

NORTH WEST TAEKWONDO

DBS Scheme Disclosure Policy

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1. DISCLOSURE AND BARRING SERVICE (ENGLAND, WALES, THE CHANNEL ISLANDS AND THE ISLE OF MAN)

The Disclosure and Barring Service helps employers make safer recruitment decisions each year by processing and issuing DBS checks for England, Wales, the Channel Islands and the Isle of Man. DBS also maintains the adults' and children's Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity.

Safeguarding is at the heart of everything at the Disclosure and Barring Service (DBS). The work they do helps to prevent unsuitable people from working with vulnerable groups, including children.

1.1 Bills and legislation

The Rehabilitation of Offenders Act (ROA) 1974 sets out in legislation rehabilitation periods, and that individuals do not have to disclose spent convictions unless they are covered in the Rehabilitation of Offenders Act 1975 (Exceptions) Order 1975.

The Rehabilitation of Offenders Act 1975 (Exceptions) Order 1975 sets out the exceptions for when an individual can be asked about spent convictions – known as asking ‘an exempted question’.

The Safeguarding Vulnerable Groups Act 2006 sets out the scope of regulated activity and operation of the barring element of DBS, which was previously undertaken by the Independent Safeguarding Authority (ISA).

The Criminal Records Bureau, which is now part of the DBS, was established under Part V of the Police Act 1997. This was updated as a result of Part 5 of the Protection of Freedoms Act 2012.

Part 5 of the Protection of Freedoms Act 2012 covers the reduction in scope of the definition of regulated activity, new services provided by the DBS, and disregarding convictions and cautions for consensual gay sex.

1.2 Code of Practice

NWTKD complies with the Revised Code of Practice for Disclosure and Barring Service Registered Persons.

1.3 DBS checks

The DBS disclosure team carries out DBS checks (previously known as CRB checks) that result in certificates being issued to an individual. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation.

There are four levels of check:

- Basic check
- Standard check
- Enhanced check
- Enhanced check with barred list(s)

The information contained on each type of check is different.

1.3.1 Enhanced Check

An enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An enhanced check is also suitable for a small number of other roles such as taxi licence applications or people working in the Gambling Commission.

The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the DBS barred lists are checked.

The certificate may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate.

An individual cannot apply for an enhanced check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a registered body.

1.3.2 DBS Barred Lists

DBS caseworkers make decisions about who should be placed in the child barred list and/or adults barred list and are prevented by law from working with children or vulnerable groups.

Referrals should be made to DBS when an employer or organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

1.3.3 Refer someone to Disclosure and Barring Service (DBS)

Employers must refer someone to DBS if they:

- Sacked them because they harmed someone
- Sacked them or changed their role because they might have harmed someone
- Were planning to sack them for either of these reasons, but they resigned first

You're breaking the law if you don't refer someone to DBS when you should.

Contact the helpline for help referring someone to DBS.

DBS helpline: 0300 0200 190

1.3.4 Eligibility

Eligibility for standard and enhanced checks is prescribed in legislation. Recruiters should only request a DBS check on an individual when they are legally allowed to do so – they must be entitled by law to ask an individual to reveal their full criminal history, known as asking ‘an exempted question.’

An exempted question applies when the individual will be working in specific occupations, for certain licences and specified positions. These are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

There is an eligibility tool that can be used to find out what roles or activities could be eligible for a standard or enhanced check, or you can read their eligibility guidance.

1.3.5 Barring

Where requested, an enhanced certificate will also include a check of one or both of the DBS barred lists. If an individual is listed, this will appear on their DBS certificate.

It is the responsibility of the DBS to maintain these lists. This area of their work involves making fair, consistent and thorough decisions that are appropriate to the behaviour that has occurred, and considering the risk of future harm.

People are brought to the attention of the DBS barring team in one of three ways:

- **Automatic – also known as autobar**

This is when someone has been newly convicted or cautioned for a serious offence and they are considered for immediate barring, either with or without the opportunity to make representations. This information comes from the Police National Computer.

