



## RECRUITMENT AND DBS

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## DEFINITIONS

**ACPO:** Association Child Protection Officer

**Appeal Panel:** means the BAB's panel of people appointed to determine an appeal by an Individual against a Temporary (or Permanent) Suspension Order;

**Associations:** Organisations which are affiliated to the BAB. There are various levels of affiliation (for more details please see the BAB's website [www.bab.org.uk](http://www.bab.org.uk))

**BAB:** The British Aikido Board, the national governing body for aikido to which Associations and their Clubs are affiliated

**BAB LSO:** The BAB's Lead Safeguarding Officer

**Barred List Check:** a check to establish whether a person is barred from working with children

**Criminal Record Check:** this is a generic term for checking an individual's criminal history. Generally speaking, the use of "DBS" check can be taken to mean a generic criminal records check.

**CWO:** Club Welfare Officer

**DBS:** the Disclosure and Barring Service which is used in England and Wales to access criminal record checks. Scotland and Northern Ireland have their own organisations to undertake this process – but the principles are the same

**DBS Enhanced Disclosure:** an enhanced disclosure provided by the DBS which includes a record of all warnings, reprimands, cautions and convictions obtained from the Police National Computer (PNC). Chief Police Officers may also choose to disclose information which they hold and which is considered to be relevant to the role

**e-Bulk:** means the DBS online disclosure system available for the bulk processing of disclosure applications

**Regulated Activity** means work that a barred person must not do as defined by the Protection of Freedoms Act 2012

**Safeguarding and Protecting Children Policy:** the BAB's Policy or any other successor policy and/or procedure for the safeguarding of children and young persons as amended from time to time. The term Safeguarding Policy or Child Protection Policy may also be used to refer to this Policy document.

**Temporary Suspension Order (TSO)** means an order temporarily suspending an Individual (usually issued on a "without prejudice" basis pending the outcome of investigations) from undertaking a role or function. A TSO may become a permanent suspension if the BAB CMG determines that an individual is unsuitable to work with children.

## INTRODUCTION BY THE CHAIRMAN

Following a comprehensive review, the Board, in May 2015, approved a new Child Safeguarding Policy which had been streamlined to focus on the key responsibilities and commitments of the Board and its members. It was agreed that the policy should be backed up by a number of Guidance Documents, approved by the Executive Committee, which would focus on the implementation of this policy and which could be updated to reflect changing circumstances or legislative requirements.

This is the first of these Guidance Documents and covers the developing areas of Recruitment and the use of the DBS Service. These are priority areas for action to ensure the continued safety of our younger members and all Associations and Clubs should familiarise themselves with these requirements.

*Keith Holland*

## THE PURPOSE OF THIS DOCUMENT

This guidance should be read in conjunction with the BAB's Safeguarding and Protecting Children Policy. This guidance document will help you employ or deploy coaches and other volunteers/employees working with children within aikido. It aims to help you recruit within a robust framework that will support safeguarding. It then takes you through the various roles within aikido and the need (or not) for DBS checks.

## BAB REQUIREMENTS

Associations and their Clubs will ensure that:

- all staff and volunteers who are undertaking Regulated Activity are checked against the barred list for working with children and are not allowed to commence work if they are barred (also see DBS referrals)
- all coaches, Child Protection Officers, Child Welfare officers, and others working closely with children undertake appropriate child protection training as required and approved by the BAB, sign up to relevant codes of practice and agree to abide by the BAB's Safeguarding Policy
- all staff and volunteers working with children are aware of good practice and bad practice and know what to do if they have a concern about a child, or about the behaviour of an adult towards a child

## RECRUITMENT OF VOLUNTEERS AND EMPLOYEES

It is accepted best practice that all staff and volunteers whose role involves working closely with children must go through an appropriate vetting process as outlined in this document *prior* to their appointment, to establish their suitability to work with children.

When you recruit new volunteers or paid staff all reasonable steps must be taken to ensure unsuitable people are prevented from working with children. In addition, the selection process must be fair and equitable.

Whilst, most people working in aikido may have the best possible intentions, the BAB recognises it has a responsibility to safeguard children participating in aikido and sound recruitment practices will help this process.

Member Associations and their Clubs therefore have a responsibility to ensure that:

- All adults who are expected to have or have “regular supervisory contact with children” undertake a criminal record check (at the appropriate level) which is approved by the BAB. However, please note that you must have solid grounds for checking someone in “the expectation” of them having “regular supervisory contact with children”. You cannot have a blanket requirement that all coaches or other volunteers have criminal record checks.
- Those involved in Regulated Activity<sup>1</sup> are checked against the DBS Barred List BEFORE they take up their role.
- Coaches working with under 18s hold, as a minimum, BAB Coach Level 1 plus any other mandatory qualification as shall be deemed by the BAB a requirement for coaching children.
- Coaches have current insurance cover.
- Coaching qualifications are verified (this can be done by checking the BAB’s central coaching database which can be accessed via the BAB’s website [www.bab.org.uk](http://www.bab.org.uk))
- Staff, coaches and volunteers have access to induction training that covers current Child Protection Policies and Procedures.

Concerns arising during the recruitment process regarding the suitability or training needs of staff, coaches or volunteers are noted, fed back to the individual and acted upon as appropriate. Examples of managing these concerns could be:

- a coach being asked to undertake additional training before taking up a role working with children OR
- asking for clarification of previous experience or qualifications, say by contacting a previous employer or organisation for which the applicant has volunteered

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<sup>1</sup> Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (definition taken from H M Government document)

The above are just examples of concerns or queries which might arise, and which might need acting on. All Associations and Clubs should adopt and implement recruitment and selection procedures in line with the following guidance.

NB: When considering the appointment of an established Adults' Instructor to undertake the coaching of a Junior class, then the full recruitment process should be followed unless there is clear evidence of a prior recruitment process e.g. references, interview, induction etc.

## PLANNING YOUR RECRUITMENT

It would be good practice for Associations to draw up a list of roles within their Clubs, along with a clear job description for each. These should list the full range of duties each role will involve along with a person specification describing the skills and attributes required (e.g. experience, qualifications or other requirements, such as an ability to communicate effectively with children). This helps everyone to understand the nature of the role and will help ensure that every applicant is treated in a fair and consistent manner. For further guidance see the Sample Recruitment Pack in Appendix 3

## ADVERTISING

In aikido (due to the technical nature of the syllabus and style variations) it is most likely that volunteers will be recruited/selected from within the Club. It is not always necessary, therefore, to go through a formal advertising process. However should an advertisement be issued it should be made clear that where a person will be working/volunteering involving "regular supervisory contact with children" a criminal record check will be required.

## APPLICATION FORM AND SELF-DECLARATION

Anyone expressing an interest in applying for a role/job should complete an application form (an example can be found in the Sample Recruitment Pack in Appendix 3).

The form should be designed to gain information required about the individual, their employment history, relevant experience, qualifications and training.

The form should include a section allowing the individual to "self-declare" any convictions or relevant information and give their consent for a criminal records check to be undertaken (where this is appropriate for the post). The form should state that failure to disclose information may result in their exclusion from the club, organisation or event

Should you be seeking to recruit someone who does have previous convictions you ought to have regard to the BAB's Guidance on the Recruitment of Ex-Offenders which can be found on the BAB web site at [www.bab.org.uk](http://www.bab.org.uk).

## THE INTERVIEW

Any potential new coach or volunteer should have an interview before being appointed to help inform the recruitment decision. At this stage it should be possible to confirm the information the applicant has given on their application form and questions can be asked about how they would handle certain situations so as to determine their approach to working with children.

Sometimes it is difficult to attract new volunteers, and tempting though it might be to welcome new volunteers with open arms, it is imperative to make sure they are suitable before doing so.

