

Disclosure and Barring Service (DBS)

The Protection of Freedoms Act 2012 received Royal Assent on the 1st May 2012 and has introduced new safeguarding and vetting requirements affecting all individuals who have contact with children and adults at risk.

In December 2012 the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to form the Disclosure and Barring Service (DBS). The DBS now issue disclosure certificates. The ASA is committed to ensuring that all children who participate in ASA activities should be able to take part in an enjoyable and safe environment and be safeguarded from harm.

The Disclosure and Barring Service enables the BAB to make more informed recruitment decisions for positions within the club. Any individuals wishing to work with children or adults at risk are required to undertake a Barred List check and/or Enhanced DBS Disclosure.

A Barred List check is a legal requirement for all individuals applying to work in Regulated Activity. This check will show whether an individual is barred from working with children or adults at risk. An Enhanced DBS disclosure is a record of all warnings, reprimands, cautions and convictions from local and national police records. Information may also be disclosed at the discretion of the Chief Police Officer if that information is deemed relevant to the role the individual is applying for.

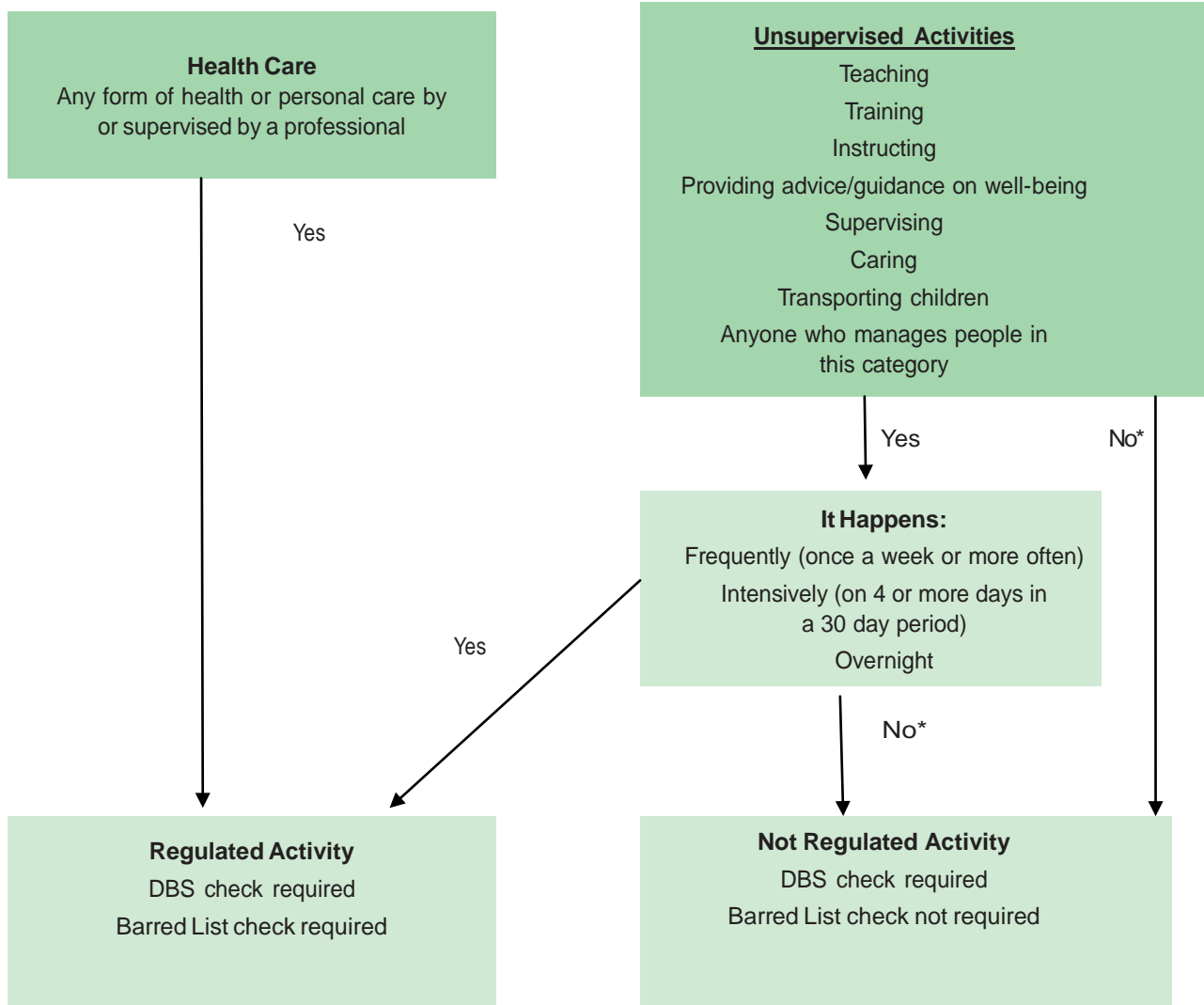
The new definition of Regulated Activity is important and it is vital that clubs understand the new definition so it can be applied as below:

1. An organisation is required by Law to refer an individual to the DBS if they remove them from Regulated Activity because they have caused harm or because they may cause harm to a child or adult at risk.
2. An organisation can request a DBS disclosure on individuals in and out of Regulated Activity. Barred list information can only be requested for individuals applying to work in Regulated Activity.
3. In 2013 it will be an offence to allow someone who is on the Barred List to work in Regulated Activity.

