



JUNIORS: DBS (CRB) AND VETTING & BARRING SCHEME

Andy Wright, England Golf Compliance Officer, reviews the Disclosure & Barring Service checks new process.

August 2013

Review of Disclosure & Barring Service Checks

The government commissioned reviews in June 2010 into the ways in which the suitability of staff and volunteers to work with children and vulnerable adults is assessed in relation to their criminal record in England and Wales. The government stated that the system of vetting needed to be scaled back to “**common sense**” levels.

The Disclosure and Barring Service (DBS) was formed by merging together the departments of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012. What was previously known as CRB checks are now called DBS checks.

What are the changes?

- ✎ The Independent Safeguarding Authority (ISA) and the CRB have merged to provide one barring and criminal records service. Now called DBS (Disclosure & Barring Service)
- ✎ Staff and volunteers working with children and vulnerable adults no longer are required to register with the ISA.
- ✎ The requirement to check the criminal records staff and volunteers has narrowed to focus on only those who are working unsupervised or regularly in close contact with children and vulnerable adults. This is defined as ‘**regulated activity**’.
- ✎ There will be greater promotion of safeguarding issues by the government, including the need for employers and voluntary organisations to play their part in operating proper safeguarding procedures.
- ✎ There will be stronger enforcement of the rules which prevent employers making unnecessary checks on employees
- ✎ The DBS will only issue one certificate and that goes to the applicant. Do not be surprised if your national governing body asks to see the original certificate, there is no other way that they can conduct a risk assessment.

What will stay the same?

- ☞ If you dispense with a member of staff or stop using a volunteer because of a concern you have about their behaviour related to safeguarding, you still have a legal duty to report the matter to the DBS. You should contact your national governing body if you are in this situation so that they can help make sure you meet your legal obligations. This also applies if you would have asked the staff member or volunteer to leave but they left of their own choice first.
- ☞ The DBS will continue to make decisions about who should be barred from working with children and maintain the lists of individuals who are barred.
- ☞ Some individuals will still be barred from working with children and/or vulnerable adults where there is just cause and concern about their suitability, e.g. where they have been convicted of certain offences.
- ☞ It will still be an offence to knowingly take on a member of staff or volunteer to work with children or vulnerable adults where that person is barred from doing so.
- ☞ It will still be an offence for a person to engage in work, either voluntary or paid, where they are barred from doing so.

What checks should golf clubs make on staff and volunteers now?

Checking someone's criminal record is only one aspect of good recruitment practice - it does not necessarily tell you whether there have been concerns about the person before that have not resulted in a Police caution or a conviction. For example, Vanessa George had a clear criminal record check. Clubs should therefore not solely rely on DBS checks, but also take up references and make other background checks on staff and volunteers. If the role involves transportation, check the driving licences and insurance are in order.

Clubs should continue to obtain DBS disclosures for staff and volunteers who work with children and are involved in 'regulated activity'.

Regulated Activity

The DBS now define this and we ask these questions:

Does the applicant teach, train, instruct, care for or supervise children?

Does the applicant drive a vehicle to solely transport children?

If the answer to any of those questions is yes, then it must also fit:

- ☞ Once a week or more often
- ☞ 4 or more days in a 30 day period
- ☞ ANY overnight care between 2am and 6am.

If the answer is no, then you are not entitled to a DBS check. We are no longer legally allowed to check people such as Chairmen, Secretaries, welfare officers or stewards, if they are not in 'regulated activity'.

In relation to checks for people working with vulnerable adults, we cannot see any circumstances that anyone in golf would satisfy the need for this background check.

Further advice may be sought from the author if needed.

Advice on good practice in checking the suitability of individuals to work with children can be found at www.childreningolf.org and within the Guidelines for Safeguarding Children in Golf.

Summary

DBS disclosures should still be sought for volunteers and staff, involved in ‘regulated activity’. The changes have now taken effect and clubs, counties and others employing staff and taking on volunteers to work with children and vulnerable adults will still need to satisfy themselves that these individuals are suitable to do so, in order that the club’s common law duty of care to safeguard children using its services is met.

The government has emphasised that employers and voluntary organisations have an important role to play in safeguarding children, and any changes in the vetting system do not detract from this message.

Children in Golf and the organisations which form CiG are monitoring the situation carefully and will make sure that updates are provided about the changes as they become clearer, through www.childreningolf.org and the organisations’ own websites.

Andy Wright is the England Golf Compliance Officer see:

<http://www.Englandgolf.org/page.aspx?siteid=324&siteSectionTitle=Safeguarding+Children>

NB: There are different rules for getting a criminal record check in Scotland and Northern Ireland.

For further information see Gov.UK:

<https://www.gov.uk/disclosure-barring-service-check/overview>

Or contact the DBS customer services:

E-mail: customerservices@dbs.gsi.gov.uk

Telephone: 0870 90 90 811

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