Prior to, or at the interview, you should ask the candidate to provide as much as practical, possible and relevant from the following list (also see Sample Recruitment Pack in Appendix 3):

- Name and address (via the application form) and, for employment, evidence of the right to work e.g. through a national insurance number
- Confirmation of identity – driving licence, passport. If applicants provide a UK passport then under normal circumstances there is no need for additional proof regarding the right to work in the UK.<sup>2</sup>
- Proof that the individual has the right to work within the UK. (Clubs must recognise that checks need to be undertaken on post holders regardless of their nationality and that the laws regarding regulated activity still apply to non-UK volunteers and coaches. This means that a club must still undertake a criminal records check, with a check against the barred list where required.) You can find more information about the right to work in the UK here: <https://www.gov.uk/check-job-applicant-right-to-work>. The BAB recognises that with the increase in migration there is likely to be an increase in EU and non EU citizens wishing to work or volunteer in the UK<sup>2</sup>
- The BAB LSO will offer help and support to clubs wishing to recruit non-UK citizens or non UK residents to posts involving contact with children. Any candidate from outside of the UK should be required to voluntarily seek such information as might be available within their country of origin (including a similar criminal record check or 'Certificate of Good Character'<sup>3</sup>) in their own country, and supply this to the BAB LSO as part of the recruitment process.
- Relevant experience, proof of qualifications and training undertaken
- Listing of past career including any prior involvement in Aikido or other sports. (In a full time position it is important that any gaps in employment should be discussed).
- The names of two people (not relatives) willing to provide written references that comment on the applicant's previous experience of, and suitability for, working with children.

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<sup>2</sup> As far as the BAB has been able to ascertain, the restrictions placed by the Border Agency on employees do not apply to genuine volunteers i.e. those persons not working under a contract of employment (which can be either express or implied or may be oral or written. Further guidance on the difference between volunteers and employees is provided here:

<http://www.volunteernow.co.uk/fs/doc/publications/volunteering-and-the-law-information-sheet-nl.pdf>

<sup>3</sup> <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

This is not an exhaustive list and you may wish to ask for further information relevant to the position applied for.

It is important to gain information about an applicant's attitudes and commitment to child safeguarding. **No matter how good they are at coaching, they are not suitable to work with children if they do not take safeguarding seriously.**

You should keep a record of the interview process and any subsequent recruitment decisions in case any grievances or allegations of discrimination are raised at a later date. Records should be kept in line with the BAB's Data Protection Policy.

If you are seeking to employ someone (as opposed to appointing a volunteer) then you may wish to obtain further advice and guidance in respect of employment law

## CRIMINAL RECORDS CHECKS

In December 2012 the Criminal Records Bureau (CRB), which provided criminal record checks merged with the ISA, which made barring decisions, to become the Disclosure and Barring Service (DBS). Instead of reference to CRB checks, you will now hear the term "DBS checks", "vetting checks" or "criminal records checks". A criminal record check will include a list of convictions and cautions and may also include a check against the 'barred list' (those people who are deemed unsuitable to work with children).

The term DBS check only applies to England and Wales. Scotland and Northern Ireland have their own systems.

- Northern Ireland: Access NI (<http://www.nidirect.gov.uk/accessni-criminal-record-checks>)
- Scotland: Disclosure Scotland (<https://www.disclosurescotland.co.uk/>)

You can undertake checks in England, Wales and Scotland through the BAB. Please contact the BAB's Lead Safeguarding Officer for details about criminal record checks in Northern Ireland.

The BAB has drawn up a list of roles that are, under normal circumstances, likely to require a criminal records check ([see guidance here - page 14](#)). The BAB recognises that roles within different clubs can vary and so an assessment should be carried out for each of them, and the Association Child Protection Officer (ACPO) should advise on which roles require the applicant to undertake a criminal records check and/or barred list check. Further help can be sought from the BAB LSO if required.

The Protection of Freedoms Act 2012 also defines what is known as "Regulated Activity" [RA]. You should not employ anyone in RA unless you have checked the DBS Barred List to ensure that the person is not barred from working with children. RA roles in aikido include coaches/instructors running regular classes, Club Welfare Officers and class helpers all of whom work unsupervised. At the time of writing this guidance (January 2016) it is only possible to check the Barred List by undertaking a DBS check.

Remember – a DBS check will only show cautions, convictions, reprimands or warnings the person has received. If they have never been suspected of being an abuser, the criminal records check will be clear. A DBS check is only one part of good recruitment practice.

All checks must be undertaken through the BAB's approved channels. The ACPO or CWO will be able to advise applicants how to do this and there is more information later in this guidance document.

**It is important that candidates are fully aware of the BAB and DBS procedures when they apply for a role which requires a criminal record check. They must understand that should their Disclosure contain 'content' then this will be requested and reviewed by the BAB Case Management Group** (there is a separate information document on the BAB website detailing the work of the BAB Case Management Group).

## INDUCTION

Induction to a new role should include:

- Discussion to identify training needs and timescales
- Signing up, as all members should, to the Club's Codes of Conduct (these might include the BAB Coaching Code of Conduct where relevant).
- Explanation of the BAB's Safeguarding Policy and related procedures
- Clarification of the roles and responsibilities of the job. The new appointee should be given a copy of their role description and told who they should go to if they have any questions)
- Where applicable, a mentor should be appointed to enable a period of supervision to support the new volunteer or coach

A sample induction checklist can be found here: <https://thecpsu.org.uk/resource-library/2013/induction-process-checklist/>

Each Association will need to determine who is the best person to undertake this induction process - and it might be that more than one person is involved.

You should process, retain and dispose of information on each person in accordance with the BAB's Data Protection Policy.

## MONITORING AND SUPPORT

Appraisals are an important part of staff development and should be offered at regular intervals. This could take the form of informal mentoring to support the individual on an on-going basis. All staff or volunteers should be given feedback, to identify training needs. Some form of review should ideally take place 3-6 months after the person starts a new job/role.

## SAFEGUARDING TRAINING

It is best practice for all those working with children and young people to attend the Sports Coach UK Safeguarding and Protecting Children (SPC) Workshop (or equivalent). This training is required for ACPOs and CWOs to perform their roles effectively and is strongly recommended for all coaches and helpers. This workshop provides generic safeguarding training for sports organisations and will help them to:

- analyse their own practice against what is deemed good practice, to help ensure no concerns arise from misunderstandings or misinterpretation;
- recognise their responsibilities and report any concerns about suspected poor practice and/or abuse;
- respond to concerns expressed by a child;
- work safely and effectively with children.

This training should be updated every 3 years (updates may be taken on line). In addition, all ACPOs and CWOs should attend the BAB's Time to Listen safeguarding training every 3 years. This course is specific to aikido, and is currently being phased in (contact the BAB LSO for more information). Coaches may in the future, be required to undertake further training to better equip them to coach children and young people and therefore CPOs and CWOs need to be aware of new procedures and guidelines that may be issued by the BAB in relation to child safeguarding issues.

#### DBS REFERRALS: IMPORTANT

Organisations must not employ someone in regulated activity who they know has been barred by the DBS. If you dismiss or remove someone from regulated activity (or you would have done had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the DBS. **It is a criminal offence not to do so.** You must contact the BAB LSO who will support you in making a referral.

## DISCLOSURE AND BARRING SERVICE

The Disclosure and Barring Service (DBS) applies to England and Wales only. Procedures are similar in Scotland and Northern Ireland, but please contact the Lead Safeguarding Officer for detailed information if required. The safeguarding principles contained in this document apply across the home countries.

### REGULATED ACTIVITY

The Safeguarding Vulnerable Groups Act 2006 introduced the concept of requiring organisations to check individuals engaged in 'Regulated Activity'.

The Protection of Freedoms Act 2012 amended the definition of 'Regulated Activity' with the intention of reducing the number of individuals for whom an organisation would be required by law to check.

The Act also created a list of people (the "barred list") who may not work with – or seek to work with – children or young people under the age of 18.

