

# **MANAGING THE APPLICANT ONLY DISCLOSURE AND CONTINUOUS UPDATING**

## **MODEL REGULATIONS**

**February 2014**

*Please note: these Model Regulations are intended to be a general guide and should not be construed as definitive legal advice to any specific NGB*

## **Background**

These Model Regulations are designed to help NGB's manage the practical implications of the changes introduced by the Protection of Freedoms Act 2012 relating to DBS Enhanced Disclosures.

## **What Has Changed?**

Previously, the CRB (now replaced by the DBS) issued disclosure certificates to both the Applicant and to the registered body or umbrella body. From 17 June 2013, the disclosure certificate has been issued by the DBS to the Applicant only. Also a new scheme has been introduced called the DBS Update Service which allows participating individuals to hold one disclosure certificate for a number of roles and enables the NGB to carry out an online status check to confirm the individual's status (provided the NGB chooses to implement the DBS Update Service and an individual subscribes to it). Overall, NGB's are required to introduce changes to their recruitment practices and vetting procedures to manage the challenges that these changes will present.

## **How to use the Model Regulations**

The Model Regulations set out below may be adopted by NGB's or adapted to sit alongside current safeguarding and recruitment procedures. There is a need to consider and address the implications of adopting these regulations for other related policies and procedures (e.g. disciplinary rules).

The Model Regulations are intended to provide a practical and equitable means of managing both the Applicant only disclosure issue and the DBS Update Service, whilst recognising the importance of confidentiality and the recommendations set out in the DBS Code of Practice.

They set out best practice and in some cases go beyond what an NGB may consider to be appropriate for its own purposes.

The Model Regulations are set out in a number of sections which deal with the following:

- Definitions of key terms;
- DBS Enhanced Disclosure Applications;
- Position Prior to Receipt of a DBS Enhanced Disclosure;
- Establishing the Outcome of a DBS Enhanced Disclosure;
- Obtaining a Copy of a DBS Enhanced Disclosure;
- Returning the DBS Enhanced Disclosure;
- Continuous Updating;
- Online Status Check;
- Manual Updating.

Square brackets are used throughout the Model Regulations to identify where wording needs to be inserted. At present, these brackets contain suggestions which may not be appropriate for your NGB and should therefore be changed by you.

Guidance notes prepared by the Sport and Recreation Alliance are also provided throughout the Model Regulations to help you understand how to use the suggested Regulations. The document has been designed to print double-sided with the left-hand pages displaying the Model Regulations and the corresponding right-hand pages offering appropriate guidance notes.

### **The role of the NGB**

The Model Regulations reflect an assumption that disclosure requirements will be managed centrally by NGB's and may be adapted to reflect the particular environment and resources of individual NGB's. It is recommended that NGB's manage decision making in respect of disclosure requirements centrally for the following reasons:

- to ensure consistency in safeguarding and risk assessment across the NGB's sport;
- to focus training and support on a small core group of staff rather than involving large numbers of staff and/or volunteers at grassroots level;
- to minimise the need for local level members of the NGB to access personal information about people who apply for roles in respect of which DBS Enhanced Disclosures are required (who are often their peers and friends) which may dissuade potential volunteers.

### **Further support:**

If you have any queries or require support in connection with the Model Regulations please contact either the Sport and Recreation Alliance or the CPSU in the first instance.

## **Definitions**

In these Model Regulations the following words shall have the following meanings unless the context otherwise requires:

