective adopters are also subject to enhanced checks as part of the statutory assessment process.

When someone becomes a child's legal guardian through a private law order (such as a Special Guardianship Order or a Child Arrangements Order), the checks involved depend on the route taken.

Most Special Guardianship Orders (SGOs) are made after care proceedings. In these cases, applicants usually go through a combined fostering and special guardianship assessment, which includes the necessary background checks under fostering regulations. For private SGO applications, there is still a requirement for safety checks. This includes an enhanced criminal record check for the applicant and anyone in their household aged 18 or over.

However, having a criminal conviction does not automatically prevent someone from becoming a special guardian. Instead, the court considers all the circumstances and decides what is best for the child, using the child's welfare as the most important factor. For Child Arrangements Orders, there is no automatic requirement for background checks. As with SGOs, the court decides based on what is in the child's best interests.

For unaccompanied children, checks will depend on the statutory role being performed and whether the person is caring for the child in a regulated or formally assessed capacity.

Scotland

In Scotland, prospective adoptive parents can apply for a 'Level 2 disclosure with barred list check', which would show if an individual is barred from carrying out a regulated role with children. Acting as a foster carer in relation to a child is listed as an activity under Part 2 of schedule 2 of the PVG Act, meaning that individuals must join the PVG scheme to carry out that role. Acting as a foster care is defined in section 96 of the PVG Act.

Making decisions in relation to a child's care arrangements where a council has facilitated the child's care arrangements, also falls within the definition of a regulated role with children, meaning individuals carrying out this role must be a member of the PVG scheme. Individuals who are directly involved in decision-making regarding fostering such as foster care panel decision markers, must be members of the PVG scheme.

Northern Ireland

Adoptive parents, foster parents, and legal guardians are eligible for an AccessNI Enhanced Criminal History Disclosure Certificate; however, state services, employers and agencies will determine whether these are required as part of their own recruitment and onboarding procedures.

The current framework for the assessment of adoptive parents is set out in the Adoption Agencies Regulations (Northern Ireland) 1989, which require each agency to convene an adoption panel to assess whether an individual is suitable to adopt. This legislative framework is supported by the *Adoption: Regional Policy and Procedures*, which specifies that enhanced disclosure checks should be carried out for each member of the applicant's household aged 10 or over (the minimum age of criminal responsibility in Northern Ireland).

In addition, checks must be undertaken against lists of individuals disqualified from working with children or vulnerable adults, and the procedures also provide for obtaining equivalent information from other jurisdictions where an applicant has previously resided. Approvals are subject to ongoing scrutiny, with prospective adopters reviewed on a six-monthly basis. Where a review identifies significant changes in circumstances, the case should be re-referred to the adoption panel for a fresh recommendation.

The current arrangements for fostering are set out in the Children (Northern Ireland) Order 1995 and the Foster Placement (Children) Regulations (Northern Ireland) 1996. Under the regulations, an authority (that is, a health and social care trust) or a voluntary fostering agency must obtain two personal references and consider a range of information; including considering previous convictions of the proposed foster carer and any other adult member of the household. Individuals seeking to care for a child under a private fostering arrangement in Northern Ireland are subject to the Disqualification for Caring for Children Regulations (Northern Ireland) 1996, which set out a range of disqualifications based on criminal convictions and other factors, such as the previous removal of a child from their care or relevant court orders. In addition, fostering is classified as regulated activity, making individuals eligible for barring checks. Those who are barred from working with children are legally prohibited from undertaking such roles and organisations must not knowingly employ them in such roles.

Where health and social care trusts are involved with a child, there is no distinction between children from Northern Ireland and unaccompanied asylum-seeking children (UASC). All roles are subject to the same standards of checks and requirements.

4. **Is the absence of criminal convictions for sexual offences against children required for the household members of:**

    a. **persons carrying out professional activity in their home who are in contact with children**
    b. **persons carrying out volunteering activity in their home who are in contact with children**
    c. **persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?**

<u>England and Wales</u>

<u>*England safeguarding policy.*</u>

a. The absence of criminal convictions for sexual offences against children is required for the household members of childminders who care for children and are registered on the Childcare Register or Voluntary Childcare Register.
b. Household members do not require DBS checks for volunteers carrying out activity in their home.
c. Household members of adoptive parents, foster parents and child's legal guardians must not have criminal convictions for sexual offences against children.

To note, some individuals released from custody may be subject to conditions restricting contact with children, which can affect household members seeking roles involving regulated activity in their own home.

<u>*Wales safeguarding policy*</u>

a. For persons carrying out professional roles in their home with contact with children, adult household members may need to be considered as part of safeguarding arrangements, but an enhanced DBS check with barred list information can only be requested where the legal eligibility criteria are met.

b. For persons carrying out volunteering activity in their home with contact with children, adult household members may need to be considered as part of safeguarding arrangements, but an enhanced DBS check with barred list information can only be requested where the legal eligibility criteria are met.

c. For household members of prospective adopters and foster carers, adult household members are normally included in statutory checks because they will have access to, and may have contact with, the child as part of the proposed care arrangement. In fostering, adult household members aged 18 and over are subject to enhanced DBS checks as part of the fostering assessment under the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018. In adoption, adult members of the household are also checked as part of the adopter assessment process under The Adoption Agencies (Wales) Regulations 2005, as amended.

Scotland

a. The Level 1 and Level 2 Disclosure Information (Scotland) Regulations 2024 ("the 2024 Regulations") allow a Level 2 disclosure with barred list check to be obtained for individuals aged 16 or over who live in the same premises, as an individual wishing to become a childminder, where the childminding normally takes place on those premises or for individuals who regularly works on those premises at a time where childminding takes place. In addition, Level 2 disclosures with barred list checks can be sought for individuals aged 16 or over who share a household with a person intending to provide accommodation under the Homes for Ukraine Sponsorship Scheme, or who resides in the accommodation which is being provided.

b. A Level 2 disclosure with barred list check is not currently available for household members of persons carrying out volunteering activity in their home who are in contact with children. An individual undertaking volunteering activity would, where the activity amounts to a regulated role (and does not fall within any applicable exceptions, such as personal or family relationships) be required to join the PVG scheme. Household members could apply for a Level 1 disclosure. Eligibility for Level 1 disclosures is not set out in legislation, and they can be sought for any purpose.

c. The 2024 Regulations allow a Level 2 disclosure with barred list checks to be obtained for individuals aged 16 or over who live in the same household as someone seeking to become an adoptive parent or foster carer, or who are involved in court proceedings relating to a guardianship order.