### LEGAL DUTIES FOR AN ORGANISATION

1. It is an offence to knowingly allow a barred person to work in 'Regulated Activity';
2. It is a legal requirement to inform the DBS if an individual is removed from 'Regulated Activity' because they have harmed or because they pose a risk of harm to vulnerable groups (including children). The BAB LSO must be informed and will assist in managing this process

It is important to note that you can only request a barred list check on individuals who are in 'Regulated Activity'.

You are not entitled to know whether an individual is barred from working with children or adults if they are not in 'Regulated Activity'.

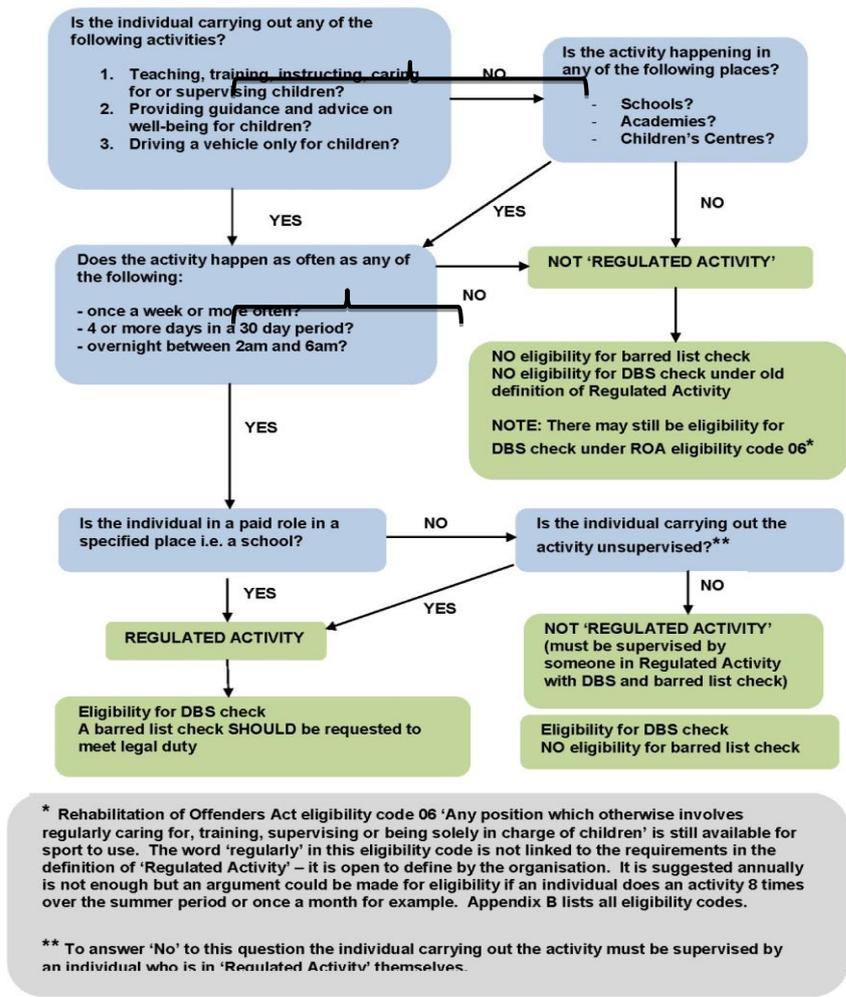
You must be able to determine if an individual is in 'Regulated Activity' so you can:

1. Fulfil your legal duties;
2. Ask for (only) the information you are legally entitled to see.

If you consider that a role is within the definition of regulated activity, then if you ("you" is a generic term and should be used to mean the appropriate person in your organisation) ask an individual to apply for an enhanced DBS check you should request the appropriate barred list check (for children, adults or both).

**CRITERIA FOR ASSESSING WHO IS IN REGULATED ACTIVITY**

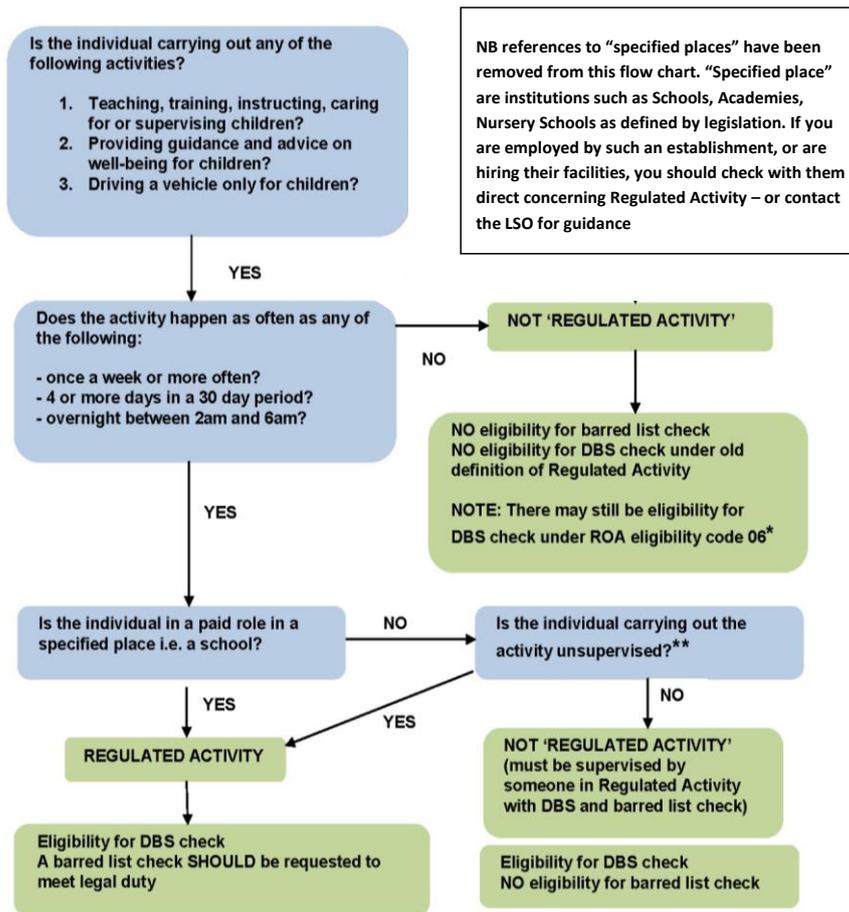
**This flowchart is taken from guidance issued by the Sport & Recreation Alliance**



See flowchart on next page for more detailed information

**FLOWCHART FOR ASSESSING WHO IS IN REGULATED ACTIVITY**

This flowchart is taken from guidance issued by the Sport & Recreation Alliance



\*Rehabilitation of Offenders Act eligibility code 06: "Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children" is still available for sport to use. The word "regularly" in this eligibility code is not linked to the requirements in the definition of Regulated Activity – it is open to definition by the organisation. It is suggested that "annually" is not enough but an argument could be made for eligibility if an individual does an activity 8 times over the summer or once a month for example.

\*\* The individual must be supervised by someone in that Regulated Activity who has been DBS and Barred List checked.

#### DEFINITION OF 'SUPERVISION'

In the preceding flow charts you will have seen mention of the term “supervision”. “Supervision” in this context refers to supervision of the worker (e.g. coach or helper), not supervision of children and young people.

Whether a particular role is classed as being ‘Regulated Activity’ or not will often depend on the level and effectiveness of supervision provided to the person undertaking the role.

Examining this issue of supervision is therefore key to making sound and safe decisions about the level of the DBS check that is permitted and required.

‘Supervision’ is defined as: ‘such day to day supervision as is reasonable in all circumstances for the purpose of protecting any children concerned’.

The onus is on Clubs to decide whether the level and type of supervision they can provide is sufficient to take the role out of the scope of Regulated Activity.

Because BAB Associations are diverse, and autonomous, it is not possible for the BAB to give definitive definitions of roles which are deemed to be supervised and those which are not. However, the BAB has developed some guidance (see below) to assist organisations in this decision making process.

