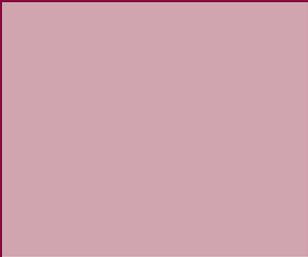




Disclosure &
Barring Service

DBS checks in Sport – Working with Adults



This leaflet looks at the eligibility of a range of roles across the sporting sector based on generic descriptions of the roles and their responsibilities. This guidance would apply whether the applicants are in paid or unpaid work.

It may be that people within your organisation carry out additional duties to those outlined in this publication. If this is the case, then you should refer to our online eligibility tool and guidance. If there are people in your organisation in different roles but who perform similar duties to those in this leaflet, you should also refer to our online guidance as they may be eligible for the same level of check.

This information can be found on our website at:

www.gov.uk/government/collections/dbs-eligibility-guidance

This guidance relates to obtaining criminal record checks in England, Wales, the Channel Islands and the Isle of Man. Information on checks available in Scotland can be obtained from **Disclosure Scotland**. Information on checks available in Northern Ireland can be obtained from **Access NI**.

Eligibility

Access to Disclosure and Barring Service (DBS) checks is controlled by the law.

As a general position, eligibility to apply for a DBS check is not based on an applicant's job title but is established by looking at the activities and responsibilities carried out by each individual role. It's important to make sure that legislation allows a DBS check to be submitted to make sure the applicant's data protection rights are not breached.

The organisation deciding whether the applicant is suitable for the role is also responsible for working out the level of check the role is eligible for.

Applicants can't apply directly to the DBS for their own standard or enhanced check. There must be an organisation making the decision about whether the applicant is suitable for the role to process an application for these levels of check.

Where eligibility for a standard or enhanced check doesn't exist then a basic check can be requested – there are no restrictions on who can apply for this.

Applicants can apply for their own basic check via our website. They may also apply via a responsible organisation. Basic checks provide details of unspent convictions.

Specific roles in the sporting sector

Below are some examples showing how eligibility can be applied to some roles in the sports sector. Legislation sets out what is regulated activity, and what is 'work with adults'. To see more about what is meant by regulated activity see [Annexe A](#), and for 'work with adults' see [Annexe B](#).

Health care professionals in sports

There are a number of roles in the sporting sector that provide health care, such as physiotherapists, psychotherapists, first aid organisations, club doctors/nurses etc, where eligibility exists for these individuals to be asked to apply for a DBS check.

Anyone who is providing health care to adults, **and** is a regulated health care professional or working under the direction or supervision of a regulated health care professional, is carrying out regulated activity with adults (See **Annexe A** for more info on this). It doesn't matter how often this health care is being provided for the eligibility criteria to be met.

This means that an applicant providing health care to adults can be asked to apply for an enhanced check with an adults' barred list check.

To be working under the direction of a health care professional, the applicant would need to be receiving direct instructions from the health care professional about how to treat the client whilst the health care is being provided.

Working under the supervision of a health care professional would require the applicant to have the health care professional with them at the point that they are providing the treatment to the client.

Health care provided by **first aiders** is only regulated activity if it is provided on behalf of an organisation set up for the purpose of providing first aid e.g. St John Ambulance.

This does not apply to applicants who volunteer to be first aiders alongside their primary role.



Other roles working with adults

To be eligible when working with adults in a sports environment, in a role that isn't providing health care, an applicant must meet specific requirements that are set out in the Police Act 1997 (Criminal Records) Regulations 2002, as amended.

This defines work with adults as providing 'any activity in paragraph 6, to an adult that receives a health or social care service in paragraph 9, or a specified activity in paragraph 10', as long as they are doing it often enough.

More information about what these paragraphs say and how often an activity must be done can be found in the steps in **Annexe B**.

Below are some examples of how the criteria for work with adults could apply to a selection of roles.

Coaches

The coach for an adults' football team set up specifically for blind people may be eligible for an enhanced check without a check of the adults' barred list, as long as the coach is doing this often enough, and the organisation employing them has a reasonable expectation that most of the adults are receiving a health care or social care service (See [Annexe B](#)).

This is because the coach is providing training specifically for adults receiving a health care or social care service.

If this football team is mostly made up of adults that are not receiving a health care or social care service, then the coach could only apply for a basic check.

