

SAFE RECRUITMENT PROCESS

This information is designed to help sports and physical activity organisations to develop the best practice for recruiting and vetting individuals working and volunteering with adults at risk.

Legally, anyone undertaking a role that involves contact with, or responsibility for, children or other vulnerable groups should be taken through a safer recruitment process. Adults at risk would be classed under the term 'vulnerable group'. Some individuals may not be suitable to work with adults at risk due to gaps in their understanding, skills or knowledge or due to previous concerns about conduct

Sports clubs and organisations are only as good as the people who work and volunteer there. They should create a setting that makes everyone feel welcomed and safe. Respect for equality and diversity should be embedded within the culture of the sport and recreation organisation, which is promoted and underpinned in codes of conduct and policies and procedures within each sport.

There is also moral and social obligation for sport and recreation organisations to demonstrate best practice, ensuring that it is the responsibility of staff/volunteers and participants to treat one another with dignity, respect, sensitivity and fairness, ensure that any discriminatory, offensive and violent behaviour is unacceptable and that complaints will be acted upon. This can only be undertaken by ensuring that people are recruited as safely as possible.

It is therefore essential that organisations have effective recruitment and selection procedures for both paid staff and volunteers. These will help to screen out and discourage those who are not suitable from joining your club/organisation.

Good recruitment practice

The DBS disclosure and check against the barred list, if appropriate to the role, is only one part of a safe recruitment process. In all cases regarding the vetting of paid and voluntary staff working in sport, standard best practice dictates a thorough checking of a person's qualifications and training attended.

Detailed application forms, self-disclosure, robust interviews that include safeguarding, equality and diversity knowledge and skills (if appropriate to the role), checking references and thorough induction processes, verification of qualifications and experience, risk assessment of concerning information all form the basis of safe recruitment and best practice when recruiting individuals to work with adults at risk.

Then when people are in post there should be a probationary period and review and regular safeguarding training that includes safeguarding adults at risk.

Disclosure and barring service

This was created in 2012 when the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) were merged.

A Disclosure and Barring Service (DBS) check (formally known as a CRB check) is a means of supplying organisations with the information they legally need to enable them to make correct recruitment and placement decisions, especially with regard to positions involving children & vulnerable groups.

DBS checks are only one part of the recruitment process and the eligibility for undertaking them primarily relates to social and health care activity. Sport and physical activity organisations working with adults should first and foremost follow the good practice detailed above.

All specific enquiries regarding DBS checks of staff and volunteers in a sport or physical activity setting should be directed through to the

Disclosure and Barring Service, the following information is given as a basic guide for organisations.

A key point to remember is that although an individual may have an opportunity to come into contact with children or adults with care and support needs, this is not sufficient to be entitled to a DBS check. Eligibility to apply for a DBS check depends on the specific role a person will perform whilst conducting their duties within an organisation.

Types of DBS check

There are three types of DBS checks:

Standard

Shows filtered convictions, cautions, warnings and reprimands that are held on the police national computer.

Enhanced

Shows everything that the standard check does plus additional discretionary information

Enhanced with barred list check

Shows everything that the Enhanced check does plus an additional check of the appropriate 'barred list' for the work being done.

The legal duties for an organisation are:

1. Not knowingly allow a barred person to work in 'Regulated Activity';
2. Must 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).

Regulated activity

The term "regulated activity" is a legal phrase used to describe specific circumstances where individuals are working or volunteering with children or adults who are vulnerable because of help or treatment they are receiving.

The definition of regulated activity is different for children and adults.

The types of activity that fall into Regulated Activity with adults at risk are clearly set out in government guidance. Unless individuals are undertaking those activities, organisations should not be undertaking an enhanced DBS check.

The definition of Regulated Activity focuses on the type of activity and contact an individual may have with an adult at risk. It also does not stipulate a frequency requirement as the definition of Regulated Activity with children does. For adults at risk, the activity alone means an individual is in Regulated Activity – once is enough. Within this legal framework an individual is defined as being in Regulated Activity with adults at risk if any one of the following six conditions is met:

1. The individual is in contact with the person by providing healthcare.
This includes first aid only if it is administered by an individual on behalf of an organisation whose purpose is to provide first aid; such as St John's Ambulance Service.
2. The individual is in contact with the person by providing personal care.
Physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult's age, illness or disability.
3. The individual is in contact with the person in providing social work.
4. The individual is in contact with the person in assisting with general household matters. For example, managing the person's cash, paying the person's bills, or shopping on their behalf.
5. The individual is in contact with the person in assisting in the conduct of a person's own affairs by virtue of:
 - a. Lasting power of attorney under the Mental Capacity Act 2005

- b. Enduring power of attorney within the meaning of the Mental Capacity Act 2005
 - c. Being appointed as the adult's deputy under the Mental Capacity Act 2005
 - d. Being an Independent Mental Health Advocate
 - e. Being an Independent Mental Capacity Advocate
6. The individual is in contact with the person in conveying Any drivers and any assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are in regulated activity. The driver does, or the person assists in, such conveying on behalf of an organisation and for the purpose of enabling the adult to receive services. Conveying does not include licensed taxi drivers or licensed private hire drivers, and does not include trips taken for purposes other than to receive health care, personal care or social work (for example, trips for pleasure are excluded).

How does regulated activity fit with roles within sport and physical activity organisations?

There may be roles that involve providing health care such as physiotherapy, these would need to be checked with the DBS on an individual basis.

Most adults at risk taking part in sport will have their own assistants if they require personal care. However volunteers and workers in sport may be involved in personal care if they take on a dual role. For example, a coach accompanying an athlete as a personal assistant on a sports trip.

In sport settings volunteers sometimes transport adults to and from sports activities. This would not be classed as regulated activity.

It is important to note that personal relationships are exempt from Regulated Activity in relation to adults at risk.

If the individuals in our club are not in Regulated Activity but we feel there is an opportunity for them to build up a relationship of trust with an adult at risk – what can we do to vet them?

Ensure that safe recruitment processes are in place.

Consider, on an individual basis, the need to conduct a DBS disclosure. This can only be used where there is eligibility to request it and this is dependent on the role the individual holds.

The DBS states that organisations have the responsibility to assess whether a DBS certificate at either Standard or Enhanced level is necessary for a specific role in line with the relevant legislation and also taking into account any sector-specific statutory guidance on the matter. However, job roles should be assessed individually to confirm whether they meet the eligibility criteria and blanket-checking of all roles should not be implemented.

The eligibility guidance codes for DBS checks can be found on this direct link to the DBS website www.gov.uk/government/publications/dbs-check-eligible-positions-guidance

There is also a good online tool for checking whether an organisation can check someone's criminal record <https://www.gov.uk/find-out-dbs-check> The DBS also has a Customer Service Team that can be contacted with any queries - email CustomerServices@dbs.gsi.gov.uk