



Criminal Records Checks FAQ

March 2018

England and Wales

The Criminal records bureau has now become the DBS (Disclosure and Barring Service). The new Protection of Freedoms Act 2012, which changed some aspects of child protection law, is now in force. The BKA have revised their criminal records policies to keep up with changes in the law.

Scotland

Scotland has its own scheme under the 2006 Protection of Vulnerable Groups Act, run by Disclosure Scotland. There are some significant differences, so the BKA has adopted a different policy for Scotland.

Northern Ireland

Access NI has its own system of checks which work in the same way as DBS checks but are not portable/updateable online. However, NI members can apply for enhanced checks via the BKA to the DBS.

1. What is the point of criminal records checks?

- To comply with the law
- To fulfil the BKA duty to safeguard juniors
- Insurance purposes

The BKA has a legal duty to ensure that those coaching juniors on its behalf are suitable to work with children. Until the 2012 Act (in England, Wales and Northern Ireland) it was not specifically stated how this should be carried out, but the BKA procedure is:

Shodan, L1 coaching requirement, nominated by dojo leader to teach + criminal records check.

The requirement for an enhanced (+ vetting and barring) check in some circumstances is compulsory. There are other areas where someone may have an enhanced check but it is discretionary. It is an offence to ask for an enhanced +V&B check if someone isn't eligible, and also to appoint a 'barred' person without carrying out due diligence procedures.

Where a check is discretionary, the BKA might still ask for one to fulfil its general legal duties.

In Scotland there is a general legal duty plus a duty imposed by the 2006 Act to check in some circumstances that a person is not on the 'barred from working with children' list. This can either be done by joining the PVG scheme or by a DBS check. Where possible, the BKA prefers members to join the PVG scheme as some training venues may be reluctant to accept DBS checks.

2. Are checks required for teaching 'vulnerable adults'?

- England, Wales and Northern Ireland
The definition of vulnerable adult has been narrowed by the 2012 Act, to include only those people in receipt of help with basic/welfare tasks or health needs and only while they are receiving those services. Therefore the BKAs activities do not fall within this description.

- Scotland
s94 of the 2006 Act has been amended in a similar way, so that a protected adult is someone in receipt of health/welfare services, whilst receiving those services.

For adults with additional needs but not within this definition, refer to the BKA Equality & Diversity policy.

3. Who are DDC Ltd and why are they involved? Who do I contact to apply and how long does it take?

As the BKA takes out fewer than 100 checks per year it must use an 'umbrella' body to apply for the checks on its behalf. The BKA use DDC Ltd. They handle the ID documents, contact with the DBS or Disclosure Scotland and assist in looking at any past convictions which may show up on the certificate.

You can only apply if nominated to coach juniors by your dojo leader. You must have passed L1 coaching. Applicants should provide the Child Protection Officer (CPO) with their details (full name, D.O.B., address, contact details including email/mobile, BKA no., confirmation of nomination by dojo leader. The CPO will then contact DDC who will then send the applicant the necessary information.

Both DBS checks and PVG application can be done within 2-3 weeks provided that the necessary ID documentation is sent promptly by the applicant. DDC will usually send back your ID within a few days.

4. What happens if I have convictions?

- 'Spent' convictions
The DBS now (mostly) filter out any convictions which are not relevant to child protection. However, if there are multiple convictions, this does not apply. Unless the convictions are relevant to child protection, spent convictions will not mean that an applicant is turned down as a coach, and no record is kept of them. However DDC Ltd will need to see the original certificate in these circumstances because the DBS no longer tell them what the convictions are.
- Other convictions
The BKA has to make a decision on whether you are a suitable person to coach. Very serious convictions, sexual offences and offences against children are likely to mean that legally you would not be able to coach. For other offences, whether you can be accepted may depend on the type of offence, when it was committed, changes in circumstances and relevance to child protection. You should discuss the situation with your dojo leader and with the Child Protection Officer before you make an application.

5. I am opening a dojo: do I need a check?

Basically if you intend to teach young people under the age of 18 regularly, and will be in loco parentis, you will need a check.

If your dojo is a 'junior' dojo (specifically or mainly for juniors), all coaches will need checks in place when the dojo opens, or PVG membership in Scotland.

If your dojo is 'mixed age'- i.e. it is aimed at adults, but you will accept juniors if they want to join, the dojo leader or main coach (i.e. person who will be in loco parentis) should apply for a check on the basis that he/she intends to teach juniors. The other coaches may apply when there are juniors actually attending who they teach frequently/regularly.

In Scotland there is no provision for teaching under supervision and so all coaches may need to join the PVG. If juniors are a minority in the dojo and taught with adults you should contact the CPO for advice on PVG membership.

