



## **Disclosure & Barring Service (DBS) Guidance**

There are several pieces of UK legislation that require that individuals in certain roles undergo DBS checks to ensure they are suitable to work with children or vulnerable adults. The primary pieces of legislation include:

- **Safeguarding Vulnerable Groups Act 2006** – This Act was introduced to avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and/or vulnerable adults from gaining access to them through their work
- **Protection of Freedoms Act 2012** – This Act reformed the vetting and barring system established by the Safeguarding Vulnerable Groups Act (2006) and established the DBS to replace the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

The Safeguarding Vulnerable Groups Act (2006) stipulates that certain activities involving children and/or vulnerable adults are prescribed as “regulated activity”. Those who work within these regulated activities are subject to the legislation and are required to provide a DBS certificate in order to work with children and/or vulnerable adults.

(For British Skydiving (BS) purposes, the term “young person/people” will be used rather than child/ren as we are primarily dealing with those aged between 16 – 18)

Schedule 4 of the Act provides definitions of what is defined as regulated activity, namely;

- **Schedule 4, 1(1)** *An activity is a regulated activity relating to children if it is mentioned in paragraph 2(1)*
- **Schedule 4, 2(1)** *The activities referred to in paragraph 1(1) are any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children.*

Given that skydiving is available to those aged 16 and over, there is a legal requirement for those working with 16- and 17-year-olds to be subjected to a DBS check. It is an offence under the Act to employ anyone who is barred from working with young people or adults at risk.

- **Section 9 (1)** *A person commits an offence if—*
  - (a) they<sup>1</sup> permit an individual (B) to engage in regulated activity from which B is barred,*
  - (b) they<sup>2</sup> know or has reason to believe that B is barred from that activity, and*
  - (c) B engages in the activity.*
- **Section 9 (3)** *A person guilty of an offence under this section is liable—*
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;*
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum (£5,000), or to both.*

## **BS Policy**

BS holds the safety and welfare of our members to be paramount. Therefore, it is important to ensure that those working with young people or adults at risk are suitably

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<sup>1</sup> changed from the original “he” to encompass all genders

<sup>2</sup> changed from the original “he” to encompass all genders

vetted and checked. However, BS acknowledges that a DBS check should only be made where circumstances require one and that a blanket approach is not appropriate.

All employers are entitled to request a Basic DBS check for any employee. DBS have confirmed that employment includes those who work zero-hour contracts, are self-employed and provide services, or individuals who provide services in exchange for goods or services (e.g. coaching in return for jump tickets etc). BS ***strongly recommends*** that PTOs require that all staff, whether they are working with young people or not, have a Basic DBS as minimum.

For those that will work with either young people or adults at risk, there is a requirement to have an Enhanced DBS check in place. This would include, for example, any Tandem Instructor who is jumping with a young person or adult at risk.

For those working with a young person or adult at risk for more than 4 or more days in a 30-day period, the requirements are slightly different. If the work is supervised the requirement is for an Enhanced DBS check, if the activity is unsupervised, the requirement is for an Enhanced DBS and Barred Lists check.

Therefore, BS requires that all those working with young people or adults at risk ***must*** have either an Enhanced DBS check or an Enhanced DBS with Barred Lists check in place, as appropriate. The flow chart at [Appendix A](#) provides details of when each check is required.

### **Types of DBS Check**

The types of check are as follows:

- a basic check, which shows unspent convictions and conditional cautions
- a standard check, which shows spent and unspent convictions and adult cautions, from the Police National Computer which have not been filtered in line with UK legislation.

- an enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role
- an enhanced check with a check of the barred lists, which shows the same as an enhanced check plus whether the applicant is on the adults' barred list, children's barred list or both

Guidance on when a conviction is spent is at [Appendix B](#).

### **Existing DBS certificates from other sources**

It may be the case that a staff member already has a DBS certificate obtained by virtue of another employer, e.g. a teacher will have a DBS certificate obtained by the education provider. In these cases, provided that the certificate is for the correct check for the role (as per the flowchart above) and was conducted within the last 3 years, it is acceptable if it is provided by one of the following organisations.

- British military
- An education provider (school, university etc)
- NHS
- The emergency services, (police, ambulance, fire brigade, coastguard)
- Another sports NGB

It is also possible that a staff member may be registered with the DBS Update Service. This allows the staff member to keep their DBS up to date and is accessible at any time. It also allows an employer to check a DBS certificate online.

### **FAQs**

**How do I get a DBS check for someone?** - If someone does not have a DBS check or has one that is not on the DBS Update Service, all DBS checks need to be completed through British Skydiving's DBS System. British Skydiving use a company, First Advantage Online Disclosures, to process all our checks. If you do not have access to the DBS System, please contact the Safeguarding Inbox (contact details below).

**How much does a DBS check cost?**

**How long is a DBS certificate valid?** There is no expiry date on a DBS certificate, however we recommend that all relevant checks are renewed every three years.

**Can I refuse a DBS check?** Yes, you can, although you will not be permitted to work with young people or adults at risk.

**What if a DBS check reveals criminal convictions?** Firstly, only the person subject to the check will get to see the actual DBS certificate, an employer will receive an email informing them that there are issues and that they should request sight of the paper certificate from the individual. The individual can refuse to supply the paper certificate, in which case they do not work with young people or adults at risk. However, they may also supply the certificate, and it is then for the employer to consider the convictions and whether they pose a risk to young clients or adults at risk. A conviction does not automatically bar someone from working with vulnerable groups. In such cases seek advice from British Skydiving's Safeguarding Team.

