



Disclosure &
Barring Service

DBS Checks in Sport – Working with Children



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

Any changes to a role or the activities that an applicant carries out can affect the level of check that is available.

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 regulated activity with children is. To see more about what is meant by regulated activity, see [Annexe A](#).

Coaches

Anyone employed to be a coach or instructor of children's sports whose duties include teaching, training or instructing children, or providing advice or guidance to children relating to their physical, emotional or educational well-being, is eligible for an enhanced check with a children's barred list check.

This is because they are performing regulated activity with children if the period condition is met.

The period condition is:

- at any time on more than three days in any period of 30 days, or
- at any time between 2am and 6am with the opportunity for face-to-face contact with children.

Important to note - If they are performing these activities more than once but not enough to meet the period condition they are eligible for an enhanced check without any barred list 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.

If an official's duties include teaching, training, instructing or being required to care for or supervise children, and they do this often enough to meet the period condition, they will be eligible for an enhanced check with a children's barred list check.

For example, a referee for a children's football team who instructs players on the correct way to undertake a goal kick or throw-in would be instructing children and would be eligible for an enhanced check with a children's barred list check if the period condition is met. An official who is responsible for supervising children before or after a match, or during training, would be eligible for an enhanced check with children's barred list check if the period condition is met.

If they do this more than once, but not often enough to meet the period condition, then they will be eligible for an enhanced check but **without** any barred list check.

If they do not perform any of the activities mentioned above then they can apply for a basic check.

Drivers

There may be eligibility in some situations for drivers who transport children to and from sporting activities or events. If someone drives a vehicle that is being used only for the purpose of conveying children, including anyone supervising or caring for the children, to sporting activities or other arranged events then they will be eligible for an enhanced check with a children's barred list check as long as they are doing it often enough to meet the period condition.

If they do it more than once but not often enough to meet the period condition then they will be eligible for an enhanced check **without** a children's barred list check.

This does not apply to applicants who are driving children as part of a private arrangement, such as arrangements between parents.

Pool lifeguards

Pool lifeguards are eligible for DBS checks because, based on guidance from the Royal Life Saving Society in collaboration with National Society for the Prevention of Cruelty to Children (NSPCC), their duties mean that they are expected to supervise the users of a pool which will include children. This is regardless of whether the children are accompanied by an adult.

Because of the expectation that supervision is part of their duties, as long as the period condition is met, lifeguards are eligible for an enhanced check with a children's barred list check, as they will be in regulated activity with children.

If they perform this role more than once but not often enough to meet the period condition, they will be eligible for an enhanced check **without** a children's barred list check.



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 children, 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 children (see [Annexe A](#) for more information 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 children can be asked to apply for an enhanced check with a children's 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 would not apply to applicants who volunteer to be first aiders alongside their primary role.

Sports therapists

If a sports club employs anyone whose role includes performing and providing sports massages for children's teams, or any individual child, the sports club could request an enhanced check with a children's barred list check, if they meet the period condition. This is because the applicant is performing work that is a form of supervision of children.

If they do this more than once but not often enough to meet the period condition, they are eligible for an enhanced check **without** a barred list check.

If sports massage is being provided by a healthcare professional, then it would be regulated activity and eligible for an enhanced with a children's barred list check even if it is only done on one occasion.

Running groups

Public or private running groups that include children may sometimes appoint a run leader to organise or supervise events held by the group. If there is no organisation providing the approval for the applicant to perform this role then they would not be able to apply for a standard or enhanced check, the run leader could only apply for a basic check.

If there is an organisation to decide the applicant is suitable to perform this role then there may be eligibility depending on what activities the run leader is performing and who they are doing this with.

If the run leader is responsible for a running group or event set up mainly for children, and is responsible for teaching, training or instruction, care or supervision of children during a run and the period condition is met then they would be in regulated activity with children and eligible for an enhanced with children's barred list check.

If they do this more than once but not often enough to meet the period condition, they would be eligible for an enhanced check **without** a children's barred list check.

For running groups that are open to both children and adults see Children in Adults' Sports section.

Sports academies

Some sporting academies such as Youth Football Academies may fall under the description of an Alternative Provision Academy as being an establishment that provides full-time education for students that meet certain criteria. If this is the case, the academy will be referred to as a specified establishment. This means that some work carried out in this academy will be regulated activity with children because of where it is being performed.

If a sports academy, such as a Youth Football Academy, provides education under instruction of a local authority alongside sports training etc, then it will be a specified establishment in relation to regulated activity with children. This means that anyone working for the purposes of the academy, who also has the chance to come into contact with children whilst working there, would be eligible for an enhanced check with a children's barred list check as long as the period condition is met. This does not apply to temporary or occasional workers at the academy.

For example, cleaners and admin staff working in a Football Youth Academy, who have the chance to come into contact with children whilst working there, would be eligible for an enhanced check with a children's barred list check.

This is because they will be in regulated activity if the period condition is met, as they are working in a specified establishment.

Any staff that work at the academy on more than one occasion but do not meet the period condition are eligible for an enhanced check **without** a children's barred list check.

Overnight Stays

For some sporting activities, it may be necessary for teams or groups to stay overnight at certain venues or events.

When this is done with children's teams, the person with responsibility for supervising the children is doing so overnight with the opportunity for face-to-face contact with them. As there is opportunity for contact between 2am and 6am, the period condition is met even if this supervision happens on just one occasion.

This means that this person is eligible for an enhanced with a children's barred list check.

