**DBS Themed Briefing**

**Transcript**

Hello, My name is Kiran and I am from the Disclosure and Barring Service, also known as the DBS.

The DBS aims to protect the public by helping employers to make safer recruitment decisions and barring those individuals who pose a risk to vulnerable groups from working in certain roles that we call Regulated Activity.

A DBS check is one part of the whole when it comes to safer recruitment, and I’m going to talk to you about how DBS checks can form a part of your recruitment processes when it comes to recruiting staff and volunteers in the sports sector, especially when these are sporting activities are aimed at children and vulnerable adults.

Safeguarding is at the heart of everything we do at the DBS. The work we do helps to prevent unsuitable people from working with vulnerable groups, including children.

The two main elements of our work are disclosure and barring

When an employer or recruiter carry out a DBS check, this is to allow them access to an individual’s criminal history. This will detail their past convictions and cautions that they may have received. An employer or recruiter can then use this information to make a suitability decision which is where they decide if the individual is suitable to carry out the role that they have applied for.

Once an individual has been employed or recruited into a role that works with children or vulnerable adults, if their behaviour leads to them harming a vulnerable adult or child or there is a serious risk of future harm occurring, then a referral can be made to the DBS to decide whether the individual should be placed on the barred list.

These are the key services that the DBS operates with the aim to support the DBS vision of making recruitment safer

This short briefing about the DBS services that can contribute to safer recruitment practices will cover: Different levels of DBS checks and their eligibility; Examples of roles within sport that may be eligible for a DBS check; The DBS Update Service; What we mean by Regulated Activity with Children And Regulated Activity with Adults; And What is Work with Adults

We also cover what to do if you have concerns and how to report these to the DBS

There are four different levels of DBS checks to consider - basic, standard, enhanced and enhanced with barred list check.

For the basic check there is no eligibility, and anyone can apply for it. This certificate will detail any unspent convictions and conditional cautions.

The standard check includes spent and unspent convictions and cautions, subject to filtering. Football stewards would be eligible for a standard check.

For the next two levels of DBS checks within sport, these would be for those who are working with children and those working with adults. With children this is known as the children’s workforce, and with those working with adults who are receiving a health or social care service or a specified activity – this is known as the adult workforce

The enhanced check includes everything that is on the standard check including, relevant police intelligence. This can be information that is held by local police forces that may not have led to a conviction or caution, but that a chief police officer thinks is relevant to the role that has been applied for or the workforce being worked within.

The enhanced with barred list check includes everything that is on the enhanced check, but also has access to the children’s or adult’s barred list so that you can see if someone is barred from working with these groups. This level of check can be accessed when the activity is considered to be regulated activity.

Further eligibility for standard and enhanced checks are outlined in legislation and you can find these on the DBS website and in the workforce guides that the DBS have written.

The standard, enhanced and enhanced with barred list check are free for volunteers. But because the basic is eligible for everybody, there is a charge for volunteers for this level of check too. For all information regarding the costs of the DBS checks, this can be found on the DBS Government website.

The organisation deciding whether the applicant is suitable for the role is also responsible for working out the level of check the role is eligible for. Applicants cannot apply directly to the DBS for their own standard or enhanced check.

To process an application for these levels of check, there must be an organisation or employer making the decision about whether the applicant is suitable for the role.

Where eligibility for a standard or enhanced check doesn’t exist then a basic check can be requested – there are no restrictions on who can apply for this.

The DBS Update Service is our subscription service that allows applicants to keep their DBS certificates up to date and for employers to check a DBS certificate status

By using the Update Service, an employer will be informed if their employees or potential employee’s DBS certificate is still current and valid, or whether new information is available and that they should submit a new application to see it.

The Update Service is available to anyone who is applying for a standard or enhanced DBS check and costs £13 a year for paid roles. It is free for volunteers.

Individuals must subscribe to the update service at the time they are making their application or within 28 days of receiving their certificate. If an individual has more than one DBS certificate because they work in different roles and with different workforces, all their certificates can be included in the one subscription.

Once an employer has the consent and log in details of their employee, they can check the Update Service as often as is required to view the status of an existing standard or enhanced DBS certificate

There are many roles within the sporting field that may require a DBS check that is an enhanced or enhanced with barred list check. Here are some examples of these types of roles:

* Coaches who train, teach and instruct others such as football coaches, tennis coaches or boxing coaches
* Drivers who will transport children to various venues
* Pool lifeguards who supervise those in the pools and will assist if necessary
* Health care professionals , such as physiotherapists and psychotherapists who provide health care and treatment to children and adults
* Sports therapists who may provide therapies or massages to individuals and teams
* Public or private running groups that may appoint a run leader to organise or supervise events held by the group
* And Managers and Supervisors whose role it is to supervise staff and volunteers who deliver the service

As a general position, eligibility to apply for a DBS check is not based on an applicant’s job title, but is established by looking at the activities and responsibilities carried out by each individual role.

It is important to make sure that the role is eligible for the correct level of DBS check to be submitted and in doing so, ensuring that the applicant’s data protection rights are upheld.

So, how to decide what level of DBS you can apply for:

There are five key points to think about:

**Who** your organisation provides services for – is it for adults, children or both

**What** the role involves – so the type of activities that are being undertaken – is it teaching, training, providing treatment or healthcare

**How** often it is performed – some activities require the individual to deliver them a certain number of times before they are considered to be regulated activity

**When** you need to consider if it is supervised work - certain activities if supervised adequately are not considered to be regulated activity

**Where** the role is performed – is it a place specified in legislation which means that those who work there are in regulated activity – for example schools or children’s homes

More detailed guidance can be found on the DBS government website. Also available online is DBS eligibility tool that takes you through a series of questions about the role and then identifies the correct level of check you can apply for.