- **Disclosure**

This is when someone applies for an enhanced DBS check to work with children or adults in certain circumstances, such as those in receipt of healthcare or personal care, and the check reveals relevant information that results in the individual being considered for inclusion on one or both of the barred lists.

- **Referral**

This is when an employer, volunteer manager or other organisation has concerns that someone has either caused harm or has the potential to cause harm to vulnerable groups and submits a referral to the DBS.

Regulated activity providers (employers or volunteer managers of people working in regulated activity in England, Wales or Northern Ireland) and personnel suppliers have a legal duty to refer to DBS where conditions are met.

Referrals can be made online or via post. To submit an online referral, create a DBS online account and once logged in, select 'Submit a referral'. Alternatively, you can complete the DBS paper referral form and send to:

Disclosure and Barring Service

PO Box 3963

Royal Wootton Bassett

SN4 4HH

It is important that anyone referring someone to DBS provides as much information as possible. More information regarding barring referrals can be found [here](#).

1.3.6 Barring Representations

Where an individual is the subject of any of the above three barring referral types (excluding 'autobar without representation'), the individual will be given the opportunity to provide representations as to why they feel it would be inappropriate or disproportionate for the DBS to include them in one or both of the barred lists.

The DBS will consider the representations before making a final barring decision.

1.3.7 Test for Regulated Activity

The DBS can only bar a person from working within regulated activity with children or adults if they believe the person is, has been, or might in the future be, engaged in regulated activity.

The only exception to this is where a person is cautioned or convicted for a relevant (automatic barring) offence and is not eligible to submit representations against their inclusion on a barred list.

Where a person is cautioned or convicted of a relevant (automatic barring) offence with the right to make representations, the DBS will ask the person to submit their representations and consider them before making a final barring decision.

1.4 DBS Certificate Reprints

DBS can't process a reprint request if:

- The certificate has been accidentally lost or destroyed after you received it
- The DBS certificate was issued more than 3 months ago (93 days). A new DBS check application will need to be submitted with the appropriate fee if a certificate is still needed
- A reprint of the certificate has already been dispatched and the copy has not been received

We can process your request if all of the following points apply:

- Your DBS certificate was issued over 14 days ago, but you haven't received it. You can find out the date your certificate was issued on through online tracking

- The reprint request has been made within 3 months (93 days) of the date of issue of your certificate
- The address you request your certificate to be reprinted and sent to matches the address on your DBS application.

If you have moved address since your application was submitted you will need to set up mail redirection before requesting a DBS certificate reprint. Go to the Royal Mail website for more information on how to do this. The address you gave us on your DBS application can't be changed.

If your reprint request meets the criteria complete the relevant reprint form and email it to DBSReprints@db.gov.uk.

1.5 Update Service

The Update Service is an online subscription, for standard and enhanced checks only, that allows applicants to keep their DBS certificates up to date and allows employers to view an applicant's certificate.

The Update Service cannot currently be used for basic checks. The service is for standard and enhanced DBS checks only.

The Disclosure and Barring Service (DBS) Update Service allows:

- Applicants to keep their DBS certificates up to date
- Employers to check a DBS certificate

You need to request a new DBS check in a different way.

1.5.1 Register

You need to register for the Update Service.

It costs £13 per year and you can pay by debit or credit card. There's no charge if you're a volunteer.

1.5.2 If you are in the process of getting a standard or enhanced DBS check

You will need your application reference number (called 'form ref' on your application form).

DBS must receive your application form within 28 days.

You can use the DBS tracking service to check the progress of your DBS certificate.

1.5.3 If you already have a standard or enhanced DBS certificate

You will need your certificate number. You must register for the Update Service within 30 days of the certificate being issued.

1.5.4 For basic DBS checks

For basic checks, register for an online services account instead of using the Update Service.

1.5.5 Sign in

Once you've registered, you can sign in to the Update Service to:

- Add or remove a certificate
- Give employers permission to check if anything's changed on your certificate
- See who's checked if anything's changed on your certificate
- View your details

You'll be able to take your DBS certificate from one job to the next, unless:

- An employer asks you to get a new certificate
- You need a certificate for a different type of 'workforce' (for example, you have an 'adult workforce' certificate and need a 'child workforce' certificate)
- You need a different level certificate (for example, you have a standard DBS certificate and need an enhanced one)

The employer can tell you what DBS certificate they need you to have.

