



Protection of Freedoms Act, 2012, Update 2

1. Introduction

The Protection of Freedoms Act 2012 received Royal Assent on 1st May 2012. It contains all of the new safeguarding and vetting requirements that will affect individuals in sport and recreation organisations who have contact with children and vulnerable adults.

2. Changes being implemented

On 10th September 2012, the following changes came into force:

- Introduction of 16 yrs old as the minimum age at which someone can apply for a Criminal Records Check;
- A new definition of Regulated Activity (one for working or volunteering with adults and one for working or volunteering with children);
- More rigorous 'relevancy' test for when police release information held locally on an Enhanced check.
- Repeal of additional information.

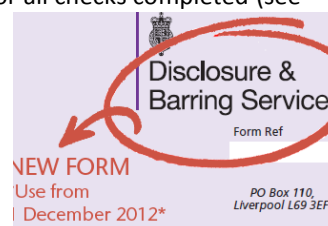
In addition two further requirements of the Safeguarding Vulnerable Groups Act, 2006 were repealed i.e. Controlled Activity and registration and continuous monitoring;

In December 2012, the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) will merge and become the Disclosure and Barring Service (DBS). All their current services will continue and CRB certificates will continue to be valid. However, some terminology will be changing. The new terms in bold are the most frequently used ones in football:

Current Terms	New Terms
CRB, ISA, VBS	Disclosure and Barring Service (DBS)
Standard CRB check	A standard DBS check
Enhanced CRB check	A Enhanced DBS check
Enhanced CRB check with Barred list check	An Enhanced check for Regulated Activity
Enhanced Disclosure	Enhanced Certificate (sample document not yet seen)
ISA Adult First	DBS Adult First
Vulnerable Adults	Vulnerable groups

November 2012 to March 2013 there will be changes to paperwork

- From 1st December 2012, DBS branded certificates will be issued for all checks completed (see right).
- From 1st February 2013, only DBS branded application forms will be accepted for processing by The FA CRB Unit.
- In spring 2013, the Applicant Only Certificate will be implemented. This means that The FA will no longer receive a copy of the Criminal Records Certificate and will need to liaise with the applicant to receive a copy. The DBS is also due to launch an 'update' service.



Equality and Child Protection Department
Wembley Stadium
Wembley
London HA9 0WS

Postal address:
Wembley Stadium
PO Box 1966
London SW1 9EQ

Telephone
+44 (0)844 980 8200
Facsimile
+44 (0)844 980 8201



3. Action The FA is taking for Affiliated football

Regulated Activity

The changes brought about by the new definition of Regulated Activity mean that those people which The FA defines are in Regulated Activity will be legally required to undertake a check e.g. they will be breaking the law if they do not undertake a check and work in Regulated Activity, this is likely to include all coaches working with U18s.

There will also be others who are required by FA policy and Regulations to undertake a check.

Regulated Activity relates to specific activities and time periods for unsupervised roles. In line with Government guidance, The FA is defining which roles sit in which level of requirement and will communicate this in the lead up to spring 2013.

Disclosure and Barring Service

The FA is communicating the changes in terminology and in relation to the new DBS branded application forms.

The FA continues to liaise directly with the DBS, in line with our duty to inform them where decisions are made to remove people from the workforce as they pose or may pose a risk of harm to children or vulnerable groups.

Applicant Only Disclosure

The FA is reviewing the best mechanisms to manage this change in procedure by the Government to adapt to the way in which we will receive Criminal Records certificates to undertake risk assessments. We will provide further information on this process for affiliated football, including the regulations that are in place, to manage participants who do not comply with the requirements.

Update Service

The FA CRB Unit is liaising closely with the DBS in relation to the proposed Update Service. At this stage, there are lots of unknowns from the DBS in relation to how specifically the service will work.

Once The FA is clear on these matters we will communicate further about the Service. It is anticipated that this update will be from March 2013 onwards.

Communication

The FA will provide a further update by the end of January 2013 and will amend the related FAQs on The FA.com as required, in order to guide affiliated football.

4. What should football be doing now?

- Note the change to DBS forms from now onwards and that all existing CRB application forms will cease to be accepted by The FA CRB Unit from 1st February 2013.
- Continue to carry out Criminal Records checks for those that are eligible.

Equality and Child Protection Department
Wembley Stadium
Wembley
London HA9 0WS

Postal address:
Wembley Stadium
PO Box 1966
London SW1 9EQ

Telephone
+44 (0)844 980 8200
Facsimile
+44 (0)844 980 8201



- Note that The FA will guide participants as to who is eligible for which level of checks.
- Note that The FA will continue to refer individuals to DBS who we have removed from 'Regulated Activity' because they have harmed or pose the risk of harm to a child or a vulnerable person.
- Recognise the need to wait for further updates and information from the Government on costs, and therein from The FA re how we will implement these requirements in football.
- Note that The FA will support CFAs, Leagues and Clubs to help them understand which individuals are legally required to be checked and what they need to do to be compliant with the law and FA regulations going forwards.

5. Government and FA Communications

Whilst the Government is running a number of road-shows to help individuals understand the new requirements, these road shows will not cover how sport and football will be implementing the requirements. Please note, these changes do not come in to effect immediately, the DBS and Government Departments anticipate they will be rolled out from spring 2013 onwards. The FA will communicate the new requirements when more information is known.

6. Actions Now

Clubs and Leagues should continue to roll out CRB/DBS checks in the usual way and take note of the information in the statement. We appreciate your support in reassuring your members that they will receive all the guidance necessary from The FA, in good time to ensure they are compliant with the legislative and regulatory changes.

**FA Equality and Child Protection Department
November 2012**