



Policy Statement

This is to confirm that **Erdington Gymnastics Club T/A North Birmingham Community Gymnastics** has adopted the British Gymnastics Criminal Record Checks, Policy and Guidelines

Version 13

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Criminal Record Checks Policy and Guidelines

Version 13 2024

Approved by	Owner	Dept	Date
Board	Head of Welfare & Safe Sport	Welfare and Safe Sport	08 April 2024

Version	Summary of Changes	Document Status	Date
V9.0	Approved	Live	14 March 2014
V10.0	Minor updates	Live	2019
V11.0	Terminology Change from Helper to Unqualified Assistant	Live	2021
V12.0	Full review and reformatting of the policy. Incorporation of new Support Services roles that are now required to register with British Gymnastics. Revised guidance on when each type of Criminal Record Check is required and available dependent on whether the check is via the DBS or Access NI. New responsibilities for clubs and affiliated organisations. Requirement for a basic check in NI where an Enhanced check without barred list is not available.	Live	21 June 2023
V13.0	Change of scope of policy to no longer apply to Welsh Gymnastics and clubs in Wales as Welsh Gymnastics have their own policy and alternative provider.	Live	08 April 2024

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1. Background

- 1.1 Criminal record checks are a key part of safe recruitment practice that help to ensure an individual is suitability of a particular role.
- 1.2 The Disclosure and Barring Service (DBS) is responsible for providing access to criminal records checks for England, Wales, Channel Islands and Isle of Man and maintaining the Children's and Adults' Barred Lists. Access NI provides an equivalent service in Northern Ireland and Disclosure Scotland manages and delivers the Protection of Vulnerable Groups (PVG) Scheme in Scotland.
- 1.3 There are three levels of checks (Basic, Standard and Enhanced) with the DBS offering the Enhanced level with or without a check against the DBS Barred List)¹. Although anyone can apply for a Basic check, the eligibility for the Standard and Enhanced Checks is prescribed by legislation and only those over 16 years can be asked to complete a check. It would be against the law to require an individual to complete a check where there is no eligibility.
- 1.4 It is often not possible to determine eligibility for a specific level of check based on a job title alone. Whether a position is eligible or not will depend on an individual's role and responsibilities and how often and where the role takes place. If an applicant is engaging in "regulated activity", with children and/or adults, an Enhanced Check with DBS Barred List check can confirm if the individual has been prevented from undertaking regulated activity.
- 1.5 British Gymnastics is a registered body with the DBS and with Access NI. Only registered bodies can apply directly for criminal record checks. British Gymnastics is also an umbrella body, which means we can facilitate checks on behalf of our affiliated organisations and registered clubs. Scottish Gymnastics and Welsh Gymnastics also facilitate checks on behalf of their registered clubs.
- 1.6 The DBS and Access NI each have a Code of Practice that addresses the legal requirements that apply to registered bodies. Umbrella bodies are also accountable for ensuring that any organisations for whom they undertake checks also understand and observe the relevant Code of Practice.

2. Purpose

- 2.1 The purpose of this policy is to set out when criminal record checks to work or volunteer in a British Gymnastics 'recognised environment' are required, and to ensure that when administering checks, British Gymnastics and our

¹In Northern Ireland, all enhanced level disclosure will contain information held by the Disclosure and Barring Service including whether the applicant is listed in the applicable DBS Barred list.

affiliated organisations and registered clubs comply with the DBS or Access NI Code of Practice (as applicable).

- 2.2 Both the DBS and Access NI provide general guidance about the roles that are eligible for criminal records check. This policy applies their eligibility guidance to a gymnastics environment and confirms the specific roles in gymnastics that are likely to require a criminal record check whilst also ensuring checks are only carried out where it is lawful to do so.