<b>Barred List Check</b>	means a check to establish whether a person is barred from working in Regulated Activity with children or adults at risk;
<b>DBS</b>	means the Disclosure and Barring Service;
<b>DBS Enhanced Disclosure</b>	means an enhanced disclosure provided by the DBS (previously called an enhanced criminal record check). This includes a record of all warnings, reprimands, cautions and convictions obtained from the Police National Computer (PNC). Chief Police Officers may also choose to disclose information which they hold and which is considered to be relevant to the role;
<b>e- Bulk</b>	means the DBS e-bulk service which allows DBS Registered Bodies (RBs) to submit multiple electronic applications and receive the results back electronically; only for RBs that process more than 1,500 disclosures in any rolling 12 month period;
<b>Individual</b>	means the person applying to be appointed or appointed to a role involving Regulated Activity (or otherwise eligible for an enhanced DBS disclosure without a Barred List Check) whether in a paid or voluntary capacity;
<b>NGB</b>	means [insert name of NGB], the national governing body for the sport of [insert sport] to which [Clubs or Affiliated Associations] are affiliated;
<b>NGB Appeal Panel</b>	means the [NGB] panel of people appointed to determine an appeal by an Individual against a Temporary Suspension Order;
<b>NGB Central Safeguarding Team</b>	means the safeguarding department of the [NGB];
<b>NGB Safeguarding Policy</b>	means the [NGB's] [insert correct title of the NGB's own safeguarding and vetting policy] or any other successor policy and/or procedure for the safeguarding of children and young persons as amended from time to time;
<b>Regulated Activity</b>	means work that a barred person must not do as defined by the Safeguarding Vulnerable Groups Act 2006 and as amended by the Protection of Freedoms Act 2012;
<b>Temporary or Interim Suspension Order</b>	means an order temporarily suspending an Individual from undertaking a particular role or function which may be imposed by the [NGB Central Safeguarding Team].

## 1. **DBS Enhanced Disclosure Applications**

- 1.1 These Model Regulations apply to the appointment of both paid and voluntary roles.
- 1.2 All appointments to roles requiring DBS Enhanced Disclosures must be expressed to be conditional upon the Individual complying with the [NGB's] vetting requirements and receipt of satisfactory DBS clearance.
- 1.3 [Individuals must be checked against the barred list prior to commencing a role in Regulated Activity].
- 1.4 A DBS Enhanced Disclosure may be obtained in respect of eligible Individuals at an appropriate time in accordance with the [NGB] Safeguarding Policy.

## 2. **Position Prior to Receipt of a DBS Enhanced Disclosure**

- 2.1 Prior to receipt of the DBS Enhanced Disclosure and/or the Barred List Check, the Individual may be permitted to undertake a role which is supervised at all times by a person in Regulated Activity within the [Club or Affiliated Association] having the necessary DBS clearance, for a maximum period of 6 weeks. Alternatively, the [NGB, Club or Affiliated Association] may decide not to allow an Individual to undertake any role until such time as it has received a satisfactory DBS Enhanced Disclosure and/or the Barred List Check.

## 3. **Establishing the Outcome of a DBS Enhanced Disclosure**

- 3.1 Ordinarily, the [NGB] will not receive a copy of the DBS Enhanced Disclosure. The exception to this is set out at Regulation 7.7 below.
- 3.2 The [NGB Central Safeguarding Team] will establish whether a DBS Enhanced Disclosure has been issued by:
  - 3.2.1 manually checking the DBS application on line using the DBS online tracking system: <https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate>; or
  - 3.2.2 by way of notification by e-Bulk.

## Guidance

- 1.3 *This is in square brackets because currently your legal obligation is to ensure that you do not knowingly employ an Individual in Regulated Activity who is barred. It is expected that this requirement will change so that you will be required to carry out a Barred List Check on an Individual, prior to him / her commencing a role in Regulated Activity to ensure that the Individual is not barred. Following this change, the wording at Regulation 1.3 will be applicable. The distinction is that currently, you can allow an Individual to take up a role in Regulated Activity prior to a Barred List Check being completed, provided you do not know that the Individual is barred. The phrase to 'not knowingly' employ a barred person in Regulated Activity poses a potential risk for NGB's because it is possible currently to carry out a Barred List Check and as such there is a mechanism available to NGB's to establish the barred status of an Individual. Recommended best practice is for you to do a Barred List Check prior to an Individual commencing a role in Regulated Activity.*
- 1.4 *DBS Enhanced Disclosures are not a legal requirement and as such NGB's can choose the appropriate time to request one from an Individual – before they commence certain roles or when they start in the role. This will be dependent on your safeguarding policy. Individuals are eligible based on DBS eligibility codes or through the old and new definitions of Regulated Activity.*
- 2.1 *It is recommended that you consider how you will ensure that appropriate supervision arrangements are put in place by the [Club or Affiliated Association] while you are awaiting receipt of the Individual's DBS Enhanced Disclosure. You could for example, ask the [Club or Affiliated Association] to send you written confirmation that the Individual will be supervised until you advise otherwise and/or you could include this requirement within the affiliation agreement between you and the [Club or Affiliated Association].*
- In practice, before reaching its decision, the [NGB, Club or Affiliated Association] should consider how realistic it will be to maintain supervision at all times for a maximum period of 6 weeks.*
- 3.2.1 *Manually checking the DBS application on-line is done via the DBS website which will show only the various stages of the process or the date the DBS Enhanced Disclosure was completed. It will not show the level of check, the components of the check or provide any indication as to whether the DBS Enhanced Disclosure has content on it or not.*
- 3.2.2 *An e-Bulk notification will inform you as to whether an Individual's DBS Enhanced Disclosure is clear or whether it has content on it.*

