Disclosure and Barring – a briefing note for Cycling UK staff and volunteers

As of early 2013, the CRB (Criminal Records Bureau) and the ISA (Independent Safeguarding Authority) merged to form the Disclosure and Barring Service. This means that CRB checks do not exist anymore and are now called DBS checks in England, Wales and Northern Ireland. This document aims to summarise how these changes should affect Cycling UK Member Groups and affiliated clubs in England and Wales. Fuller guidance can be found via the NCVO ([National Council for Voluntary Organisations](http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/information_sheet_dbs_checks_2012.pdf)) or via [Volunteering England](http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/information_sheet_dbs_checks_2012.pdf).

In Scotland, slightly different rules apply and the [Protection of Vulnerable Groups](http://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm) scheme is administered by [Disclosure Scotland](http://www.disclosurescotland.co.uk/).

In Northern Ireland, [AccessNI](http://www.nidirect.gov.uk/accessni-criminal-record-checks) administers the disclosure process. The scheme comes under the same programme as England and Wales but there are [some differences](http://www.dojni.gov.uk/index/accessni/disclosure_and_barring_programme.htm) in the way the process works.

However, if a person is barred from working with children or vulnerable adults in one country, they will also be barred in the other country. Checks are free for volunteers for eligible charities.

The reforms were aimed at reducing red tape and ensuring that only people who really need to be checked are, rather than it being a ‘box ticking’ exercise. This should make it easier for Member Groups to recruit volunteers to undertake activities such as ride leading and event organising, whilst ensuring children and other vulnerable people are adequately protected. **Note** that the word ‘employment’ applies to volunteer roles as well as paid roles.

**Kinds of DBS check**:

* **Standard** – this reveals spent and unspent convictions, cautions, reprimands and final warnings on the Police National Computer.
* **Enhanced** – in addition to the above, they reveal information held by local police forces. Enhanced checks can also include information, **when requested**, about people **barred** from working with children and/or adults.

**Eligibility**

In the past, CRB checks were arranged for all manner of roles and jobs. However, [the guidance](http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/information_sheet_dbs_checks_2012.pdf) states that there should be a ‘**strong and demonstrably compelling** **case**’ for conducting a DBS check. DBS checks are **not** a mandatory requirement and it is for your group to determine if a check is required for a particular individual. It is **illegal** to apply for a check unless the role is eligible for one. You must also tell the volunteer **why** they are being checked.

* **Standard check:**
* Eligible activity includes: “Any employment by a youth club, local authority or other body which is concerned with the promotion of leisure or recreational activities for persons under the age of 18, being employment which is of such a kind as to enable the holder to have access to such persons in the course of his normal duties.”
* This does not include: “incidental contact – the activity is not being provided for children and the presence of a child or children is unforeseen,” meaning that regular club rides not specifically aimed at children and young people are **not** be eligible.

* **Enhanced check:**

For unaccompanied young people under 18, regulated activity includes:

* + **unsupervised** activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children; **but** only if this is done **‘regularly’** ie once a week or more or on four or more days in a 30-day period or overnight (between 2am and 6am).
	+ if the activity is **supervised by a person who is themselves regulated,** it is not considered to be eligible for DBS.

Therefore, if a cycling group is aiming activities **specifically** at young people, particularly those that involve training, teaching, instructing and supervising them, an enhanced check on **regular** volunteers may be considered. It is up to Groups to decide whether or not activities they provide come under the scope of regulated activity.

However, we have had confirmation from the Disclosure and Barring Service that most normal group rides are not eligible for enhanced DBS checks as unaccompanied children are incidental to the rides. If you live in, or lead rides in, Scotland, you can check on whether you are involved in regulated activity [with an online tool](http://www.disclosurescotland.co.uk/disclosureinformation/pvg_training/self-assessment/index.html).

* Regulated activity for adults is that which is involved with personal care and therefore cycling activities do not come into this category. This applies in Scotland and Northern Ireland, too.

**Other considerations**

* DBS checks must be requested through an approved organisation
* Individuals and the self-employed cannot apply for checks on themselves.

* The volunteer must be told why they are being checked. Therefore, it is recommended a risk assessment is carried out to see if the check is really necessary.
* Checks are **FREE** for volunteers.
* Cycling UK advises that DBS checks for eligible activity are repeated every 3 years.
* The minimum age to be eligible for DBS checks is 16.
* If you are unsure whether a particular role is eligible, contact DBS on 0870 909 0811.
* It is against the law for employers to employ someone or allow them to volunteer for this kind of work if they know they’re on one of the barred lists.
* If you believe the information on the DBS certificate is inaccurate, it can be challenged.