



# Disclosure & Barring Service

## Leisure centre staff – working with children

**Jurisdiction: England & Wales**

### Background

There is a common misconception that all staff working in leisure centres should be asked to apply for DBS certificates. This has stemmed from concerns around access to changing rooms where children may be undressed, the potential for physical contact with children in emergency situations and because children often visit these facilities without their parents or guardians.

### Eligibility for leisure centre staff

Leisure centre staff are not specifically named as a role or profession in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and so there is no automatic eligibility to apply for a standard DBS certificate.

A leisure centre is not a specified establishment listed in the Safeguarding Vulnerable Groups Act (SVGA) 2006, as amended by Protection of Freedoms Act (PoFA) 2012, and so there is no automatic eligibility to apply for an enhanced DBS certificate with a check of the DBS children's barred list for their staff.

If the member of staff simply has contact with children due to working in an area where children may be and does not carry out any of the activities set out in 'work with children' legislation, then there is no eligibility for a standard or enhanced DBS certificate, e.g. administration, bar staff, cleaner or caretaker.

However, there may be occasions when leisure centre roles do involve certain duties and activities that would enable an enhanced DBS certificate with a DBS children's barred list check to be carried out under Schedule 4 of the SVGA 2006. This would mean the post holder would be in regulated activity with children. This would in turn make the employers a regulated activity provider (RAP) which brings obligations under the Safeguarding Vulnerable Groups Act 2006.

For example, any activity which involves teaching, training, instruction, care or supervision of children (where this is not incidental to performing the same tasks with adults) **and** where this occurs 3 or more times in a 30 day period, would fall under the definition of regulated activity with children. These roles would be entitled to an enhanced DBS certificate with a check of the DBS children's barred list, e.g. a lifeguard or children's swimming instructor.

Where these activities are being carried out on an infrequent basis (but still more than once), eligibility exists for an enhanced DBS certificate, but **without** a check of the DBS children's barred list.

There are a variety of sports and other activities which can take place within leisure centres aimed at children. Where this is the case it is not appropriate for all other leisure centre staff to be DBS checked unless they meet the criteria described above.

## Crèche facilities

In Wales, a large number of leisure centres offer crèche facilities for children ranging from birth to twelve years old. These facilities fall under the statutory remit of the Care and Social Services Inspectorate Wales (CSSIW) and so are subject to its mandatory registration regime. In England, facilities for children up to 8 years of age are subject to Ofsted's mandatory registration regime. English providers who only offer childcare services to those aged 8 years and over can register with Ofsted on a voluntary basis.

Staff **working in a crèche** based within a leisure centre will be eligible to be asked to apply for an enhanced DBS certificate with a check of the DBS children's barred list in the same way as staff working in any nursery or crèche would be. This **does not** mean that the whole leisure centre is a specified establishment. It is not appropriate for all other leisure centre staff to be DBS checked because of the crèche facility.

**This guidance is correct at the time of printing. If you require further information, please contact DBS Customer Services or seek legal advice.**