#### DEFINITION OF ‘UNSUPERVISED’

Any coach who runs his or her own regular junior class would be considered an “Unsupervised Coach”. This person would be the ‘one at the front’ leading all the activities. The Coach may delegate parts of the class to other coaches or helpers.

The Club (usually assisted by the CWO or ACPO) then needs to decide if other coaches or helpers involved in the class are “supervised”.

**From a safeguarding perspective in almost all circumstances, additional people helping or assisting on the mat are likely to be classified as Unsupervised** since the ‘one at the front’ cannot possibly see or hear what the other helpers or coaches are doing (therefore they are not being supervised in terms of protecting the children concerned).

However, if you are mentoring someone and they stay with you all the time, and you oversee everything they do, then they would be classed as supervised and you may not undertake a barred list check on that person.

The moment you stop supervising that person then they would move into the category of “Unsupervised” and, if their work with children meets the frequency requirements, you would need to run another DBS check for Regulated Activity – this time including a barred list check. You must not allow them to carry out their new “unsupervised” role in Regulated Activity until this new check has been completed and you have confirmed that they are not barred from working with children.

#### AIKIDO ROLES WHICH MAY REQUIRE DBS CHECKS

The list below has been developed as guidance for Clubs and Associations. The BAB recognises that Affiliated Associations and their Clubs are diverse and autonomous and it is not possible to give definitive 'one-size-fits-all' guidance.

The CWO given their influence and involvement with child safeguarding matters will need a DBS Enhanced Check and Barred List check. The CWO or ACPO will then need to do a risk assessment on the various roles in their club/s before making a decision as to whether or not a DBS check/Barred List check is required. You should keep a note of the roles in your Club/s and whether you believe they come under Regulated Activity (or not). Also note down why you have made this decision.

Caution should be taken when assessing a role. The role of ACPO would not warrant a criminal records check (as there is no regular, unsupervised contact with children involved). However some ACPOs and indeed other post holders may have dual or multiple roles, for example may run junior classes and so this additional role would come into the scope of Regulated Activity (and therefore would require a DBS check and Barred List check).

Everyone should be recruited in line with the guidance in the earlier part of this document, and the use of criminal records checks/Barred List checks will be just one part of an overall recruitment risk assessment process. If you require further help then contact the BAB LSO.

Remember that the definition of Regulated Activity is a role which includes:

1. being unsupervised and
  - a. teaching, training, instructing, caring for or supervising children, or
  - b. providing advice/ guidance on well-being or
  - c. driving a vehicle only for children
2. the activity happens once a week or more or four or more times in any 30 day period.

Also remember that "Unsupervised" and "Supervised" are specific terms defined within Regulated Activity.

This is not a definitive list – and additional requirements apply in certain settings such as schools. You can obtain further guidance here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/316179/Regulated\\_Activity\\_in\\_relation\\_to\\_Children\\_DfE\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE_.pdf)

Roles in Aikido (where classes are mentioned these are all in the context of there being under 18s present). Please note these are examples only – you must assess the individual circumstances of each role. (RA – in regulated activity)	Enhanced DBS check required	Barred List check required	Risk Assess only through recruitment and induction
Coach running their own regular, weekly class (unsupervised) RA	Y	Y	
Coach undertaking regular <sup>1</sup> class cover (unsupervised)	Y	N	

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Club Welfare Officer (because they will be in regular attendance at the club and offering advice and guidance on welfare and wellbeing) RA	Y	Y	
Association Child Protection Officer (ACPO)	N	N	Y
Treasurer/Secretary	N	N	Y
Web site officer	N	N	Y
"Assisting" Instructor <sup>2</sup> (unsupervised) RA	Y	Y	
Class "helpers" <sup>3</sup> (unsupervised) RA	Y	Y	
Cleaner (only if employed or deployed by the club)	N	N	Y
Head of Association	N	N	Y
Membership Officer and similar admin posts	N	N	Y

<sup>1</sup> regular is defined as once a month or 6 times in a period of 3 months

<sup>2</sup> This would be someone with CL1 who is not the main instructor but who is 'assisting' on the mat.

<sup>3</sup> Class helpers have no coaching qualifications but are on the mat as an extra pair of eyes to ensure e.g. safety on the mat. They supervise children who are practising what they have been taught by the Instructor or Assisting Instructor.

If you wish to "risk assess" a role where there is no eligibility for an Enhanced DBS Check then you may wish to undertake a **Basic** DBS check which is available to everyone. Contact the LSO for further information

*NB At the time of writing (January 2016) it is only possible to check the Barred List by doing a DBS check.*

## APPLYING FOR A DBS CHECK

Individuals should apply through their Club (usually the CWO or ACPO who will then process the application).

Applications can be made via paper-based application forms or by using the BAB's on-line service.

Associations can also appoint additional ID verifiers. This can be helpful if Clubs have a wide geographic spread and can avoid the need to send ID documents through the post. The BAB LSO can advise Associations re how to appoint additional ID Verifiers.

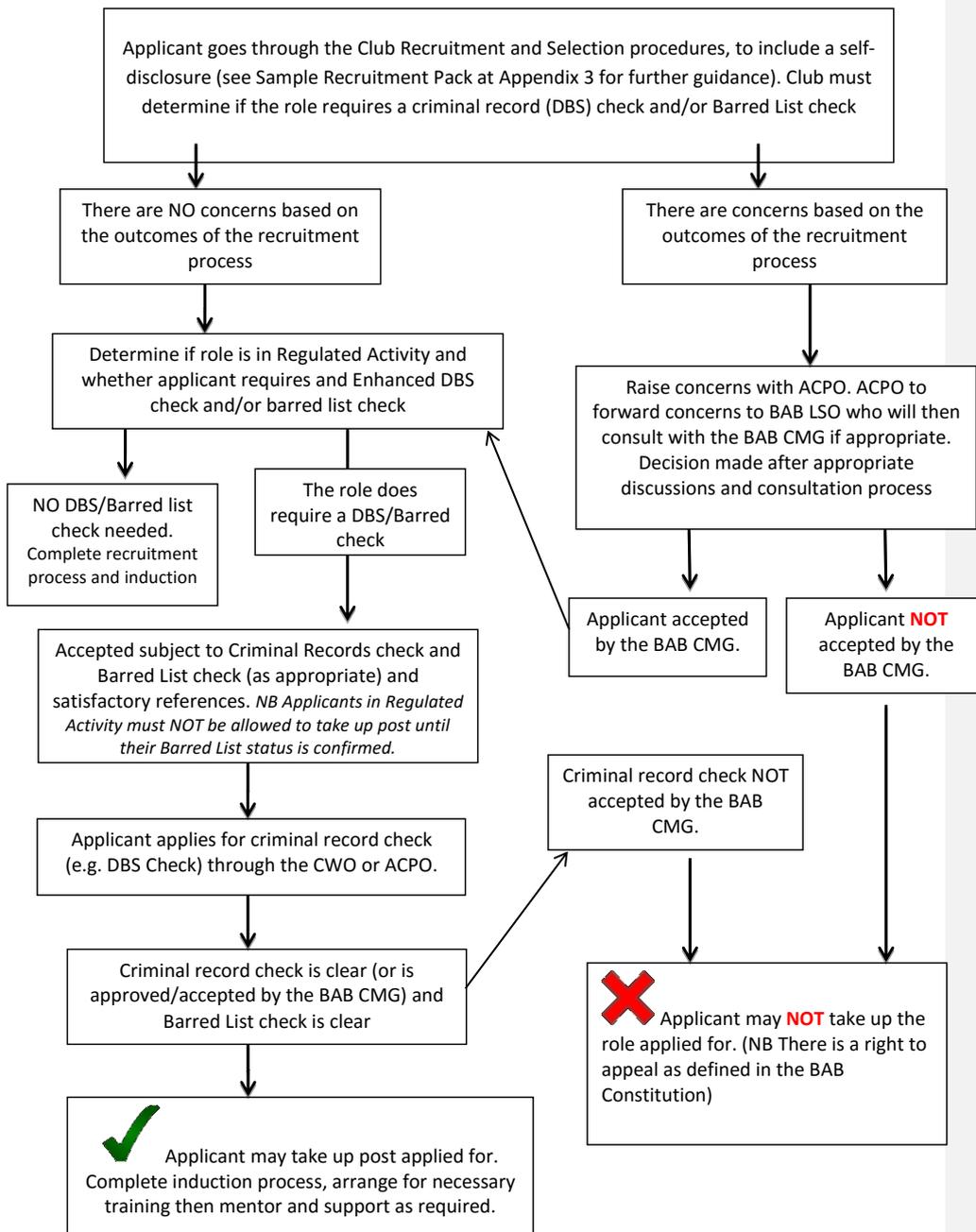
The ACPO retains overall control of DBS applications, though each Club should retain records of eligible roles and individuals who have applied.