#### **4. Obtaining the DBS Enhanced Disclosure**

##### **[Option A] Obtaining the DBS Enhanced Disclosure only when it has content on it**

- 4.1 Once it has been established via e-Bulk that a DBS Enhanced Disclosure is clear, the [NGB Central Safeguarding Team] will notify the [Club or Affiliated Association] and the Individual as soon as reasonably possible and confirm that the Individual may undertake a role in Regulated Activity.
- 4.2 The [NGB Central Safeguarding Team] may maintain any requirement for the Individual to remain in a supervised role for so long as it reasonably requires, in order to satisfy itself regarding any concerns as to the accuracy of the information provided by the DBS. Once satisfied, the [NGB Central Safeguarding Team] shall proceed in accordance with Regulation 4.1 above.
- 4.3 Once it is established via e-Bulk that a DBS Disclosure has content on it, the [NGB Central Safeguarding Team] shall proceed in accordance with Regulations 4.1.1 – 4.1.5 below.

**OR**

##### **[Option B] Obtaining the DBS Enhanced Disclosure in all cases**

- 4.1 The [NGB Central Safeguarding Team] shall ask the Individual to provide the DBS Enhanced Disclosure in all cases as follows:-
  - 4.1.1 on establishing that a DBS Enhanced Disclosure has been issued, the [NGB Central Safeguarding Team] shall write to the Individual requesting that he / she send the original DBS Enhanced Disclosure to [a nominated member of the NGB Central Safeguarding Team] within [21] days of the written request. The [NGB Central Safeguarding Team] has the discretion to vary the timing of this requirement as it sees fit if the Individual advises that he/she is pursuing the DBS dispute process;
  - 4.1.2 pending receipt of the DBS Enhanced Disclosure, the Individual shall not be permitted to undertake a role in Regulated Activity but may remain in a supervised role for a maximum of 6 weeks (alternatively, and especially if maintaining supervision for 6 weeks is unrealistic, the [NGB, Club or Affiliated Association] may delay the Individual undertaking any role until such time as it has received a satisfactory DBS Enhanced Disclosure and/or the Barred List Check);
  - 4.1.3 if the Individual fails to send the DBS Enhanced Disclosure within the requisite [21] days, the [NGB Central Safeguarding Team] shall write to the Individual, requesting that he/she provide the DBS Enhanced Disclosure within a further period of [7/14] days and advising that should he/she fail to do so, he/she [may/shall] be temporarily suspended from undertaking any role pursuant to the provisions of Appendix 1 below. A copy of the letter will be sent to the [Club or Affiliated Association];
  - 4.1.4 if the DBS Enhanced Disclosure is received within the requisite period and is clear, the [NGB Central Safeguarding Team] shall notify the [Club or Affiliated Association] and the Individual in writing, as soon as reasonably possible, confirming that the Individual may commence a role in Regulated Activity;
  - 4.1.5 if the DBS Enhanced Disclosure is received within the requisite period and it is not clear, the [NGB Central Safeguarding Team] shall proceed to consider and assess the facts of the particular case in accordance with its [existing Safeguarding Policy] before notifying the Individual and the [Club or Affiliated Association] of the outcome of the assessment.

