



Guidance for RYA affiliated Clubs, Class Associations, Recognised Training Centres and Sailability groups on the AccessNI Disclosure process

AccessNI is a Criminal History Disclosure Service. It supplies criminal history information to organisations that are required by law to consider the suitability of applicants for certain positions or to ensure that they are not barred from working with vulnerable groups.

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.

It is a criminal offence under the Safeguarding Vulnerable Groups (NI) Order 2007:

- 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 (Exceptions) Order (NI) 1979, 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 four levels of Disclosure:

1. **Basic** – only checks for unspent convictions.
2. **Standard** – checks police records 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.
3. **Enhanced** – checks police records as above, and in addition provides other relevant police information. 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.
4. **Enhanced with Barred List check** – 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 AccessNI Disclosure or an Enhanced Disclosure with Barred List check, you can do this free of charge through the RYA which is an AccessNI 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 AccessNI. You will need to identify a named person who will be your AccessNI contact.
2. Conduct your normal recruitment procedure, making clear to applicants that if selected they will be required to apply for a Disclosure, 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. The AccessNI application form can be downloaded from www.nidirect.gov.uk/accessni Ask the applicant 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 AccessNI Code of Practice and your policy on the secure handling of Disclosure information available on request.
5. The applicant completes and signs the form and returns it to the responsible person in your organisation, together with their identity documents.
6. Check that the applicant has completed Parts B and D-G of the form correctly. Complete and sign an ID verification form (available from the RYA or the AccessNI website). Complete A1 and Part H – see RYA Guide to checking AccessNI form.

7. Send the application form to the RYA (address below) for counter-signature, together with the ID verification form. If the applicant is a volunteer, the relevant box in Part I1 should be crossed. If the application is for a paid post, a payment of £30 is required. This should be made payable to the RYA, as AccessNI 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.
8. The RYA completes Part A2-4 and Part J, checks and counter-signs the form and forwards it to AccessNI.
9. AccessNI carries out the appropriate checks and issues a Disclosure Certificate to the applicant, with a copy to the RYA.
10. 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.
11. 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.
12. 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 AccessNI Code of Practice. The Code is included in the RYA Disclosure Information Pack, or can be viewed on the AccessNI 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
E-mail: 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

AccessNI
Tel: 028 9025 9100
Website: www.nidirect.gov.uk/accessni