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BG Criminal Record Checks Policy and Guidelines

Scope and Purpose

This policy outlines the British Gymnastics' (BG) approach to the use of criminal record checks, the recruitment of staff or volunteers with criminal convictions and the storage and use of information on convictions, which has been disclosed as part of a criminal record check. The appropriate bodies for these checks are as follows: -

- Disclosure and Barring Service (DBS) (England and Wales)
- Access NI (Northern Ireland)
- Disclosure Scotland/Volunteer Scotland – Disclosure Services

BG is a registered body with the Disclosure and Barring Service (DBS) and Access NI, and provides a criminal record disclosure service for BG affiliated organisations via these bodies. In Scotland the PVG Scheme has replaced enhanced disclosures for those working with vulnerable groups (children & protected adults). Access to the Scheme is facilitated by Scottish Gymnastics via Volunteer Scotland.

The Policy applies to all BG affiliated organisations except those based in Scotland who should adopt the equivalent Scottish Gymnastics policy and guidelines. A copy of the BG policy must be made available on request to any role applicant where a criminal record check is required as part of the recruitment process.

BG operates a robust accreditation system for coaches from other countries wishing to practice in the UK which, where possible, includes a criminal record check in their previous country of residence. In these circumstances, BG reserves the right to require newly accredited coaches to also complete a Criminal Records Check via one of the above bodies.

The use of criminal record checks is only one part of safe recruitment practice and should always be used in conjunction with the safe recruitment procedures set out in the BG Safeguarding and Protecting Children Policy.

Introduction

The Disclosure and Barring Service (DBS) carries out the functions previously undertaken by the Criminal Records Bureau (CRB) for England and Wales (criminal record checks in Northern Ireland are managed by Access NI) and the Independent Safeguarding Authority (ISA) for England, Wales and Northern Ireland. Disclosure Scotland manages and delivers the Protection of Vulnerable Groups (PVG) Scheme for Scotland.

Criminal record checks may be requested by an organisation recruiting or assessing the on-going suitability of an individual in certain jobs or voluntary work, including working with children or protected adults. Both the DBS and Access NI provide eligibility guidance that outlines most roles that are eligible for a check.

However, the guidance is not comprehensive and often requires further clarification.

British Gymnastics is committed to the use of criminal record checks as a key element of safe recruitment.

As an organisation in receipt of disclosure information, British Gymnastics abides by the DBS and Access NI Codes of Practice and will take all reasonable steps to ensure anyone who is in receipt of disclosure information via the service provided by BG, also observes the relevant Code of Practice.

This document sets out BG's policy in respect of the the use of criminal record checks and our role in providing criminal record checking services for our affiliated organisations.

BG Responsibilities

- British Gymnastics has nominated a Lead Signatory who will be the point of contact with the DBS and Access NI and who will ensure disclosures are processed in accordance with the DBS or Access NI Codes of Practice.
- BG has a written Policy on Secure Storage, Handling, Use, Retention and Disposal of Certificates and Certificate Information and the Recruitment of Ex-Offenders. These Policies will be made available on request to disclosure applicants and are included in this document.
- BG will report any breaches of the Code of Practice to the DBS/Access NI and will work with these bodies to ensure compliance.
- BG shall endeavour to ensure that disclosure applications are only submitted in accordance with the relevant eligibility criteria.
- BG will ensure disclosure applicants who have a criminal record are treated fairly and not discriminated against because of a conviction or other information revealed.
- BG will carry out a criminal record check for all eligible roles as part of the recruitment process and will not permit new employees or volunteers in regulated activity to commence the regulated aspects of their role until the disclosure has been approved.
- BG will require existing BG staff, members and volunteers to complete a new disclosure, or to consent for BG to carry out a status check using the update service, every three years.
- BG will refer to the DBS anyone who has been permanently removed from 'regulated activity' through dismissal and/or expulsion from BG (or would have been if the person had not resigned, retired or failed/was unable to renew their membership); and

It is believe the person has:

- a. Harmed or poses a risk of harm to a child or protected adult;
- b. Satisfied the 'harm test'; or
- c. Received a caution or conviction for a relevant offence.

BG will support affiliated organisations to comply with the legal responsibility to refer to the DBS should the above circumstances arise within their organisation.

Processing Criminal Record Checks for Clubs and Affiliated Organisations

Only organisations that are registered with the DBS (or equivalent body) can apply directly for disclosures for prospective employees or volunteers. BG acts as an 'umbrella body', which means BG can process DBS and Access NI checks on behalf of other organisations. It is the responsibility of BG and affiliated organisations to ensure checks are only carried out on eligible positions.