Northern Ireland

a. Article 124 of the Children (Northern Ireland) 1995 Order states that health and social care trusts (HSCTs) may refuse to register a childminder if they believe there could be individuals living in the premises who may not be suitable to be around children under the age of 12. Sections 113B and 113BA of the Police Act 1997, alongside Regulations 9 and 9A of the Police Act 1997 (Criminal Records) (Disclosure) 2008 (Northern Ireland) Regulations, provide the legal framework for requiring Enhanced Disclosure Checks, including checks of the children's barred list for individuals living on the premise, if these are defined as *prescribed purposes or prescribed cases.* Regulation 9(d) identifies childminding as a *prescribed purpose* and expressly includes any person who has regular contact with children and is living at the premises at which childminding is taking, or is to take, place. Furthermore, Regulation 9A(d) confirms that childminders and those living with them fall within the prescribed cases for which children's barred list information must be included in an enhanced disclosure check.

b. Under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, vetting requirements apply to individuals engaged in regulated activity with children. There is no requirement under SVGO to vet household members of volunteers operating in their own home.

c. The Adoption Agencies Regulations (Northern Ireland) 1989 set out that adoption panels should consider any information they feel is appropriate, such as obtaining information from other countries where an applicant has lived, before making decisions relating to potential adopters. Guidance indicates the expectation that enhanced disclosure checks should be carried out for each member of the applicant's household aged 10 or over. A check against the list of individuals disqualified from working with children or vulnerable adults should also be carried out.

Furthermore, The Foster Placement (Children) Regulations (Northern Ireland) 1996 set out that an authority, that is an HSCT, must consider a range of information relating to all adult members of the household, and particulars of children whether members of the household or not. The regulations also require information to be provided in respect of previous convictions of any adult member of the household.

5. **Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:**

   a. **children applying for professional or volunteer positions**
   b. **adults in respect of criminal convictions received before the age of 18?**

England and Wales

Children aged 16 and 17 may be required to obtain a DBS check where they are undertaking roles involving regulated activity with children, including certain work placements such as in schools or nurseries. However, this is dependent on the nature of the role and the level of supervision rather than age alone (noting, that the supervision exemption will be removed from September 2026). Individuals under the age of 16 are not eligible for a DBS check. This position applies across both England and Wales.

For those working in roles that involve access to children or vulnerable adults in England and Wales, certain spent convictions and cautions remain disclosable for safeguarding and security purposes, as stipulated in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. In practise, consideration is given to both spent and unspent convictions for relevant specified offences, including sexual offences against children, where those offences remain legally disclosable. This can include offences committed under the age of 18.

The disclosure framework distinguishes between convictions that are ‘filtered’ and those that remain subject to disclosure. Filtered cautions and convictions are protected and are not to be disclosed or considered. However, specified offences (including serious sexual offences and offences relating to the safeguarding of children) will always to be disclosed, regardless of the age of the individual at the time of conviction, nor the amount of time that has passed.

From a sector specific level, the NHS in England also considers relevant convictions or cautions received before the age of 18. Decisions on subsequent employment should take account the relevance to the role, safeguarding risk, seriousness/pattern, time elapsed, and evidence of rehabilitation, and must be handled in line with data protection requirements and the organisation’s policy for assessing disclosures. If there is any uncertainty about eligibility or the appropriate level of check, the NHS Employers DBS eligibility guidance/tool and the organisation’s recruitment/DBS policy should be followed, with advice sought from the organisation’s local human resources or safeguarding lead, as appropriate.

Vetting clearance for a police officer, a special constable or a member of police staff will be rejected where offences were committed as an adult or under the age of 18, if those offences resulted in a prison sentence. This includes offences which were suspended, deferred or served at a young offenders' institution or community home. Individuals who are, or have been, registered sex offenders will also have their vetting declined.

Within the Welsh education system, screening requirements apply based on the role and the legal framework for criminal record disclosure rather than the age of the applicant alone. Where young people aged 16-17 undertake roles that involve working with younger children (for example, mentoring or volunteering), the provider would apply appropriate safeguarding controls and seek a DBS check if required.

<u>Scotland</u>

In Scotland, children aged 12-16 may be asked to undergo a disclosure check if the role requires it. However, it is important to note that children under 16 cannot participate in the PVG scheme.

The Age of Criminal Responsibility (Scotland) Act 2019 provides information about pre-12 behaviour which may only be included as 'other relevant information' in a Level 2 disclosure, and only where an independent reviewer determines this is appropriate. Only convictions for serious offences committed under the age of 18 (including certain sexual offences against children) may be disclosed after becoming spent and only following a relevance assessment by Disclosure Scotland.

<u>Northern Ireland</u>

In Northern Ireland, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, stipulates that individuals can only be barred from regulated activity from the age of 16. Children who are 16 or 17 can apply for professional or volunteer positions that involve regulated activity and their eligibility is subject to the relevant vetting and barring regime, including whether they are barred due to relevant conduct or conviction of sexual offences against children. If a child is barred from regulated activity at 16 or above, they are legally prohibited from engaging in regulated activity.

Conduct or convictions that occurred while the individual was under 18 can be considered for those applying to work in regulated activity, including convictions for sexual offences against children committed before the age of 18. These convictions can be considered for the purposes of barring and can result in the individual being placed on the barred list.

6. **If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?**

<u>England and Wales</u>

When applying for a DBS check, applicants are required to state all names they have been known by on the application form and sign a legal declaration to confirm that they have not knowingly provided false information. Failure to disclose previous names and deliberately avoid detection of previous convictions, would lead an individual to be liable for prosecution. For applications for a higher-level criminal record check, such as enhanced checks, it is the responsibility of the evidence checker and counter signatory within the Registered Body submitting the application, to ensure that the identity checking process has been completed in line with the published guidance.

DBS mitigates the risks posed by convicted sex offenders not accurately declaring a complete name history on DBS applications by checking a combination of algorithms and manually checking data within DBS and the local police forces. Any information linked to personal details can then be disclosed on the applicant's DBS certificate. DBS also works together with the police and other government departments such as His Majesty's Passport Office and Driver Vehicle Licensing Agency to ensure that data sharing is as effective as it can be. Through data sharing, use of industry standard algorithms, and improving identity verification techniques, DBS uses all available measures to make their checks as secure and accurate as possible.

Scotland

In Scotland, criminal history is recorded and maintained by Police Scotland on the Criminal History System (CHS), which does not rely on name alone when recording information about an individual. There are also several personal identifiers other than the individual's name, such as date of birth, sex, place of birth and a unique CHS reference number ensure that a change of name will not create a new record for an individual or sever links to previous convictions or disposals.

When a person legally changes their name, Police Scotland may record the new name while retaining any previous names as historical or "also known as" entries within the same person record. Former names are not erased and remain securely associated with the individual's unique criminal history for lawful policing and safeguarding purposes.

When applying for a disclosure check, individuals must provide details of any former names used, allowing Disclosure Scotland to accurately match the application to the correct criminal record. Even in cases where an individual does not provide this information, Disclosure Scotland's systems are designed to correctly match them to their criminal history information.

It is an offence under section 41 of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") for an individual to knowingly make a false statement for the purpose of obtaining or enabling another person to obtain a Level 1 disclosure or Level 2 disclosure. It is also an offence for individuals to whom Level 2 disclosure is made available to unlawfully disclose it to another person, and for an individual to request, or otherwise seek sight of a Level 2 disclosure for a purpose other than a permitted purpose.

Furthermore, members of the PVG scheme are required to inform Disclosure Scotland of any name changes and commit an offence under the PVG Act if they fail, without reasonable excuse to do this.

If Disclosure Scotland becomes aware that an offence has taken place, they will take steps to report the individual to the police.

