



# British Triathlon Safeguarding Adults

## Disclosure and Barring Service (DBS) Guidance - Working with Adults 18+



British Triathlon is committed to ensuring all adults at risk are able to take part in the sport in a safe and enjoyable environment. The requirement to have a satisfactory Enhanced with Banned List check carried out before an individual takes up a role with adults at risk, and to be renewed every 3 years, is a crucial part of us being able to live up to that commitment. It enables informed risk assessments to be carried out.

### **Regulated Activity for working with Adults**

Regulated Activity is a legal phrase used to describe specific circumstances where individuals are working or volunteering with adults who are at risk because of help or treatment they are receiving.

The definition of Regulated Activity is different for children and adults.

For adults, the type of activity that's classed as Regulated Activity is clearly set out below. Unless individuals are undertaking these activities, you should not request an enhanced DBS check with a check against the bared list.

The definition of Regulated Activity focuses on the type of activity and contact an individual may have with an adult at risk. Unlike the definition of Regulated Activity with children, the definition for adults does not stipulate a frequency requirement. For adults at risk, the activity alone means an individual is in Regulated Activity, and one instance is enough to qualify.

### **Types of Regulated Activity**

Within the legal framework, an individual is defined as being in Regulated Activity with adults at risk if any one of the following six conditions is met and therefore would require an Enhanced DBS with an adults barred list check:

1. The individual is in contact with the person by providing healthcare. This only includes first aid when it is provided on behalf of an organisation dedicated to providing first aid, such as St. John's Ambulance Service.
2. The individual is in contact with a person by providing personal care. This can include physical assistance with eating, drinking, going to the toilet, washing, bathing, dressing, oral care, or care of the skin, hair, or nails because of the adult's age, illness, or disability.
3. The individual is in contact with the person in providing social work.
4. The individual is in contact with the person in assisting with general household matters. Examples including managing the person's cash, paying the person's bills, or shopping on their behalf.
5. The individual is in contact with the person in assisting in the conduct of their affairs. This can be as a result of:
  - a) Lasting power of attorney under the Mental Capacity Act 2005
  - b) Enduring power of attorney within the meaning of the Mental Capacity Act 2005
  - c) Being appointed as the adult's deputy under the Mental Capacity Act 2005
  - d) Being an Independent Mental Health Advocate
  - e) Being an Independent Mental Capacity Advocate
6. The individual is in contact with the person in conveying. Any drivers and any assistants are in Regulated Activity if they transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care, or relevant social work. However, "conveying" does not include licensed taxi drivers or licensed private hire drivers, and it does not include trips taken for purposes other than to receive health care, personal care, or social work. Pleasure trips, for example, are excluded.

## **Vetting Individuals Who Are Not in Regulated Activity**

Steps can still be taken if individuals are not in regulated activity, but you there's an opportunity for them to build up a relationship of trust with an adult at risk.

### **DBS Checks for working with Adults in Triathlon when not in Regulated Activity**

**Basic** - Contains details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

**Enhanced** - Shows everything that the standard check does, plus some additional discretionary information.

#### **Eligibility for a Basic check**

Where eligibility for an enhanced check or enhanced with barred list check doesn't exist then a basic check can be requested - there are no restrictions on who can apply for this. Applicants must apply for their own basic check directly to British Triathlon.

#### **Eligibility for an Enhanced check**

To be eligible for an Enhanced check when working with adults in Triathlon, in a role that isn't under the definition of regulated activity above, an applicant must be carrying out a Triathlon activity where the majority of the adults attending are receiving a health or social care service or the session has been specifically set up for adults receiving a health care or social care service.

An applicant will be eligible for an Enhanced check if they meet the criteria in the 3 steps below.

#### **Step 1 - Who is the applicant working with?**

An applicant must be carrying out an activity for adults who currently receive a health or social care service in the list below.

- Residential accommodation for an adult in connection with any care or nursing they require
- Accommodation for an adult who is or has been a pupil at a residential special school
- Sheltered housing
- 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.
- Any form of health care, including treatment, therapy or palliative care of any kind
- Support, assistance or advice to help develop or sustain an adult's capacity to live independently in accommodation
- Any service provided specifically for adults because of their age, any disability, physical or intellectual impairment. This excludes the following disabilities:
  - Dyslexia;
  - Dyscalculia;
  - Dyspraxia;
  - Irlen syndrome;
  - Alexia;
  - Auditory processing disorder;
  - Dysgraphia.
- 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 under this list go to Step 2.

If the adults aren't in receipt of a service in the list above the person working with them can only apply for a Basic Disclosure Check.

### **Step 2 - What is the activity?**

If the adults are receiving a health and social care service, or a specified activity from the step 1, then the activity being provided to those adults should be considered.

A person must be doing one of the following activities:

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

If someone is performing an activity with an adult who is receiving a service under step 1 and doing one of the activities in step 2 go to Step 3.

If the person working with the adults is 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.

