

## G26 – Disclosure and Barring Service (DBS) Guidance

*The policies and guidelines referenced within this document apply to England and Wales. For Scotland and Northern Ireland, please refer to the SCA and CANI for further details.*

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

All disclosure certificates are now issued by the Disclosure and Barring Service (DBS) following the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) in December 2012.

This guidance aims to help individuals understand who is now eligible for a DBS Barred List check and/or a DBS Enhanced Disclosure. Further information can be found from our Disclosure and Barring Frequently Asked Questions guidance (G17).

**There are essentially two types of DBS check that you should know about:**

**A Barred List check** is a legal requirement for all individuals applying to work in Regulated Activity and can only be applied for if the person is in Regulated Activity. This check will show whether an individual is barred from working with children or adults in Regulated Activity.

**A DBS Enhanced Disclosure** will include information about 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.

### What is Regulated Activity?

Regulated Activity is defined by type and place of work and the frequency and intensity of the contact. (See panel→).

A flowchart illustrating this further can found on the next page. It is vital to understand the new definition of Regulated Activity and important to note that:

- Barred List information can only be requested for individuals applying to work or volunteer in Regulated Activity.
- An organisation can request a DBS Enhanced Disclosure on individuals in and out of Regulated Activity where they have regular contact with children. (see page 3)
- 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.

### Regulated Activity is

‘unsupervised’ contact of children\* which is of a specified nature (teaching, training, care, supervision, advice, treatment or transport)

OR

In a specified place (Schools, Academies, Children’s Centres)

AND

Occurs frequently, - once a week or more. Intensively - four days in one month or more. Overnight (between 2am and 6am)

**(Unsupervised Activity** is defined within Paddlesport as being out of sight or hearing of a supervisor.)

\*anyone under the age of 18 is classed as a child

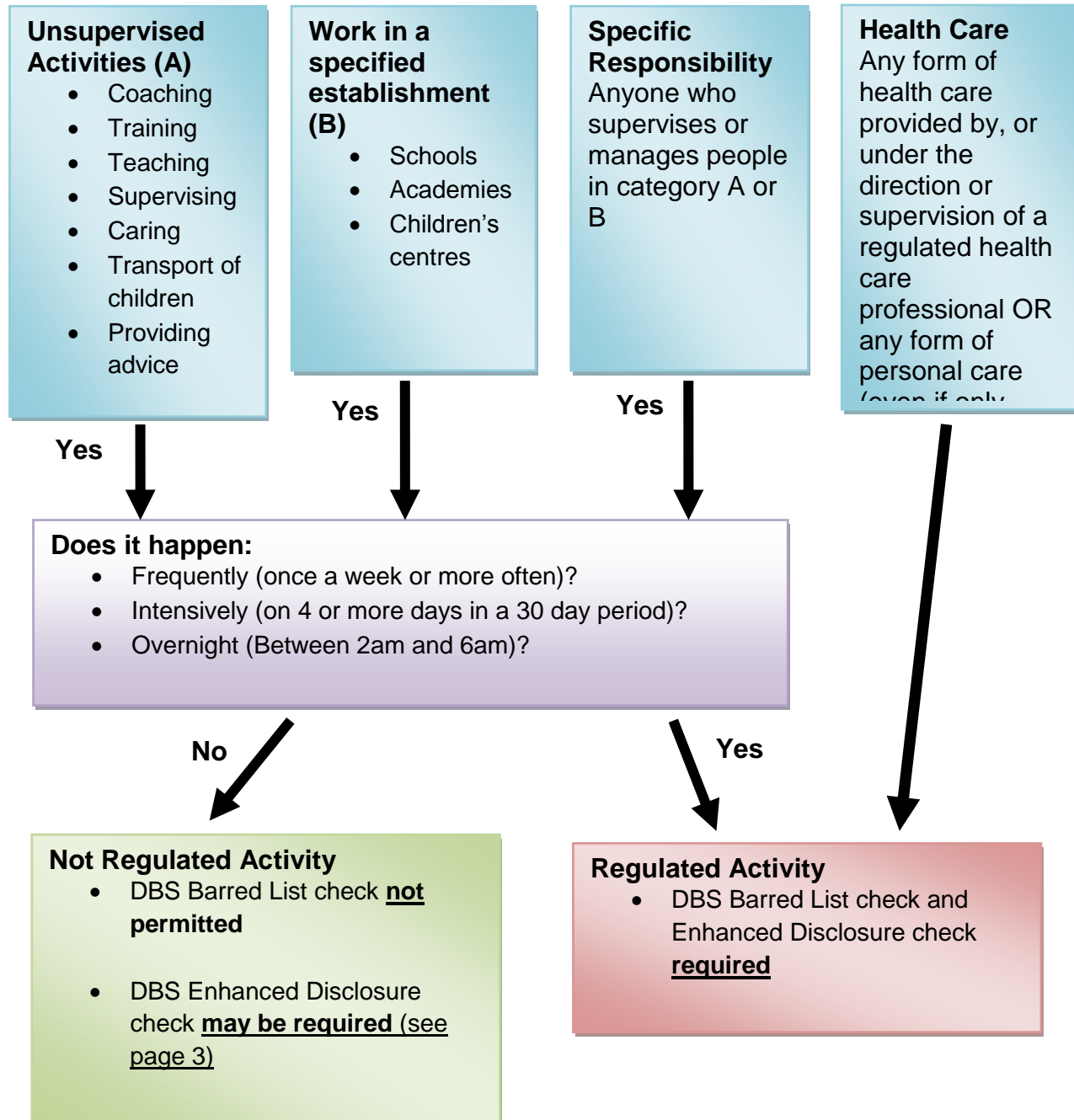
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## DBS Eligibility- Regulated Activity