## Guidance

4. *Option A is only available to you if you use e-Bulk because this is the only way you can be establish whether a DBS Enhanced Disclosure is clear or has content on it without physically seeing the DBS Enhanced Disclosure.*

*NGB's that do not use e-Bulk to obtain their DBS Enhanced Disclosures will have to use Option B of the Model Regulations.*

### Option A

- 4.1 *You may wish to consider how you will notify the [Club or Affiliated Association] and the Individual that the DBS Enhanced Disclosure is clear. You may wish to do this in writing. However you may already have a different notification system in place such as via an on-line site or through the Club Welfare Officer. Alternatively you may operate a system where [Clubs or Affiliated Associations] are only notified if the Individual is required to cease performing the role.*
- 4.2 *This enables you to extend the time for which an Individual remains in a supervised role if you have any concerns regarding the accuracy of the information provided by the DBS. This will be unnecessary if your practice is to not notify [Clubs or Affiliated Associations] about clear DBS Enhanced Disclosures.*

*Alternatively, the [NGB, Club or Affiliated Association] may have decided not to allow an Individual to undertake any role until such time as it has received a satisfactory DBS Enhanced Disclosure and/or the Barred List Check. Once satisfied, it can allow the Individual to undertake the role.*

### Option B

- 4.1.1 *The onus is on you to request the DBS Enhanced Disclosure from the Individual. This can be a standard letter which is sent from you to the Individual. A template letter has been provided at Appendix 2.*
- 4.1.3 *This should be used in accordance with your usual non-compliance process.*
- 4.1.3 *Note that with Option B there is an opportunity for you to send written communication to the Individual confirming that the Individual can take-up a role in Regulated Activity because you will have to return the DBS Enhanced Disclosure to the Individual by post.*
- 4.1.4 *If a DBS Enhanced Disclosure has content on it, the risk assessment process outlined in the NGB's Safeguarding Policy should be followed. In most cases this will mean that you only communicate a decision to the appropriate officer at Club level and will not require you to share whether the decision was based upon the existence of content on the DBS Enhanced Disclosure.*

## 5. **Returning the DBS Enhanced Disclosure**

The [NGB Central Safeguarding Team] will return the DBS Enhanced Disclosure to the Individual as soon as reasonably possible. Subject to the [NGB] having the consent of the Individual, it may retain a photo copy for its records. Any updated DBS Enhanced Disclosure obtained under Regulations 7 or 8 should also be returned in the same way.

## 6. **Continuous Updating/Renewals**

6.1 The [NGB Central Safeguarding Team] will be responsible for the process of checking the validity of an Individual's DBS Enhanced Disclosure and any subsequent assessment of an Individual's on-going suitability to undertake a role. Such checking will be undertaken, as a minimum, every [3] years from the date of receipt of the Individuals original DBS Enhanced Disclosure.

6.2 The [NGB Central Safeguarding Team] may carry out a status update by:

6.2.1 undertaking an online status check using the DBS Update Service; and/or

6.2.2 requiring an Individual to obtain a new DBS Enhanced Disclosure.

6.3 The [NGB Central Safeguarding Team] may at its discretion, and with the individual's consent, obtain a status update at any time and more frequently than set out in Regulation 6.1 above where, for example:

6.3.1 the [NGB Central Safeguarding Team] and/or the [Club or Affiliated Association] becomes aware of or has any reason to believe that there may be a change to the Individual's DBS status; or

6.3.2 the [NGB Central Safeguarding Team] is investigating any concern regarding an Individual's conduct pursuant to the [NGB's Safeguarding Policies and Procedures]; or

6.3.3 the [NGB Central Safeguarding Team] reasonably considers it to be appropriate for any reason to require an Individual to provide a new DBS Enhanced Disclosure.

This list is not intended to be exhaustive.

## 7. **Online Status Check - DBS Update Service**

7.1 The [NGB Central Safeguarding Team] may carry out an online status check using the DBS Update Service provided that:

7.1.1 the Individual has subscribed to the DBS Update Service; and

7.1.2 the Individual has given his/her consent (in accordance with the form attached at Appendix 3) for the [NGB Central Safeguarding Team] to use the DBS Update Service; and

7.1.3 the [NGB Central Safeguarding Team] holds a copy of the Individual's original DBS Enhanced Disclosure.