BG will:

- Provide an online DBS application service;
- Check the information the applicant provides on DBS/Access NI paper disclosure application forms, and countersign the application;
- Make any suitability decisions.

Affiliated Organisations Accessing Criminal Record Checks via BG must:

- Appoint a DBS/Access NI designated person (this may be the Welfare Officer) who completes any

- BG required training;
- Sign a declaration form confirming compliance with BG Criminal Record Checks Policy and Guidance, and adopt the policy on the use and storage of disclosures, and the recruitment of ex-offenders;
- Carry out criminal record checks on all relevant individuals in accordance with BG policy;
- Add eligible applicants onto the DBS online system, or provide the applicant with a paper application form;
- Advise the applicant why they are being checked, and where they can get independent advice (through BG or the DBS or Access NI helplines);
- Check the identity of the applicant, by examining the original documents set out in the DBS Code of Practice and complete the verification section of the disclosure application and the BG Identity Verification (IV) form (paper applications only).

Other Relevant Policies

The information within this document should be read in conjunction with the Safe Recruitment section within the BG Safeguarding and Protecting Children Policy 2014. Other relevant policies include:

- BG Safeguarding Vulnerable Adults Policy;
- BG Equality Policy;
- BG Data Protection Policy;

Recruitment of Ex-Offenders

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS) and Access NI, BG complies fully with the DBS and Access NI Codes of Practice and undertakes to treat all applicants for positions fairly. BG will not discriminate unfairly against any subject of a Criminal Record check on the basis of a conviction or other information revealed.

BG will only ask an individual to provide details of convictions and cautions that BG is legally entitled to know about and only in circumstances where a disclosure certificate at either Standard or Enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and, where appropriate, Police Act Regulations (as amended). BG will only ask an individual about convictions and cautions that are not protected.

BG is committed to the fair treatment of its staff and members, potential staff and members or users of its services, regardless of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, marriage and civil partnership, responsibilities for dependants or offending background.

BG has a written policy on the recruitment of ex-offenders, which is made available to all criminal record check applicants at the outset of the recruitment process.

BG actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. BG selects all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Criminal Record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain

a statement that an application for a disclosure will be submitted in the event of the individual being offered the position.

BG ensures that those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. BG also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, BG ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to the withdrawal of an offer of employment.

BG makes every subject of a criminal record check aware of the existence of the DBS or Access NI Code of Practice and makes a copy available on request.

BG undertakes to discuss any matter revealed on a disclosure certificate with the individual seeking the position, before withdrawing a conditional offer of employment.

BG Policy on Secure Storage, Handling, Use, Retention & Disposal of Disclosure Information

British Gymnastics complies with the DBS and Access NI Codes of Practice regarding the secure storage, handling, use, retention and disposal of disclosure certificates and disclosure information and with its obligations under the Data Protection Act 1998.

Storage & Access: Disclosure certificates and any information obtained from a disclosure will not be stored on an employee/member's record but will be stored separately in lockable storage with access limited to those who are entitled to see it as part of their duties.

Handling: Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record will be maintained of all those to whom disclosure information has been revealed, as it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage: Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

Retention: BG does not retain disclosure information for any longer than is necessary to make a suitability decision. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep a disclosure certificate for longer than six months, we will seek guidance from the relevant provider (DBS or Access NI) and will give full consideration to our obligations under the Data Protection Act 1998.

Disposal: Once the retention period has elapsed, British Gymnastics will ensure that any disclosure information is destroyed by secure means. We will not keep any photocopy or other image of the Certificate or any copy or representation of the contents of a Certificate. The only information recorded on an employee/member's record will be the issue date of a disclosure and/or expiry date, the type of disclosure requested, the position for which it was requested, the unique reference number of the disclosure and the details of the recruitment decision taken, together with any relevant consent relating to the use of the DBS Update Service.

Levels of Criminal Record Checks

Basic check (available via Access NI or Disclosure Scotland only)

Basic checks are the lowest level of disclosure and are available to or for anyone who lives or has lived in

the UK. A Basic criminal record check is the lowest level of disclosure and checks the Police National Computer (PNC) for details of all current criminal convictions (convictions considered unspent under the Rehabilitation of Offenders Act 1974).

Standard check

To be eligible for a Standard check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced check

To be eligible for an Enhanced check, the position must be included in both the ROA Exceptions Order and in Police Act Regulations.

