



## Guidance for RYA affiliated Clubs and organisations and Recognised Training Centres on the AccessNI Disclosure process

AccessNI is a Criminal History Disclosure Service. It supplies criminal history information to organisations that are required by law to consider the suitability of applicants for certain positions or to ensure that they are not barred from working with vulnerable groups.

Staff and volunteers undertaking relevant roles in the regulated sector, eg. schools, healthcare, nursing homes, childminders, are required by law to apply for Disclosures (referred to as 'AccessNI checks'). There is no statutory requirement for other private or voluntary organisations to ask their staff or volunteers to apply for AccessNI checks, however it has become accepted good practice. In the event of an incident where a child is harmed, a failure to check the individual involved might strengthen a claim against the organisation.

It is a criminal offence under the Safeguarding Vulnerable Groups (NI) Order 2007:

- for a Barred individual to work in Regulated Activity (see below)
- for an organisation to knowingly allow someone who has been Barred to work in Regulated Activity
- for an organisation to fail to make a referral to the Disclosure & Barring Service if they have dismissed someone from Regulated Activity for harming or posing a risk of harm to a vulnerable person.

Only applicants for posts covered by the Rehabilitation of Offenders (Exceptions) Order (NI) 1979, such as those in positions of trust involving close and regular contact with vulnerable groups, can be asked to apply for a Standard or Enhanced check. A criminal record will only be taken into account when it is relevant and will not necessarily be a bar to employment or volunteering. Organisations should have a policy on employing ex-offenders and make it available to applicants on request.

An AccessNI check is only one part of a safe recruitment process. Organisations should also ask applicants to provide information about their previous experience, check their qualifications where relevant, take up references and explore their attitudes to children and young people or vulnerable adults.

There are four levels of AccessNI check:

1. **Basic** – only checks for unspent convictions. Anyone can apply via the nidirect website for a fee of £18.
2. **Standard** – normally used for positions of trust in the financial sector etc, not sufficient for work with vulnerable groups. Checks police records for spent and unspent convictions, cautions, informed warnings or diversionary youth conferences (and reprimands and warnings in England and Wales and equivalent Scottish disposals).
3. **Enhanced** – checks police records as for Standard, and provides other relevant police information. May be requested where the individual's role involves frequent contact with children – at least once a week, or four times in a 30 day period, or overnight - but does not fall within the definition of 'Regulated Activity' because it is supervised (see definition below).
4. **Enhanced with Barred List check** – as for Enhanced, and additionally checks that the individual has not been Barred from working with the relevant group(s). Only a person whose role involves 'Regulated Activity' is eligible to apply for a Barred List check.

**Regulated Activity with children** and young people aged under 18 is defined as:

- 'Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being' if done 'frequently' or 'intensively' – this means at least once a week, or four times in a 30 day period, or overnight.
- 'Day-to-day management or supervision of individuals carrying out work which would be Regulated Activity if unsupervised'.

(there are other definitions but they do not apply to the sport and recreation sector).

**Definition of 'Supervised':**

- there must be supervision by a person who is in Regulated Activity;
- the supervision must be regular and day to day; and
- the supervision must be 'reasonable in all the circumstances to ensure the protection of children'. Relevant factors will include the number of workers being supervised, the physical environment, the ages of the children, the ratio of adults to children, any additional vulnerabilities the children may have.

Few, if any, positions in sailing and boating will involve **Regulated Activity with adults**, defined as:

- 'Providing personal care to adults' (does not have to be frequent or regular, can be supervised or unsupervised). This does not include assisting with putting on a hoist sling, sailing clothing, lifejackets etc over the sailor's clothes.
- 'Day-to-day management or supervision of individuals carrying out Regulated Activity'.

**Application Process**

If you are planning to appoint a paid employee or a volunteer and you wish to ask them to apply for an Enhanced AccessNI Disclosure or an Enhanced Disclosure with Barred List check, you can do this free of charge through the RYA which is an AccessNI Registered Umbrella Body, using the following procedure:

1. Contact the RYA Safeguarding team (details below) and request a Disclosure Information Pack. It includes a Service Level Agreement which must be signed and returned to the RYA before we can submit your organisation's applications to AccessNI. You will need to identify a named person who will be your AccessNI contact.
2. Conduct your normal recruitment procedure, making clear to applicants prior to recruitment that if selected they will be required to apply for a Disclosure, and at what level.
3. Having decided that the applicant is suitable in all other respects, offer the job or voluntary post subject to satisfactory references and Disclosure/Barred List check.
4. You should make the applicant aware of your policy on the recruitment of ex-offenders and make this Guidance, the AccessNI Code of Practice and your policy on the secure handling of Disclosure information available on request.
5. Ask the applicant to bring both the original and a copy of their identity documents in order that you can complete and sign the ID Validation form (available from the RYA). The applicant must also sign the Applicant's Confirmation.
6. Return the original identity documents to the applicant. You must explain to the applicant that copies of their identity documents will be sent to the RYA as part of AccessNI's requirements for issuing a Disclosure certificate. The RYA will store the copies in a locked cabinet or in its GDPR compliant computer/e-mail system for three months after the certificate is issued and then securely shred or delete them.

7. Send the ID Validation form, together with copies of the identity documents checked, to the RYA (address below). You must ensure that you comply with your organisation's Data Privacy policy while the copies are in your possession and use a secure method (such as 'signed for' post) to send the copies which contain a significant amount of personal data.
8. If the application is for a paid post, a payment of £33 is required. This should be made payable to the RYA as AccessNI will debit the payment from the RYA's account. The RYA does not make an additional administrative charge. You can either enclose a cheque with the ID form or, if your organisation has an account with the RYA, request an invoice.
9. The applicant applies for their AccessNI check online, following the instructions provided by the RYA (Applicant Information and PIN Notification leaflet).
10. The RYA matches up the online application with the ID Validation form and signs off the application online.
11. AccessNI carries out the appropriate checks and issues a Disclosure certificate to the applicant by post.
12. The RYA will monitor the online system on a weekly basis. The system will only indicate whether or not the Disclosure contains 'criminal record or other information'. The RYA will contact the responsible person in the organisation if the system indicates that the Disclosure contains vetting information.
13. If information has been disclosed, you will need to ask the applicant to show you their certificate. If they are unwilling to do so, offer them the option of sending it to the RYA Safeguarding Manager who will only disclose to you information the RYA considers to be relevant to the role. Please see the flow chart below for guidance on handling AccessNI certificates.
14. Based on all the available information, and having discussed any concerns with the applicant, the organisation makes a final decision on whether to confirm the appointment. The RYA is not responsible for the decision to appoint or for any consequences arising from that appointment.
15. If the Disclosure reveals that an applicant is Barred from working with children, or has relevant convictions, the RYA may need to take action in relation to any RYA qualifications that enable the individual to teach, train or supervise children.

The RYA undertakes to comply with the AccessNI Code of Practice. The Code is included in the RYA Disclosure Information Pack, or can be viewed on the AccessNI website (details below).

Contacts for further information:

RYA Safeguarding  
Royal Yachting Association, RYA House, Ensign Way,  
Hamble, Southampton, SO31 4YA  
Tel: 023 8060 4226/4104  
E-mail: [disclosure@rya.org.uk](mailto:disclosure@rya.org.uk)

RYA Safeguarding and Child Protection Policy and Procedures  
[www.rya.org.uk/go/safeguarding](http://www.rya.org.uk/go/safeguarding)

AccessNI  
Tel: 0300 200 7888  
Website: [www.nidirect.gov.uk/accessni](http://www.nidirect.gov.uk/accessni)

**RYA Guidance on handling AccessNI certificates**

