



## **Guidance for RYA affiliated Clubs, Class Associations, Recognised Training Centres and Sailability groups on the Disclosure and Barring Service (formerly CRB)**

The Disclosure and Barring Service (DBS) is an agency of the Home Office. It has replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The DBS is responsible for maintaining the lists of people barred from working either with children or with adults (the 'Barred Lists'), making barring decisions and issuing Criminal Records Disclosures.

Staff and volunteers undertaking relevant roles in the regulated sector, eg. schools, healthcare, nursing homes, childminders, are required by law to apply for Disclosures. There is currently no legal requirement for other private or voluntary organisations to ask their staff or volunteers to apply for Disclosures, however it has become accepted good practice. Disclosures are likely to become a legal requirement for new entrants to roles involving Regulated Activity (see below) by 2014.

It is a criminal offence under the Safeguarding Vulnerable Groups Act 2006:

- for a Barred individual to work in Regulated Activity (see below)
- for an organisation to knowingly allow someone who has been Barred to work in Regulated Activity
- for an organisation to fail to make a referral to the DBS if they have dismissed someone from Regulated Activity for harming or posing a risk of harm to a vulnerable person.

Only applicants for posts covered by the Rehabilitation of Offenders Act (Exceptions) Order, such as those in positions of trust involving close and regular contact with vulnerable groups, can be asked to apply for a Disclosure. A criminal record will only be taken into account when it is relevant and will not necessarily be a bar to employment or volunteering. Organisations should have a policy on employing ex-offenders and make it available to applicants on request.

A Disclosure is only one part of a safe recruitment process. Organisations should also ask applicants to provide information about their previous experience, check their qualifications where relevant, take up references and explore their attitudes to children and young people or vulnerable adults.

There are three levels of Disclosure:

1. **Standard DBS check** – checks the Police National Computer for spent and unspent convictions, cautions, reprimands and warnings. Normally used for positions of trust in the financial sector etc, not sufficient for work with vulnerable groups.
2. **Enhanced DBS check** – checks the PNC as above, and provides other relevant information disclosed at the discretion of the Chief Police Officer(s). Can be requested where the individual's role involves close and regular contact but does not fall within the definition of 'Regulated Activity', for example because it is supervised.
3. **Enhanced check for Regulated Activity** – as for Enhanced, and additionally checks that the individual has not been Barred from working with the relevant group(s) – children, adults or both. Only a person whose role involves 'Regulated Activity' is eligible to apply for a Barred List check.

**Regulated Activity with children** and young people aged under 18, is defined as:

- 'Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, if done regularly'
- 'Day-to-day management or supervision of individuals carrying out Regulated Activity'. (there are other definitions but they do not apply to the sport and recreation sector).

**Definition of 'Supervised':**

- there must be supervision by a person who is in Regulated Activity;
- the supervision must be regular and day to day; and
- the supervision must be 'reasonable in all the circumstances to ensure the protection of children'. Relevant factors will include the number of workers being supervised, the physical environment, the ages of the children, the ratio of adults to children, any additional vulnerabilities the children may have.

The only definitions of **Regulated Activity with adults** that apply to sailing and boating activities are:

- 'Providing personal care to adults' (does not have to be frequent or regular, can be supervised or unsupervised)
- 'Day-to-day management or supervision of individuals carrying out Regulated Activity'.

### **Application Process**

If you are planning to appoint a paid employee or a volunteer and you wish to ask them to apply for an Enhanced DBS check or an Enhanced check for Regulated Activity, you can do this free of charge through the RYA which is a DBS Registered Umbrella Body, using the following procedure:

1. Contact the RYA Safeguarding Co-ordinator, Jackie Reid (details below) and request a Disclosure Information Pack. This can be sent by post or e-mail. It includes a simple agreement which must be signed and returned to the RYA before we can submit your organisation's applications to the DBS. You will need to identify a named person who will be your DBS contact. The RYA can send them a supply of DBS application forms.
2. Conduct your normal recruitment procedure, making clear to applicants that if selected they will be required to apply for a check, and at what level.
3. Having decided that the applicant is suitable in all other respects, offer the job or voluntary post subject to satisfactory references and Disclosure/Barred List check.
4. From early 2013 (details not yet confirmed), if the applicant already has a DBS check, they will be able to join the Update Service so that future employers or voluntary organisations can confirm online that their Barred status has not changed and they will not have to apply for a further check. This service will be free for volunteers.
5. Give the applicant an application form. Ask them to read the instructions on the front page before starting to complete the form. You should make them aware of your policy on the recruitment of ex-offenders and make this Guidance, the DBS Code of Practice and your policy on the secure handling of Disclosure information available on request.
6. The applicant completes and signs the form and returns it to the responsible person in your organisation, together with their identity documents.
7. The responsible person checks the applicant's identity documents (see separate guidance) and completes Sections W and X and the two boxes marked 'Registered body use only' (see 'RYA Guide to checking DBS form').

8. The form is sent to the RYA (address below) for counter-signature. If the application is for a paid post, a payment of £44 is required. This should be made payable to the RYA, as the DBS will debit the payment from the RYA's account. The RYA does not make any additional administrative charge. You can either enclose a cheque with the form or, if your organisation has an account with the RYA, you can request an invoice.
9. The RYA checks, counter-signs and forwards the form to the DBS.
10. The DBS carries out the appropriate checks and issues a Disclosure Certificate to the applicant, with a copy to the RYA. [Note: from Spring 2013 the RYA will not receive a copy of the Disclosure Certificate, but will be able to check online whether it has been issued and whether there is any content. These Guidelines will be updated when details are known.]
11. The RYA contacts the responsible person in the organisation and states whether or not the applicant is on the Barred list and/or whether the Disclosure Certificate contains any relevant offences. This information may only be passed to an officer, member or employee involved in the recruitment process. The RYA will not provide the organisation with a copy of the Certificate or divulge any other information about its contents. The applicant may show you their copy if they choose to do so.
12. Based on all the available information, and having discussed any concerns with the applicant, you make a final decision on whether to confirm the appointment. The RYA is not responsible for the decision to appoint or for any consequences arising from that appointment.
13. If the Disclosure reveals that an applicant is Barred from working with children, or has relevant convictions, the RYA may need to take action in relation to any RYA qualifications that enable the individual to teach, train or supervise children.

The RYA undertakes to comply with the DBS (previously CRB) Code of Practice. The Code is included in the RYA Disclosure Information Pack, or can be viewed on the DBS website (details below).

Contacts for further information:

Jackie Reid, RYA Safeguarding Co-ordinator  
Royal Yachting Association, RYA House, Ensign Way,  
Hamble, Southampton, SO31 4YA  
Tel: 023 8060 4104/4105  
Fax: 023 8060 4298  
E-mail: [disclosure@rya.org.uk](mailto:disclosure@rya.org.uk)

RYA Safeguarding and Child Protection Policy and Procedures  
Available from Jackie Reid, as above, or on RYA website [www.rya.org.uk/go/childprotection](http://www.rya.org.uk/go/childprotection)

Disclosure and Barring Service  
[www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs)  
Information line: 0870 90 90 811