## Guidance

5. *As there is now only one disclosure being sent to the Individual under the new system, as long as you have the Individual's consent, you can keep a copy for your records in accordance with the Information Commissioner's Office's Employment Practices Code (i.e. vetting records should be destroyed after 6 months, though a record that vetting was carried out, the result and the recruitment decision taken can be retained).*
- 6.1 *Note: Non conviction information (soft information) and other relevant information will only be updated onto the update service every nine months. This may influence your decision as to whether you choose to accept and use the DBS Update Service within your organisation. For example, when presented with a DBS Enhanced Disclosure obtained by an Individual through another organisation, whilst you can log on to confirm whether information is current, it may be nine months out of date. This risk may influence whether you use the DBS Update Service or request a new DBS Enhanced Disclosure.*
7. *You may wish to make it mandatory under your rules and regulations for any Individual applying for a role in Regulated Activity to subscribe to the DBS Update Service.*
  - 7.1.2 *We have suggested a template form of consent to be used in order to obtain an Individual's consent to use the DBS Update Service. You could send this to the Individual at the same time as your request for them to send you their DBS Enhanced Disclosure. Arguably, providing you with their DBS Enhanced Disclosure means that they have implicitly consented to you logging on to check that the information is current. We would however recommend that you obtain explicit consent.*
  - 7.1.3 *It may be that your system records decisions made in relation to previous content on DBS Enhanced Disclosures as opposed to storing copies.*

- 7.2 If the criteria set out in Regulation 7.1 is satisfied, the [NGB Central Safeguarding Team] shall set up an electronic reminder on the [NGB database] prior to the third anniversary of the date of receipt of the Individual's original DBS Enhanced Disclosure and every third year thereafter and on or about such anniversary shall log-on to the DBS Update Service to carry out a status check, and shall check in particular:
- 7.2.1 the Individual's identity;
  - 7.2.2 that the name on the DBS Enhanced Disclosure matches this identity; and
  - 7.2.3 the DBS Enhanced Disclosure reference number, the Individual's name and date of birth.
- 7.3 If the status check shows that the Individual's DBS Enhanced Disclosure remains current as no further information has been identified since its issue then the [NGB Central Safeguarding Team] shall notify the [Club or Affiliated Association] and the Individual that the DBS Enhanced Disclosure remains current and valid.
- 7.4 If the status check shows that the Individual's DBS Enhanced Disclosure is no longer current, the [NGB Central Safeguarding Team] shall:
- 7.4.1 require the Individual to apply for a new DBS Enhanced Disclosure within [28] days; and
  - 7.4.2 [may/shall] inform the [Club or Affiliated Association] that the Individual may not undertake any role in Regulated Activity and that he/she may only undertake a supervised role until such time as the Individual provides a new DBS Enhanced Disclosure. The [NGB, Club or Affiliated Association] may require the Individual not to work with children or vulnerable adults pending receipt of the new DBS Enhanced Disclosure.
- 7.5 If the Individual does not comply with the request to apply for a new DBS Enhanced Disclosure within [28] days, the [NGB Central Safeguarding Team] shall write to the Individual requesting that he/she provide the new DBS Enhanced Disclosure within a further period of [7/14] days and advising that should he/she fail to do so he/she [may/shall] be temporarily suspended from undertaking any role in accordance with Appendix 1 below. A copy of the letter will be sent to the [Club or Affiliated Association].

## Guidance

7.2 You can carry out a status check at [www.gov.uk/dbc](http://www.gov.uk/dbc) . You will need to enter the name of your organisation, your forename and surname and then the following details of the DBS Certificate being checked:

- DBS Certificate number;
- Current surname of the DBS certificate holder, as specified on their DBS certificate;
- Date of birth of the DBS certificate holder, as recorded on the DBS certificate.

To carry out an on-line status check you must:

1. See the DBS Certificate (to enable you to check the level is the same as the level you require for the Individual and to see the relevant information on the certificate for your own risk assessment);
2. Satisfy yourself through robust ID checks that the person being checked is the same person as that is named on the actual DBS certificate.