3. Scope

- 3.1 The Policy applies to British Gymnastics and our affiliated organisations and registered clubs “recruiting organisations” in England and Northern Ireland.
- 3.2 This policy does not apply to Scottish Gymnastics or Welsh Gymnastics and their respective registered clubs providing that the affiliated organisation has an equivalent criminal record checks policy in place.
- 3.3 This policy focuses on the children’s workforce, but the recruiting organisation may also request criminal records checks for eligible roles in the adult workforce through British Gymnastics providing that they have confirmed that the position is eligible for a check at the requested level².

4. Policy Statements

- 4.1 We recognise the importance of criminal record checks as one element of safe recruitment practice and require recruiting organisations to ensure anyone over the age of 16 working (including volunteering) in a ‘British Gymnastics recognised environment’ undertaking a role that meets the definition of regulated activity, applies for an enhanced check with barred list for the relevant workforce through British Gymnastics (or Scottish Gymnastics if applicable).
- 4.2 The recruiting organisation must assess a role prior to recruitment and in the event of any significant changes to responsibilities to determine whether a criminal record check is required and the level of check that is appropriate.
- 4.3 As a sport where most participants are children, British Gymnastics considers that coaches (including assistant coaches) and welfare officers would be undertaking regulated activity with children and would require evidence from the recruiting organisation and/or coach to demonstrate that this was not the case.

- 4.4 Any club or affiliated organisation that engages or is seeking to engage someone in another role working with children or adults must assess the role and ensure the individual completes an enhanced disclosure check with barred list check as part of the recruitment process if the role meets the definition of regulated activity for the relevant workforce. Please refer to the British Gymnastics eligibility guidance in Appendix 2 or DBS and Access NI eligibility guidance (as applicable)³
- 4.5 Where a role would be within the scope of regulated activity except for the fact that the frequency requirements are not met, recruiting organisation based in England must ensure the individual completes an Enhanced check without barred list. In Northern Ireland, Enhanced Checks without Barred List are not available so NI-based recruiting organisations must ensure individuals who do not meet the frequency requirements complete a basic check directly through Access NI.
- 4.6 Roles should be reassessed if the frequency and nature of the role with children has changed, as it may be necessary to initiate a new criminal records check.
- 4.7 British Gymnastics does not consider Standard checks would be appropriate for any roles working or volunteering in gymnastics but where recruiting to posts that do not meet the eligibility criteria for an Enhanced disclosure, the recruiting organisation may choose to request a Basic check.
- 4.8 A new criminal records check, or consent for British Gymnastics to carry out status checks using the DBS Update Service (where applicable) must be completed every three years with British Gymnastics, or at the instruction of the Case Management Team or Case Panel as part of a Safeguarding or Disciplinary outcome in accordance with the British Gymnastics Complaints and Disciplinary Policy. An Access NI check is only valid for the specific job or role and a new check must be completed through British Gymnastics, this does not include moving between clubs, as the records are centrally held.⁴

Criminal records checks facilitated by Welsh Gymnastics

- 4.9 British Gymnastics will accept DBS checks approved by Welsh Gymnastics providing that the check is within three years of its issue date.

³ Full details of the types of work that are eligible for an enhanced DBS check can be found in the DBS eligibility for each workforce at <https://www.gov.uk/government/publications/dbs-workforce-guidance> For guidance on Northern Ireland see <https://www.nidirect.gov.uk/articles/regulated-activity-vulnerable-groups#toc-1>

⁴ Please see <https://www.nidirect.gov.uk/articles/using-criminal-record-check#toc-7> for further information about the validity of an Access NI Check.

DBS Update Service

- 4.10 British Gymnastics does not accept criminal records checks from any other registered bodies unless the applicant has previously registered with the DBS Update Service⁵ and the original DBS Enhanced disclosure certificate is provided to British Gymnastics along with a completed consent form, available on the British Gymnastics website or from British Gymnastics Customer Support.
- 4.11 British Gymnastics encourages all applicants to register for the DBS Update Service when they complete a new check. If an individual is already registered for the DBS Update Service, British Gymnastics can confirm if there is any new content since the original disclosure certificate was issued and the applicant will only need to complete a new request there is new content. Access NI does not offer an equivalent update service.