This does not apply to applicants who are staying with children as part of a private arrangement or arrangements between parents. The supervision must be done on behalf of the sports club.



Children in adults' sports

For anyone carrying out one of the sports roles mentioned already for open aged sports teams, for example a coach of a football team that is open to adults as well as 16 and 17 year olds, there may be eligibility at the same level of check that they could get for performing this role just with children. Eligibility in these situations will depend on how likely it is that children would be present at these teams or events.

If it is anticipated that children are likely to be part of an open aged sports team and there is a good chance of this happening, for instance if children have already been part of the team during the previous season or have registered to join the team, then the applicant performing any of the roles mentioned would be eligible for the same level of check as stated under that role.

If however it is unlikely that children would be a part of these sports teams or events, for instance if no children have ever previously been on a team and none are expected to join, then people in these roles could only apply for a basic check.

This is because a standard or enhanced check cannot be applied for just in case an applicant ends up doing an eligible type of work.

Managers and supervisors

If any person is employed to act as a supervisor whose duties include the day to day management or supervision of someone who is eligible for an enhanced check with a children's barred list check for being in regulated activity with children, then the person acting as the supervisor will also be eligible for the same level of check.

For example if a lifeguard is employed and eligible for an enhanced check with a children's barred list check for being in regulated activity with children, then any person that is employed to manage that lifeguard on a day to day basis will also be eligible for an enhanced check with a children's barred list check.

Reporting concerns to 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 under 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 children

Regulated activity is something that must not be carried out by people who are included on the relevant barred list.

If someone who knows they are barred from regulated activity with children applies for any kind of work that meets the definition of regulated activity below, they are committing an offence; as is anyone who takes them on in a role involving regulated activity knowing that they are barred. Both could be liable for up to 5 years imprisonment and/or a fine.

An organisation that has any number of roles that meet the definition of regulated activity is known as a 'regulated activity provider'. These organisations have a legal duty to make referrals to the DBS when they believe a person has caused harm or pose a future risk of harm to vulnerable groups, including children. They also have to provide information to DBS when requested to do so by us and may be fined unless they have a reasonable excuse for not providing the information.

Regulated activity can fall into one of 4 parts below:

Part 1

The following activities only need to be carried out once in order to be regulated activity with children:

- Providing personal care – which is:
 - physical help with, or prompting and then supervising a child in connection with eating or drinking because the child needs it due to their illness or a disability; or

- providing any form of training, instruction or guidance to a child in relation to eating or drinking because the child needs it due to their illness or a disability; or
- physical help with, or prompting and then supervising a child in connection with toileting, washing or dressing because the child needs it due to their age, illness or a disability; or
- providing any form of training, instruction or guidance to a child in relation to toileting, washing or dressing because the child needs it due to their age, illness or disability.
- Providing health care by, or under the direction or supervision of a regulated health care professional.

Part 2

The following activities need to be carried out more than three times in any 30 day period, or at any time between 2am and 6am (with the opportunity for face-to-face contact with children) to be regulated activity with children:

- Teaching, training or instructing children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children. If the applicant doing these activities is supervised by someone else who is in regulated activity with children, then they are not in regulated activity themselves so are only eligible for an enhanced check without a children's barred list check.
- Caring for or supervising children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
- Providing any form of advice or guidance wholly or mainly for children relating to their physical, emotional or educational well-being; this does not include legal advice.

Applicants do not need to be in contact with the same children over this time frame – it can be with any number of different groups/individuals.

Part 3

The following activities need to be carried out more than three times in any 30 day period to be regulated activity with children:

- Moderating an internet chat room which is likely to be used wholly or mainly by children
- Driving a vehicle specifically for children, including anyone supervising or caring for the children, as part of a third party arrangement.

The following activities are also regulated activity with children:

- Day-to-day management or supervision of a person carrying out regulated activity
- Being a foster carer

Part 4

If people in sports roles aren't carrying out any of the activities explained in parts 1-3, they could still be carrying out regulated activity with children if they do their work in certain establishments and meet certain criteria.

The establishments are:

- An educational institution exclusively or mainly for the provision or full time education of children
- A pupil referral unit
- A provider of nursery education

- A detention centre for children
- A children's home or a home provided under the Children Act 1989
- A children's centre (managed by or on behalf of, or under arrangements made with, an English local authority, through which early childhood services is made available, and at which activities for young children are provided, by way of early years provision or otherwise)
- Relevant childcare premises
- A children's hospital **in Wales only**

If the sports workers are working in any of the establishments listed above, they must also meet **all** the criteria below:

- They work there more than three times in a 30 day period, or overnight between 2am and 6am with the opportunity for face to face contact with the children; and
- They have the opportunity, because of their job/role, to have contact with the children in the establishment; and
- They work there for the purpose of the establishment; and
- It is not temporary or occasional work; and
- If they are unpaid, in order to be in regulated activity, they must not be supervised by someone else who is in regulated activity. If they are in a paid role, they can be supervised by someone else and still be in regulated activity

These criteria are aimed at ancillary roles e.g. admin staff, cleaners etc.

What if the activities are not done frequently enough?

If any of the activities within parts 2-4 above are carried out, but not frequently enough to meet the definition of regulated activity with children, then the post holder is not carrying out regulated activity. Organisations can still request enhanced checks in the child workforce but they can't request a children's barred list check.

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 regulated activity with children is also available from the Department for Education (DfE):

www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf

Information about the Child Workforce guide:

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



Disclosure & Barring Service

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