



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 vulnerable 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 the conduct of a volunteer or staff member towards 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 adults at risk.

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 £23. 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, for example because they handle money.
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 or they don't do it frequently enough.

(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, vulnerable 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 on this web page: <https://www.gov.uk/government/publications/dbs-guidance-leaflets> (maroon covers).

Application Process

If you are planning to appoint a paid employee/worker 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 through the RYA which is a DBS Registered Umbrella Body, using the following procedure:

1. Contact the RYA Safeguarding team 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 set up their ‘Business Unit Administrator’ Username and Password on the RYA Employmentcheck online application system.
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 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 (working with Children, Vulnerable 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 by the individual applicant. It is free for volunteers and costs £13 per year for paid staff.
4. If the applicant has not joined the DBS Update Service, they will need to apply for a new Disclosure using the RYA Employmentcheck online system. 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. Set up the new applicant on the online system.
6. The applicant completes their online application.
7. Acting on the RYA's behalf, the organisation's Business Unit Administrator/ID Verifier checks the applicant's original identity documents against the information provided in the application and confirms using the online system that appropriate ID has been verified.
8. The application is countersigned and submitted to the DBS online by the RYA. Checks for volunteers are free. If the application is for a paid post, the RYA will invoice your organisation for £43.00; £40 to cover the DBS fee and £3.00 including VAT to cover Employmentcheck's administration charge.
9. The DBS carries out the appropriate checks and issues a Disclosure Certificate to the applicant. The applicant can check online whether the Certificate has been issued by going to <https://www.gov.uk/guidance/track-a-dbs-application> and typing in their application reference and date of birth. Organisations will be able to check the progress of an application through the RYA Employmentcheck online system.
10. The RYA does not receive a copy of the DBS Disclosure Certificate. If the online system indicates that there is content on the certificate, you will need to ask the applicant to show it to you. If they are unwilling to do so, offer them the option of sending it to the RYA Safeguarding Manager at the address below, who will only disclose to you information the RYA considers to be relevant to the role.
11. Please see the flow chart on the next page for guidance on handling DBS Certificates. Based on all the available information, and having discussed any concerns with the applicant, your organisation makes 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 (see below).

Contacts for further information:

RYA Safeguarding team
Royal Yachting Association, RYA House, Ensign Way,
Hamble, Southampton, SO31 4YA
Tel: 023 8060 4226 or 4104
E-mail: disclosure@rya.org.uk

RYA Safeguarding and Child Protection Policy and Procedures and Safeguarding Adults Policy and Procedures
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

RYA Guidance on handling DBS certificates