The Club Welfare Officer or Association Child Protection Officer will coordinate the DBS checks for BAB clubs as part of the club safe recruitment procedures.

The following guidance will help you decide who needs to be checked within your club and whether they are eligible for a Barred List check.

What is Regulated Activity?



* There is one further option which may allow organisations to legitimately request an Enhanced DBS check. The Rehabilitation of Offenders Act eligibility code 06 ('Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children') is still available for sport to use. The word 'regularly' in this eligibility code is not linked to the requirements in the definition of 'Regulated Activity' – it is open to definition by the organisation. It is suggested annually is not enough but an argument could be made for eligibility if an individual does an activity 8 times over the summer period or once a month for example. So if your ACPO attends a club every other month – or your Head of Association comes in as a guest teacher once a month, then you can use this Code 06 to request a DBS check BUT NOT a barred list check.

Who is eligible for a Disclosure and Barring Service Enhanced Disclosure check

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act.

Before any organisation considers asking a person to complete an application for a DBS check, they are legally responsible for ensuring they are entitled to ask that person to reveal their criminal record.

The Protection of Freedoms Act 2012 has introduced new amendments to this eligibility criterion.

Under the guidance provided by the DBS roles within sport fall within reference number 06. This means in sport the positions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 are:

Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.

This change in eligibility means that in a club there are some positions that are no longer eligible to be checked.

Club Committee roles such as the Chairman, Club and Membership Secretary will only be eligible for a check if that individual has additional roles which meet the new eligibility requirements. For example, if the committee member, in addition to their committee role, acts as an instructor at a weekly class, they would be DBS checked for the eligible role of instructor rather than in their committee role.

An assistant who is just helping to put out mats will not fall within the new definition of eligibility despite being in contact with children. However, if they are acting in a training or supervisory capacity assisting the qualified coaching team, they will be eligible for a check.

A photographer taking photographs of children at a club event does not fall within the new definition of eligibility. A photographer may only become eligible if they were left in sole charge of the child/children they are photographing.

Similarly, a club officer in charge of administrating and managing the club website will not be eligible for a DBS check for that role.

In all cases you are assessing whether the person's role within the club involves regularly caring, training, supervising or being in sole charge of children. If their main role at the club doesn't meet that requirement, you are assessing all the other roles they undertake that may meet these criteria. If this was the case, that person would be checked for the role that makes them eligible for the check, rather than their main role at the club.

To assist clubs with these significant changes, the BAB has produced a list to help your decision making processes.

Eligible roles within BAB clubs*

(NB these definitions resulting in 'Yes' assume that contact with children is on a regular basis as previously defined. If a coach teaches a 'one-off' session with children then they would not be eligible for an Enhanced DBS check or barred list check. If an Association CPO does not have regular contact with children then they are not eligible.)

Roles within aikido	Enhanced DBS required	Barred List required
Coach	Yes	Yes
Assistant Coach	Yes	Yes
Helper on the mat	Yes	Yes
Assistant on the mat	Yes	Yes
Club Welfare Officer	Yes	Yes
Association CPO	Yes	Yes
Regional Welfare Officer	Yes	Yes
Driver	Yes	Yes
Team Manager	Yes	Yes
Head of Association	No	No
Coach Tutor	No	No
Membership Secretary	No	No
Chairperson	No	No
Club Secretary	No	No
Website Officer/Administrator	No	No
Photographer or filming children	No	No

Please note this list is not intended to be exhaustive and may be subject to change in accordance with Government Legislation or further guidance.

Please contact the BAB Lead Safeguarding Officer if you are unsure whether a role within your club is eligible for either a DBS disclosure or a Barred List check.

* There is one further option which may allow organisations to legitimately request an Enhanced DBS check. The Rehabilitation of Offenders Act eligibility code 06 ('Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children') is still available for sport to use. The word 'regularly' in this eligibility code is not linked to the requirements in the definition of 'Regulated Activity' – it is open to definition by the organisation. It is suggested annually is not enough but an argument could be made for eligibility if an individual does an activity 8 times over the summer period or once a month for example. So if your ACPO attends a club every other month – or your Head of Association comes in as a guest teacher once a month, then you can use this Code 06 to request a DBS check BUT NOT a barred list check.

The BAB has taken the view that all coaching roles in aikido will be Unsupervised and therefore if they meet the frequency criteria will fall within Regulated Activity. Each BAB Club may, in consultation with their ACPO, make its own assessment with regards to supervision. IF the assistant or coach is being supervised AT ALL TIMES by a coach in Regulated Activity and is never in a position where their actions would be unseen or their conversations unheard then you may wish to classify them as Supervised. This means that you will undertake an Enhanced DBS check but NOT a barred list check. If the level of Supervision changes so they become Unsupervised then you must re-do the check and request a Barred List check.