Enhanced check with Barred List Check

To be eligible to request a check of the children's or adults' barred lists, the position must meet the definition of regulated activity. This check is the highest level of disclosure and barring check.

The table below summarises what the different levels of disclosure reveal:

Information Included	Type of Disclosure				
	Basic	Standard	Enhanced	Enhanced with Children's barred list	Enhanced with Adult's barred list
Unspent convictions	✓	✓	✓	✓	✓
Spent convictions	✗	✓	✓	✓	✓
Cautions	✗	✓	✓	✓	✓
Children's barred list check	✗	✗	✗	✓	✗
Adult's barred list check	✗	✗	✗	✗	✓
Other relevant information held by police forces and released on the Disclosure applicant's copy and employer's copy	✗	✗	✓	✓	✓

Regulated Activity – Children

The Safeguarding Vulnerable Groups Act 2006 introduced the concept of Regulated Activity to include specific activities, carried out frequently or intensively. The Protection of Freedoms Act, 2012 amended the definition to require the activity to be unsupervised. Introduced on 10th September 2012, the revised definition was designed to reduce the number of individuals for whom an organisation would require a check.

Regulated Activity in relation to children is:

- a) Unsupervised* and
- b) Once a week or more, or 4 days in any 30 day period, or overnight and
- c) In a specific role OR in a specified place, (see below):

- Specific Child-Related Roles

Supervising, caring, teaching, training, instructing, providing advice/guidance on wellbeing, providing therapy/treatment, transporting (solely for children on behalf of a club or gymnastics organisation), providing assistance, moderating a public electronic communication service to be used mainly by children.

OR

- In a specified place

Educational institution (e.g. school, under-18 further education), nursery, children's hospital, detention centre (e.g. prison, remand centre), children's home, childcare premises, children's care home

OR

- A day-to-day manager or supervisor of somebody engaging in Regulated Activity.

* In order for a role to be considered 'supervised' the supervision must be:

- Regular;
- Day-to-Day;
- Reasonable in all circumstances for protecting children; and
- Carried out by someone in Regulated Activity.

A similar definition for regulated activity applies in Northern Ireland introduced by the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 and subsequently amended by the Protection of Freedoms Act 2012.

Roles that Require a Criminal Records Check

The following are the categories within the children's workforce that would require a check at Enhanced level:

- those in regulated activity in relation to children;
- those who fall under the pre September 2012 definition of regulated activity in relation to children;
- those who manage others in regulated activity with children; and
- those who would be in regulated activity except for the fact they are supervised.

BG requires all paid staff and volunteers over the age of 16, employed or volunteering, who meet the definition of regulated activity to apply for an enhanced check with barred list for the relevant workforce. Although BG guidelines are aimed primarily at the children's workforce, BG acknowledges that some organisations provide activities for adults and will require BG to facilitate checks for eligible roles within the adult workforce. The adult workforce is specifically aimed at adults at risk (previously defined as Vulnerable Adults).

BG recommends that affiliated organisations carry out an Enhanced check for any position that is eligible for an Enhanced disclosure. Standard disclosures are not considered to be appropriate for any roles in gymnastics working or volunteering with vulnerable groups.

Where recruiting to posts that do not meet the eligibility criteria for an enhanced disclosure, BG or the affiliated organisations may choose to request Basic check. Basic checks can be useful for posts where it is relevant to seek information on an individual's criminal record e.g. finance positions.

The following roles are considered by BG to fall within the scope of regulated activity. BG members who are insured in any of these capacities are required by BG to have an enhanced criminal record check (or home country equivalent) with relevant workforce barred list check:

- Coaches including assistants (unless the coach does not meet the frequency requirements, or does not work with children or vulnerable adults. Anyone who is still a regular coach but does not meet the frequency requirements set out in the definition of regulated activity will be asked to complete an enhanced check without barred list)
- Welfare Officers.

BG also requests criminal record checks for anyone working or volunteering for BG in any of the following roles and strongly recommends clubs to do the same:

- Choreographers;
- Anyone supervising children (if meeting frequency requirements);
- Anyone providing overnight supervision/care, e.g. Heads of Delegation, Chaperones, Host Families;
- Medical staff including physiotherapists, psychologists, nutritionists, first aiders etcetera;
- Anyone providing transport for children on behalf of a club/organisation;
- Roles that involve the day-to-day management or supervision of somebody engaging in Regulated Activity.

