



## **Policy and Procedures for Checking Criminal Records**

<b>Abbreviations: and Definitions:</b>	
BGA	British Go Association
Council	The Council of the BGA
CPA	The BGA's Child Protection Adviser.
CRB	Criminal Records Bureau
CRB Code of Conduct	<a href="http://www.crb.homeoffice.gov.uk/about_crb/what_is_the_code_of_practice.aspx">http://www.crb.homeoffice.gov.uk/about_crb/what_is_the_code_of_practice.aspx</a>
DBS	Disclosure and Barring Service
ISA	Independent Safeguarding Authority
Verifiers	The two BGA Officials appointed by Council as described in section 1.2(c) to operate the Disclosure and Barring scheme.

**Note:** As of 1<sup>st</sup> December 2012 the Criminal Records Bureau and the Independent Safeguarding Authority will be merged to form a new organisation: The Disclosure and Barring Service.

### **Preamble**

This document describes the steps taken by the British Go Association to meet the requirements of the Protection of Freedoms Act 2012 and related Home Office Guidance<sup>1</sup>, and to ensure that children and young persons can play Go in a safe environment.

This document does NOT deal with “vulnerable adults” as defined in the relevant legislation.

Although some of the relevant legislation is only applicable to England, Wales and Northern Ireland, the BGA will apply this document to the entire United Kingdom, together with (as far as is practicable) the Isle of Man and the Channel Islands. Similar legislation applies in Scotland where Disclosure Scotland operates the disclosure and barring service.

This document is regularly reviewed by the Council of the BGA.

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<sup>1</sup> <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/about-crb/crb-changing/>

## **Regulated Activity**

The new legislation defines "Regulated Activity". This is activity which fulfils the following criteria:

Activity which involves teaching, training or instruction of children

**AND**

Happens frequently (once a week or more often)

**OR**

Happens intensively (on 4 or more days in a 30-day period, or overnight)

**AND**

The individual carrying out the activity of teaching, training or instructing is unsupervised.

- a) Teaching children to play go and/or running a Go club for children and young people does not necessarily fall into the remit of Regulated Activity. The key question is the level of supervision. Running a Go club in a school where a teacher is present for most of the time would not fall under Regulated Activity.
- b) Note that the supervision must be from someone who is themselves in Regulated Activity, for example a teacher or classroom assistant. Thus a Go player who sets up a weekly children's club with the help of a parent is likely to fall under the definition of Regulated Activity.
- c) A further example of falling under Regulated Activity is if a Go Club leader takes a group of children to a tournament which involves an overnight stay.

## **Part 1: Policy**

### **1.1 Who needs a criminal records check?**

- a) BGA Council has agreed that the following positions will be subject to a criminal records check or Enhanced Disclosure:
  - [ ] Youth Development Officer
  - [ ] Child Protection Adviser
  - [ ] Education Adviser
- b) In addition the BGA maintains a list of Go teachers who are accredited to teach children and young people. These Go teachers will also be subject to an Enhanced Disclosure.

- c) The positions outlined in a) and b) above come under the pre-September 2012 definition of regulated or controlled activity and are thus eligible for a criminal record check.
- d) An accredited Go teacher or BGA post-holder who is engaged in Regulated Activity (see above) is required to obtain a higher level of disclosure which includes a Barred List check.
- e) There may be other BGA members whose duties will require them to obtain a criminal records certificate. This will include officials of the BGA (or of affiliated clubs) who organise Go events catering largely for children or young people, and may include others who have significant contact with children or young people. The CPA can advise any member on the process of this and can also advise as to whether the activity falls under the definition of Regulated Activity (thus necessitating a Barred List check).
- f) The BGA will accept a clear Enhanced Disclosure certificate that is less than three years old as being valid. In addition, it will accept a certificate over three years old, provided that the individual has subscribed to the Update Service. This service administered by the DBS allows an organisation to check on-line to see if the clear certificate is still up to date.
- g) Council is responsible for appointing members to the posts outlined in a) above. In making these appointments, Council will not only ensure that criminal record check is undertaken, but also that the person is suitable for the post, obtaining references and noting relevant experience as considered appropriate.

### **1.3 Responsibilities of the BGA:**

- a) The BGA complies fully with the ~~CRB-DBS~~ Code of Practice and undertakes to treat all individuals requiring a criminal record disclosure fairly. We will not discriminate unfairly against anyone on the basis of a conviction or other information revealed. However certain convictions (for example convictions against children) are likely to preclude an individual from taking up one of the positions outlined above in section 1.1(a), (b) or (e).
- b) Council will appoint two persons who shall be involved in the Disclosure process and also act as ~~CRB-DBS~~ verifiers (henceforward referred to as "The Verifiers". One of these shall be the BGA Child Protection Adviser, the other shall be a member of Council. The Child Protection Adviser will also undertake the role of Master Disclosure Manager required for the on-line process of managing criminal record checks.
- c) The BGA ensures that those two Verifiers have been suitably trained to identify and assess the relevance and circumstances of offences.

- d) Information regarding Disclosures will be confidential to those two Verifiers, except as under section 2.4 below when information will be disclosed to the Appeals Committee who will maintain confidentiality, or as required by law
- e) If the BGA ceases to use a post holder because it is believed that they have harmed or pose a risk of harm to children or vulnerable adults, the Child Protection Adviser will be responsible for referring the case to the DBS.
- f) The BGA fully complies with the [CRB-DBS](#) Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. (See below)
- g) We make every subject of a criminal record disclosure application aware of the existence of the [CRB-DBS](#) Code of Practice and this document, and make a copy available on request.