Referees, umpires and other officials

The role of sports official is not specifically mentioned in legislation as eligible for a DBS check which means that each role must be considered on an individual basis. This is because an official's responsibilities can vary between sports and clubs.

A referee in a wheelchair basketball league may be eligible for an enhanced check without a check of the adults' barred list. The organisation running the league must have a reasonable expectation that a majority of the adults are receiving a health care or social care service. The referee's role must include caring for or supervising the players, and they must be doing this often enough (See [Annexe B](#)).

If the league is mostly made up of adults that are not receiving a health care or social care service then the referee could only apply for a basic check.

Sports therapists

If a sports club employs anyone whose role includes performing and providing sports massages for adult teams, or any individual adults, the sports club could request an enhanced check without an adults' barred list check.

This is because the sports therapist is providing a form of treatment, the adult is in receipt of a health and social care service by receiving that treatment, and the therapist is doing this often enough to meet all the criteria in the Steps in **Annexe B**.

Reporting concerns to the DBS

If an organisation employs people, paid or unpaid, who are carrying out regulated activity (see **Annexe A**), in the event that they have to remove someone from this activity because of their behaviour, they must inform DBS about this. This is called a duty to refer, and an organisation has a legal obligation to refer individuals to DBS if they believe a person has caused harm or poses a future risk of harm to children or adults.

Failing to provide this information when there is a duty to do so is an offence as in the wording of section 38 of the Safeguarding Vulnerable Groups Act 2006.

If you are uncertain about your duty to refer you should seek legal advice.

More information about making referrals can be found on our website at:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

Annexe A – Definition of regulated activity with adults

Anyone carrying out an activity that's covered by the definition of regulated activity with adults can be asked to apply for an enhanced check including an adults' barred list check.

The following activities are regulated activities with adults; regardless of how often they are carried out:

1. Providing health care to an adult by, or under the direction or supervision of, a regulated health care professional
 - To be working under the direction of a health care professional, the applicant would need to be receiving direct instructions from the health care professional about how to treat the client whilst the health care is being provided.
 - Under the supervision of a health care professional would require the applicant to have the health care professional with them at the point that they are providing the treatment to the client.
2. Providing personal care; made up of:
 - a) physical assistance with eating, drinking, toileting, washing, bathing, dressing, oral care or the care of skin, hair or nails for adults who can't carry this out themselves because of the adult's age, illness or disability
 - b) prompting and then supervising with eating, drinking, toileting, washing, bathing, dressing, oral care or the care of skin, hair or nails for adults who can't decide to do this for themselves because of the adult's age, illness or disability

- c) training, instructing, providing advice or providing guidance on how to physically assist an adult with eating, drinking, toileting, washing, bathing, dressing, oral care or the care of skin, hair or nails for adults who can't carry this out themselves because of the adult's age, illness or disability
- 3. Providing social work by a social care worker of relevant social work to an adult who is a client or potential client,
- 4. Assisting an adult who can't manage themselves because of their age, illness or disability with the day-to-day running of their household relating to:
 - a) managing the adult's cash;
 - b) paying the adult's bills;
 - c) shopping.
- 5. Assistance in the conduct of an adult's own affairs, where:
 - a) a lasting power of attorney is created
 - b) an enduring power of attorney is registered or applied for
 - c) the Court of Protection has made an order in relation to the making of decisions on the adult's behalf
 - d) an independent mental health or mental capacity advocate is appointed
 - e) independent advocacy services are provided
 - f) a representative is appointed to receive benefits payments on the adult's behalf
- 6. Conveying adults to, from or between health care, personal care and/or social work services who can't convey themselves because of their age, illness or disability
- 7. Day to day management or supervision of anyone carrying out any of the activities listed in 1-6 above.

Annexe B – Definition of work with adults

An applicant will be performing work with adults if they meet the criteria in the 3 steps mentioned below.

Step 1 – Who is the applicant working with?

An applicant must be carrying out an activity for adults who are currently receiving a health or social care service in paragraph 9, or a specified activity in paragraph 10.