Details of current fees may be found on the Safeguarding section of the BAB's website at [www.bab.org.uk](http://www.bab.org.uk).

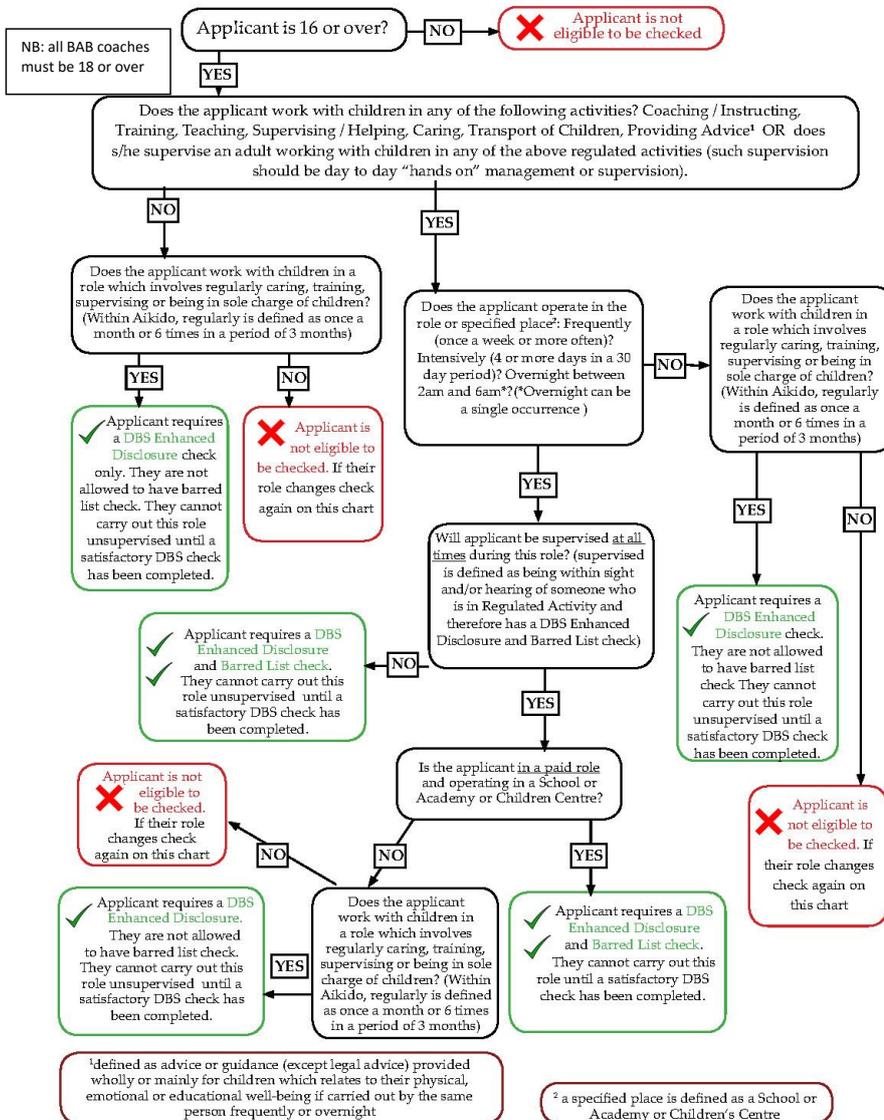
## PROCESS

- CWO, ACPO or other designated person confirms that the individual is eligible for an Enhanced DBS check and/or Barred List check
- The applicant is briefed on the process. This should be done as part of the recruitment process and should also include making the applicant aware of the BAB's Guidance on the Recruitment of Ex-Offenders (which can be found on the BAB web site at [www.bab.org.uk](http://www.bab.org.uk)) and the DBS Code of Practice. The applicant should also be advised that if their Disclosure has content on it then their full Certificate will be requested and the content will be reviewed by the BAB CMG (who will then make a recommendation to the Association in terms of any decision on recruiting that individual to work with children)
- Applicant completes the application form (paper or on line).
- CWO, ACPO or other ID verifier (appointed by the ACPO and BAB LSO) will verify the required ID documents
- Application is completed and payment made
- Application is sent for counter-signature and onwards to the DBS in Liverpool
- Disclosure is completed and sent to the applicant

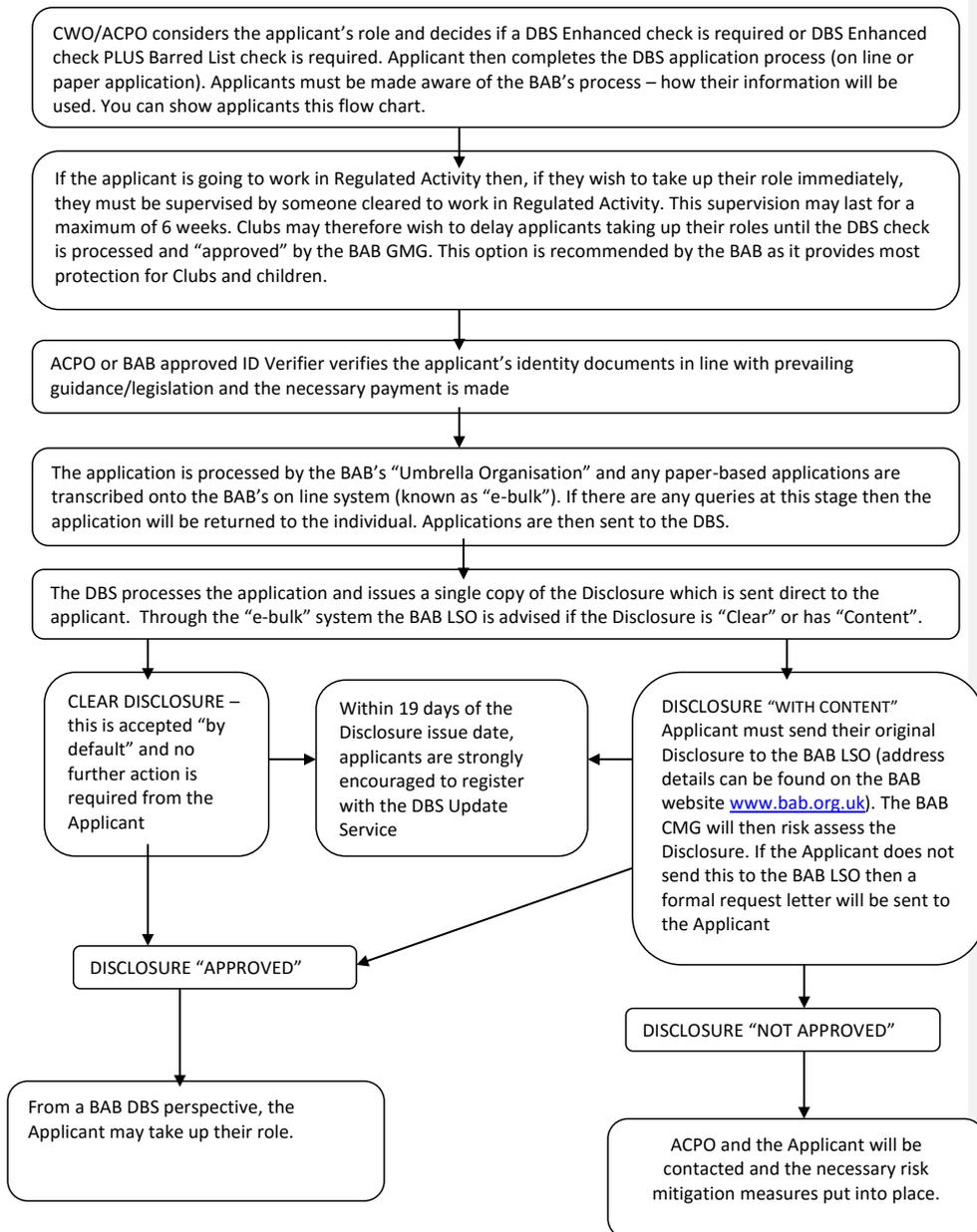
## FLOWCHART FOR RECRUITING A NEW EMPLOYEE OR VOLUNTEER