### **1.3 Secure Storage, Handling, Use, Retention & Disposal of Disclosure Information:**

- a) Storage and access:  
The Child Protection Adviser will be responsible for ensuring that Disclosure information is kept securely in a lockable, non-portable storage container with access strictly limited to the Verifiers.
- b) Handling:  
In accordance with Section 124 of the Police Act 1997, CRB Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The BGA maintains a record of all those to whom Disclosure Information is revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it (see Appendix A).
- c) Usage:  
Disclosure information is only used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- d) Retention:  
Once a decision has been made we do not keep Disclosure information longer than necessary. This is generally for a period of six months, to allow for the consideration and resolution of any disputes or complaints. If, in the exceptional circumstances it is considered necessary to keep disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the requirements regarding the safe storage and strictly controlled access described in 1.3 (a) will prevail.

e) **Disposal:**

Once the retention period has lapsed the CPA will ensure that the Disclosure information is immediately destroyed by secure means, e.g. by shredding, pulping or burning. The BGA will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However we will keep a record of the date of the date of issue of the Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of any decision taken. (See appendix A).

## **Part 2 Procedures:**

### **2.1 How to obtain a criminal records check certificate**

- a) The individual should discuss with the Child Protection Adviser whether the proposed involvement with young people falls under the definition of Regulated Activity. This will determine the level of check required.
- b) The BGA uses an umbrella organisation (TMG-CRB) to provide a criminal record checking service. The process is completed on-line and the individual provides the BGA Verifier with their full name and email address in order to begin the process. The individual must also state that they accept the conditions and procedures laid down in this document. The individual must also agree to subscribe to the update service when it is made available. TMG-CRB will then email the individual with a code to enable them to enter the details of their proof of identity onto the system.
- c) The individual and BGA Verifier will arrange an appointment for the Verifier to see the original copies of the proof of identity. The Verifier then completes the relevant section of the on-line application stating the level of check required and verifying the identity documents.
- d) The Verifier completes the BGA Record Sheet (see appendix A)
- e) **The outcome of the criminal records check:** The DBS will send the applicant a paper copy of the disclosure certificate. If the certificate is clear the Verifier will receive this information along with the number of the certificate via the on-line process. If the certificate contains information on convictions, cautions or warnings a copy of the disclosure will be sent to the Master Disclosure Manager. For the British Go Association the Child Protection Advisor (CPA) has the role of Master Disclosure Manager.

- f) **Situations where a criminal conviction, caution or warning is shown on the disclosure:** Police information on a disclosure does not necessarily preclude an individual from working with children; this will depend on the nature and context of the offence. The CPA will discuss the disclosure with the applicant in order to obtain further information on the context of the offence. The decision as to whether the individual is permitted to undertake the BGA roles as described in Part 1.1 will be determined by the Child Protection Adviser in consultation with the second Verifier. This decision will be made in the light of information about the offence and whether the individual is applying to be a Regulated Activity provider.
- g) **Barred List Information.** If the individual has applied to be a provider of Regulated Activity a check of the Barred List will be undertaken by the Disclosure and Barring Service . If the individual has been barred the CPA will be informed and they are legally prevented from undertaking Regulated Activity.

## **2.2 Updating a current disclosure certificate**

From early 2013 it should be possible for an individual to subscribe to the Update Service which will enable their existing certificate to be updated with any new information. The Child Protection Advisor will advise on this once the relevant guidance has been published.

## **2.3 Suspicion of Inappropriate Behaviour**

In the event that any BGA member believes that an individual in a post outlined above in section 1.1(c) or (d) is guilty of inappropriate behaviour such that he/she has harmed or poses a risk of harm to children or vulnerable adults, then the BGA CPA shall be informed. The CPA will inform the Police, and/or local child protection agencies if appropriate. The two BGA Verifiers will then consider the case after giving the individual concerned an opportunity to present his/her case. The Verifiers will give their ruling in writing, and will inform the individual of their right to Appeal (see section 2.4).

## **2.4 Appeals**

In the event that the decision is to cease to use the individual concerned, then they may make an Appeal. Such an Appeal is to be sent to the BGA President within 28 days of receipt of the decision by the Verifiers.

On receipt of an Appeal, the President shall appoint an Appeals Committee, consisting of three people. All Appeals Committee members shall be members of the BGA, and at least two shall be Council members. The Verifiers shall NOT be members of the Appeals Committee. If the President is also a Verifier, then his/her duties with respect to the Appeal

will be taken on by the next most senior officer<sup>2</sup> of the BGA. The CPA will attend the appeal hearing to give evidence. The Appeals Committee will examine all the evidence and will come to a decision.

Any appeal hearing is to be held within 28 days of receipt of the appeal.

## **2.5 Communication with the DBS**

In the event that the Verifiers' decision is to cease to use the individual concerned, and this is not overturned on appeal, The CPA is responsible for ensuring that the DBS is informed of any decision to cease to use the services of an individual who is considered to be a risk to children.

Sue Paterson  
November 2012.  
Revised PTM 5/11/12

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<sup>2</sup> The BGA Constitution describes clearly the seniority

## **Appendix A**

### **Record Sheet:**

Name	Form Number	Date submitted to TMG CRB	Date disclosure / registration received	Persons to whom Disclosure information is revealed.	Registration number	Decision to appoint (Yes or No)	If Disclosure information received, date destroyed	Name of person making appointment decision