Northern Ireland

Anyone who applies for an AccessNI enhanced disclosure certificate is required to provide a history of all names they have used throughout their lifetime. AccessNI criminal record searches are undertaken against each name provided on the disclosure application.

7. **Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?**

England and Wales

In England, government departments apply due diligence processes when awarding public funding or entering into grant agreements with organisations. Grant recipients are responsible for ensuring that appropriate safeguarding measures are in place, including obtaining the relevant level of DBS checks where employees or volunteers are engaged in regulated activity with children. Organisations delivering projects involving contact with children are expected to undertake their own due diligence and may also be subject to additional oversight or requirements set by local authorities or commissioning bodies. There is no single overarching legal requirement linking access to public funds to the absence of relevant convictions. These are instead managed through safeguarding obligations, contractual conditions, and sector-specific guidance.

In Wales, safeguarding expectations are routinely built into the terms and conditions of delivery for publicly funded education provision, involving children in settings such as commissioned services and grant funded activity delivered in or alongside schools. Where delivery partners use staff or volunteers in regulated activity, they must ensure appropriate checks and safeguarding arrangements are in place before work starts and throughout delivery.

<u>Scotland</u>

In Scotland, under the PVG Act, anyone employed in or volunteering for a regulated role with children must be a member of the PVG scheme and publicly funded projects must comply with this legal framework where they include regulated roles.

In circumstances where a PVG scheme member has committed sexual offences against children, they will be placed under formal consideration for listing, and relevant information carefully considered as per section 17 of the PVG Act. Where the decision is ultimately made to bar the individual from working with children because of such conduct, their scheme membership will be cancelled, and they will be placed on the barred list for children. In such cases, they cannot lawfully be engaged in such roles.

<u>Northern Ireland</u>

The Department of Health, through its Strategic Planning and Performance Group (SPPG), is progressing work to strengthen safeguarding assurance across commissioned services. As part of this, we are exploring the inclusion of requirements relating to the recruitment of staff and volunteers—including AccessNI checks—within HSC contracts. While this will not constitute an explicit legal condition, organisations applying to SPPG for funding will be required to demonstrate robust vetting and safer recruitment procedures.

The Department of Health cannot comment on the processes in place for access to public funds across other departments and organisations.

<u>Information included in screening</u>

8. **Does the criminal record check include criminal convictions for:**

    a. **sexual abuse of a child (Article 18 of the Lanzarote Convention)**
    b. **sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)**
    c. **acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)**
    d. **offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)**
    e. **corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)**
    f. **solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)**
    g. **aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)**
    h. **any other convictions (please specify)?**

<u>England and Wales</u>

Roles which work closely with children and are classified as regulated activity, are eligible for the highest level of criminal record check (the enhanced with barred list check). Regulated activity with children includes many of the roles in table 1 and includes teaching, training, paid work in specified establishments with opportunity for contact with children, supervising and caring for children and those who work in personal and health care for children or provide them with transportation.

Enhanced with barred list checks will always include criminal record information subject to 'filtering rules' laid out in legislation. This determines that these checks will contain the following information:

- any spent or unspent adult conviction less than 11 years from date of conviction
- any spent or unspent youth conviction less than 5½ years from date of conviction
- any adult caution less than 6 years from date of issue
- any conviction which has a custodial sentence (even if suspended)
- any conviction for a 'specified offence' – specified offences are serious sexual or violent offences identified in the legislation.

In addition to the specified offences above, which are always disclosed on higher-level DBS checks, there are autobar offences. Anyone with a conviction or caution for an autobar offence will be considered by the DBS for addition to its Children's and/or Adults' barred list (s). Those who are a barred cannot work in regulated activity with the group they are barred from and will be committing an offence if they seek to do so. Furthermore, all autobar offences are also 'specified offences.' This means that under the above rules, any conviction or adult caution for these offences will always be disclosed on an enhanced check.

Scotland

All offences above are included in criminal record checks conducted through Disclosure Scotland and Level 2 Disclosures can contain certain spent conviction too. These offences are treated as serious sexual offences and are included in schedule 1 (List A) of the Disclosure Act. Meaning they are disclosable for roles involving contact with children and will commonly result in barring from regulated roles under the PVG scheme.

The Scottish legislation covering the offences listed above include Sexual Offences (Scotland) Act 2009 and Civic Government (Scotland) Act 1982.

Northern Ireland

All the above are included in the conviction details considered for disclosure on an AccessNI Enhanced Criminal History Disclosure Certificate. Details of all serious, violent or sexual offences are published on the List of Specified Offences, which will never be filtered from standard or enhanced criminal record checks. In addition, all other convictions and non-court disposals are disclosed, subject to the rules of the filtering scheme.

9. **Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:**

   a. **relevant administrative or disciplinary sanctions**
   b. **other information available to the authorities (e.g. judicial decisions in civil proceedings)?**

England and Wales

Roles specified are eligible for an enhanced DBS check with barred list information where they involve regulated activity. In addition to relevant criminal convictions (subject to filtering rules), such checks may include police-held information considered relevant and proportionate to disclose by a Chief Officer (such as allegations or acquittals) and confirmation of whether the individual is included on a barred list.

Civil proceedings are not automatically searched as part of a DBS check. However, information from civil proceedings may be considered where it is known to, and held by, relevant authorities (e.g. police/regulators) and assessed as relevant to the post.

In addition to DBS checks, many sectors implement internal mechanisms to assess and monitor professionals' ongoing fitness to practise. For example, in the health and care sector in the UK, "social worker" is a protected title. This means that any individual who wishes to work as a social worker under this title must be registered with the relevant UK regulator to practise. Registration is renewed annually and requires practitioners to declare any criminal convictions, cautions, or findings from other regulatory bodies as part of an ongoing assessment of fitness to practise. Individuals employed through the NHS in England, who have roles in regulated activity, are also submitted to wider NHS Employment Check Standards on appointment (including identity, employment history and references) and where relevant professional registration and fitness to practise checks.

Schools in England are required to have regard to statutory guidance which gives detailed advice on safer recruitment. Furthermore, the Teaching Regulation Agency (TRA) has powers to prohibit individuals from teaching where they have been convicted of a relevant offence or are found to be guilty of serious misconduct that amounts to unprofessional conduct or conduct that could bring the profession into disrepute.

Police personnel and non-police personnel working for or with the police are subject to very stringent vetting procedures. These are designed to identify and assess any risks posed to the police service, the individual or the public. Police vetting considers broader information sources to assess suitability, including non-conviction information and intelligence.

Scotland

Disclosure Scotland relies on several other sources in their screening processes, including ‘other relevant information’ (ORI) on Level 2 disclosures, provided by the Police Service of Scotland, other UK law enforcement bodies or overseas police forces. ORI can include allegations that may or may not result in a conviction but highlight serious safeguarding risks to children. Police forces provide this information only if they consider that it is relevant to the purpose of the disclosure and that it ought to be disclosed. While decisions on the disclosure of ORI are a matter for the police, who are not routinely involved in civil proceedings, provision exists for disclosure where they do hold information and deem it appropriate to be disclosed.

