



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

The Disclosure and Barring Service (DBS) is an agency of the Home Office, 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 criminal records Disclosures (also known as DBS checks). There is no statutory requirement for other private or voluntary organisations to ask their staff or volunteers to apply for Disclosures, however it has become accepted good practice. In the event of an incident involving a child or vulnerable person, a failure to check that those in relevant roles are suitable to work with the vulnerable group may strengthen a claim against the organisation.

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 four levels of Disclosure:

1. **Basic DBS check** – only discloses unspent convictions. Anyone can apply for a Basic check via the DBS website <https://www.gov.uk/government/publications/basic-checks> for a fee of £25. This level of check is not sufficient for a role that involves regular responsibility for children or vulnerable adults, but may be useful if your organisation wishes to check someone whose role isn't eligible for an Enhanced disclosure.
2. **Standard DBS check** – checks the Police National Computer (PNC) for spent and unspent convictions, cautions, reprimands and warnings. Only available for a specified list of professions and positions, not including any positions in sport.
3. **(a) Enhanced DBS check** – checks the PNC as above, and discloses other information deemed relevant to the applicant's position at the discretion of the Chief Police Officer(s). Can be requested where the individual's role involves close and regular contact with a vulnerable group but does not fall within the definition of 'Regulated Activity' (see below), for example because it is supervised.
(b) Enhanced DBS check with Barred List check – additionally checks that the individual has not been Barred from working with the relevant group(s) – children, adults or both. Can only be requested if the role involves 'Regulated Activity'.

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 'frequently' or 'intensively' – this means at least once a week, or four times in a 30 day period, or overnight.
- 'Day-to-day management or supervision of individuals carrying out work which would be Regulated Activity if unsupervised'.

(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 and has been checked;
- 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.

Regulated Activity with adults - the DBS has ruled that no positions in sailing and boating fall within the legal definition of Regulated Activity with Adults so we cannot submit applications at that level, but you can still request an Enhanced DBS check.

For more information on eligibility in sport see the DBS's sport-specific guidance at the foot of this web page: <https://www.gov.uk/government/publications/dbs-guidance-leaflets>

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 with Barred List check, 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 Manager, Jackie Reid (details below) and request a Disclosure Information Pack. This includes an Agreement which must be signed by your organisation's designated DBS contact and returned to the RYA before we can submit applications to the DBS. The RYA can provide 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. If you decide to offer the job or voluntary post to the applicant, make sure that your offer is subject to satisfactory references and Disclosure/Barred List check.
3. If the applicant is already registered with the DBS Update Service and their existing Disclosure is for the same workforce (Children, Adults or both), future employers or voluntary organisations can ask to see their Certificate and confirm online whether it is still current. The applicant will not have to apply for a further check unless the new role is for a different workforce, or the update indicates that new information has been added since the Certificate was issued. Subscription to this service must be renewed annually. It is free for volunteers and costs £13 per year for paid staff.
4. If the applicant has not joined the DBS Update Service, give them a DBS application form. You should make them aware of your policy on the recruitment of ex-offenders and make the DBS 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 designated person in your organisation, together with their identity documents.

6. Acting on the RYA's behalf, the designated person checks the applicant's identity documents (see separate guidance) and completes Sections W and X and the boxes marked 'Registered body use only' (please see 'RYA Guide to checking DBS form'). Keep a record of the applicant's Form Reference number – this is on the front page of the form in the top right corner next to the bar code – and their date of birth.
7. 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.
8. The RYA checks, counter-signs and forwards the form to the DBS.
9. The DBS carries out the appropriate checks and issues a Disclosure Certificate to the applicant. You can check online whether the Certificate has been issued by going to <https://www.gov.uk/guidance/track-a-dbs-application> and typing in the applicant's Form Reference and date of birth.
10. The RYA does not receive a copy of the Certificate. You will need to ask the applicant to show you their Certificate. If they are unwilling to do so, offer them the option of sending it to the RYA Safeguarding Manager who will only disclose to you information the RYA considers to be relevant to the role.
11. Please see the flow chart over the page (document 2b) for guidance on handling DBS Certificates. 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 DBS 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 and Equality Manager
Royal Yachting Association, RYA House, Ensign Way,
Hamble, Southampton, SO31 4YA
Tel: 023 8060 4104
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/safeguarding

Disclosure and Barring Service

Website: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
Helpline: 03000 200 190