Paragraph 9:

- a) Residential accommodation for an adult in connection with any care or nursing they require
- b) Accommodation for an adult who is or has been a pupil at a residential special school
- c) Sheltered housing
- d) Any form of care, or assistance provided because of an adult's age, health or disability they have, that is provided to the adult in the place that they live.
- e) Any form of health care, including treatment, therapy or palliative care of any kind
- f) Support, assistance or advice to help develop or sustain an adult's capacity to live independently in accommodation
- g) Any service provided specifically for adults because of their age, any disability, physical or mental illness. This excludes the following disabilities:
 - i. Dyslexia;
 - ii. Dyscalculia;
 - iii. Dyspraxia;
 - iv. Irlen syndrome;
 - v. Alexia;
 - vi. Auditory processing disorder;
 - vii. Dysgraphia.

- h) Any service provided specifically to expectant or nursing mothers who are in receipt of residential accommodation.

If someone is performing an activity with an adult who is receiving a service in paragraph 9, turn to Step 2.

If the adults are not in receipt of a service in paragraph 9, check if they are receiving a service in paragraph 10.

Paragraph 10:

The detention of an adult in a prison, a remand centre, young offender institution, a secure training centre, or an attendance centre

- a) The detention of a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999) who is detained in a removal centre or short term holding facility or in pursuance of escort arrangements made under that Act;
- b) The supervision of an adult under a court order by a person acting for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000;
- c) The supervision of an adult by a person acting for the purposes mentioned in section 1(1) of the Offender Management Act 2007;
- d) Providing assistance to an adult with the conduct of their affairs in situations where:
 - i. a lasting power of attorney is created in respect of the adult in accordance with section 9 of the Mental Capacity Act 2005 or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of the adult;

- ii. an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the adult is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of the adult;
 - iii. an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on the adult's behalf, or such an order has been applied for;
 - iv. an independent mental capacity advocate is or is to be appointed in respect of the adult in pursuance of arrangements under section 35 of that Act;
 - v. independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006 are or are to be provided in respect of the adult; or
 - vi. a representative is or is to be appointed to receive payments on the adult's behalf in pursuance of regulations made under the Social Security Administration Act 1992;
- e) Payments are made to the adult or to another person on the adult's behalf under arrangements made under section 57 of the Health and Social Care Act 2001;
- b) Payments are made to the adult or to another person on the adult's behalf under section 12A(1) or under regulations made under section 12A(a) of the National Health Service Act 2006, or under regulations made under section 12A(4) of that Act.

If someone is performing an activity with an adult who is receiving a service in paragraph 10, turn to Step 2.

If the adults are not in receipt of a service in either paragraph 9 or 10, the person working with them can only apply for a basic check.

Step 2 – What is the activity?

If the adults are receiving a health and social care service, or a specified activity from the paragraphs in step 1, then the activity being provided to those adults should be considered. A person must be doing one of the following activities in paragraph 6:

Paragraph 6:

- a) Providing any form of care or supervision
- b) Providing any form of treatment or therapy
- c) Providing any form of training, teaching, instruction, assistance, advice or guidance wholly or mainly for adults in step 1.
- d) Moderating a public electronic interactive communication service to be used wholly or mainly by adults in step 1.
- e) Doing any form of work in a care home if the person doing the work has the chance to have contact with the residents
- f) Providing representation or advocacy services
- g) Conveying adults, even if they are accompanied by someone caring for them

If someone is performing one of the activities above, turn to Step 3.

If they are not performing one of these activities, they can only apply for a basic check.



Step 3 – How often is it being done?

If the adults are receiving a service or activity from Step 1 and the individual is providing an activity for them from Step 2; then they need to be providing this activity often enough to meet the requirement for work with adults.

This requirement is met if the person carrying out the activity is doing it:

- a) at any time on more than 3 days in any period of 30 days; or
- b) at any time between 2am and 6am and the activity gives the person the opportunity to have face-to-face contact with the adult; or
- c) at least once a week on an ongoing basis.

If the applicant meets the requirements in all of these steps, they are carrying out what is referred to for DBS checking purposes as work with adults.

This means they would be eligible to be asked to apply for an enhanced level check. There's no access to an adults' barred list check for anyone carrying out work with adults.

Each case should be treated on an individual basis. Detailed guidance on work with adults can be found in the Adult Workforce Guide on our website below:

www.gov.uk/government/publications/dbs-workforce-guidance

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

Further information can be found on the DBS website. The following sites may be useful.

www.gov.uk/find-out-dbs-check (Our eligibility tool)

Information about the Adult Workforce guide:

<https://www.gov.uk/government/publications/dbs-workforce-guidance>



Disclosure & Barring Service

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