PVG scheme members who have harmed or placed at risk of a harm a child whilst undertaking a regulated role and have been dismissed (or would have been dismissed if they had not resigned) should be referred to Disclosure Scotland. Employers have a legal obligation to submit an organisational referral to Disclosure Scotland within 3 months of the occurrence or incident. These individuals are then likely to be placed under considered for barring and further information obtained to determine whether they should be barred.

Specific offences against children such as rape, would be considered an automatic listing offence, as per the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010.

Northern Ireland

In addition to conviction information, AccessNI Enhanced Criminal History Disclosure Certificates can include relevant police information and confirmation if the applicant appears on barred lists also held by the Disclosure and Barring Service (England and Wales) or Disclosure Scotland.

10. **If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:**
    a. **are they life-long?**
    b. **if they are not life-long, please specify the time-limits applicable**
    c. **are they applied only to activities in the public sector**

<u>England and Wales</u>

Sexual offences against children are included on the autobar list. Individuals who are barred cannot work in regulated activity and their inclusion on the barred list last indefinitely and is a separate sanction to those imposed by court or other organisations. They will remain on the relevant barred list until DBS advise them otherwise.

A barred person can appeal the decision and ask DBS for a review after a minimum time period:

- Under 18: 1-year minimum time period before review.
- 18 - 24: 5 years minimum time period before review.
- 25 and over: 10 years minimum time period before review.

If a barred individual has new information, there has been a change in their circumstances, or they believe DBS has made an error, they may request a review of their case at any time, provided they can supply evidence to support the request. Regardless of the outcome of a barred list decision, where an offence is a specified offence, it will always be disclosed on an enhanced DBS check with barred list information for roles involving regulated activity with children.

These restrictions are not limited to the public sector. DBS barring applies to regulated activity with children across the public, private and voluntary sectors, and any relevant court orders apply irrespective of the sector.

<u>Scotland</u>

PVG scheme members who commit sexual offences against children may be placed under consideration for barring. This process is not limited to public sector roles and typically lasts around six months but can be longer in complex cases. During this period, the individual is not barred from regulated work, and it is up to the employer to decide whether to continue employing them or implement safeguarding measures. The employer will have received a Level 2 disclosure which will include the conviction information.

If the individual is ultimately barred, they may appeal within three months or apply for removal from the barred list after ten years or if Disclosure Scotland are satisfied that there has been a relevant change in the applicant’s circumstances since there were barred.

The applicant will only be removed from the barred list if Disclosure Scotland are satisfied that they are no longer unsuitable to carry out a regulated role.

Northern Ireland

Please see the response for England and Wales as the Disclosure and Barring Service maintains the Children's Barred List for Northern Ireland and makes considered decisions on barring.

11. **Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?**

England and Wales

For roles eligible for a standard or enhanced DBS check, the certificate can disclose both unspent and spent convictions/cautions, subject to the statutory 'filtering' rules. Sexual offences against children are on the list of offences that will always be disclosed on these levels of check.

Scotland

In Scotland, criminal records check for roles involving contact with children extend beyond unspent convictions. Spent convictions for sexual offences against children continue to be disclosed on Level 2 disclosures in accordance with the Disclosure Act.

Northern Ireland

In Northern Ireland, positions that are eligible for Enhanced Criminal History Disclosure Certificates are noted as exempt from the Rehabilitation of Offenders (Northern Ireland) Order 1978, meaning that the full criminal record, including spent and unspent convictions, are disclosed.

Screening procedure

How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

England and Wales

The core legal basis for the disclosure and barring regime is established by the Rehabilitation of Offenders Act 1974, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Safeguarding Vulnerable Groups Act 2006, the Protection of Freedoms Act 2012 and the Police Act 1997 amended by the Crime and Policing Act 2026, which governs the DBS checks, including criminal record certificates.

In some industries there is sector-specific legislation and guidance. Health and care professional regulators are statutory bodies that hold registers of professionals who must be registered to legally practise in the UK across the four nations.

The Department for Health and Social Care (DHSC) in England is responsible for the primary and secondary legislation that sets the statutory frameworks which the health and care professional regulators operate within. The professional regulators' primary legislation does not sit in isolation but operates alongside the UK safeguarding framework. Such primary legislation includes the Medical Act 1983 and the Health Professions Order 2001. Furthermore, in education settings statutory guidance is issued through the Keeping Children Safe in Education 2025 and Working Together to Safeguard Children 2026 statutory guidance.

In Welsh education settings, screening is set out through a combination of statutory safeguarding duties for education bodies and the Keeping Learners Safe 2002 statutory guidance.

The Police (Vetting) Regulations 2025 set out the requirement to vet all police officers and special constables in England and Wales. Further to this, the Vetting Code of Practice provides a statutory duty for police forces to vet all those engaged on a permanent, temporary, full-time, part-time, casual, consultancy, contracted or voluntary basis with the police, as well as any individuals who apply to join the service.

<u>Scotland</u>

The principal legislation governing criminal record screening in Scotland is the Disclosure (Scotland) Act 2002, with most provisions coming into force in April 2025. The Act establishes two statutory offence lists (Lists A and B), defines the information that may be disclosed at each disclosure level, provides for an independent reviewer, and introduced the mandatory PVG scheme membership for individuals undertaking regulated roles. The PVG Act sets out the framework for the PVG scheme and barring decisions. The regime is further supported by secondary legislation made under these Acts, as well as the Rehabilitation of Offenders Act 1974, which governs disclosure periods for convictions.

<u>Northern Ireland</u>

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 provides the legislative framework for a vetting and barring scheme for people who work with children and vulnerable adults in Northern Ireland. Furthermore, part 5 of the Police Act (1997) governs the issuance and regulation of criminal record certificates as managed by Access NI. Regulations also require certain professions to undertake appropriate vetting checks.

12. If screening is required, who is required to act?

- **a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities**
- **b. the candidate must provide proof of absence of convictions**
- **c. another scenario. Please specify**

<u>England and Wales</u>

For roles where screening is required in England, the employer or recruiting organisation is responsible for initiating the screening process, which may involve criminal record checks through the DBS. In the case of regulated health and social care professions in the UK, individuals must also meet any registration requirements set by their professional regulator. Employers are expected to verify that staff hold and maintain any required professional registration/licence to practice.

For example, in the NHS in England, the NHS Employment Check Standards set out the pre-employment checks NHS organisations should carry out before appointing staff. They cover the six primary checks including, where eligible, criminal record checks through the DBS. The standards support safer recruitment but do not replace the wider statutory safeguarding framework, DBS eligibility rules or the statutory requirements of professional regulators.

Furthermore, the UK's statutory health and care professional regulators are not subject to a single statutory requirement to carry out criminal background checks on all applicants to their registers. Instead, the governing legislation for each profession requires regulators to be satisfied that applicants are fit to practise and of good character. This includes requiring applicants to declare any criminal convictions, cautions, or other relevant matters, which are then assessed on a case-by-case basis as part of the registration decision. Regulators may take proportionate steps to verify or supplement this information, including requesting police certificates or assurances from other regulators. However, the approach and evidential requirements are set by each regulator.

In education recruitment in Wales, the employer or volunteer recruiter determines whether screening is required and applies for a DBS check for the individual concerned. For agency or supply staff the suppling organisation applies for the DBS check, and the school or provider verifies suitability (including confirming the level of check, barred list where relevant and identity) before subsequent engagement in regulated activity.

