

Changes to CRB/DBS checks in England and Wales

Note: Scotland and Northern Ireland have their own equivalent schemes and should be contacted directly.



What is the CRB/DBS and what does it do?

The Criminal Records Bureau (CRB) merged with the Independent Safeguarding Authority in December 2012, to become the Disclosure and Barring Service (DBS). The DBS provides access to criminal and Police Records for employers and organisations so that they can make informed decisions about the suitability of individual members of staff and volunteers to work with children and vulnerable adults in specific roles.

The DBS also makes decisions regarding whether a person should be barred from working with children. In the case of some criminal convictions, that will lead to the guilty person being automatically barred from working with children, in other cases the DBS has to make a risk assessment decision. They also make decisions where there has been no criminal conviction, but there is sufficient information and grounds to warrant their decision.

The DBS produces “disclosures” for applicants working in “regulated activities” (see section below), which contain information about criminal convictions, cautions and in some cases, Police intelligence information which should enable informed decisions about an individual’s risk to children to be made. It also states whether the individual has been barred from working with children. These were formally known as CRB checks and were commonly used within British Orienteering.

As an organisation British Orienteering uses the Disclosure and Barring Service (DBS) to assess the suitability of staff and volunteers working with children, young people and vulnerable adults and as such complies fully with the DBS Code of Practice. More details on recruitment and selection and Child Protection procedures can be found in the British Orienteering Recruitment and Selection Policy and ‘O’ Safe policy.

These are available at the following links

http://www.britishorienteering.org.uk/images/uploaded/downloads/governance_british_orienteering_policies_v1.pdf

http://www.britishorienteering.org.uk/images/uploaded/downloads/governance_policies_osafe.pdf

Hard copies are also available by contacting the British Orienteering National Office.

Who can be DBS checked?

The Protection of Freedoms Act 2012 has made changes to who is eligible for DBS checks, not everyone who works with children and young people require a full DBS check. The following states what checks are available and who will be entitled to them.

Checks can only be requested if the work of the volunteer or member of staff fits within the following definition of regulated activity;

Activity which involves:

Teaching, training, instructing, caring for or supervising children;
OR
Providing guidance/advice on well-being;
OR
Driving a vehicle only for children

AND

Happens frequently (once a week or more often)
OR
Happens intensively (on 4 or more days in a 30-day period, or overnight)

AND

The individual carrying out the activity of teaching, training or instructing is unsupervised.

(Diagram courtesy of Sport and Recreation Alliance)

If your role meets the criteria above you can apply for a full Enhanced DBS check which checks the list for those who are barred from working with children.

If the role meets all of the criteria except the criteria with regard to supervision, an Enhanced check can be applied for but this will not check the list of those who are barred from working with children.

Supervision, in this context, would be an individual being supervised by another person, with that other person being in Regulated Activity and as such having been DBS checked with barring list check. The supervision should be regular, day-to-day (i.e. not remote) and should be consistent e.g. not tail off after an initial training period. The most appropriate person/s to make the decision on level of supervision for a particular position are those at club level requesting the check and as such those who understand the environment where the activities will take place.

Example

Mr Wood, a new volunteer, assists with the coaching of children at the orienteering club. The children are divided into small groups, with an assistant coach such as Mr Wood assigned to a small group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coach) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

If the role does not meet the criteria you will not be allowed to apply for a DBS check. It is not possible to apply the mantra "if in doubt, check" as there are strict legal requirements for who can and cannot be checked.

Roles such as lead coach, club night coach, club welfare officer, volunteers working directly with children and young people, depending on the individual circumstances of the position, are likely to require a DBS check.

Roles unlikely to require a DBS check are event officials including mappers, event start and finish helpers, volunteers involved with children for a one off event.

Please refer to the flowchart below for further, more detailed guidance.

Changes to DBS application form

'Position Applied For' field

From the 17th June 2013, The 'Position Applied For field' (x61) on the application form will need to be completed differently, and you should start to do this right now. Failure to complete the field correctly may delay the application as DBS will need to contact you for further information; it may also prevent the applicant from using their DBS Certificate for future employment or volunteering purposes.