This information is taken from the 'DBS Update Service: Employer Guide' May 2013 and can be accessed at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

7.3 The results that indicate a current disclosure are:

*"This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue" (for a clear disclosure remaining clear)*

*"This DBS Certificate remains current as no further information has been identified since its issue" (for a disclosure with content on which is up to date)*

7.4 The result that indicates a disclosure which is no longer current is:

*"This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up to date information".*

*If this is the case you should also consider whether the level of Disclosure is still appropriate. This will include the level of check (Enhanced or Standard), whether the check is appropriate and the type of workforce. "Workforce" is a new concept which will be used by Police in deciding whether to include non-conviction information on Disclosures. The different categories are Child; Adult; Child and Adult; or Other.*

*If the result comes back as "The details entered do not match those held on our system. Please check and try again" – it could be the individual is not subscribed to the system, the DBS Certificate has been removed from the service or details have been entered incorrectly.*

7.4.2 It is not necessary to remove the Individual from Regulated Activity in this instance. However, if it becomes clear that the Individual is not complying with the new request, then action for non-compliance should be taken in accordance with the NGB's Safeguarding Policy.

- 7.6 If the DBS has issued a new DBS Enhanced Disclosure to the Individual and the Individual fails to provide the [NGB Central Safeguarding Team] with a copy within 28 days of its issue by the DBS, the [NGB Central Safeguarding Team] may request a copy of the DBS Enhanced Disclosure directly from the DBS.
- 7.7 Upon receipt of the new DBS Enhanced Disclosure, the [NGB Central Safeguarding Team] shall consider the facts of the particular case in accordance with the [NGB's Safeguarding Policy].

**AND/OR**

**8 Manual Updating**

- 8.1 As an alternative to the use of the DBS Update Service, the [NGB Central Safeguarding Team] shall set up an electronic reminder on the [NGB database] prior to the [third] anniversary of the date of receipt of the Individuals original DBS Enhanced Disclosure and every [third] year thereafter; and
- 8.1.1 on or about the said anniversary shall write to the Individual and request that he/she apply for a new DBS Enhanced Disclosure within [28] days of the written request;
- 8.1.2 if the new DBS Enhanced Disclosure is not applied for within [28] days of the request, the [NGB Central Safeguarding Team] shall write to the Individual requesting that he/she provide the new DBS Enhanced Disclosure within a further period of [7/14] days and advising that if he/she should fail to do so he/she may be temporarily suspended from undertaking any role in accordance with Appendix 1 below or may be permitted to undertake a supervised role only. A copy of the letter will be sent to the [Club or Affiliated Association];
- 8.1.3 upon receipt of the new DBS Enhanced Disclosure, the [NGB Central Safeguarding Team] shall establish whether it contains any new content or no new content.
- 8.2 If there is no new content on the Individual's new DBS Enhanced Disclosure, the [NGB Central Safeguarding Team] shall notify the [Club or Affiliated Association] and the Individual that the DBS Enhanced Disclosure remains current and valid;
- 8.3 If there is new content on the Individual's new DBS Enhanced Disclosure, the [NGB Central Safeguarding Team] shall proceed to consider and assess the facts of the particular case in accordance with the [NGB Safeguarding Policy] before notifying the Individual and the [Club or Affiliated Association] of the outcome of the assessment.

## Guidance

- 8.1.3 *You may or may not be able to determine what information is “new” on the DBS Enhanced Disclosure. This will depend upon your risk assessment recording mechanism.*
- 8.2 *You may wish to consider how you will notify the [Club or Affiliated Association] and the Individual that the DBS Enhanced Disclosure remains current. This may be done in writing. However you may already have a different notification system in place such as via an on-line site or through the Club Welfare Officer. Alternatively, you may operate a system where the [Club or Affiliated Association] is only notified if the Individual can no longer be engaged in a role in which the NGB requires a DBS Enhanced Disclosure.*

## Appendix 1

### 1. **Temporary Suspension Orders**

- 1.1. In order to ensure the safety and welfare of children and vulnerable persons in [NGB's sport] and in order to meet its general safeguarding obligations, the [NGB Central Safeguarding Team] may at any time impose a Temporary Suspension Order suspending the Individual from any and all activity under the auspices of the [NGB] for such duration and on such terms as it considers to be appropriate.
- 1.2. For the avoidance of doubt, a Temporary Suspension Order may be imposed when an Individual fails to comply with any aspect of the [NGB's] vetting procedures.
- 1.3. When considering the imposition of a Temporary Suspension Order, the [NGB Central Safeguarding Team] shall consider the facts of each individual case and shall consider, by way of example only:
  - 1.3.1 the nature of the role;
  - 1.3.2 whether a child or children or vulnerable persons are or may be at risk of harm;
  - 1.3.3 any explanation offered by the Individual for his or her non-compliance with the vetting process.

