

## **Criminal Records Bureau/ Disclosure and Barring Service**

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" and it has now announced its proposals for a remodelling of the CRB (Criminal Records Bureau) disclosure system and the Independent Safeguarding Authority (ISA) barring system.

The government proposals were introduced through the Protection of Freedoms Act 2012, but only some of the proposals have taken effect, with others being introduced in spring 2013. The details of the 2013 proposals are still unclear, but in essence the proposed changes mean that:

- The CRB and ISA will merge from 01 December 2012 to become the Disclosure and Barring Service (DBS). The merged organisation will be responsible for both access to criminal records and for barring those deemed unsuitable to work with children and vulnerable adults.
- The range of documents accepted by the CRB/DBS to prove identity as part of the CRB/DBS check application process has been narrowed. Advice on the documents required can be found at "Guidance for Verifiers and Applicants" on this website.
- The definition of "regulated activity" has changed. If the work that a volunteer or member of staff does fits within this definition, then the club/county they work for is able to ask them to provide a DBS check which will provide details of the person's criminal record and also will make clear whether they are barred from working with children.

*"Regulated activity" is defined as where someone is teaching, training, instructing, caring for or supervising children, or providing advice or guidance on well-being or driving a vehicle only for children, when this activity is done regularly and unsupervised.*

*"Regularly" is considered to be at least once a week. If the activity was taking place on 4 or more days in a 30 day period, this would also fall within the definition.*

*Supervision must be by a person who is working in a regulated activity, must be day to day and must be "reasonable in all the circumstances to ensure the protection of children".*

If the activity meets the requirements of the definition, but is supervised, then the club/county will only be able to request a DBS check with the criminal record information, NOT the barring information.

- A new on-line system will be available in spring 2013 which will enable those who work with multiple organisations and therefore require multiple DBS checks to transfer the information between employers. Full details are not yet available.
- There will be a legal requirement for those employing staff and volunteers working in the new definition of regulated activity to check them using the DBS system. More information will be provided following government announcements.

Clubs/counties who dispense with a member of staff or stop using a volunteer because of a concern about their behaviour related to safeguarding have a legal duty to report the matter to the DBS, even if that person has left of their own accord before the club could ask them to leave. Clubs/counties should contact their national governing body for assistance.

It is also an offence to knowingly take on a member of staff or volunteer to work with children where that person is barred by the DBS.