Volunteers

- 4.12 Some individuals may be eligible for a free-of-charge application. The recruiting organisation must carefully assess the role and position and only submit free-of-charge application for eligible applicants. Volunteers applying for checks outside British Gymnastics should register for the DBS Update Service (where applicable).

5. Definitions

- 5.1 **British Gymnastics recognised environments** are those where British Gymnastics registered clubs and affiliated organisations delivering recognised activities as set out in the Membership Rules.
- 5.2 **Criminal records checks** are checks against police and intelligence databases in the UK that would reveal any convictions or reasons why someone should not work with children (or adults at risk). The four types of check are:
- a basic check, which shows unspent* convictions and conditional cautions
 - a standard check, which shows any spent and unspent convictions, cautions, reprimands and final warnings
 - 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 (only available through the DBS)

⁵ Individuals who register for the DBS Update Service do not need to reapply for a new DBS check each time they change or take on a new role (or every three years as required under this policy), providing it is for the same workforce (children or adults) and that the check is at the same level.

- an enhanced check with barred lists, which shows the same as an enhanced check plus whether you're on the list of people barred from doing the role.

The table in Appendix 1 summarises the different levels of information based on the level of check.

*Spent cautions or convictions which, due to the passage of time since the conviction, will not appear on a basic level check but will still appear on a standard or enhanced check). The time limit after which a conviction or caution will become spent depends on the nature and seriousness of the crime committed as well as the age of the individual when they committed the offence. Convictions which result in a prison sentence of over 4 years will never become spent.

- 5.3 **Recruiting organisation** is the British Gymnastics registered club or affiliated organisation where the applicant is/will be working or volunteering.
- 5.4 **Regulated activity** is work that a barred person must not do. Regulated activity has different definitions for the children and adults' workforces set out in the Safeguarding Vulnerable Groups Act 2006 and Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 both subsequently amended by the Protection of Freedoms Act 2012.

Although there are some minor variations in Northern Ireland the Regulated activity (Children's workforce) covers:

- a) Any supervising, caring, teaching, training, instructing children without supervision*; providing advice/guidance on wellbeing to children, driving a vehicle (i.e. on behalf of a club or gymnastics organisation) for more than 3 days in any 30-day period, or overnight (between 2 – 6am);
- b) Specific activities - providing therapy/treatment, providing assistance (health care or personal care), moderating a public electronic communication service to be used mainly by children;
- c) Specified places - educational institutions (e.g. school, under-18 further education), nursery, children's hospital, detention centre (e.g. prison, remand centre), children's home, childcare premises, children's care home; and
- d) Providing day-to-day manager or supervisor of somebody engaging in Regulated Activity.

Supervised* In order for a role to be considered ‘supervised’ the supervision must be:

- Regular;
- Day-to-Day;
- Reasonable in all circumstances for protecting children; and
- Carried out by someone in Regulated Activity.

Having considered both the Government guidance and Sport sector guidance on supervision, British Gymnastics has concluded that it is not reasonable within a gymnastics environment, to provide the level of supervision required for coaching (including assistant coaches) and support services roles e.g. choreographers, to fall outside the scope of regulated activity as even with the presence of another coach, there is still significant potential for unsupervised contact during a gymnastics session, e.g. coaching a group in another area of the gym. In a gymnastics environment, a role would only be supervised if the supervisor (someone in Regulated Activity) will have constant oversight of the individual i.e. be by their side throughout.

5.5 Volunteer - The definition of a volunteer, is defined by the DBS (Disclosure and Barring Service) in The Police Act 1997 (Enhanced Criminal Record Certificates) Regulations 2002 as “An individual who is engaged in any activity which involves spending unpaid time (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit a third party and not a close relative.” Work placement students carrying out a role as part of their studies are not defined as volunteers.