Judges

BG no longer automatically requires judges to be checked in order to judge at BG events, as this element of the role does not fall within the scope of regulated activity. However, judges should be checked by their club if they provide judging instruction to children in a training environment, or take on a supervisory role whilst judging at a club trip or event

Enhanced Checks without Barred List

Some positions may be eligible for an Enhanced disclosure without a check against the Barring List. This includes:

- Types of work which were classed as regulated activity before the changes to legislation in September 2012, e.g. positions that fall under the scope of regulated activity but for the fact they are supervised*;
- An individual whose role is to train, supervise or be in sole charge of children under the age of 18 and does this regularly. Regularly in these circumstances should be applied by each organisation as appropriate, e.g. one/month or six times/year.

* BG has fully considered both the Government guidance and the Sport and Recreation Alliance/Child Protection in Sport Unit (CPSU) sport sector guidance on supervision and has concluded that it is not reasonable within a gymnastics environment, to provide the level of supervision required for a coaching or training role to fall outside the scope of regulated activity. Even in the case of Assistant Coaches where they are not able to coach unless a more highly-qualified coach is present, there is significant potential for unsupervised contact during a gymnastics session, e.g. coaching a group in another area of the gym.

Further Notes on Eligibility

It is not always possible to guarantee eligibility for a specific level of check based on the job title. Whether a position is eligible or not will depend on the individual's role and responsibilities, and the frequency or intensity that they carry out the role. It is the responsibility of the recruiting/deploying club/organisation to assess the role to determine whether a criminal record check is required and the level of check that is appropriate. Roles should be reassessed if the level and type of contact the individual has with children and/or protected adults has changed, as it may be necessary to initiate a new disclosure. Please refer to the BG Enhanced Disclosure Eligibility flowchart for guidance.

Summary of Key Roles

Roles	Regulated Activity	Guidance
Coach	Yes	In the unlikely event that a coach does not meet the frequency requirements, contact BG for further guidance.
Judge	Depends on role	Judges who only attend competitions to assess gymnasts and who otherwise do not have any role with children in a training environment would not be eligible. Judges who attend a training environment to provide instruction to children would fall within the scope of regulated activity providing that they meet the frequency requirements. Judges who are always fully supervised by someone in regulated activity (e.g. a coach), or who attend a training environment to provide instruction on a 'regular' basis (e.g. once a month) should be checked at Enhanced level without a barred check (pre- 10 th September definition of regulated activity).
Choreographer	Depends on frequency	The role of choreographer would fall within the scope of regulated activity, subject to meeting frequency requirements.
Welfare Officer	Yes	All Welfare Officers must complete a check.
HoD/Chaperone/ Host Family	Yes	These roles would fall within the scope of Regulated Activity if they involve overnight supervision. If the supervision is not overnight, it depends on the frequency as to whether a check against the Barring List is permitted.
Medical Staff	Yes	Where medical staff are supplied via another organisation for a specific event, the event organisers must seek written assurances from the employer that an enhanced check with children's barred list has been obtained within the last three years.
Director of Coaching/ Performance Director or other Managers	Yes	A day-to-day manager or supervisor of somebody engaging in regulated activity.
Club Officials/Helpers	Depends on role	Some Club Officials or Helpers may be undertaking regulated activity, e.g. if they provide transport on behalf of a club for children. Each role should be assessed using the BG flowchart.

Volunteers and Work Placement Students

The DBS and Access NI do not charge for checks on volunteers. These organisations regularly review volunteer applications to ensure that they are genuine. It is important that clubs carefully assess their role and position before a free-of-charge application is submitted.

A volunteer is defined as 'a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit

someone (individuals or groups) other than, or in addition to close relatives.’ Work placement students required to carry out a role as part of their course are not defined as volunteers.

Update Service

Portability refers to the circulation of a criminal records check, obtained for a position in one organisation and later used for another position in another organisation. BG does not accept disclosures from other registered bodies but encourages all BG members to make use of the DBS Update Service.

The introduction of the Update Service means that an individual does not need to reapply for a new DBS check each time they change or take on a new role, providing it is for the same workforce (children or vulnerable adults) and that it is at the same level. If the individual is registered for the Update Service, the employer simply confirms whether the check remains current, (i.e. that there is no further information since the original disclosure was issued).