1.5.6 Renew your subscription

A subscription to the Update Service lasts for one year.

You can renew your subscription through the Update Service, either:

- When you first register, by choosing automatic renewal
- Up to 30 days before your current subscription ends - but you cannot renew on the last day of your subscription

Sign in to your account to renew your subscription.

If you do not renew your subscription before it ends, you'll need to apply for a new DBS check and register for the Update Service again.

1.5.7 Employers and other organisations

To check a DBS certificate status online, employers and other organisations must:

- Be legally entitled to carry out a check
- Have the worker's permission

You do not need to pay or register to carry out a status check. You can see the results from the check straight away.

1.5 Change in Circumstances

As an Instructor or Volunteer associated with North West TaeKwonDo if you are linked to any activities that may bring NWTKD into disrepute, then you must inform the Chief Instructor. NWTKD will then assess the activities and follow any applicable processes based on the circumstances.

1.6 WHO DBS WORK WITH

The DBS works with a number of different organisations and departments, including but not limited to:

- Police forces in England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man – the police provide information that is held locally, or on the Police National Computer
- ACRO Criminal Records Office (ACRO) – manages criminal record information and improves the exchange of criminal records and biometric information
- Responsible Organisations – a responsible organisation is an organisation that has registered with the DBS to submit basic DBS checks
- Registered bodies - a registered body is an organisation that has registered with the DBS to submit standard and enhanced checks and is entitled by law to ask an individual to reveal their full criminal history – also known as asking ‘an exempted question’.

2. USING DBS DISCLOSURES

The existence of a comprehensive Disclosure service should not be regarded as a substitute for any of the full range of existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history. Disclosures should be seen as complementary to existing recruitment practice and should only be sought when any person applies for a position within NWTKD that involves contact with children or Adults at Risk either as an instructor or any other position including volunteers.

3. NWTKD DBS SCHEME SIGNATORIES

3.1 Lead Counter signatories

Each Registered Body is required to designate a Lead Counter signatory to register the organisation and manage Disclosure applications.

A Lead Counter signatory is a senior person within the organisation who has the level of responsibility for making executive decisions. He/she will be the DBS Scheme's principal point of contact on all matters connected with registration and the use of the Disclosure information received.

The Lead Counter signatory will be required to comply with Disclosure checks exceeding that of Enhanced Disclosure to satisfy the DBS/PVG Scheme of his/her suitability for the position.

The Lead Counter signatory for NWTKD is Mr Elliott Walker.

3.2 Counter signatories

The Lead Counter signatory will specify and select the person(s) to assist in the Disclosure application process. This process includes an Enhanced Disclosure check.

The Counter signatory will be able to countersign applications and receive the Disclosures on behalf of the Registered Body. They will be held responsible for controlling the use, access and security of Disclosures.

The Counter signatory for NWTKD is Miss Chloe Bevan

4. HOW NWTKD DEALS WITH DISCLOSURE SCHEME APPLICATION FORMS

The DBS Scheme assist North West TaeKwonDo in implementing the Safeguarding – Protecting Children and Adults at Risk Policy by identifying, through the Disclosure services, individuals who may be unsuitable for working with children under the age of 18 years and / or adults at risk.

Under North West TaeKwonDo Safeguarding – Protecting Children and Adults at Risk Policy Implementation Procedures, all staff and volunteers throughout North West TaeKwonDo who have substantial / unsupervised access to young people under 18 years of age and / or adults at risk, must apply for disclosure. This check, which is a MANDATORY REQUIREMENT, will be facilitated on behalf of the art/sport, both amateur and professional, by North West TaeKwonDo, who are a registered body with the Disclosure and Barring Service (DBS) (England and Wales).

Association Safeguarding Officers will undertake risk assessments to determine which roles require a DBS check. This will be kept under review.