Scotland

In most cases the employer must ensure that the individual applies for the relevant disclosure and must countersign the application. When Disclosure Scotland shares the disclosure with the applicant, which in most cases is through an online account, the applicant can then share this with their employer. An organisation cannot offer or place an individual into a regulated role unless they have received a Level 2 disclosure confirming the individual is a member of the PVG scheme, in relation to that type of regulated role. If the individual is self-employed, they must ensure they are a member of the PVG scheme before carrying out a regulated role.

Northern Ireland

The AccessNI disclosure process requires the candidate to commence their disclosure application by completing the relevant sections of the online application form. Details on the application (name, address, date of birth, etc) are checked, approved and countersigned by the employer or volunteer recruiter, who also provides details of the position for which the candidate is seeking appointment. The application is then forwarded to AccessNI to complete criminal history checks and issue the disclosure certificate to the candidate. The applicant should then share their disclosure certificate with the employer or volunteer recruiter to progress their recruitment.

Individuals who are barred are legally prohibited from engaging in regulated activity, and organisations must not knowingly employ them in such roles. Therefore, if an employer etc, intends to engage an individual in regulated activity they should obtain an Enhanced Disclosure Check to ascertain that individual's status.

13. If screening is required, who bears the costs of screening procedures?

England and Wales

Screening procedures are primarily paid through the employer or recruiting organisation, however this is not a strict legal requirement.

For example, in the NHS in England, organisations are separate legal entities and are responsible for their own screening procedures and the costs associated with those procedures.

Where a health or care professional regulator, or professional voluntary register, requires evidence of a criminal background check for registration, the cost is borne by the applicant. This cost is in addition to registration fees payable to the regulator or voluntary register which are paid by the applicant. This approach applies on a UK-wide basis in all nations where professional registration is required or where a voluntary register operates. Alternatively, where accepted by the regulator or voluntary register, the applicant may provide a copy of a check carried out by their employer and this may in some cases have been paid for by their employer, although again it is usually the applicant that has borne the cost.

In education settings in England and Wales, costs are normally met by the employer or recruiting organisation as part of recruitment and safeguarding arrangements. For volunteers, DBS fees may be reduced or waived in line with DBS rules, and organisations may choose to cover any administration costs. Where a third-party provider delivers services (including agency or supply), costs are usually met by that provider.

Scotland

Disclosure Scotland does not determine who bears the costs associated with disclosures and PVG scheme membership. Fee waivers are in place for qualifying voluntary organisations.

Northern Ireland

AccessNI criminal history checks can be met by either the employer or passed on to the applicant, depending on the organisation’s approach. Enhanced checks qualifying for volunteer roles are free of charge.

14. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

England and Wales

Monitoring arrangements vary by sector. For example, social workers are regulated by Social Work England, which oversees fitness to practise, while Ofsted monitors local authority, voluntary, and private providers of placements for looked-after children, as well as schools and colleges in England. Within the NHS in England, compliance is primarily overseen through regulatory and commissioning processes.

The UK’s statutory health and care professional regulators are independent of the State (although they are accountable to Parliament) and set their own standards for registration and fitness to practise in compliance with their respective legislative frameworks. The Professional Standards Authority for Health and Social Care (PSA) assess how each regulator carries out its statutory registration and fitness to practise functions through periodic reviews every 3 years, and annual performance reviews, which are designed to provide Parliament and the public with assurance that regulators are protecting patients and the public. In March 2026, the PSA introduced new assessment Standards which include clearer expectations around safeguarding and the checks that may be needed to assess professional suitability.

In Welsh education settings, provisions are expected to maintain recruitment and vetting records and demonstrate effective safeguarding arrangements. Where concerns arise, employers must act under safeguarding or disciplinary procedures and consider a duty to refer to the DBS or the Education Workforce Council which is the regulatory body for the education workforce. Regional safeguarding governance arrangements also provide system level scrutiny of safeguarding practice across agencies.

In England, schools are subject to regular inspection by Ofsted, which includes a specific focus on safeguarding arrangements. As part of these inspections, schools are required to maintain a “single central record” of recruitment and vetting checks, including DBS and barred list checks. This record is routinely reviewed during every Ofsted inspection to ensure compliance with safeguarding requirements.

For roles in detention settings, Her Majesty’s Prison and Probations Service (HMPPS) conduct all vetting through a singular team and process. For directly employed individuals this is initiated as part of onboarding procedures. For non-directly employed individuals, a requirement is in place that all individuals must be referred to HMPPS for security clearance prior to starting the role. Any screening carried out by employers, recruiters or other authorities will not be accepted in lieu of HMPPS clearance.

For policing, the Vetting Code of Practice and its associated guidance is set by the College of Policing. Each police force is responsible conducting its own vetting. The effectiveness and efficiency of police forces’ vetting is independently assessed by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).

Scotland

The PVG Act sets the legal requirements in relation to disclosure and PVG scheme membership including the offences associated with non-compliance. Disclosure Scotland has a specialised team who carry out investigations into non-compliance.

The chief constable of Police Scotland has a duty to refer information to Disclosure Scotland about any individual they believe is or has been carrying out a regulated role while not a member of the PVG scheme in relation to that role.

Northern Ireland

Recruitment decisions are ultimately taken by employers or voluntary groups, but Part V of the Police Act requires organisations that countersign disclosure applications to be registered with AccessNI and comply with a code of practice. AccessNI undertakes audits with these organisations to ensure appropriate compliance with the code of practice.

16. **If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?**

England and Wales

It is a criminal offence to knowingly employ a person who is barred from working with children to engage in regulated activity or for a barred individual to seek or undertake regulated activity. These offences are set out under the Safeguarding Vulnerable Groups Act 2006. Regulatory bodies may also act against organisations who fail to carry out required checks.

For example, providers of placements for looked-after children in England that fail to comply with regulatory requirements, including criminal record checks, may be refused registration or made subject to conditions by Ofsted. Welsh education bodies are also expected to record and justify any departure from statutory guidance where applicable.

Within the NHS in England, the Care Quality Commission may take regulatory enforcement action, including issuing notices and, in serious cases, pursuing prosecution or cancelling registration. In detention settings, individuals who do not comply with screening requirements are unable to take up their role. For directly employed staff, job offers may be withdrawn, while non-directly employed staff may be denied access to HMPPS sites and information.

Scotland

Under the PVG Act, it is a criminal offence for an individual to carry out a regulated role without being a member of the PVG scheme in relation to that role, and for an organisation to employ someone in a regulated role without having received a Level 2 disclosure from Disclosure Scotland confirming that person is a member of the PVG scheme in relation to that type of regulated role. Under section 34 of the Act, it is also an offence for an individual to seek or undertake a regulated role from which they are barred, and for organisations to employ or recruit individuals who are barred from such roles. These offences may result in fines or custodial sentences.