6. Roles and Responsibilities

6.1 British Gymnastics will:

- Appoint a Lead Signatory who will be the point of contact with the DBS and Access NI and who will ensure criminal records checks are processed in accordance with the DBS or Access NI Codes of Practice.
- Maintain a policy on Secure Storage, Handling, Use, Retention and Certificate Information and the Recruitment of Ex-Offenders, as set out in this policy.
- Report any breaches of the Code of Practice to the DBS/Access NI and will work with these bodies to ensure compliance.
- Use all reasonable endeavors to ensure that criminal records checks are only submitted in accordance with the relevant eligibility criteria.
- Make any suitability decisions, ensuring applicants who have a criminal record are treated fairly and not discriminated against because of a conviction or other information revealed.
- Carry out a criminal record check for all eligible roles as part of British Gymnastics recruitment process and not permit new employees or

volunteers in regulated activity to commence the regulated aspects of their role until the criminal records check has been approved by British Gymnastics.

- Ensure a copy of this policy is available to anyone who is required to undertake a criminal record check as part of a safe recruitment process.
- Ensure all applicants are made aware of the Policy and the applicable Code of Practice and provided with a copy on request.
- Refer to DBS anyone who was undertaking a role within the scope of 'regulated activity' that has been expelled from British Gymnastics (or would have been if the person had not resigned, retired or failed/was unable to renew their membership where it is believed the person:
 - harmed or poses a risk of harm to a child or vulnerable adult
 - has satisfied the harm test⁶; or
 - has received a caution or conviction for a relevant offence and;
 - the person was/might in future be working in regulated activity
- Support registered clubs and affiliated organisations to comply with the legal responsibility to refer to the DBS should the above circumstances arise within their organization in circumstances that are outside British Gymnastics jurisdiction.

6.2 Registered Clubs and affiliated organisations accessing criminal records checks via British Gymnastics must:

- Appoint a DBS/Access NI designated person (this may be the Welfare Officer) who completes any British Gymnastics required training. British Gymnastics recommends that two or more designated persons are appointed to ensure that there is someone to verify the welfare officer's criminal record check. If there is only one designated person, please contact British Gymnastics for advice.
- Sign a declaration form confirming compliance with British Gymnastics Criminal Record Checks Policy and Guidance and adopt on policies for the recruitment of ex-offenders and use and storage of disclosures information that are equivalent and aligned to the British Gymnastics policies in Appendix 3 and 4.
- Carry out an enhanced criminal record check with barred list for any eligible roles that meet the applicable definition of regulated activity.
- Carry out an DBS enhanced check (without barred list) for any roles that involve supervising, caring, teaching, training, instructing children without supervision or providing advice/guidance on wellbeing to children or

⁶ Someone's action satisfies the harm test when it appears that they may: harm a child and/or an adult; cause a child and/or an adult to be harmed; put a child and/or an adult at risk of harm; attempt to harm a child and/or an adult or incite another to harm a child and/or an adult.

driving a vehicle but do not meet the frequency required for the role to fall within the scope of regulated activity, where this level of check can be requested through the DBS.

- Only request checks for eligible roles, ensuring eligibility is confirmed in advance for any checks for the adult workforce.
- Confirm to British Gymnastics, providing explanation and supporting evidence if a specific coach does not meet the frequency requirements for an Enhanced Check with Barred list or does not work with children.
- Add eligible applicants onto the DBS or Access NI online system (as applicable)
- Advise the applicant why they are being checked, and where they can get independent advice (through British Gymnastics or the DBS or Access NI helplines).
- Ensure the designated person checks the identity of the applicant, by examining the original documents set out in the applicable Code of Practice and complete the verification section of the disclosure application.
- Advise British Gymnastics and complete a referral to the DBS if someone is removed from your organisation (or would have been if the person not left) because it is reasonably believed they have harmed or may harm a child or vulnerable adult,

6.3 British Gymnastics will monitor compliance with this policy. Any failure by an affiliated organisation or registered club to comply with the responsibilities set out in the policy is a breach of British Gymnastics membership rules and may result in disciplinary action.