The Disclosure form must be completed online, a link will be sent from the Lead Counter Signatory. The individual must then complete the form online, the designated person must then verify the applicant's proof of identity by viewing original documents such as birth certificate, passport, driving licence etc. (as per Disclosure ID guidelines).

When the application form is completed and ID checks confirmed, the form will then be processed online and NWTKD Counter signatories, who will check and then countersign the application.

It must be stressed that the offences North West TaeKwonDo will be concerned with will relate strictly to the suitability of working with children and/or adults at risk.

Where offences do appear, all applications will be treated on their own merits. Please read this document carefully. If you have any questions regarding the Disclosure process, please contact North West TaeKwonDo on 07956 000 173 or check the Government website.

The NWTKD require all personnel that are eligible to complete a Disclosure should do so every three years.

5. HOW TAEKWONDO QUALIFIES AS A REGULATED ACTIVITY

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012). Regulated activity still excludes family arrangements, and personal, non-commercial arrangements.

Regulated activity is:

Unsupervised contact with children or adults at risk which is of a specified nature (teaching, training, coaching, instructing, transport, care or first aid treatment)

OR

In a specified place (school, training hall, leisure centre, children's homes, hospitals) and is undertaken regularly ie, occurs frequently, intensively and / or overnight, ie once a week or more or four days in a month or more, with overnight as between 2pm and 6am.

Regulated activity is work that a barred person must not do.

Any organisation which knowingly allows a barred person to work in a regulated activity will be breaking the law. The minimum age for a Disclosure Scheme check is 16 years of age.

The role of a Taekwondo instructor comes under the definition of a regulated activity.

6. APPLYING FOR DISCLOSURE VIA NWTKD

As the NWTKD meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who apply to become an instructor, and any existing instructor or volunteers who have contact with children/adults at risk, will be subject to a disclosure check from the DBS, in accordance with eligibility criteria before acceptance.

The DBS return the Disclosure to the applicant direct, who is then responsible for sending a full scanned copy to the NWTKD Registered Instructor Course Tutor, who will forward it immediately upon receipt to the NWTKD Lead Counter signatory.

The NWTKD does not validate teaching/coaching of Taekwondo prior to confirmation of Registered Instructor status.

7. PEOPLE BANNED FROM WORKING WITH CHILDREN AND ADULTS AT RISK WITHIN

THE NWTKD Under the Protection of Children Act 1989 and the Criminal Justice and Court Services Act 2000, a number of people are banned from working with children and adults at risk. NWTKD will refuse any instructor included in or guilty of an offence on the following list:

- o Department for Education & Social Services (DfES) List 99
- o Department of Health (DoH) List
- o Specified Schedule Four offences:
 - Murder or manslaughter

- Rape, burglary with intent to commit rape
- Grievous Bodily Harm (GBH)
- Cruelty to Children
- Kidnapping
- False imprisonment/abduction
- Indecent assault on a man or woman
- Abuse of trust
- Sexual intercourse with a child under 13 years
- Intercourse with a girl aged between 13 and 16 years
- Buggery with a child under 16 years
- Incest and related offences
- Assault with intent to commit buggery
- Indecency with children under the age of 14 years
- Offences relating to encouraging child prostitution
- Offences relating to child pornography

The term 'Working with Children' covers a number of areas. The area of concern for NWTKD is training, coaching, supervision or being in sole charge of children and/or adults at risk. To this end, the NWTKD propose the following be added to the mandatory list of persons unsuitable to become instructors:

- GBH
- Violent conduct
- Drug dealing
- Any of the above that has incurred a custodial sentence in the last five years

8. DISCLOSURE APPLICATION GUIDE

Please ensure you have the correct form:

- England, Wales, the Channel Islands and the Isle of Man – DBS Apply online, a link will be sent to you to start your application.

9. DISPOSAL

NWTKD staff handle all information provided to them by Disclosure Schemes, as a consequence of applying for a Disclosure Scheme product, in line with the obligations under the Codes of Practice (detailed above) and the General Data Protection Regulation 2018 (see NWTKD Data Protection Policy).