



## Disclosure and Barring Service (DBS)

The Protection of Freedoms Act 2012 received Royal Assent on the 1<sup>st</sup> May 2012 and has introduced new safeguarding and vetting requirements affecting all individuals who have contact with children and adults at risk.

In December 2012 the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to form the Disclosure and Barring Service (DBS). The DBS now issue disclosure certificates. The ASA is committed to ensuring that all children who participate in ASA activities should be able to take part in an enjoyable and safe environment and be safeguarded from harm.

The Disclosure and Barring Service enables ASA clubs to make more informed recruitment decisions for positions within the club. Any individuals wishing to work with children or adults at risk are required to undertake a Barred List check and/or Enhanced DBS Disclosure.

A Barred List check is a legal requirement for all individuals applying to work in Regulated Activity. This check will show whether an individual is barred from working with children or adults at risk. An Enhanced DBS disclosure is a record of all warnings, reprimands, cautions and convictions from local and national police records. Information may also be disclosed at the discretion of the Chief Police Officer if that information is deemed relevant to the role the individual is applying for.

The new definition of Regulated Activity is important and it is vital that clubs understand the new definition so it can be applied as below:

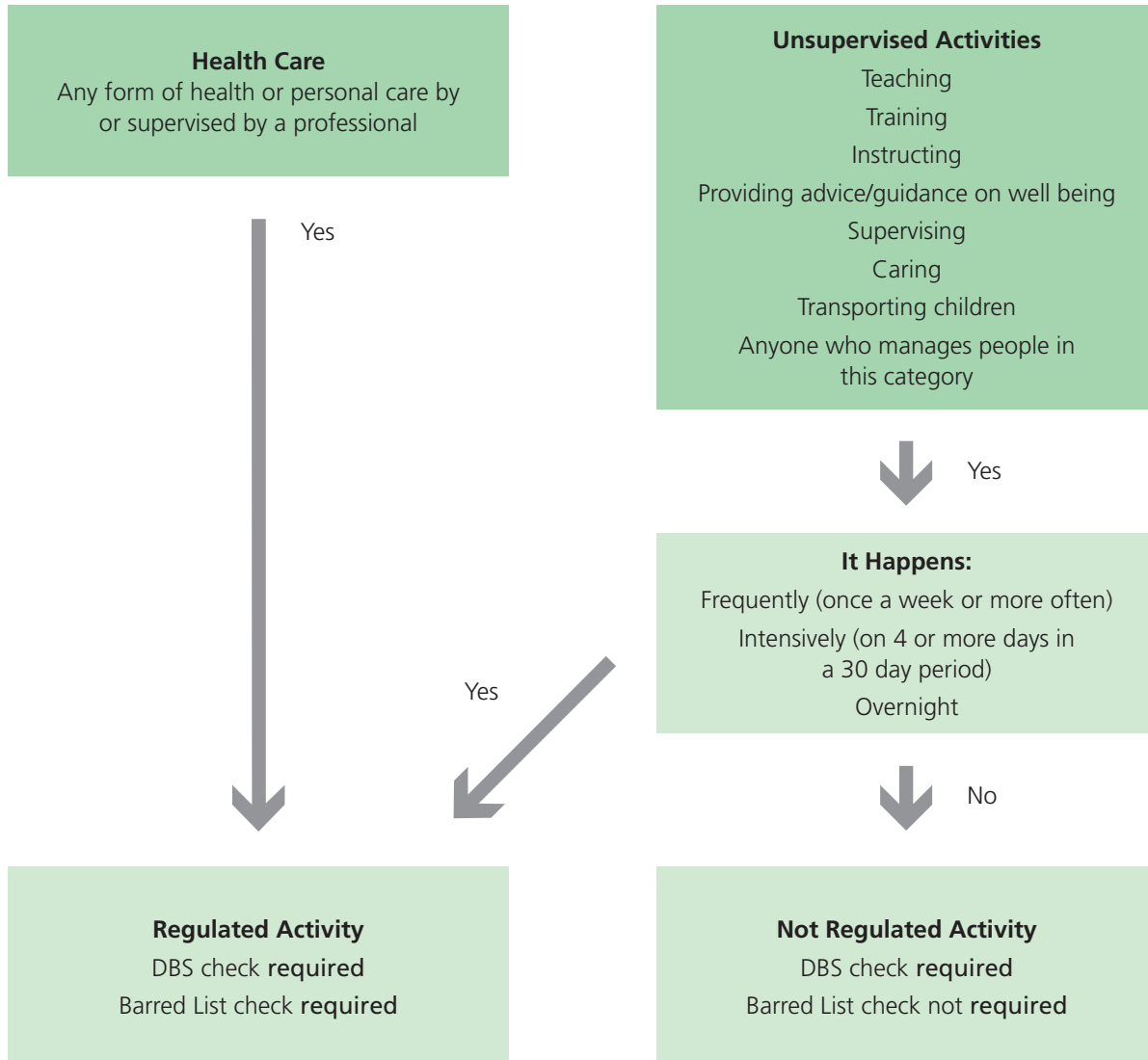
1. An organisation is required by Law to refer an individual to the DBS if they remove them from Regulated Activity because they have caused harm or because they may cause harm to a child or adult at risk.
2. An organisation can request a DBS disclosure on individuals in and out of Regulated Activity. Barred list information can only be requested for individuals applying to work in Regulated Activity.