7. Interdependencies & Related Policies

7.1 The policy is only one part of safe recruitment practice and must be implemented in conjunction with the safe recruitment procedures set out in the Safe Recruitment Policy and the British Gymnastics Safeguarding Policy and Procedures 2019. The following related policies apply in conjunction with this policy:

- Membership rules
- Standards of Conduct for Coaches, Instructors and Officials
- Complaints and Disciplinary Policy & Procedures
- Equality & Diversity Policy

APPENDIX 1: Information included on a criminal record check

The table below summarises the information included on different types of criminal records checks through the Disclosure and Barring Service:

Information Included	Type of Disclosure				
	Basic	Standard	Enhanced	Enhanced with Children's barred list	Enhanced with Adult's barred list
Unspent convictions	✓	✓	✓	✓	✓
Spent convictions	X	✓	✓	✓	✓
Cautions	X	✓	✓	✓	✓
Children's barred list check	X	X	X	✓	X
Adult's barred list check	X	X	X	X	✓
Other relevant information held by police forces	X	X	✓	✓	✓

The table below summarises the information included on Access NI criminal records checks:

Information Included	Type of Disclosure		
	Basic	Standard	Enhanced
Unspent convictions	✓	✓	✓
Spent convictions	X	✓	✓
Cautions	X	✓	✓
Children's barred list check (children's workforce only)	X	X	✓
Adult's barred list check (adult workforce only)	X	X	✓
Other relevant information held by police forces	X	X	✓

APPENDIX 2: Criminal record check eligibility for key roles

Roles	Regulated Activity	Guidance
Coach	Yes	Contact British Gymnastics if the coach does not meet the frequency requirements or does not work with children.
Welfare Officer	Yes	All Welfare Officers must complete a check as the role as involves the welfare officer providing regular supervisor of others engaging in regulated activity.
HoD/Chaperone/ Host Family	Yes, if overnight. Otherwise depends on frequency.	These roles fall within the scope of Regulated Activity if they involve overnight supervision. If the supervision is not overnight, it depends on the frequency. Where the role does not meet the criteria for regulated activity, an Enhanced Check without Barring must be requested (where this is an option*)
Anyone providing transport for children on behalf of a club/organisation	Depends on frequency	Where the role does not meet the criteria for regulated activity, an Enhanced Check without Barring must be requested (where this is an option*)
Support Services roles including: Choreographer Fitness/Training specialists Non-regulated health and wellbeing services e.g. nutritionists, masseurs etc.	Depends on frequency	These roles would fall within the scope of regulated activity, subject to meeting frequency requirements. Where the role does not meet the criteria for regulated activity, an Enhanced Check without Barring must be requested (where this is an option*)
Regulated health/medical practitioners ⁷ providing treatment including: Doctors, nurses, Physiotherapists, Psychologists & Dieticians.	Yes	These roles are within the scope of regulated activity. If you need to use the services of a regulated health/medical practitioners on an ad-hoc basis e.g. for a specific event, you can do so without requiring them to complete a criminal records check through British Gymnastics, providing you have confirmed confirm with the provider that they have completed an enhanced checks with children's barred list within the last three years and have verified that they hold the appropriate professional registration.

⁷ In the UK, a profession is regulated by law where there is a legal requirement to have certain qualifications or experience in order to undertake certain professional activities or use a protected professional job title. This includes doctors, nurses and specific health and care professions regulated by the Health and Care Professions Council. Full details can be found at <https://www.hcpc-uk.org/about-us/who-we-regulate/>

Roles that involve the day-to-day management or supervision of somebody engaging in Regulated Activity e.g. Director of Coaching/ Performance Director or other Managers	Yes	A day-to-day manager or supervisor of somebody engaging in regulated activity is themselves within the scope of regulated activity.
Club Officials/Helpers	Depends on role and frequency.	Some Club Officials or Helpers may be undertaking regulated activity. Where the role does not meet the criteria for regulated activity, an Enhanced Check without Barring must be requested (where this is an option*)
Judge	No	Judges who only attend competitions to assess gymnasts and who otherwise do not have any role with children in a training environment would not be in regulated activity, so an enhanced check cannot be requested. However, if a judge was providing instruction to children, this role will fall within the scope of regulated activity if they meet the frequency requirements. If a judge working in this capacity does not meet the frequency requirement for regulated activity, an Enhanced Check without Barring must be requested (where this is an option*)