This list is not intended to be exhaustive.
- 1.4. Temporary Suspension Orders will be issued by [NGB Central Safeguarding Team] and confirmed to the individual in writing, confirming the right to appeal as set out in Regulation 2 of this Appendix 1 below.

### 2. **Appeals**

- 2.1. An individual may appeal against the imposition of a Temporary Suspension Order. Any appeal should be submitted in writing to the [NGB Appeal Panel] within [10] days of receiving confirmation of the Temporary Suspension Order. The letter of appeal should set out clearly the grounds of appeal.
- 2.2. Any appeal will be considered in accordance with the [NGB Safeguarding Policy] and the Appeal Panel will, at all times, adhere to the principles of natural justice.
- 2.3. The terms of the Temporary Suspension Order will continue to apply during the appeal process.
- 2.4. The Appeal Panel may confirm the original decision to impose a Temporary Suspension Order, vary it or dismiss it. Its decision will be final and binding.
- 2.5. The [NGB] will not be liable to any suspended Individual, [Club or Affiliated Association] for any loss of any nature arising as a result of or in connection with the imposition of a Temporary Suspension Order or the application of these Regulations.

## Guidance

### Appendix 1

- 1.4 *In these specific circumstances the [NGB, Club or affiliated Association] should make clear to the Individual, and to anyone required to be informed about the suspension, that this relates only to the Individual's failure to comply with the process.*

## Appendix 2

### Template Request Letter

***(for use in connection with Regulation 4.1.1 of the Model Regulations when requesting an Individual to send his/her original DBS Enhanced Disclosure to the [NGB Central Safeguarding Team])***

To: [insert name of Individual]

[insert address]

[insert date]

Dear [insert name of Individual]

Further to your application for the role of [insert name of role] with [insert name of Club or Affiliated Association], we understand that your DBS Enhanced Disclosure has been issued by the DBS.

Please send your original DBS Enhanced Disclosure within [21] days of the date of this letter to [insert name of nominated member of the NGB Central Safeguarding Team] at the following address [insert address].

We wish to inform you that pending receipt of your DBS Enhanced Disclosure, you shall not be permitted to undertake the role of [insert name of role as per above] but may remain in a supervised role for a maximum of 3 months.

If your DBS Enhanced Disclosure is not received within [21] days as set out in this letter, it may be necessary to temporarily suspending you from undertaking any role with [insert name of NGB]. We trust however that this will be unnecessary and thank you in anticipation of your co-operation.

We look forward to hearing from you.

Yours sincerely

[insert name]

For and on behalf of [NGB Central Safeguarding Team]

**Appendix 3**

**Template Consent Form**

***(for use in connection with Regulation 7.1.2 of the Model Regulations for the [NGB Central Safeguarding Team] to obtain an Individual's consent to carry out an online status check on him/her using the DBS Update Service)***

To: [insert name of nominated member of the NGB Central Safeguarding Team]

[insert address]

I,           [Individual to insert his/her name]           give my consent for the [NGB Central Safeguarding Team] to access my status information online through the use of the DBS Update Service as frequently as may be required by the [NGB Central Safeguarding Team] for the purposes of my role as [insert name of Individual's role] with [insert Club or Affiliated Association] which requires me to hold a DBS Enhanced Disclosure and such consent is provided by me for the duration of my appointment to the role of [insert Individual's role] and until such time as I notify the [NGB Central Safeguarding Team] that I no longer occupy a role requiring a DBS Enhanced Disclosure.

In the event of me being appointed to another role with [insert Club or Affiliated Association] which requires me to hold a DBS Enhanced Disclosure, then I hereby consent to the [NGB Central Safeguarding Team] continuing to access my status information online through the DBS Update Service for the purposes of this role and for the duration of my appointment to such role.

In addition, I give my consent to the [NGB Central Safeguarding Team] to retain a photocopy for its records of any DBS Enhanced Disclosure which I have provided to the [NGB Central Safeguarding Team].

**Print Name:**.....

**Address:**.....

.....

.....

.....

**Signature:**.....

**Date:**.....