As part of the Club Welfare Officer role you will be coordinating the DBS checks for your club as part of the club safe recruitment procedures.

The following guidance will help you decide who needs to be checked within your club and whether they are eligible for a Barred List check.

The ASA suggest you add this guidance note to your Wavepower 2012-15 folder under Section 2, Subsection 1, page 42.

# What is Regulated Activity?





## Who is eligible for a Disclosure and Barring Service Enhanced Disclosure check

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act.

Before any organisation considers asking a person to complete an application for a DBS check, they are legally responsible for ensuring they are entitled to ask that person to reveal their criminal record.

The Protection of Freedoms Act 2012 has introduced new amendments to this eligibility criteria.

Under the guidance provided by the DBS roles within sport fall within reference number 06. This means in sport the positions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 are:

**Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.**

This change in eligibility means that as a club there are some positions that are no longer eligible to be checked.

Club Committee roles such as the Chairman, Club and Membership Secretary will only be eligible for a check if that individual has additional roles which meet the new eligibility requirements. For example, if the committee member, in addition to their committee role, acts as a nominated chaperone in the home club setting or on away trips, they would be DBS checked for the eligible role of chaperone rather than in their committee role.

A poolside assistant who is just on poolside to hand out equipment and secure lane ropes will not fall within the new definition of eligibility despite being on poolside and in contact with children. However, if they are acting in a training or supervisory capacity assisting the qualified coaching team, they will be eligible for a check as a poolside helper.

A photographer taking photographs of children at a club event does not fall within the new definition of eligibility. A photographer would only become eligible if they were left in sole charge of the child/children they are photographing.

Similarly, the club officer in charge of administrating and managing the club website will not be eligible for a DBS check for that role.

In all cases you are assessing whether the persons role within the club involves regularly caring, training, supervising or being in sole charge of children. If their main role at the club doesn't meet that requirement, you are assessing all the other roles they undertake that may meet this criteria. If this was the case, that person would be checked for the role that makes them eligible for the check, rather than their main role at the club.

To assist clubs with these significant changes, the ASA has produced a list overleaf to help your decision making processes.

## Eligible roles within ASA clubs

Roles within swimming	Enhanced DBS required	Barred List required
Coach	Yes	Yes
Assistant Coach	Yes	Yes
Teacher	Yes	Yes
Assistant Teacher	Yes	Yes
Club Welfare Officer	Yes	Yes
County Welfare Officer	Yes	Yes
Regional Welfare Officer	Yes	Yes
Chaperone Role definition provided in Wavepower 2012/15	Yes	Yes
Team Manager	Yes	Yes
Club Medical Staff e.g. Doctor or Nurse	Yes	Yes
Sport Psychologist	Yes	Yes
Tutor to children under 18 years of age	Yes	Yes
Host Family parent/carer with responsibility for a child. NB - if this is a private arrangement between parents a DBS or Barred List check will not be required.	Yes	Yes
Physiotherapist (including Sports Massage)	Yes	Yes
Nutritionist	Yes	Yes
In Pool Helper Supervised role manually assisting and supporting children in the water who are learning to swim or children with a disability.	Yes	No
Poolside Helper Individuals not training to be or acting as a coach or teacher. Supervised poolside role acting as a helper to the qualified coaching and teaching staff in a training or supervisory capacity.	Yes	No
Membership Secretary	No	No
Chairperson	No	No
Club Secretary	No	No
Website Officer/Administrator	No	No
Photographer or filming children	No	No
Poolside Assistant General assistant, securing lane ropes, handing out floats, tidying up after sessions.	No	No

Please note this list may be subject to change in accordance with Government Legislation or further guidance.

Please contact the DBS Coordinator if you are unsure whether a role within your club is eligible for either a DBS disclosure or a Barred List check at [dbs@swimming.org](mailto:dbs@swimming.org)