

## Safeguarding Policy - Appendix 3

### Disclosure and Barring Service (DBS)

#### Introduction

From 2012 the Disclosure and Barring Service system was introduced as the process by which staff and volunteers are deemed appropriate and safe to work with children and young people. This new process does not replace any element of ensuring good, safe practice is carried out across StreetGames, and is part of the process to ensure StreetGames delivers safe activity to all children and young people.

This document outlines the following:

- The definition of regulated activity in relation to StreetGames
- Which staff roles are eligible for a DBS check
- The process of managing DBS in relation to staff and volunteers at StreetGames

#### **Regulated Activity**

##### Background to the concept of 'Regulated Activity'

The Safeguarding Vulnerable Groups Act 2006 introduced the concept of requiring organisations to check individuals engaged in 'Regulated Activity'.

The Protection of Freedoms Act 2012 received Royal Assent on 1st May 2012. It amended the definition of 'Regulated Activity' with the intention of fewer individuals being classified as in Regulated Activity. This was designed to reduce the number of individuals for whom an organisation would be required by law to check.

The new definition of 'Regulated Activity' was introduced on 10th September 2012.

#### **Legal duties for StreetGames**

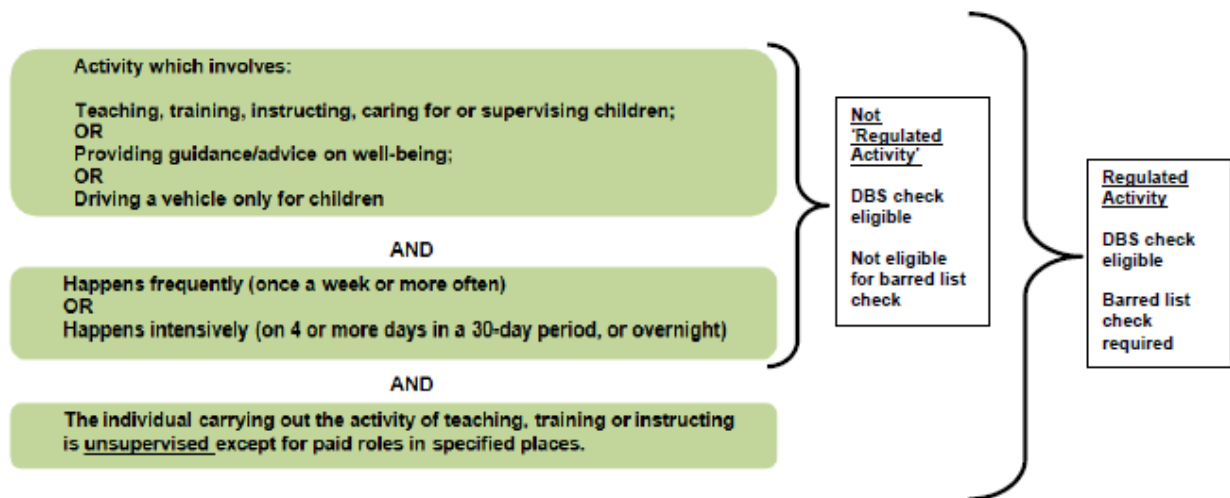
- 1. Not knowingly allow a barred person to work in 'Regulated Activity';**
- 2. Must inform DBS if an individual is removed from 'Regulated Activity' because they have harmed or because they pose a risk of harm to vulnerable groups (including children).**

StreetGames are able to request to find out if a person is barred from working with children and young people through performing a barred list check. This is an option provided when you ask for a DBS check on an individual.

StreetGames can only request a barred list check on individuals who are in 'Regulated Activity'.

StreetGames are not entitled to know whether an individual is barred from working with children or adults if they are **not** in 'Regulated Activity'.

Using Support from the Child Protection in Sport Unit and the Sport and Recreation Alliance, StreetGames has used the following information to identify which roles within its organisation are deemed to be in regulated activity.



## StreetGames Roles – Eligibility for DBS and Barred List Checks

StreetGames is an evolving organisation and quite often has new programmes and activities and hence the list of staff roles and their eligibility for a DBS and a check for the barred list is constantly changing. The guide below outlines the type of roles or required activities to be carried out by StreetGames staff and volunteers that may require them to carry out a DBS check.

Type of Activity	Potential Roles	DBS/ Barred list
StreetGames Governance	StreetGames Trustees	Basic DBS check
Working at a StreetGames event or residential	Young Advisors, YA mentors, any SG staff member working overnight	Enhanced DBS check and Barred list
Delivery of StreetGames training workshop	SG tutors, Training Academy Staff, Any SG staff who is able to run workshops	Enhanced DBS check and Barred list- due to potential of running courses with young people under 18
Carrying Out Visits to LTOs	Any SG staff member	Not likely as we would not expect staff to be in regulated activity. We do have procedures in place to support staff doing visits
Research and Evaluation	Members of the research and insight team, Peer researchers	Enhanced DBS and Barred list – due to potential 1 to 1 or small group research with young people.
Young Advisors support and meetings	Youth voice and volunteering lead, Next Gen roles	Enhanced DBS and Barred list

The information and roles above may apply to staff members carrying out multiple roles. But during the period of employment the duties a staff member is asked to do may change and hence they may be required to complete a DBS check later in their employment

### The process of DBS in relation to staff and volunteers at StreetGames

Any of the roles outlined above will be subject to a DBS check upon the individual in the role. When new staff or volunteers are recruited into these roles, then the DBS process will be carried out;

There are a number of posts within StreetGames, who may in the course of their role may come into contact with young people at events or local projects. However they do not satisfy the criteria set out by DBS to be eligible for a check. These people will always be supervised when they are in contact with children or young people.