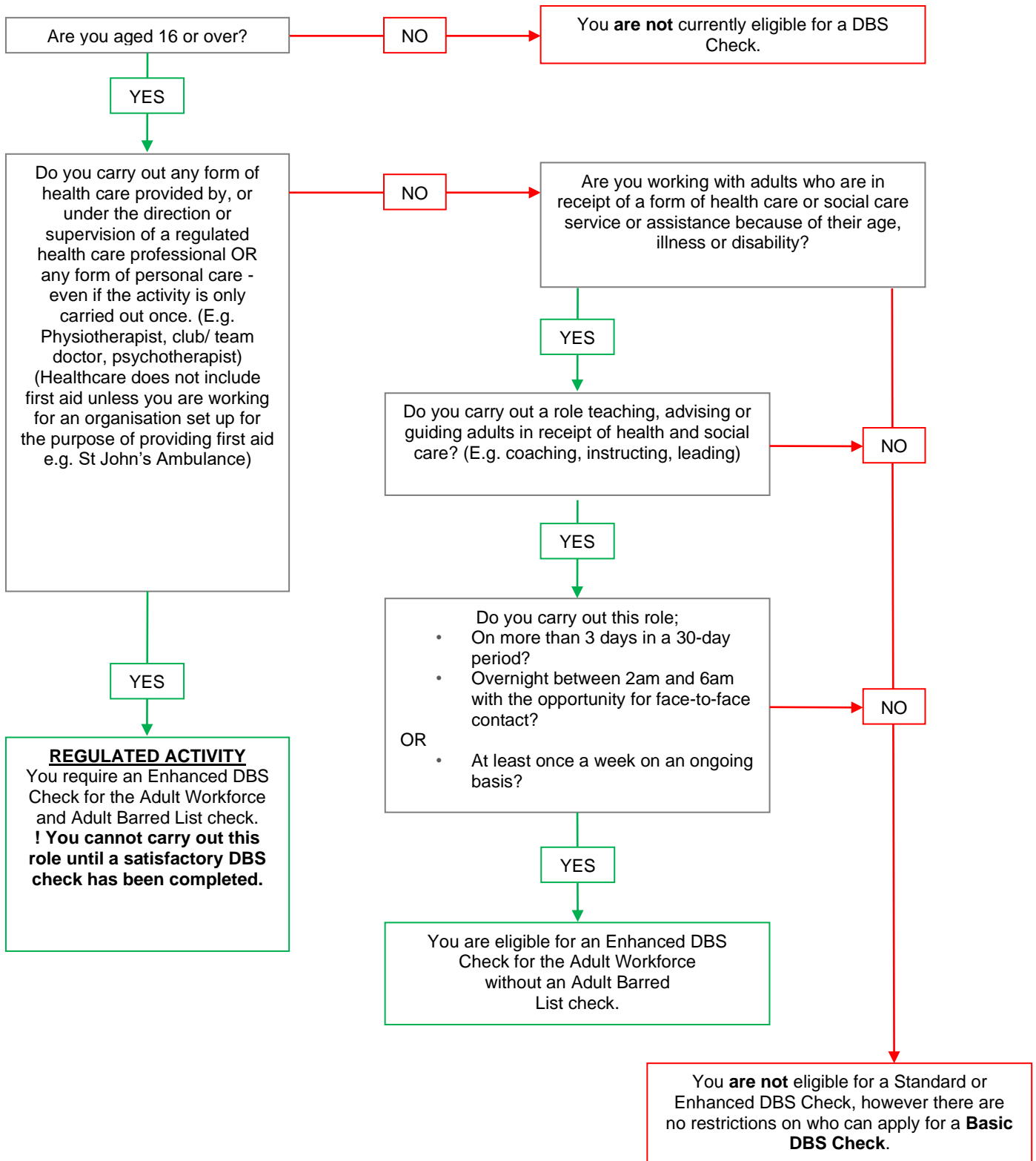
This requirement is met if the person carrying out the activity is doing it:

- At any time on more than 3 days in any period of 30 days; or
- 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
- At least once a week on an ongoing basis.

If the applicant meets the requirements in steps 1, 2, 3, they would be eligible to be asked to apply for an enhanced level check.

## Flow Chart

This flowchart is for guidance only and does not include every role which may be eligible for a DBS check working with adults. It is important to always check with DBS or British Triathlon if you are unsure. Further guidance and an online eligibility tool can be found on the gov.uk website [here](#). (This flowchart would apply whether the individuals are paid or unpaid.)



### **Example roles within a Triathlon club**

Although it is important to look at the actual activity of a person, a start point for considering who needs an Enhanced DBS check is the usual roles found within a Triathlon club. Looking at each of these and the functions they carry out should help to focus on the reasons why a person needs to have an Enhanced check done.

#### **Coaches**

The coach for an adults' Triathlon Club team set up specifically for people with an intellectual impairments 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. This is because the coach is providing training specifically for adults receiving a health care or social care service. If this Triathlon Club 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.

#### **Officials**

The role of umpires 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 umpires responsibilities can vary. An Official for a triathlon event set up for participants with physical disabilities may be eligible for an enhanced check without a check of the adults' barred list. The event must have a reasonable expectation that a majority of the adults are receiving a health care or social care service. The officials role must include caring for or supervising the participants, and they must be doing this often enough. If the event is mostly made up of adults that are not receiving a health care or social care service then the official could only apply for a basic check.

#### **Club Volunteer**

A club volunteer for example who is the First Aider of a disability Triathlon Club (where they are not employed for an organisation set up for the purpose of providing first aid e.g. St John's Ambulance) may be eligible for an enhanced check without a check of the adults' barred. As long as long as the volunteer is doing this often enough, and most of the adults in the club are receiving a health care or social care service.

How do I get a DBS for working with Adults?

Please email: [dbs@britishtriathlon.org](mailto:dbs@britishtriathlon.org) to enquire about obtaining a DBS for working with Adults