

Lincolnshire Sports Partnership

CHILD PROTECTION POLICY AND PROCEDURES

Acknowledgements

The Lincolnshire Sports Partnership would like to thank Sportscoach UK and the Child Protection in Sport Unit for their support and guidance. Special thanks also to the Amateur Swimming Association (ASA) for its kind permission to adapt and reproduce its Guidelines for the Use of Photographic and Filming Equipment at Competitions.

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1.0 Policy Statement

1.1 Introduction to Lincolnshire Sports Partnership

Lincolnshire Sports Partnership Ltd (LSP) is an independent non-profit making company limited by guarantee. The vision of LSP is to

‘Create, develop, maintain and promote a single
integrated sports delivery system for Lincolnshire’

LSP will achieve this vision by working with company members from local authorities, governing bodies of sport, education and other organisation committed to the development of sport across Lincolnshire.

This policy is mandatory for all LSP paid staff and volunteers, whether full or part time on either a permanent or casual basis and from this point onwards will all be referred to as ‘staff/volunteers’. LSP will work with all company members to ensure they either adopt this policy or develop their own, equivalent, child protection policy, as detailed in the LSP Implementation Plan.

The LSP Board approved this policy and the related ‘Child Protection Implementation Plan’ on 7 April 2005 it will be reviewed every three years or in light of changes to relevant legislation or following significant incident.

This Child Protection Policy and the related Implementation plan have been written to meet the requirement of the Standards for Safeguarding and Protecting Children in Sport (CPSU 2003)

1.2 Responsibilities

LSP will accept the moral and legal responsibility to implement procedures to provide a duty of care for all young people and vulnerable adults, safeguard their well-being and protect them from abuse irrespective of age, culture, disability, gender, language, racial origin, religious belief and sexual identity. LSP will:

- Respect and promote the rights, wishes and feelings of young people and vulnerable adults
- Recruit, train and supervise its staff/volunteers to adopt best practice to safeguard and protect young people from abuse and themselves against false allegations
- Require staff/volunteers to adopt and abide by the LSP Code of Ethics and Conduct and the Child Protection Policy and Procedures
- Respond to any allegations appropriately and implement the appropriate disciplinary and appeals procedures

1.3 Principles

The procedures within this policy are guided by the following principles:

- The welfare of young people (the Children’s Act 1989 defines a young person as under 18 years of age) and vulnerable adults is the primary concern.
- All young people, whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse.
- It is the responsibility of the child protection experts to determine whether or not abuse has taken place but it is everyone’s responsibility to report any concerns.

- All incidents of suspicious poor practice and allegations should be taken seriously and responded to swiftly and appropriately.
- Confidentiality should be upheld in line with the Data Protection Act 1984 and the Human Rights Act 2000.

1.4 Definition of Terms and Abbreviations

The term '**parents**' is used throughout this document as a generic term to represent parents, carers and guardians.

The term '**young people**' or '**young person**' will be used through out this document to mean children (under 18 years of age) and vulnerable adults.

The term '**vulnerable adults**' refers to adults with learning difficulties.

Throughout this document the term '**staff/volunteers**' refers to all LSP paid staff and volunteers, whether full or part time on either a permanent or casual basis who work with or have contact with young people as part of their role.

LSP – Lincolnshire Sports Partnership

LSP CPO – Lincolnshire Sports Partnership Child Protection Officer

LSP Deputy CPO – Lincolnshire Sports Partnership Deputy Child Protection Officer

CPSG – Child Protection Steering Group

2.0 Recruitment, Employment and Deployment of Staff and Volunteers

2.1 Introduction

All reasonable steps will be taken to ensure that only suitable people are recruited to work with young people. The procedures, outlined in this policy document are mandatory and will be adopted by LSP and all staff/volunteers who work for or on behalf of LSP.

2.2 Pre-recruitment Procedures

The following pre-recruitment procedures must always be followed:

Advertising

If any form of advertising is used to recruit staff/volunteers, it should reflect the:

- Aims of the LSP and where appropriate, the particular programme involved
- Responsibilities of the role
- Level of disclosure the post will undertake (If required)
- Level of experience or qualifications required (e.g. experience of working with children is an advantage)
- LSP's open and positive stance on child protection.

Pre-Application Information

When an application process is used, pre-application information will be sent to interested or potential applicants and will contain:

- A job description including roles and responsibilities
- A person specification (e.g. stating qualifications or experience required)
- An application form.

Application Forms

All applicants, whether for paid, voluntary, full-time or part-time positions must complete a LSP application form, for staff or volunteers. These forms will elicit the following information:

- Name, address and National Insurance Number (to confirm identity and right to work).
- Relevant experience, qualifications and training undertaken.
- Any criminal record.
- Whether the applicants are known to any social services department as being an actual or potential risk to young people, a self-disclosure question to establish whether they have ever had action taken against them in relation to child abuse, sexual offences or violence.
- The names of at least two people (not relatives) willing to provide written references that comment on the applicant's previous experience of, and suitability for, working with young people (previous employer).
- Any former involvement or working with children.
- The applicant's consent to a criminal record bureau check being undertaken.
- The applicant's consent to abide by the Organisation's Child Protection Policy and the Code of Ethics and Conduct appropriate to the position sought (eg coach, official etc).