There are also opportunities where an individual's role develops and they are involved in new areas of work that means their function changes and part of their role includes regulated activity. This includes the following:

- Working at a StreetGames summer camp or residential
- Taking on work delivering training courses.
- Being involved in work with young advisors groups or focus groups

If this is the case, the individual will be required to complete a DBS check. They may not appear on this list above for roles in regulated activity as at the time of writing this appendix there were not any additional roles carrying out regulated activity.

## **New Roles**

When StreetGames is developing any new programmes and within these, new staff or volunteer roles, these roles will be subject to the 'Regulated Activity' check. If they are deemed to be in regulated activity, they will be added to the list above;

## **Roles deemed not to be in 'Regulated Activity'**

Any roles within the StreetGames staff team, that are not listed above are deemed to not be in Regulated Activity. Subsequently they are not eligible for the Barred List check. They are however eligible for a DBS check.

The DSO and Finance Manager (as head of HR) will make a decision on a case by case basis as to whether a staff member undergoes a DBS check.

## **Record Keeping**

Staff in roles that are eligible for a DBS check and Barred list check, will be asked to supply the information from these checks to StreetGames for their personal file. These will be kept confidential and in a locked filing cabinet that can be accessed by the office manager and Finance Manager (as head of HR).

## **Renewal of DBS Checks**

A DBS check has no official expiry date. Any information included will be accurate at the time the check was carried out. As employers, StreetGames are able to use the DBS update service via Disclosure and Barring service. Here we are able to review and applicants' certificate and carry out up to date checks.

The information provided by the DBS service on each applicant is from the date on the applicant's certificate. The information disclosed to StreetGames contains any changes to this certificate that relates to the applicant's suitability to work with Children and young people.

## **Risk Assessment Process for staff member with Criminal record.**

StreetGames is committed to a culture of inclusivity and equality (as outlined in our Equality, Diversity and Inclusion policy) whilst ensuring the safe provision of services to children, young people and adults at risk. Having a criminal record does not automatically prevent people from working with or for StreetGames. We recognise the contribution that all people can make as current or future workers, as both employees and volunteers, and are committed to a fair recruitment process in which no-one faces unfair discrimination due to a criminal record.

As an organisation that works to support children, young people and adults at risk, this policy should be read in conjunction with our Safer Recruitment Policy. We are committed to principles of fair recruitment and we will not ask prospective employees to disclose

information about their criminal record when applying for a role. We recruit all candidates on the merit of their skill, qualifications and experience required for the role.

If you are applying for a role that will be subject to checks, we will make this clear as part of the recruitment process. We will then ask for details about your criminal record when a conditional offer has been made. If the role you are applying for includes regulated activity with a vulnerable group, you will be asked to confirm that you are not barred from working with this vulnerable group. Applicants on the relevant barred list will not be able to continue with an application.

We strive to uphold principles of inclusivity and transparency and we expect the same from any future worker. We have a zero tolerance approach to any deliberate deception or concealing necessary information.

### **StreetGames Position on Completing Checks**

Each role is assessed for its legitimacy and need for a DBS check. We ensure any request to disclose a criminal record is proportionate and relevant to the role. A candidate with a conditional offer will be asked to complete a criminal record self-disclosure form, that is relevant to the role they're applying for.

- Any person applying for a role that is covered by the Rehabilitation of Offenders Act, will not be asked to disclose spent convictions through the completion of a standard or enhanced DBS check.
- Any person applying for a role that is exempt from the ROA will be asked to declare any unspent and spent convictions by completing a standard or enhanced DBS check. You will not be asked to disclose filtered or protected records as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.
- Any person applying for a role that includes regulated activity with children or adults at risk, will be checked against the barred list. It is a criminal offence for you to apply for, or work with, a group you have been barred from working with. You will be asked to complete these checks at the point of a conditional offer being made, along with other conditional offer checks, such as references.

### **Decision Making**

In order to make a fair, measured and comprehensive decision about any matters revealed by an applicant with a criminal record, we will have a conversation with candidates directly and carry out a criminal record assessment. Our criminal record assessment will consider:

- whether a conviction is spent or unspent and the length of time since the offence(s) occurred
- the nature and seriousness of any offence revealed
- whether the conviction is relevant to the position applied for
- the age at the time of the offence(s) and any pattern of offending behaviour
- the circumstances surrounding the offence(s), and the explanation(s) provided and whether a candidate's circumstances have changed since the offending behaviour

- how the offence(s) impacts on an employee's ability to carry out the role.

A historical criminal record that has no bearing on the role applied for, and that would pose no risk to employee or the service users we support, will not prevent people from working or volunteering with StreetGames. Any decision to withdraw that conditional offer will be discussed with candidates in full.

### **Information Sharing**

Information shared with StreetGames will be requested, processed and stored in line with the Data Protection Act (2018). Any information about a criminal record will only be shared as is absolutely necessary during the application and decision making process.

### **Legislation and Support**

If prospective employees have any questions relating to this policy they can speak with StreetGames Safeguarding Lead directly. StreetGames can refer an candidate unsure about their own criminal record to the charity Unlock. This policy does not supersede any legislation or exceptions pertaining to filtered offences, which will always be observed