You should now include one of the following phrases in x61 line 1

- 'Child Workforce'. Use this for any position that involves working/volunteering with children.
- 'Adult Workforce'. Use this for any position that involves working/volunteering with adults.
- 'Child and Adult Workforce'. Use this for any position that involves working/volunteering with children and adults.
- 'Other Workforce'. Use this for any position that does not involve working/volunteering with Children or Adults e.g. security guard.

Amended Question e55

- Question e55 has been changed from "have you ever been convicted of a criminal offence or received a caution, reprimand or warning?" to "do you have any unspent convictions, cautions, reprimands or warnings?"

Applicant Only Disclosures

- From the 17th June, DBS will only issue disclosures to the applicant. The Registered Body will no longer receive a copy
- The process for completing the application, having the identity documents checked and forwarding the form to the British Orienteering National office remains the same. Further information on this can be found at http://www.britishorienteering.org.uk/images/uploaded/downloads/governance_dbd_disclosureenglandandwales.pdf
- The process differs once the check has been completed with the certificate returned to you as the applicant.
- British Orienteering are still legally required to view the certificate before you are engaged in regulated activity. With this in mind, together with only the single copy now being sent directly to the applicant, British Orienteering will have to request to see the certificate from you.
- This will entail British Orienteering sending you a letter or email requesting you to send in the certificate to the British Orienteering National Office. British Orienteering will track, via the DBS website, when the certificate is despatched and contact you accordingly.
- Once this letter/email is received, we ask that you please post the original certificate to Janine White at the British Orienteering National Office, 8a Stancliffe House, Whitworth Road, Darley Dale, Matlock, Derbyshire, DE4 2HJ within 21 days of receiving it. By posting the certificate to the National Office the individual is consenting to British Orienteering keeping a photocopy of the disclosure for their records. Please note you should not be engaged in any regulated activity until the certificate has been viewed by the British Orienteering National Office. This does not automatically mean you cannot continue to coach for example but it should remain a supervised activity until the check has been viewed and updated by British Orienteering and for no more than 3 months.
- The certificate will only be viewed by trained National Office staff and any disclosures held within it will be, as far as possible, confidential to the National Office. Any disclosures of criminal activity or convictions will require a risk assessment to be carried out to assess the candidate's suitability to work with children, young people and vulnerable adults in orienteering. The candidate will be informed of the outcome of the risk assessment and advised on procedures accordingly.
- Assuming the certificate of the check is clear on conviction information, National Office staff will simply update your qualifications and licensing information on the British Orienteering website to include the new DBS check certificate

and post the certificate back to the candidate by recorded post. The DBS certificate will be returned to the individual as soon as is reasonably possible and within 7 days of receipt.

- If the candidate fails to provide the certificate for British Orienteering staff to view then staff will send a letter or email, after the 21 days, reminding candidates and explaining that if it is not provided within a further 14 days then the individual will be temporarily suspended from their role. A copy of the letter will also be sent to the individual's club.

DBS check updates and renewals

- The DBS have also introduced a continuous update service for people being issued a DBS certificate after 17th June 2013. Once finalised, this will mean those applying for one DBS check can use the 'certificate' or status for multiple roles and employers. While this service is being finalised and clarified, British Orienteering will not be accepting DBS checks via this method, an actual certificate and therefore completion of a paper application form will be required. This includes DBS check renewals which will continue to require a new application process and certificate as is currently the case.

If you have concerns about the conduct of an individual working with children, you should refer the matter to the British Orienteering Lead/Deputy Child Welfare Officer Mike Hamilton or Laura Martin at the National Office. These staff are trained to deal with issues and can guide you through the process of dealing with any concerns.

Further information on these changes can be found at;