Northern Ireland

It is a criminal offence to work, seek, or offer work in regulated activity when an individual is on the barred list. Furthermore, it is a criminal offence for a person to permit an individual they know, or have reason to believe, is barred from regulated activity to engage in regulated activity. There is a maximum penalty of 5 years imprisonment and or a fine, Organisations that fail to comply with this provision in the AccessNI Code of Practice will be de-registered and will have to find an alternative means of obtaining criminal record disclosure information from AccessNI.

17. **Is regular screening, beyond the initial recruitment process, required, for:**
    a. **professionals in contact with children**
    b. **volunteers in contact with children**
    c. **foster parents and legal guardians?**

England and Wales

Regular screening beyond initial recruitment in England is not universally required and instead depends on sector-specific frameworks, nature of the role and employer policies. Ongoing monitoring is typically achieved through supervision. Re-checks are typically completed, where required by local policy or where circumstance change, such as a move into a new role which changes the level of the check required, a break in service, or safeguarding concerns.

Employers may also use the DBS Update Service, to carry out status checks; however, this often comes as an additional cost to the employee. While most sectors (including schools, the NHS in England, and looked-after children's placements) do not mandate routine re-screening, fostering arrangements in England will regularly review screening. In policing, vetting is a continual process, with annual integrity reviews completed for all police personnel and full vetting renewal completed at a minimum every ten years. Detention settings also require formal vetting renewal every three years.

In the NHS in England and Wales, ongoing suitability is also supported through professional registration checks where relevant, supervision and appraisal, safeguarding and disciplinary processes, and referrals to the DBS or professional regulators where statutory thresholds are met.

In Welsh education settings, routine re-screening is not generally mandated for all staff or volunteers. Instead, screening is undertaken at recruitment and where there is a change in role that alters the regulated activity status. This is supported by an ongoing safeguarding culture, including supervision, the management of allegations and low-level concerns, and appropriate referral processes. Some employers may choose to use the DBS Update Service or local arrangements, but practice can vary depending on the role and employer.

Similarly, schools in England follow the *Keeping Children Safe in Education* statutory guidance, which sets out expectations on maintaining vigilance in relation to low-level concerns and ensuring the effective management of allegations.

Scotland

PVG scheme members are subject to ongoing monitoring of their scheme membership, meaning that that their criminal record will be continuously monitored throughout their membership. Therefore, any new criminal convictions or information submitted by police of other relevance will be flagged immediately.

In circumstances where a PVG scheme member has committed sexual offences against children, they will be placed under formal consideration for listing, and relevant information will be carefully considered as per section 17 of the PVG Act. Where the decision is ultimately made to bar the individual from carrying out a regulated role with children because of such conduct, their scheme membership will be cancelled, and they will be placed on the barred list for children. In such cases, they cannot then lawfully be engaged in a regulated role with children.

All of the roles above are considered regulated roles, except for legal guardians. Therefore, individuals in these roles will require PVG scheme membership and ongoing monitoring. A Level 2 disclosure with barred lists check, can be sought in relation to court proceedings in respect of a guardianship order.

Northern Ireland

In Northern Ireland, the Safeguarding Vulnerable Groups Order (NI) 2007 does not set a fixed frequency for screening checks but makes it a criminal offence for barred individuals to work in regulated activity, or for organisations to knowingly allow this. Some sectors impose their own requirements: Health and Social Care Trust employees must disclose convictions and notify employers of police investigations. Foster carers are reviewed at least annually to assess ongoing suitability of both themselves and members of their household, while prospective adopters are subject to periodic reviews, typically every six months, with significant changes referred to an Adoption Panel.

18. **Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?**

<u>England and Wales</u>

There is a process for law enforcement to inform the employers or volunteer organisations about ongoing investigations for their employees or volunteers, but this sits outside of the DBS system. The Common Law Police Disclosure (CLPD) allows forces to proactively provide personal data or sensitive personal data to third parties, if there is a pressing social need. However, CLPD provisions are an operational matter for policing which are determined locally by chief officers in accordance with the guidance published by the College of Policing and National Police Chief's Council.

For staff working in looked-after children's placements in England, law enforcement is able to inform employers when a person working or volunteering with children is under investigation for sexual offences against children. In education settings in England, such concerns would likely be treated as a serious safeguarding matter. Information may be shared by law enforcement with relevant safeguarding partners, such as the local authority (including the Local Authority Designated Officer), and it is the responsibility of the education provider to notify Ofsted of any significant safeguarding incidents where required.

In education settings in Wales, information sharing about an ongoing investigation is led by law enforcement or children's social care in line with information sharing and safeguarding procedures. Where it is necessary and proportionate to safeguard children, relevant authorities may share information with the employer to enable protective action. Consequences in education typically include an immediate risk assessment and management action by the employer (for example, increased supervision, redeployment to a non-contact role, or suspension), and liaison with the local authority safeguarding lead and statutory partners in line with applicable procedures.

In the NHS in England, law enforcement may share information about ongoing investigations where necessary for public protection and where legal thresholds are met. This typically prompts employers to carry out an immediate risk assessment and take proportionate safeguarding measures, such as restricting duties, redeployment, or suspension, and may lead to referrals to the DBS or relevant regulators.

The UK's statutory health and care professional regulators require registrants to self-report criminal matters under the conditions of their registration and may also receive information via discretionary police disclosures. When regulators are made aware that concerns have been raised regarding a person's fitness to practise, regulators can impose Interim Orders, including conditions on practice or suspension. Where the person's current or future employer is known to the regulator, the regulator also has powers to inform their employer that they have an Interim Order against them.

Regulators can disclose information relating to the fitness to practise of a healthcare professional if disclosure is in the public interest. They can also disclose information where disclosure has a public protection purpose which allows regulators to meet their over-arching objective to protect the public.

In detention settings, individuals under investigation may be suspended or excluded from sites, with no contact with children permitted.

Scotland

Police Scotland can make public interest disclosures to relevant parties at its discretion. Under the PVG scheme, members are subject to ongoing monitoring. This means Disclosure Scotland may receive new information if the police are investigating a scheme member, where they consider the information relevant to the individual's PVG membership and that it is proportionate to disclose. If this information suggests an individual may be unsuitable for regulated roles, Disclosure Scotland may begin consideration for barring and notify the employer and relevant regulator that the person is under consideration for listing. Any action taken in consequence of that notification is a matter for the employer / regulator.

Northern Ireland

In Northern Ireland, where a person working or volunteering with children is under police investigation for a sexual offence against a child, the Police Service of Northern Ireland (PSNI) may inform an employer/volunteer organisation or relevant regulatory body in limited circumstances, where this is necessary and proportionate for public protection. This is normally managed through Common Law Police Disclosure (CLPD), under which the Chief Officer/ Delegate may authorise disclosure during an ongoing investigation where a serious and urgent safeguarding risk is identified and there is a pressing public need to mitigate that risk without waiting for the outcome of criminal proceedings. Any disclosure is considered on a case-by-case basis and only the minimum relevant information is shared, balancing safeguarding requirements with the individual's privacy rights.

Where disclosure is made, the employer/organisation would be expected to conduct an immediate risk assessment and take proportionate safeguarding action, which may include restricting duties, redeployment away from contact with children, increased supervision, suspension, and/or liaison with relevant safeguarding partners and regulators as appropriate.