**FLOWCHART FOR ADMINISTERING A CRIMINAL RECORD (DBS) CHECK**



**FLOW CHART: HOW DBS CHECKS ARE MANAGED**



## CRIMINAL CONVICTIONS

There are certain offences which may identify a person as presenting a risk, or potential risk, to children. These offences are generally those involving violence and drug use or offences of a sexual nature.

When reviewing conviction and other information gathered the Case Management Team would exercise their judgement in all instances. The Case Management Team will consider that:

- Some offences may only indicate a risk to children in certain circumstances.
- Not all convicted or cautioned individuals will necessarily pose a continued risk to children.

**All offences of a violent and or sexual nature against children will automatically exclude the subject from working with children within the BAB.**

The BAB's Case Management Group may also recommend that a person be excluded from being involved with aikido in any capacity should it take the view that the risk to children is too high and cannot be safely managed.

## AFTER THE DISCLOSURE IS ISSUED

- The applicant receives the Disclosure (the applicant should already be aware that, if their Disclosure is not clear, they should send the original certificate to the BAB LSO)
- The BAB LSO is advised through the DBS processing web site as to whether the Disclosure is 'clear' or has 'content' (NB no details re cautions or convictions are seen at this stage).
- If the Disclosure has content and the applicant fails to send this to the BAB LSO, the BAB LSO will contact the applicant and request the original Disclosure<sup>4</sup>
- The LSO and CMG will risk assess the Disclosure and will take whatever action is deemed appropriate to mitigate the risk.

## "PORTABILITY" (DBS UPDATE SERVICE)

**The BAB is strongly encouraging members to use the Update Service as it may negate the need for repeated checks.** The DBS Update Service allows individuals to log their Disclosure information so that it can be accessed and used by other organisations. It also means that, providing there have been no changes, an individual need not repeat the checking process every three years.

At the time of writing (November 2015) the DBS Update Service is *free* for volunteers. NB Registration for the Update Service must be renewed annually – see the DBS web site. PLEASE NOTE: registration

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<sup>4</sup> The BAB has an approved process for managing the "applicant only" single copy disclosure certificate and this can be found in Appendix 1

for the update service MUST be done within 19 days of the Disclosure being issued (correct at the time of writing) but please visit <https://www.gov.uk/dbs-update-service> for up to date information.

## PROCEDURES FOR DEALING WITH POSITIVE CRIMINAL RECORD CHECK

When information is received in the form of a positive disclosure the following procedures will be implemented.

The BAB LSO will collate initial information to present to the BAB Case Management Group [CMG]. This will include the information contained on the Disclosure, the age of the person concerned and their gender. No identifying information will be shared at this stage.

The BAB CMG will make one of the two following decisions:

1. No further information required – decision process undertaken/risk mitigation plan produced (where required) and decision logged.
2. More information required from the subject of the disclosure and/or statutory agencies.

When further information is required the BAB CMG will first secure permission from the subject to gain further information from relevant agencies. NB Failure to supply this permission will be taken into consideration in relation to the applicant's request to work with children within the BAB

This information gathering process WILL NOT be an investigation into any offences or alleged offences. It will merely gather additional facts needed to make an informed risk assessment decision.

When further information has been gathered the BAB CMG will decide whether any restrictions or action should be placed on the applicant.

## SUSPENSIONS

On occasion it is necessary to temporarily suspend an individual either due to the nature of the material on the disclosure or because further information is required in order to reach a decision.

In these cases both the individual and the ACPO will be informed (with information copied to the BAB Chairman).

The ACPO, in conjunction with the CWO, will be required to put appropriate risk mitigation measures in place to ensure any suspended individual does not break that suspension order.

Any such suspensions will be on a Without Prejudice basis until the CMG has reached its final decision or recommendation.

## APPEALS

Please refer to the BAB's Constitution.

## APPENDICES

### APPENDIX 1: MANAGEMENT OF THE APPLICANT ONLY DISCLOSURE

*(This Appendix is based on a guidance document prepared by Brabners Chaffe Street LLP for the Sport and Recreation Alliance and the Child Protection in Sport Unit)*

These guidelines are designed to help the BAB and its Members understand and manage the practical implications of the changes introduced by the Protection of Freedoms Act 2012 relating to DBS Enhanced Disclosures. This guidance applies to both paid and voluntary roles.

The guidelines set out below are intended to provide a practical and equitable means of managing both the “Applicant only” disclosure issue and the DBS Update Service, whilst recognising the importance of confidentiality and the recommendations set out in the DBS Code of Practice. We are publishing an abridged version of the guidelines here.

#### WHAT HAS CHANGED?

Previously, the CRB (now replaced by the DBS) issued disclosure certificates to both the Applicant and to our umbrella body (GBG). If the Disclosure had content on it, the BAB’s Lead Safeguarding Officer then received the ‘second copy’ from the umbrella body and used this for the recruitment risk assessment process. From 17 June 2013, the disclosure certificate is issued by the DBS to the Applicant only.

Also a new scheme has been introduced called the DBS Update Service which will allow participating individuals to hold one disclosure certificate for a number of roles and thus enable the BAB to carry out an online check to confirm the individual’s status. Overall, the BAB and its member Associations will have to introduce changes to their recruitment practices and vetting procedures to manage the challenges that these changes will present.

#### THE ROLE OF THE BAB

The risk assessment of DBS Disclosures will continue to be managed centrally by the BAB's Case Management Group. This centralised process is adopted for the following reasons:

- to ensure consistency in safeguarding and risk assessment within aikido;
- to focus training and support on a small core group of staff rather than involving large numbers of staff and/or volunteers;
- to minimise the need for local level members of the BAB to access personal information about people who apply for roles in respect of which DBS Enhanced Disclosures are required (who are often their peers and friends) which may dissuade potential volunteers.

## PROCESS

### 4. Establishing the Outcome of a DBS Enhanced Disclosure

4.1 Ordinarily, the BAB will not receive a copy of the DBS Enhanced Disclosure. The exception to this is set out at Regulation 7.7 – 7.4 below.

The Central Safeguarding Team, The BAB LSO or other designated person (DP) will establish whether a DBS Enhanced Disclosure has been issued

At this point it is possible to ascertain via the BAB's on line system if the check is clear or contains content (NB no details of Disclosure content are visible).

If the Disclosure contains content, and the applicant has not automatically sent the Disclosure Certificate to the BAB LSO, then the BAB LSO or DP will request sight of the original Disclosure Certificate within 21 days of such request being sent to the applicant.

4.2 by:-

4.2.1 manually checking the DBS application on line; or

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4.2.2 by way of notification by e-Bulk\*.

\*(NB 3.2.2 is the method that will be normally used by the BAB via its arrangements with TMG who process our DBS applications).