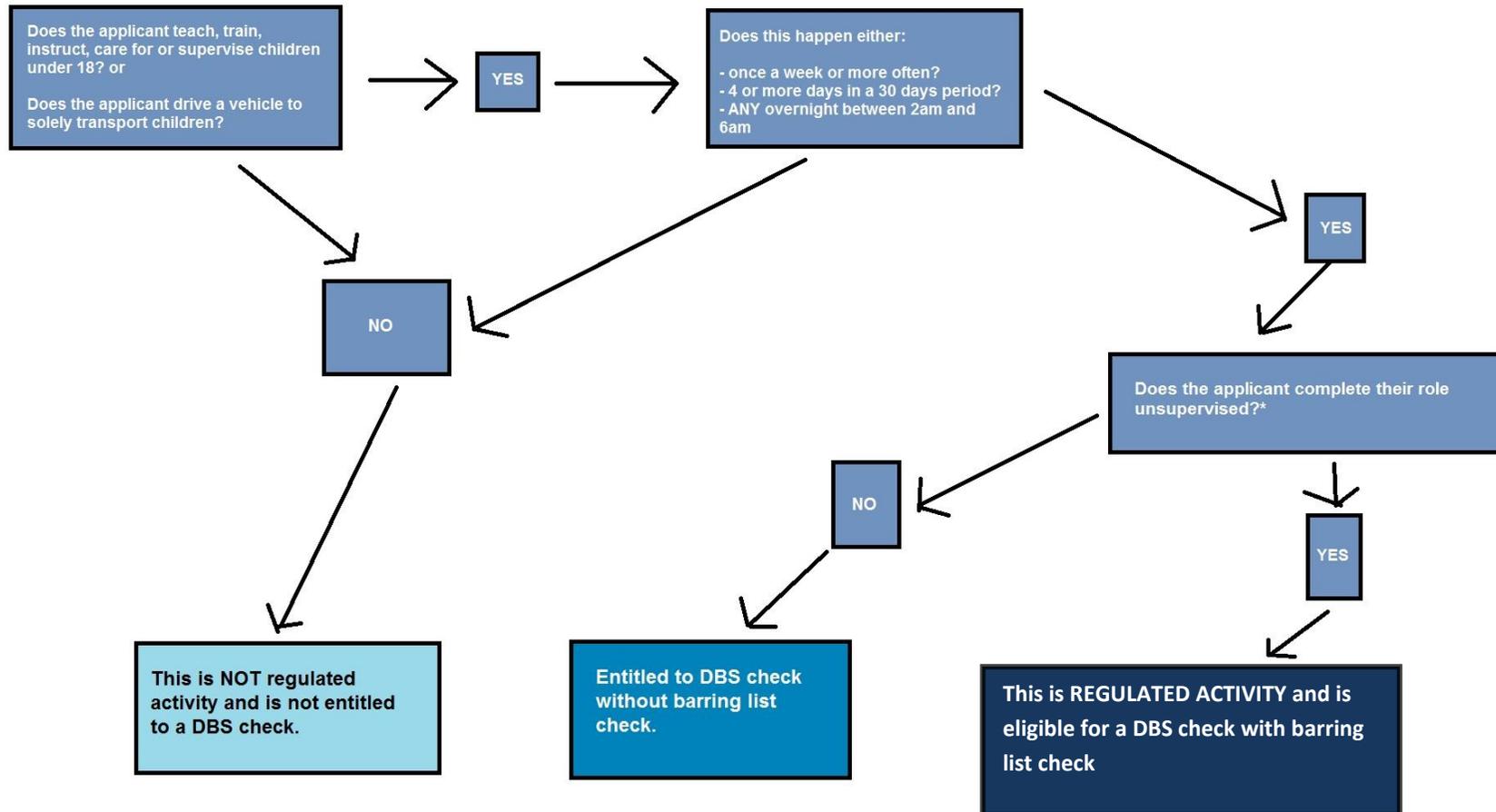
CPSU - <https://thecpsu.org.uk/resource-library/2013/defining-supervision-and-regulated-activity-sport-and-recreation-sector-guidance/>

Sport and Recreation Alliance - <http://www.sportandrecreation.org.uk/smart-sport/applicant-only-disclosure>

<http://www.sportandrecreation.org.uk/smart-sport/regulated-activity-children-defining-supervision>

http://www.sportandrecreation.org.uk/sites/sportandrecreation.org.uk/files/Defining%20'Supervision'%20and%20Regulated%20Activity.Sport%20and%20Recreation%20Sector%20Guidance_0.pdf

British Orienteering DBS flowchart



* Government guidance states that supervision must be "reasonable in all the circumstances to ensure the protection of children".

This means that it:

- is "regular and day to day" (supervision must not be concentrated in first few weeks and then tail off)
- and is undertaken by someone who is in Regulated Activity themselves.