In England, the DBS check eligibility tool can be used to confirm eligibility for a check at <https://www.gov.uk/find-out-dbs-check>

*In Northern Ireland, we have been advised by Access NI that only those who meet the definition of regulated activity can complete an enhanced check as there is no option to request the enhanced check without barred list where an individual does not meet the frequency requirements. In this instance, the NI recruiting organisation should ensure a basic check is completed.

Recruiting organisation can request a basic check for any role that does not meet the criteria for an enhanced criminal record check. Basic checks are not available from British Gymnastics and must be requested by the applicant directly from the DBS or Access NI.

APPENDIX 3: Recruitment of Ex-offenders Policy

As an organisation assessing applicants' suitability for positions which are included as exceptions to Rehabilitation of Offenders legislation (as amended) using criminal record checks processed through the Disclosure and Barring Service (DBS) and Access NI, British Gymnastics complies fully with the DBS and Access NI Codes of Practice and undertakes to treat all applicants for positions fairly. British Gymnastics will not discriminate unfairly against any subject of a Criminal Record check on the basis of a conviction or other information revealed.

British Gymnastics will only ask an individual to provide details of convictions and cautions that British Gymnastics is legally entitled to know about and only in circumstances where a disclosure certificate at either Standard or Enhanced level can legally be requested (where the position is one that is included as an exception to Rehabilitation of Offenders legislation (as amended) and, where appropriate, Police Act Regulations (as amended)). British Gymnastics will only ask an individual about convictions and cautions that are not protected.

British Gymnastics is committed to the fair treatment of its staff and members, potential staff and members or users of its services, regardless of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, marriage and civil partnership, responsibilities for dependants or offending background.

British Gymnastics policy on the recruitment of ex-offenders will be made available to all criminal record check applicants at the outset of the recruitment process.

British Gymnastics will actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. British Gymnastics selects all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Criminal Record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a disclosure will be submitted in the event of the individual being offered the position.

British Gymnastics ensures that those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. British Gymnastics also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-

offenders, e.g. the Rehabilitation of Offenders Act 1974 or Rehabilitation of Offenders (Northern Ireland) Order 1978.

At interview, or in a separate discussion, British Gymnastics ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to the withdrawal of an offer of employment.

British Gymnastics makes every subject of a criminal record check aware of the existence of the DBS or Access NI Code of Practice and makes a copy available on request.

British Gymnastics undertakes to discuss any matter revealed on a disclosure certificate with the individual seeking the position, before withdrawing a conditional offer.

APPENDIX 4: Use & Storage of Disclosure Information Policy

British Gymnastics complies with the DBS and Access NI Codes of Practice regarding the secure storage, handling, use, retention and disposal of disclosure certificates and disclosure information and with its obligations under applicable data protection law.

HANDLING

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record will be maintained of all those to whom disclosure information has been revealed, as it is a criminal offence to pass this information to anyone who is not entitled to receive it.

RETENTION

British Gymnastics does not retain disclosure information for any longer than is necessary to make a suitability decision. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep a disclosure certificate for longer than six months, we will seek guidance from the relevant provider (DBS or Access NI) and will give full consideration to our obligations under applicable data protection law.

DISPOSAL

Once the retention period has elapsed, British Gymnastics will ensure that any disclosure information is destroyed by secure means. We will not keep any photocopy or other image of the Certificate or any copy or representation of the contents of a Certificate. The only information retained will be the issue date of a disclosure certificate and/or expiry date, the type of disclosure requested, the position for which it was requested, the unique reference number of the disclosure and the details of the recruitment decision taken, together with any relevant consent relating to the use of the DBS Update Service.