### I am working with children – am I in Regulated Activity?

(Regulated Activity in relation to an adult, only applies to the Health Care criteria below)

### Do you operate in any of the following?



**Still not sure? Further guidance on who is eligible for a DBS check can be found on your Home Nation website (British Canoeing and Canoe Wales).**

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### DBS Enhanced Disclosure checks

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 these eligibility criteria. 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 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.

#### Enhanced DBS Check

Within canoeing “regularly” is defined as activity that is: Once a month, or 6 or more times in a 3 month period.

For example, if the committee member, in addition to their committee role, acts as a nominated chaperone in the home club setting or on away trips, they would be DBS checked for the eligible role of chaperone not for their committee role.

A photographer taking photographs of children at a club event does not fall within the new definition of eligibility. A photographer would only become eligible if they were left in sole charge of the child/ children they are photographing on a regular basis as defined above. Similarly, the 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 individuals role involves regularly coaching, training, caring, supervising or being in sole charge of children. If their main role 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.

Club and Event Welfare Officers will need to identify who requires a DBS Enhanced Disclosure check and whether this will include a Barred List check. The following guidance will help you decide who needs to be checked and whether they are eligible for a Barred List check.

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### Eligible roles for Club and Volunteer led activity within Canoeing

This guidance is for club and volunteer led activity\*. Under the new definition of Regulated Activity, there are some roles which previously would have been eligible to have a DBS check, which are no longer eligible.

Examples of common roles are listed below. It is essential that you take time **to consider each role at your club** to determine if they meet the eligibility requirements for a DBS check.

**Remember to take into account the role, location, frequency and intensity in which the role will be carried out.**

The following roles may be eligible for a DBS check:

- Coach Level 1-5
- Event Welfare Officer

✓ The following roles, in the majority of cases, will be eligible and will require a DBS Check:

- Supervisor of Regulated Activity
- Club Welfare Officer
- Physiotherapist
- Driver- Juniors
- Host Family
- Junior team manager
- Chaperone
- Activity Leader
- Sole supervision of junior groups e.g. lunch time

✗ The following roles, in the majority of cases, will not be eligible to have a DBS check:

- Polo Referee
- Gate Judge
- Club Chair
- Membership Secretary
- Official/ Unofficial photographer/ filming children
- Website officer/ administrator
- Kitchen/ canteen helper

Remember to always consider if the person carries out any additional roles to those listed above. If so, their additional role may meet the requirements for a DBS check.

*\*British Canoeing Approved Paddlesport Providers and other organisations providing Paddlesport activity should define eligibility based on their own safeguarding risk assessment procedures.*

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Deciding on who needs to do a DBS check is not easy. Please also refer to our on line interactive support and Guidance Flowchart (G29).

The following are some examples to help guide your decision making. Remember it is the role that you must decide on – not the individual. Many of our volunteers undertake numerous roles, so you must be clear about which role requires a DBS check. For further support please refer to the safeguarding section of your home nation website – (British Canoeing, CANI, Canoe Wales.)

1. Claire is a level 1 coach who helps at her local club during the school holidays when she is back from university. The club run a week long Paddlepower course. She is supervised by James in her coaching role\* who also has a group on the water at the same time.

*This meets the requirements for Regulated Activity – Clare is 16+, is coaching and working with children over 5 days (intensively). As a level 1 coach she is supervised BUT she is not supervised for a DBS check as she is out of hearing of James – so she needs to do a DBS Barred List check and an Enhanced Disclosure check.*

2. John is a Canoe Polo referee and regularly umpires league games for the Under 18 teams. He coaches his club polo team once a week – (there are no U18's in the team) and also provides coaches support on the club white water weekend trips. On these trips are U18's and they camp overnight.

*John does not need a DBS check for his polo coaching and refereeing. He meets the Regulated Activity criteria for the whitewater weekend trips as he is coaching and camping overnight with the group and there are children. John must undertake a DBS Barred List check and an Enhanced Disclosure check.*

3. Sally is the membership secretary of her canoe club she is also on the club rota for helping in the kitchen once a month with some other mums.

*Sally does not require a DBS check for her role as membership secretary. Helping in the kitchen does not meet the roles for Regulated Activity, and as she is working with other mums in the kitchen she does not need a DBS Enhanced Disclosure either.*

4. Trevor helps out coaching the juniors at his club when his shift pattern allows it. This is usually once a month.

*Trevor does not meet the intensity requirement for Regulated Activity, but does fall under “regular activity” for canoeing – so he would need to do a DBS Enhanced Disclosure check.*

*\* It is important to note that the Level 1 coach supervision requirement is different to that required for Regulated Activity and a DBS Barred List check.*