4. Obtaining the DBS Enhanced Disclosure only when it has content on it

4.1 Once it has been established via e Bulk that a DBS Enhanced Disclosure is clear, the Central Safeguarding Team will notify Affiliated Association's CPO and the Individual as soon as reasonably possible and confirm that the Individual may undertake a role in Regulated Activity. This notification will usually be done via electronic communication. Surely the applicant is already notified direct by DBS

Where the Disclosure is shown on e bulk as 'not clear' The Central Safeguarding Team shall ask the Individual to provide the DBS Enhanced Disclosure in all cases as follows:-

4.1.1 on establishing that a DBS Enhanced Disclosure (with content) has been issued, the Central Safeguarding Team shall write to the Individual requesting that he / she send the original DBS Enhanced Disclosure to the BAB's Lead Safeguarding Officer within 21 days of the written request. The Central Safeguarding Team has the discretion to vary the timing of this requirement as it sees fit if the Individual advises that he/she is pursuing the DBS dispute process;

4.1.2 pending receipt of the DBS Enhanced Disclosure, the Individual shall not be permitted to undertake a role in Regulated Activity but may remain in a supervised role for a maximum of 3 months;

If the Individual fails to send the DBS Enhanced Disclosure within the requisite 21 days, the Central Safeguarding Team shall write to the Individual, requesting that he/she provide the DBS Enhanced Disclosure within a further period of 14 days and advising that should he/she fail to do so, he/she shall be temporarily suspended

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4.1.3 ~~Once the Disclosure is received it will be reviewed by the Case Management group and a decision made as to the suitability of the applicant to take up the role applied for. The applicant and the ACPO will be advised as appropriate. (NB If no further action is taken by the Case Management Group and the applicant is deemed "OK" to take up their post then the ACPO would not normally be notified.)~~from undertaking any role pursuant to the provisions of Appendix 1 below. A copy of the letter will be sent to the Affiliated Association's CPO;

The Disclosure will be returned to the applicant by letter post.

4.1.4 ~~once the DBS Enhanced Disclosure with content is received the Central Safeguarding Team shall proceed to consider and assess the facts of the particular case in accordance with its existing Safeguarding Policy before notifying the Individual and the Association CPO of the outcome of the assessment.~~

4.2 ~~The Central Safeguarding Team may maintain any requirement for the Individual to remain in a supervised role for so long as it reasonably requires, in order to satisfy itself regarding any concerns as to the accuracy of the information provided by the DBS. Once satisfied, the Central Safeguarding Team shall proceed in accordance with Regulation 4.1 above.~~

## 5. ~~Returning the DBS Enhanced Disclosure~~

~~THE CENTRAL SAFEGUARDING TEAM WILL RETURN THE DBS ENHANCED DISCLOSURE WITH CONTENT TO THE INDIVIDUAL AS SOON AS REASONABLY POSSIBLE USING A STANDARD ROYAL MAIL LETTER SERVICE. IF THE APPLICANT REQUIRES ANY OTHER METHOD OF RETURN THEN THEY MAY BE REQUIRED TO PAY AN ADMINISTRATIVE FEE. THE BAB WILL REQUIRE THE CONSENT OF THE INDIVIDUAL SO THAT IT MAY RETAIN A PHOTOCOPY FOR ITS RECORDS. ANY UPDATED DBS ENHANCED DISCLOSURE OBTAINED UNDER REGULATIONS 7 OR 8 SHOULD ALSO BE RETURNED IN THE SAME WAY.~~

## 6. ~~Continuous Updating/Renewals~~

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~~6.1 THE CENTRAL SAFEGUARDING TEAM WILL BE RESPONSIBLE FOR THE PROCESS OF CHECKING THE STATUS OF AN INDIVIDUAL'S DBS ENHANCED DISCLOSURE AND ANY SUBSEQUENT ASSESSMENT OF AN INDIVIDUAL'S ON-GOING SUITABILITY TO UNDERTAKE A ROLE. SUCH CHECKING WILL BE UNDERTAKEN, AS A MINIMUM, EVERY 3 YEARS FROM THE DATE OF RECEIPT OF THE INDIVIDUAL'S ORIGINAL DBS ENHANCED DISCLOSURE.~~

~~6.2 THE CENTRAL SAFEGUARDING TEAM MAY CARRY OUT A STATUS UPDATE BY:~~

~~6.2.1 UNDERTAKING AN ONLINE STATUS CHECK USING THE DBS UPDATE SERVICE; AND/OR~~

~~6.2.2 REQUIRING AN INDIVIDUAL TO OBTAIN A NEW DBS ENHANCED DISCLOSURE.~~

~~6.3 THE CENTRAL SAFEGUARDING TEAM MAY AT ITS DISCRETION, OBTAIN A STATUS UPDATE AT ANY TIME WHERE, FOR EXAMPLE:~~

~~6.3.1 THE CENTRAL SAFEGUARDING TEAM AND/OR THE CLUB OR AFFILIATED ASSOCIATION BECOMES AWARE OF OR HAS ANY REASON TO BELIEVE THAT THERE MAY BE A CHANGE TO THE INDIVIDUAL'S DBS STATUS; OR~~

~~6.3.2 THE CENTRAL SAFEGUARDING TEAM IS INVESTIGATING ANY CONCERN REGARDING AN INDIVIDUAL'S CONDUCT PURSUANT TO THE BAR'S SAFEGUARDING POLICIES AND PROCEDURES; OR~~

~~6.3.3 THE CENTRAL SAFEGUARDING TEAM REASONABLY CONSIDERS IT TO BE APPROPRIATE FOR ANY REASON TO REQUIRE AN INDIVIDUAL TO PROVIDE A NEW DBS ENHANCED DISCLOSURE.~~

~~7. Online Status Check DBS Update Service~~

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7.1 THE CENTRAL SAFEGUARDING TEAM MAY CARRY OUT AN ONLINE STATUS CHECK USING THE DBS UPDATE SERVICE PROVIDED THAT:

7.1.1 THE INDIVIDUAL HAS SUBSCRIBED TO THE DBS UPDATE SERVICE; AND

7.1.2 THE INDIVIDUAL HAS GIVEN HIS/HER CONSENT (IN ACCORDANCE WITH THE FORM ATTACHED AT APPENDIX 3) FOR THE CENTRAL SAFEGUARDING TEAM TO USE THE DBS UPDATE SERVICE; AND

7.1.3 THE CENTRAL SAFEGUARDING TEAM HOLDS A COPY OF THE INDIVIDUAL'S ORIGINAL DBS ENHANCED DISCLOSURE OR UNLESS BOTH THE FOLLOWING STIPULATIONS ARE MET:

THE ORIGINAL DISCLOSURE WAS ISSUED THROUGH THE BAB AND

THIS ORIGINAL DISCLOSURE WAS CLEAR

7.2 IF THE CRITERIA SET OUT IN REGULATION 7.1 IS SATISFIED, THE CENTRAL SAFEGUARDING TEAM SHALL SET UP AN ELECTRONIC REMINDER PRIOR TO THE THIRD ANNIVERSARY OF THE DATE OF RECEIPT OF THE INDIVIDUAL'S ORIGINAL DBS ENHANCED DISCLOSURE AND EVERY THIRD YEAR THEREAFTER AND ON OR ABOUT SUCH ANNIVERSARY SHALL LOG ON TO THE DBS UPDATE SERVICE TO CARRY OUT A STATUS CHECK, AND SHALL CHECK IN PARTICULAR:

7.2.1 THE INDIVIDUAL'S IDENTITY;

7.2.2 THAT THE NAME ON THE DBS ENHANCED DISCLOSURE MATCHES THIS IDENTITY; AND

7.2.3 THE DBS ENHANCED DISCLOSURE REFERENCE NUMBER, THE INDIVIDUAL'S NAME AND DATE OF BIRTH.

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~~7.3 IF THE STATUS CHECK SHOWS THAT THE INDIVIDUAL'S DBS ENHANCED DISCLOSURE REMAINS CURRENT AS NO FURTHER INFORMATION HAS BEEN IDENTIFIED SINCE ITS ISSUE THEN THE CENTRAL SAFEGUARDING TEAM SHALL NOTIFY THE AFFILIATED ASSOCIATION'S CPO AND THE INDIVIDUAL THAT THE DBS ENHANCED DISCLOSURE REMAINS CURRENT AND VALID.~~