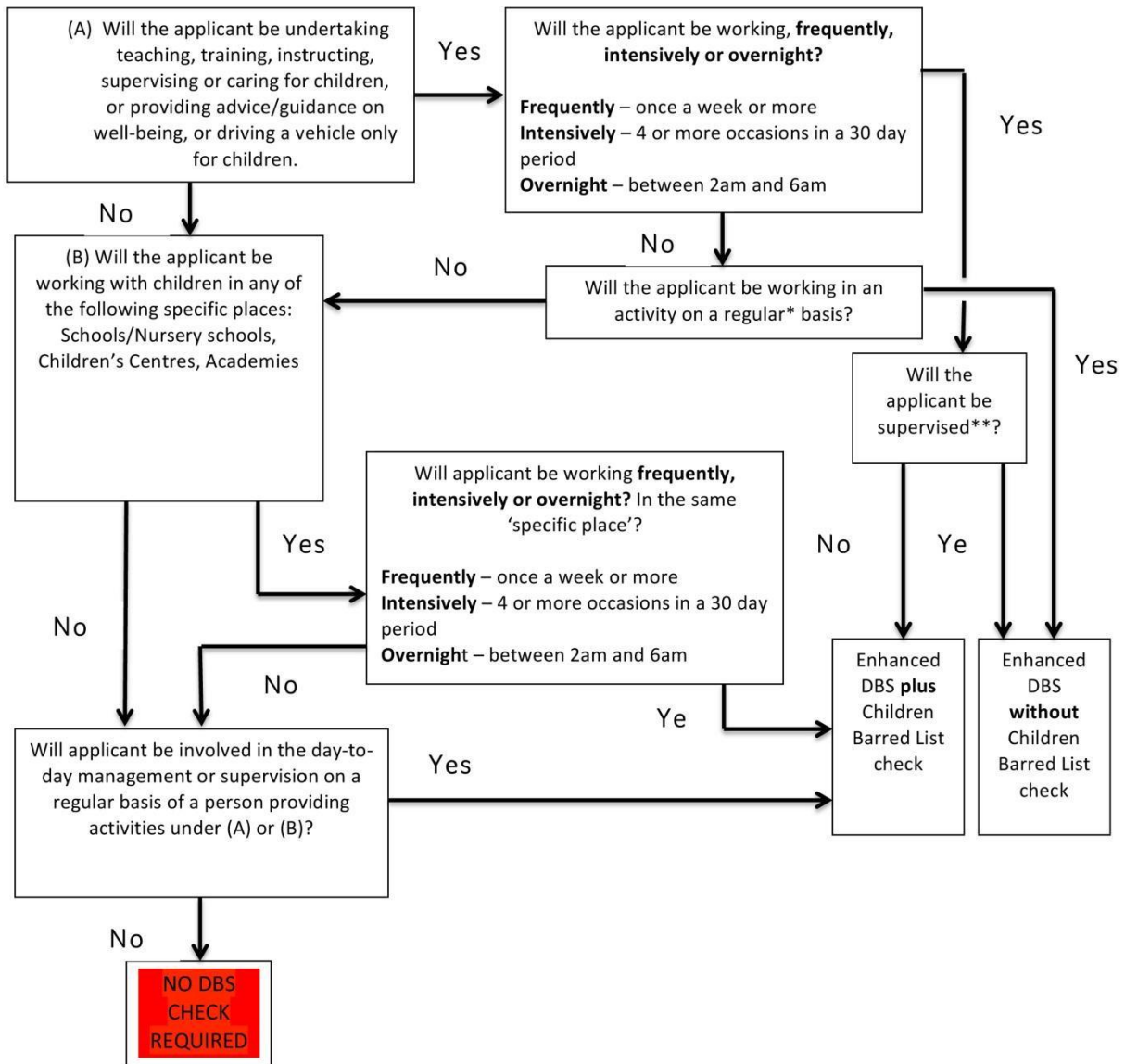
Anyone who wishes to use the update service must provide BG with written consent to carry out Status Checks using a BG consent form. Individuals who are not currently registered through the Update Service must register for the service on application or receipt of a criminal records check.

For online applications, registration for the Update Service can be completed as soon as an applicant has their application form reference number. Alternatively, registration can be done within 19 days of the disclosure certification being issued; using the certificate number. The Update Service is free-of-charge to volunteers. Those who are employed must pay an annual fee, currently £13.

Disclosure Fees

For the latest fees please visit the DBS website at www.gov.uk/dbs. Administration charges will also be applied to online/paper applications.

Enhanced Disclosure DBS Eligibility



*Regular is open to definition by the recruiting organisation. It is suggested that annually is not enough, but an argument could be made for eligibility if an individual does an activity a number of times over the summer period, or once a month for example.

** Supervision should only be considered to apply within a gymnastics environment where the supervisor (someone in Regulated Activity) can guarantee constant oversight of the supervised individual.