RYA - Royal Yachting Association



Changes to CRB checks

> *The Protection of Freedoms Act 2012 introduces changes to the Disclosure and Barring process in England and Wales (currently known as CRB checks).*

In December 2012, the Criminal Records Bureau and the Independent Safeguarding Authority will be merged into a single new body called the Disclosure and Barring Service (DBS).

Some of the changes were implemented in September 2012 whilst others will not take effect until early in 2013.

The key changes clubs need to be aware of immediately are:

- Minimum age – it is no longer possible for anyone aged under 16 to apply for a Disclosure
- Identity checking – the range of documents that can be used to prove identity has been reduced
- New definitions of 'Regulated Activity' with children and adults

It will remain a criminal offence:

- For an individual to work, or apply for work, in Regulated Activity with children or with adults when barred from working with that group
- For an organisation to knowingly allow a barred person to work in Regulated Activity
- For an organisation that dismisses someone from Regulated Activity because they harmed or posed a risk of harm to vulnerable groups to fail to refer that person to the Independent Safeguarding Authority (DBS from December)

Although the criminal offences remain unchanged, the definition of Regulated Activity has been scaled back. People who are barred from regulated work with children or with adults, who were previously excluded from a wide range of roles, may now be able to work in a role that falls outside the new definition of Regulated Activity without any offence being committed.

The new, narrower, definition of Regulated Activity with children, as it applies to sport, is:
Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, if done regularly.

The new definition of Regulated Activity relating to adults focuses on the type of work undertaken, rather than on the vulnerability of the adult. Only one of the types of work listed – ***providing personal care*** (eg. physical assistance with dressing) – may apply to some of those working or volunteering with adults with disabilities. The work does not have to be frequent or regular and it doesn't matter whether or not the person is supervised. Very few roles in sport will qualify as Regulated Activity with adults.

Only people undertaking Regulated Activity can be asked to undergo a Barred List check. If none of the Regulated Activity definitions apply, but the role involves regular contact with either children or vulnerable adults, a Disclosure can still be requested but it will no longer confirm whether or not an applicant is on

the Barred List(s), it will only provide information about their criminal record. A higher 'relevancy test' will be applied by the Police, so out of date and minor offences are unlikely to appear on certificates.

More information