The BKA policy is for at least one person to have PVG membership or an enhanced DBS check in each dojo where juniors are members.

If you are opening an 18+ dojo, you will not need a check.

6. I already have a DBS check, how and when do I renew?

This depends on where you got your DBS check and if you are subscribed to the new DBS updating service;

- How
 - a. Through the BKA, not subscribed
Contact the Child Protection Officer (CPO) and update them with any significant changes e.g. address, contact details. They will contact DDC, who will ask you to fill in an application form and send ID documents.
 - b. Through the BKA, subscribed
If you had your check from September 2013, you might have subscribed to the updating service. If you have maintained a subscription to this then you may not need to send off ID, you can just give your subscription information and consent to the BKA (CPO) to ask for an update. The disadvantage of this method is that it does not provide you with a new certificate to show venues.
 - c. Not through BKA and not subscribed
If your enhanced certificate was obtained in the last 3 years you can rely on it but the CPO (or BKA officer agreed with them) will need to see the original. Otherwise you can apply for a new one through the BKA if you wish.
 - d. Not through BKA and subscribed
The BKA can now ask for an update to your existing certificate and can obtain one as described in (b) except that you may need to produce evidence of ID. Alternatively you could apply for a new certificate through the BKA.
 - e. PVG (Scotland - through BKA)
You do not need to do anything, the PVG automatically notifies the provider of any changes.
 - f. PVG (not with BKA)
The BKA can ask for a scheme record update. This should be done every 3 years and the first one may require ID documents through DDC. Contact the CPO to arrange.
- When?
DBS certificates don't 'expire' as such, they just gradually go out of date. As a general rule, the BKA seeks to update its members' criminal records every 3 years where necessary
 - a. If you teach juniors regularly - every 3 years.
 - b. If you occasionally have junior members but at the 3 year period you have none and have had none for 1 year previously - you can rely on the existing certificate until you have a junior attending regularly, when you should reapply/update.
 - c. If you have a certificate through another organisation which is renewed at an interval between 3 and 5 years please contact CPO for advice.

7. Who Pays?

There is no fee for the enhanced DBS certificate for volunteers, but DDC charge admin fees of around £22 plus VAT. If you obtain your enhanced certificate through the BKA, it will pay for the number of certificates legally required for your dojo. In this case the fees are paid direct to DDC, there is no need for you to send them any money.

If you want to obtain a certificate but your dojo is covered already, you may do this through the BKA but will need to pay fees to DDC.

There are fees associated with joining the PVG, which the BKA will pay via DDC where the BKA member is legally obliged to join the PVG.

8. Can I use a check done at work for DBS purposes?

This depends on the type of certificate- if it is a full enhanced (with vetting and barring), then you may be able to- see 6(c) and (d) above. Basic checks are not useable, and nor are other types of vetting which are not under the DBS - the 2012 Act specifies a DBS check. (PVG would be an exception).

9. We teach children in our dojo: do all coaches need to be checked?

Not necessarily.

- In 'junior' dojo the expectation would be that all coaches would be checked or in the PVG scheme.
- In 'mixed age' dojo however:
 - a. If someone does not teach the juniors they do not need a check.
 - b. In England, Wales and Northern Ireland - someone who only ever teaches under the direct supervision of a checked person, will not require a check. This person will not be able to cover for the main coach in their absence.

This should be recorded by the dojo, and the person may need to apply for a check if the situation changes.
 - c. Scotland - in mixed age dojo with less than 50% juniors: usually the BKA will require at least one person per dojo to be a member of PVG or DBS enhanced checked. Other coaches may need to be depending on the circumstances. Contact CPO for advice.

10. I teach children very occasionally, do I need a check?

If you teach juniors less than about once a month, you do not necessarily need a check.

Therefore someone who only teaches at seminars will not need a check, unless the seminar is aimed at children specifically or is 50% + juniors, and is running for more than 4 days in a 30 day period, or overnight.

There will need to be at least one person present per event who has an enhanced DBS check or PVG membership however.

11. I don't teach children, and don't intend to- can I have a check done anyway?

You cannot have an enhanced check unless you regularly teach children; it is a criminal offence for the BKA to ask for one.

Anyone can apply for a basic check (through Disclosure Scotland). This is acceptable for shogo purposes. You can make the application online and upload documents rather than sending them off; DDC need not be involved and there will be a £26 fee which you will have to pay.

Anyone in possession of a check already can use it for shogo purposes.

Useful links:

BKA Child Protection Policy and related documents can be found in the "Resources" section of the BKA website under the "Legal" heading at <http://www.britishkendoassociation.com/resources/>.

Other useful information:

www.disclosurescotland.co.uk/faq

<https://www.gov.uk/disclosure-barring-service-check/overview>