

Changes to CRB and ISA in England, Wales & N Ireland

Changes to Regulated Activity and CRB for England, Wales and Northern Ireland

Regulated Activity with Children and Defining of Supervision

The new definition of Regulated Activity with children combines the old definition which was focussed on the type of activity and the frequency or intensity of the contact, with a further requirement that the individual conducting the activity must be *unsupervised*.

The New Definition of ‘Regulated Activity’

An individual is defined as being in Regulated Activity if the following requirements are met when they are participating in:

An activity which involves:

Teaching, training, instructing, caring for or supervising children;

OR

Providing guidance/advice on well-being;

OR

Driving a vehicle only for children

AND

It happens frequently (once a week or more often)

OR

Happens intensively (on 4 or more days in a 30-day period, or overnight)

AND

The individual carrying out the activity of teaching, training or instructing is then unsupervised.

How to Understand and Use the New Definition of ‘Regulated Activity’

The old part of the definition is relatively straightforward to determine i.e. is an individual *teaching, training or instructing children* and do they meet the *frequency or intensity requirements*?

The tricky part of the new definition is in understanding if someone is unsupervised. In some sports the concept of supervision can be difficult to define. For example, you may have a head coach and an assistant coach; in large part the work of the assistant coach is supervised by the head coach – however the assistant coach may also take a group of children off to a different area of the gym or sports field to work on specific skills. In this scenario the assistant coach may not be in sight or hearing of the head coach and it may therefore be unclear whether he/she is supervised or not.

The Government has stipulated that the level of supervision should be determined by the organisation to the degree that was reasonable to protect children. As an organisation, the BGA has been entrusted with the responsibility of defining supervision in a way that is appropriate for our context and environment.

In gliding, this is easier to define by the nature of our sport. A number of our individual instructors do provide *teaching, training or instructing* to children (defined as under 18 years- Children Act 1989), this does happen *frequently* can happen *intensively* (and supervising someone instructing a young person in flying in a glider at several thousand feet or less just isn't possible!). This definition can also apply to those club members who run or work with cadet or youth groups as they will be *supervising children*. These are the examples in gliding which should be considered as Regulated Activities as they will be unsupervised.

Changes to Criminal Records Bureau (CRB) checking and Independent Safeguarding Authority (ISA)

From 1st December 2012, a new system, the **Disclosure and Barring Service (DBS)**, for checking individuals comes into force.

The work of the CRB and of the ISA will be merged into a single, new non-departmental public body. This will be called the Disclosure and Barring Service (DBS). The DBS will carry out the CRB's and ISA's functions, so this will not represent a change to the services received; instead it will provide a joined-up service to combine the criminal records and barring functions. The DBS was established under the Protection of Freedoms Act 2012.

What Will Change?

1. Rebranding: There will be a rebranding exercise and the new DBS logo will be introduced to many existing documents.
2. Application Form: There are some changes to the application form, certificate and some of the language which is currently used by CRB.

What Will Happen During the Transition Period?

The service and processes currently provided by the CRB are not changing as a result of the merger. CRB will continue to deliver their services to customers as normal throughout the transition period and CRB disclosures will remain valid.

Please Note: Existing CRB application forms can be used up until 28 February 2013, at which point you must start using the new style DBS application forms. This will be managed by Momentum for the BGA should you use this service, or by your own local service.

How Will This Work in Practice?

- a) Employers and other organisations must not allow a person who they know has been barred by the ISA (or DBS from 1st December) to engage in regulated activity;
- b) Everyone within the previous definition of regulated activity will remain eligible for enhanced criminal records checks. However, enhanced disclosures for those who are no longer in regulated activity will not include barred list information

c) Note that AccessNI will continue to provide all criminal records checks for individuals in Northern Ireland.

d) An organisation can request disclosures on individuals in and out of regulated activity.

However *barred information* will only be provided for individuals who are in regulated activity.

e) An organisation is required by law to refer an individual to DBS if they remove them from regulated activity because they have caused harm or because they may cause harm to a child or an adult at risk.

In Summary:

Individuals defined as **unsupervised** will be classed as in **regulated activity**. You will be able to ask for a CRB disclosure on them and you **will** be able to ask for a barred list check on them.

Individuals defined as **supervised** will **not** be classed as in **regulated activity**. You will be able to ask for a CRB disclosure on them but you **will not** be able to ask for a barred list check on them.

What Next?

There will be further changes in 2013. Possibly the most significant of these will be portability of CRB/DBS disclosures. We have already made CRB checks portable within the BGA as you are aware and this will continue as before.

If you wish to discuss any of these issues, please contact the BGA Child Protection lead, Karon Matten on 07880 547176 or Email karon@qliding.co.uk