**I have instructors who never work with young people or adults at risk, do they need a DBS?** As an employer, you have a right to obtain a Basic DBS check if you wish to do so, but there is no requirement for an Enhanced DBS check.

#### **Useful Contact Details:**

First point of contact for all DBS enquiries:

Safeguarding Inbox Email: [safeguarding@britishskydiving.org](mailto:safeguarding@britishskydiving.org)

Organisation that processes all online checks on behalf of British Skydiving

First Advantage Online Disclosures Email: [support@onlinedisclosures.co.uk](mailto:support@onlinedisclosures.co.uk)

Tel: 0115 969 4600

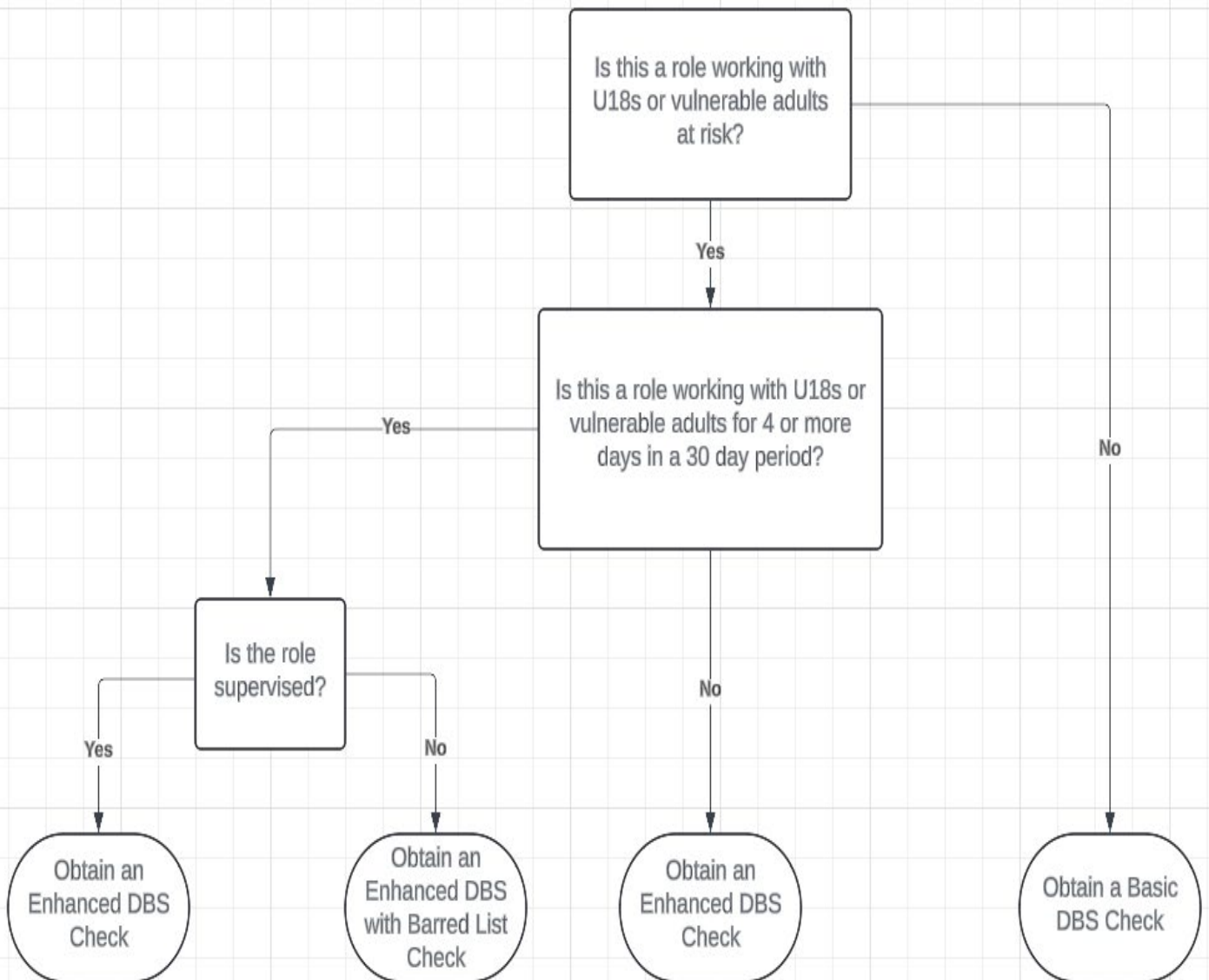
To report concerns about a person that is working with young people:

Paul Smith, British Skydiving Safeguarding & Compliance Manager

Email: [paul@britishskydiving.org](mailto:paul@britishskydiving.org)

Tel: 07572 602404

## Appendix A – Flowchart



## Appendix B – Guidance on when a conviction or caution is considered “spent”

<b>Adult</b> (at least 18 years old at the time of the conviction)	Over 4 years, or a public protection sentence	Never spent
	More than 30 months and less than or equal to 4 years	Full sentence + 7 years
	More than 6 months and less than or equal to 30 months	Full sentence + 4 years
	Less than or equal to 6 months	Full sentence + 2 years
	Community order	Full length of the order + 1 year

<b>Youth</b> (under 18 years old at the time of the conviction)	Over 4 years, or a public protection sentence	Never spent
	More than 30 months and less than or equal to 4 years	Full sentence + 3.5 years
	More than 6 months and less than or equal to 30 months	Full sentence + 2 years
	Less than or equal to 6 months	Full sentence + 18 months
	Youth rehabilitation order	Full length of the order + 6 months