<u>Cross-border screening</u>

19. **If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:**

    a. **Professionals**
    b. **Volunteers**
    c. **persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?**

<u>England and Wales</u>

Cross-border screening requirements vary by sector and are guided by statutory guidance rather than a single legal rule.

Under the disclosure and barring regime, any role which involves regular teaching of children is eligible for the highest level of check issued by the Disclosure and Barring Service (DBS). This 'enhanced' check includes a record of criminal convictions or cautions which are held on the Police National Computer (PNC), relevant police information (e.g. allegations) and whether the individual is barred by the DBS from working in regulated activity with children. It is an offence for anyone who is barred to apply to work in regulated activity with children and it is an offence for an employer to engage a barred person in such work. However, it is for the education sector through its statutory safeguarding guidance 'Keeping Children Safe in Education' (KCSIE) or for employers to set any requirements, whether for DBS or international criminal record checks, and whether the absence of any particular criminal conviction should be verified.

Employers are generally expected to carry out additional overseas checks where individuals have lived or worked outside the UK, although this depends on the availability of information from the relevant country. Checks are routinely required in sectors like education and the NHS in England. In detention settings, overseas checks are required for recent residence abroad, with older cases assessed through DBS checks and additional intelligence, and further checks requested where concerns arise.

The UK's statutory health and care professional regulators are required to assess an applicant's fitness to practise, including considering any declared criminal history, but there is no single statutory requirement for them to carry out criminal record checks on all international applicants. Regulators may, however, request additional assurance such as certificates of good character, police certificates or information from international regulators to inform their assessment.

Looked-after children and fostering placements in England, often request overseas police certificates. In practice, checks are risk-based, focusing on countries where individuals have lived for significant periods, with alternative assurances used where checks cannot be obtained.

In Wales, prospective adopters, foster carers and child guardians should be assessed through formal statutory processes and agencies should similarly consider overseas checks where the person has lived abroad. However, the precise requirement will depend on the role, the statutory scheme, the availability of reliable records from the relevant country, and the safeguarding assessment being undertaken.

Further, under the common law, a person is under a duty to answer honestly any question about their offending history. This common law duty is disapplied in certain circumstances. The Rehabilitation of Offenders Act 1974 ("the ROA") sets out when an offender is considered to be ‘rehabilitated’ for the purposes of the Act and the rehabilitation period depends on the disposal received. Where an offender is rehabilitated for the purpose of the Act, the Act provides that they are treated as though they never committed the offence for which they were cautioned or convicted, and are entitled to withhold the fact of, or information about, their caution or conviction.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ("the Exceptions Order") then creates exceptions to the ROA with the effect that, in some circumstances, spent, as well as unspent, convictions and cautions must be disclosed and may be taken into account when assessing a person's suitability for certain positions, for example those working with children or vulnerable adults. This reflects that, while it is generally desirable to facilitate ex-offenders into employment, the public must remain adequately protected.

The RoA provides in section 5(7)(f) that for the purposes of determining the applicable rehabilitation period, a sentence imposed by a court outside of England and Wales is to be treated as the sentence to which it most closely corresponds. This means that overseas cautions and convictions can become ‘spent’ in line with the rehabilitation periods set out in the RoA, unless they are excluded from rehabilitation for example a life sentence. This means that, if an overseas conviction is held on the Police National Computer, a DBS check will disclose that information, in line with the disclosure rules laid out in legislation, treating it the same as if it were a UK conviction. And an individual can be expected to self-disclose the information, again in line with the disclosure rules laid out in legislation.

<u>Scotland</u>

Scotland has arrangements to share and obtain criminal record information internationally, particularly with EU member states, in line with Directive 2011/93/EU. The Scottish Ministers are required to provide information (via ACRO) about individuals barred from working with children following relevant sexual offence convictions.

In addition, where an individual is a national of certain EU member states and applies to carry out a role with children. Disclosure Scotland can make a request to that member state, through ACRO, for any criminal history information held bout that individual that the authority considers should be provided.

This supports cross-border safeguarding checks, ensuring that relevant convictions or disqualifications relating to work with children are identified.

<u>Northern Ireland</u>

In Northern Ireland, there is no absolute legal requirement to obtain checks from every country an individual has resided in. However, authorities and employers are expected to take reasonable and proportionate steps to verify an individual’s suitability where they have lived or worked abroad.

Childminding applicants who have lived outside the UK must provide overseas criminal record evidence (depending on the country), in addition to an AccessNI Enhanced check, with any disclosures reviewed by the Trust. In adoption, agencies are expected to obtain equivalent overseas checks where applicants have lived abroad. For fostering, there is currently no formal requirement to check overseas criminal history, although new legislation is planned to allow wider consideration of relevant information in assessing suitability.

20. **Is there a mechanism to:**

    a. **request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings (please specify)**
    b. **provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?**

<u>The UK</u>

The UK recognises the importance of working internationally to safeguard children from the threats of child sexual exploitation and abuse, given the transnational nature of many aspects of this crime.

To help facilitate this, under the INTERPOL Rules on the Processing of Data (RPD), there is a mechanism to request data on a person's criminal history through international police cooperation channels, including outside the context of formal criminal proceedings.

Data may be processed within INTERPOL systems for the purposes of international police cooperation as set out in Article 10 RPD, which include identification, investigative support and preventive or security-related checks. Information can be exchanged through the cooperation tools recognised in Article 8 and 9 of the RPD, diffusions under Articles 97–100 RPD and direct exchanges between National Central Bureaus (NCBs). Data processed through these channels will have to comply with the safeguards set out within the RPD.

Under the INTERPOL Rules on the Processing of Data (RPD), there is also a mechanism to provide data on a person's criminal history through international police cooperation channels, including outside the context of formal criminal proceedings.

In terms of engagement with EU Member States, this is provided for under Part III of the UK-EU Trade and Co-operation Agreement (TCA) under an automated system known as ECRIS (European Criminal Records Information System). Article 648 of the TCA provides a mechanism for the UK (via the ACRO Criminal Records Office) to request criminal conviction data from EUMS for purposes other than criminal proceedings. Article 648 (1) states that (emphasis added):

> *'If information from the criminal record of a State is requested at domestic level for the purposes of criminal proceedings against a person* ***or for any purposes other than that of criminal proceedings****, the central authority of that State may, in accordance with its domestic law, submit a request to the central authority of another State for information and related data to be extracted from the criminal record.'*

Article 648 (2) also provides a mechanism for non-UK nationals to request their own conviction records from the relevant UK authority, and for the UK to then submit that request to the central authority of the state of the person's nationality.

> *'If a person asks the central authority of a State other than the State of the person's nationality for information on the person's own criminal record, that central authority shall submit a request to the central authority of the State of the person's nationality for information and related data to be extracted from the criminal record in order to be able to include that information and related data in the extract to be provided to the person concerned.'*

Under the terms of the TCA the central authority of each State must reply to requests made for purposes other than that of criminal proceedings in accordance with their domestic law (Art 649(2)). It is of note that:

Article 649 (3) sets out that notwithstanding Article 649(2) *'when replying to requests made for the purposes of recruitment for professional or organised voluntary activities involving direct and regular contacts with children, the States shall include information on the existence of criminal convictions for offences related to sexual abuse or sexual exploitation of children, child pornography, solicitation of children for sexual purposes, including inciting, aiding and abetting or attempting to commit any of those offences, as well as information on the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions.'*

This means that there is an obligation placed on the UK and EU Member States to include this information when replying to requests made for the purposes of recruitment into activities involving direct and regular contact with children.