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~~7.4 IF THE STATUS CHECK SHOWS THAT THE INDIVIDUAL'S DBS ENHANCED DISCLOSURE IS NO LONGER CURRENT, THE CENTRAL SAFEGUARDING TEAM SHALL:~~

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~~7.4.1 REQUIRE THE INDIVIDUAL TO APPLY FOR A NEW DBS ENHANCED DISCLOSURE WITHIN 28 DAYS; AND~~

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~~7.4.2 SHALL INFORM THE AFFILIATED ASSOCIATION'S CPO THAT THE INDIVIDUAL MAY NOT UNDERTAKE ANY ROLE IN REGULATED ACTIVITY AND THAT HE/SHE MAY ONLY UNDERTAKE A SUPERVISED ROLE UNTIL SUCH TIME AS THE INDIVIDUAL PROVIDES A NEW DBS ENHANCED DISCLOSURE.~~

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~~7.5 IF THE INDIVIDUAL DOES NOT COMPLY WITH THE REQUEST TO APPLY FOR A NEW DBS ENHANCED DISCLOSURE WITHIN 28 DAYS, THE CENTRAL SAFEGUARDING TEAM SHALL WRITE TO THE INDIVIDUAL REQUESTING THAT HE/SHE PROVIDE THE NEW DBS ENHANCED DISCLOSURE WITHIN A FURTHER PERIOD OF 14 DAYS AND ADVISING THAT SHOULD HE/SHE FAIL TO DO SO HE/SHE SHALL BE TEMPORARILY SUSPENDED FROM UNDERTAKING ANY ROLE IN ACCORDANCE WITH APPENDIX 1 BELOW. A COPY OF THE LETTER WILL BE SENT TO THE AFFILIATED ASSOCIATION'S CPO.~~

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~~7.6 IF THE DBS HAS ISSUED A NEW DBS ENHANCED DISCLOSURE TO THE INDIVIDUAL AND THE INDIVIDUAL FAILS TO PROVIDE THE CENTRAL SAFEGUARDING TEAM WITH A COPY WITHIN 28 DAYS OF ITS ISSUE BY THE DBS, THE CENTRAL SAFEGUARDING TEAM MAY REQUEST A COPY OF THE DBS ENHANCED DISCLOSURE DIRECTLY FROM THE DBS.~~

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~~7.7 UPON RECEIPT OF THE NEW DBS ENHANCED DISCLOSURE, THE CENTRAL SAFEGUARDING TEAM SHALL CONSIDER THE FACTS OF THE PARTICULAR CASE IN ACCORDANCE WITH THE BAB'S SAFEGUARDING POLICY.~~

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~~AND/OR~~

~~8.1.1.1 MANUAL UPDATING~~

~~8.1 AS AN ALTERNATIVE TO THE USE OF THE DBS UPDATE SERVICE, THE CENTRAL SAFEGUARDING TEAM SHALL SET UP AN ELECTRONIC REMINDER PRIOR TO THE THIRD ANNIVERSARY OF THE DATE OF RECEIPT OF THE INDIVIDUALS ORIGINAL DBS ENHANCED DISCLOSURE AND EVERY THIRD YEAR THEREAFTER; AND~~

~~8.1.1 ON OR ABOUT THE SAID ANNIVERSARY SHALL WRITE TO THE INDIVIDUAL AND REQUEST THAT HE/SHE APPLY FOR A NEW DBS ENHANCED DISCLOSURE WITHIN 28 DAYS OF THE WRITTEN REQUEST;~~

~~8.1.2 IF THE NEW DBS ENHANCED DISCLOSURE IS NOT APPLIED FOR WITHIN 28 DAYS OF THE REQUEST, THE CENTRAL SAFEGUARDING TEAM SHALL WRITE TO THE INDIVIDUAL REQUESTING THAT HE/SHE PROVIDE THE NEW DBS ENHANCED DISCLOSURE WITHIN A FURTHER PERIOD OF 14 DAYS AND ADVISING THAT IF HE/SHE SHOULD FAIL TO DO SO HE/SHE MAY BE TEMPORARILY SUSPENDED FROM UNDERTAKING ANY ROLE IN ACCORDANCE WITH APPENDIX 1 BELOW OR MAY BE PERMITTED TO UNDERTAKE A SUPERVISED ROLE ONLY. A COPY OF THE LETTER WILL BE SENT TO THE AFFILIATED ASSOCIATION'S CPO;~~

~~8.1.3 UPON RECEIPT OF THE NEW DBS ENHANCED DISCLOSURE, THE CENTRAL SAFEGUARDING TEAM SHALL ESTABLISH WHETHER IT CONTAINS ANY NEW CONTENT OR NO NEW CONTENT.~~

~~8.2 IF THERE IS NO NEW CONTENT ON THE INDIVIDUAL'S NEW DBS ENHANCED DISCLOSURE, THE CENTRAL SAFEGUARDING TEAM SHALL NOTIFY THE CLUB OR AFFILIATED ASSOCIATION AND THE INDIVIDUAL THAT THE DBS ENHANCED DISCLOSURE REMAINS CURRENT AND VALID;~~

~~8.3 IF THERE IS NEW CONTENT ON THE INDIVIDUAL'S NEW DBS ENHANCED DISCLOSURE, THE CENTRAL SAFEGUARDING TEAM SHALL PROCEED TO CONSIDER AND ASSESS THE FACTS OF THE PARTICULAR CASE IN ACCORDANCE WITH THE BAB SAFEGUARDING POLICY BEFORE NOTIFYING THE INDIVIDUAL AND THE AFFILIATED ASSOCIATION'S CPO OF THE OUTCOME OF THE ASSESSMENT.~~

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Appendix 1

4. TEMPORARY SUSPENSION ORDERS

4.1 In order to ensure the safety and welfare of children and vulnerable persons in aikido and in order to meet its general safeguarding obligations, the BAB Case Management Group may at any time impose a Temporary Suspension Order (TSO) suspending the Individual from any and all activity under the auspices of the BAB for such duration and on such terms as it considers to be appropriate.

Temporary Suspension Orders [TSO] will be issued in line with procedures set out in the BAB Constitution.

**2.1 The BAB will not be liable to any suspended Individual, Club or Affiliated Association for any loss of any nature arising as a result of or in connection with the imposition of a Temporary Suspension Order or the application of these guidelines.**

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## APPENDIX 2: THE BAB'S OBLIGATIONS UNDER THE DBS CODE OF PRACTICE

- Accurately and comprehensively verify the identity of the applicant prior to the submission of a Disclosure application and ensure that any person undertaking identity verification checks on their behalf is suitable and trained appropriately
- Store Disclosure information securely
- Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured
- Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the DBS or as a result of a stipulated requirement relating to the e-channel service
- Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes
- Dispose of Disclosure information in a secure manner
- Ensure that they comply with DBS guidance on the portability of Disclosures and their contents
- Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants
- Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure and the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision
- Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment
- Provide a copy of this Code of Practice to the applicant upon request
- Use all reasonable endeavours to ensure that they only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment
- Correctly apply the DBS definition of a volunteer to assert eligibility for free-of-charge Disclosures

### IT IS AN OFFENCE TO -

- Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Registered Body or, in the case of Umbrella Bodies, their client unless a relevant legal exception applies
- Disclose information to any member, officer or employee where it is not related to that employee's duties
- Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Disclosure

APPENDIX 3: SAMPLE RECRUITMENT PACK

**THIS IS BEING DRAFTED AT THE MOMENT. IT WILL BE UPLOADED TO THE BAB WEB SITE WHEN COMPLETED AND ADDED AS AN APPENDIX AT THE NEXT REVIEW OF THIS DOCUMENT.**