If an activity is classed as regulated activity, then this means that whoever is delivering this activity will have access to the Enhanced DBS with Barred List check.

As we saw in the previous slide, whether an activity is considered to be in regulated activity is dependent on varying factors. But here are some examples of regulated activity with children:

Anyone who is providing health care to children and is a regulated health care professional or working under the direction or supervision of a regulated health care professional, they are carrying out regulated activity. So club doctors and nurses, physiotherapists and nutritionists would be in regulated activity and would have access to the enhanced DBS with children’s barred list check.

Coaches who teach, train or instruct children, or provide guidance or advice to children relating to their physical, emotional or educational well-being, they are eligible for an enhanced check with a children’s barred list check if they provide this activity on more than 3 days in a 30 day period or once overnight.

If they are performing these activities more than once but not enough to meet the period condition, they are eligible for an enhanced DBS check only.

There may be eligibility in some situations for drivers who transport children to and from sporting activities or events. If someone drives a vehicle that is being used for the purpose of conveying children, including anyone supervising or caring for the children, if they are taking them to any sporting activities or other arranged events then they will be eligible for an enhanced DBS check with a children’s barred list check as long as they are doing it often enough to meet the period condition. If they do it more than once but not often enough to meet the period condition then they will be eligible for an enhanced DBS check only.

Of course there are many different roles within sports, and eligibility will have to be considered for each separate role.

Anyone who is providing health care to adults, and is a regulated health care professional or working under the direction or supervision of a regulated health care professional, is carrying out regulated activity with adults. It doesn’t matter how often this health care is being provided for the eligibility criteria to be met. This means that an applicant providing health care to adults can be asked to apply for an enhanced check with an adults’ barred list check such as doctors and nurses, psychotherapists and counsellors.

For those roles that are not considered regulated activity with adults, an individual may be eligible for an enhanced DBS check only.

To be eligible for this level of check, three specific requirements must be met:

Step 1:

The adults who are receiving the service or activity must be either:

Receiving a listed health or social care service **or**

Receiving a listed activity that has been set out in legislation

Step 2:

The employee who is providing the service must be:

- Training, teaching, instructing or providing assistance, advice or guidance – such as a coach or a sporting mentor

- Or they could be caring for, supervising, providing treatment or therapy, such as Sports Massage Therapist

Step 3:

The employee must also be carrying out the activity:

on more than 3 days in a period of 30 days; or

any time between 2am and 6am if the activity gives the person the opportunity to have face-to-face contact with the adult;

or at least once a week on an ongoing basis.

If all three conditions are met, then they will be considered to be in ‘work with adults’ and will be eligible for an enhanced DBS check.

So for example, an adults learning disability charity who runs a football group is looking to hire a football coach to train the players once a week. This coach would be eligible for an enhanced DBS check because the coach is providing training specifically for adults receiving a health or social care service, once a week on an ongoing basis

If this was a football team that was mostly made up of adults that are not receiving a health or social care service, then the coach would not be considered to be in ‘work with adults’ and could only apply for a basic check.

As we have seen there are varying factors that can affect eligibility for a DBS check and that is why it is important to look at each role on an individual basis.

If an organisation employs people or volunteers who are carrying out regulated activity,

in the event that they have to remove someone from this activity because they have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm, then they must inform DBS about this. This is called a duty to refer.

A referral can be made using our online referral form or by post. The forms can be found on the DBS Government website.

It is important to remember that even though multiple agencies may be involved in an investigation, if no one makes the referral to the DBS, the DBS would not know about the individual and they could then go on to another paid or voluntary role working with vulnerable adults or children. That is why it is important to make a referral to the DBS even if you think that another agency might have already made the referral.

It is through the barring referral process that unsuitable individuals can be barred from working in regulated activity and that vulnerable groups can be protected and safeguarded within the community and their homes.

Being put on the barred list means that individual is barred from working with that particular group and if they are found to be doing so, this would be a criminal offence. It is also a criminal offence to employ or recruit someone to work in regulated activity if they are on the barred list.

There is often a lot to consider when ensuring that DBS services are used correctly to support safer recruitment.

The DBS Regional Outreach Service is a new addition to the support that the DBS can offer and aims to work collaboratively with all safeguarding and recruiting organisations, including sporting organisations and Active Partnerships. The aim is to work closer with these organisations and networks to build and develop relationships and act as a single point of contact for all DBS related enquiries within their region.

The DBS Regional Outreach Advisors can be contacted via the DBS Regional Mailbox, details of which will be on an upcoming slide.

The DBS Regional Outreach Advisors can work with you and your organisation in a number of ways.

Some of the questions we often receive and that we can support you with are: Helping to understand what level of DBS check can be applied for and what information these checks will provide. And also when the duty to refer is applicable, including how to make barring referral and when a referral should be made

If these are the types of questions you have or would like to more about how the DBS can support you and your sporting organisation, please do not hesitate to get in touch.

To learn more about the DBS and its services, please visit the DBS Government Website. This website has a lot of information including guidance leaflets about DBS checks in Sports for adults and children, regulated activity, making a barring referral, eligibility guidances, and adult and children workforce guides

I hope this short briefing has been helpful in understanding the DBS services and how they can support safer recruitment and safeguarding within the sporting field.

For any further support or information, please do not hesitate to contact us.

Thank you