The UK is also required by Article 646 of the TCA to provide data to the central authority of a EUMS where a national of that State is convicted of a criminal offence (including sexual offences) within the UK. Article 646(2) states:

> *'The central authority of each State shall inform the central authority of any other State of all criminal convictions handed down within its territory in respect of nationals of the latter State […]'*

As set out above, the provisions of the TCA provide a mechanism for the UK to request this information from EUMS and for EUMS to request it from the UK for purposes other than criminal proceedings.

The provisions referenced above in terms of responses to requests equally apply where the UK has received a request from an EUMS, with the UK required to respond as set out under Article 649 TCA.

More broadly, the Disclosure and Barring System also has relevance in terms of access to data of a person's criminal convictions. The UK Government Home Office has published guidance on international criminal record checks for overseas applicants which can be readily accessed. Cross-border assurance is typically obtained by requiring the individual to provide an overseas police certificate or certificate of good conduct from the relevant country or countries. Alongside the appropriate UK DBS check, DBS certificates may also include any overseas conviction information that is already held on UK police systems through existing international conviction exchange arrangements, but this is not a comprehensive substitute for an overseas police certificate.

Wales

In addition to the above, specifically for education recruitment, employers generally do not have a direct mechanism to obtain foreign conviction data from another State's competent authority outside criminal proceedings. Instead, they rely on the applicant to obtain overseas criminal record documentation where available, supported by guidance on safer recruitment. Any formal State-to-State exchange of conviction information sits outside the education sector and is handled through the relevant criminal justice and international co-operation arrangements.

Scotland

Disclosure Scotland can request data about a person's criminal convictions for sexual offences against children from countries outside the agreed 12 EU states. However, there are no direct examples of this. In theory, if a new member of the PVG Scheme has a Police National Computer record which contains an impending prosecution for an offence that occurred outside the UK, this would then trigger a Force Enquiry. For existing members of the PVG Scheme, via ongoing monitoring, information would then be sent to the owning force as per the Force code on the PNC record. However, Disclosure Scotland does not contact foreign state directly and requests are be made via ACRO instead.

Disclosure Scotland shares limited applicant information with police through external enquiries to support checks, but only for specific purposes such as identity verification or ongoing investigations. Its role is to obtain information about an individual's criminal convictions, rather than to provide such information.

Northern Ireland

AccessNI can directly seek relevant criminal conviction information from any of 16 EU states under Council Framework Decision 2006/960/JHA.

21. **Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?**

The UK

Article 649 of the TCA sets out the UK's obligations when responding to a request from the competent authority of another EU Member State and says:

> *1. Replies to requests for information shall be transmitted by the central authority of the requested State to the central authority of the requesting State as soon as possible and in any event within 20 working days from the date the request was received.*
>
> *2. The central authority of each State shall reply to requests made for purposes other than that of criminal proceedings in accordance with its domestic law.*
>
> *Notwithstanding paragraph 2, when replying to requests made for the purposes of recruitment for professional or organised voluntary activities involving direct and regular contacts with children, the States shall include information on the existence of criminal convictions for offences related to sexual abuse or sexual exploitation of children, child pornography, solicitation of children for sexual purposes, including inciting, aiding and abetting or attempting to commit any of those offences, as well as information on the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions.*

In addition, and, as explained above, Art 649(3) TCA imposes an obligation to include information on criminal convictions for sexual offences against children (as specified in that provision) when replying to requests made for the purposes of recruitment into activities involving direct and regular contact with children. See response to 20a. Other law enforcement information sharing arrangements may also apply, depending on the case and any requests from a State the UK.

22. **Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.**

N/A

23. **What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?**

England

Fostering services applicants have reported delays with the DBS service and other vetting checks. The highest level of DBS check, the enhanced with children's barred list check, are used for vetting in this context. The DBS operates to service standards of completing 80% of Enhanced check applications within 14 days. Where there's an indication that police may hold information on the potential foster carer or indeed related to their address, enhanced checks must be sent to the police for local intelligence checks. This intelligence check may involve one or more police forces who often have to make complex decisions about the disclosure of information that may directly impact vulnerable groups and those who seek to work with them. It is important from a safeguarding perspective that the DBS allow sufficient time for robust checks to be carried out by the police, as these are ultimately in place to protect the most vulnerable groups in society. As part of the process of meeting the 14-day service standard for DBS Enhanced check applications, the police need to complete their checks. This will often be done quickly which allows for the application to meet the service standard of 80% of applications to be completed within 14 days. However, there is a 60-day service level agreement (SLA) in place to allow the police sufficient time to complete their checks and make often complex decisions before disclosing information that may directly impact vulnerable groups and those who seek to work with them. As reflected in DBS performance statistics, police forces will in fact often process their checks well within this SLA but sometimes up to the full 60 days of the SLA is needed.

International offending can also present challenges as overseas convictions and intelligence may not always be available to UK authorities.

Wales

In the education system challenges include administration burden and delays in obtaining checks, especially where urgent recruitment is required. There are also variations in local approaches to DBS renewal resulting in inconsistence practise. Education professionals also report difficulties in obtaining reliable overseas criminal records checks or documentation.

Scotland

A key challenge is the growing size of the PVG scheme, which has exceeded original expectations. In response, a 5-year membership renewal requirement has been introduced to ensure only individuals still undertaking regulated roles remain in the scheme. Ongoing data cleansing efforts are also being undertaken to remove inactive members and improve accuracy.

Northern Ireland

AccessNI has identified that strengthening cross-border information sharing would be beneficial. In particular, the development and use of the European Criminal Records Information System- Third Country National database, which could enhance safeguarding by helping to identify individuals with criminal convictions across multiple EU states, including non-EU nationals.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

The Professional Standards Authority for Health and Social Care (PSA) is reviewing the arrangements that the UK's statutory health and care professional regulators have in place to assure themselves that professionals they register are having appropriate criminal record checks. In addition, from summer 2026, HMPPS will introduce improved recruitment checks for roles involving contact with children, including self-declarations and both written and verbal references to assess applicants' conduct and suitability.

Wales

Within the Welsh education system, promising practice includes accessible safeguarding policies, strong induction for staff and volunteers, and the use of quality assurance visits and local authority audits. Effective systems are also in place for managing allegations, alongside a safeguarding culture that encourages early reporting, supported by mechanisms for both children and staff to raise concerns, including low-level issues.

Scotland

The introduction of a legal requirement for individuals undertaking regulated roles to be members of the PVG scheme strengthens existing safeguards by ensuring the highest level of checks is applied in all cases, alongside measures to report non-compliance by individuals or organisations. Disclosure Scotland also adopts a proactive approach through stakeholder engagement, relationship management, and a strong communications strategy to share key updates and guidance. In addition, it continues to involve stakeholders in the development of regulated role criteria.