The form will also state that failure to disclose relevant information or any subsequent failure to conform to the Code of Ethics and Conduct (Appendix F) will result in disciplinary action and possible dismissal from LSP.

2.3 Checks and References

For all staff/volunteers aged 16 and over (at the time of commencement of work for LSP) a minimum of two written references must be taken up and if possible, at least one should be associated with former work with young people. Written references should always be followed up and confirmed by telephone. If an applicant has no experience of working with young people, appropriate training will be provided by LSP.

All staff/volunteers aged 16 and over (at the time of commencement of work for LSP) will be subject to an enhanced CRB check. A decision will be made in each instance, based on the particular circumstances, as to whether or not an individual may start to work for LSP whilst the checking process is ongoing.

When it becomes known that a potential staff member/volunteer has a criminal record, the LSP procedure for 'Recruitment and Retention of Staff and Volunteers with Criminal Records' shall be followed (see appendix J).

Volunteers under the age of 16 (at the time of commencement of work for LSP), will not be required to undergo a CRB check or have reference taken, but **MUST** be supervised at all times by a member of staff/volunteer over the age of 16, who has been CRB checked and **MUST NOT** be left in sole charge of children at any time.

If a member of staff/volunteer becomes 16 years old whilst working for LSP, a CRB check should be undertaken and references should then be sought. The member of staff/volunteer may then work with children without constant supervision of a member of staff/volunteer over the age of 16.

2.4 Interview and Induction

It may or may not be appropriate, depending upon the circumstances, to conduct a formal interview. If it is, the interview will be carried out according to acceptable protocol and recommendations.

Each member of staff/volunteer will undergo a LSP induction process, in which:

- Relevant qualifications will be substantiated (e.g. as a coach or official)
- They complete a competency profile to identify training needs and aspirations
- They **sign** up to the organisation's Code of Ethics and Conduct (Appendix F)
- The expectations, roles and responsibilities of the job are clarified (e.g. through a formal or informal work programme or goal-setting exercise)
- They **sign** up to the organisations child protection policy and procedures, which will be explained fully.

2.5 Training

Checks are only part of the process to protect children from possible abuse. Appropriate training will enable individuals to understand their responsibilities with regard to their own good practice and the reporting of suspected poor practice/concerns of possible abuse.

LSP will undertake to train all staff/volunteers working with young people, in the following areas as a priority within the first 6 months of employment:

- Child protection awareness (e.g. Sports Coach UK 'Good Practice and Child Protection' workshop).
- First aid (e.g. *NCF/BRC Emergency First Aid for Sport*, St John or St Andrew's Ambulance First Aid qualifications) unless they are permanently and solely based at a venue where, these services are properly provided externally to LSP .

And the following areas within the first year of employment:

- Disability (e.g. Sports Coach UK 'Coaching Disabled Performers' workshop)
- Equity (e.g. Sports Coach UK 'Equity in your Coaching' workshop)

2.6 Monitoring and Appraisal

At regular intervals or following a planned programme, all staff/volunteers will be given the opportunity to receive feedback e.g. through an appraisal, to identify training needs and set agreed goals. Managers should be sensitive to any concerns about poor practice or abuse and act on them at an early stage. They should also offer appropriate support to those who report concerns/complaints.

2.7 Complaints Procedures

Lincolnshire Sports Partnership complaints and appeals procedures must be used to deal with any formal complaints and/or appeals. It is the responsibility of LSP to ensure that parents and young people are aware of the existence of these procedures.

3.0 Promoting Good Practice with Young People

3.1 Introduction

Child abuse, particularly sexual abuse, can arouse strong emotions in those facing such a situation. It is important to understand these feelings and not allow them to interfere with your judgement about any action to take. Abuse can occur within many situations including the home, school and the sporting environment. Some individuals will actively seek employment or voluntary work with young people in order to harm them. A coach, instructor, teacher, official or volunteer may have regular contact with young people and be an important link in identifying cases where a young person needs protection. All cases of poor practice should be reported to the LSP CPO as detailed in this policy (Section 5 and Appendices A and B).

3.2 Good Practice Guidelines

All staff/volunteers are expected to demonstrate exemplary behaviour in order to promote the interests of young people and reduce the likelihood of allegations being made. LSP expects a high standard of behaviour from all staff, participants and spectators, this is set out in the codes of conduct (Appendix F). The following are common sense examples of how staff can create a positive culture and climate within sport:

Good practice means:

- Always working in an open environment (eg avoiding private or unobserved situations and encouraging an open environment (eg no secrets)
- Treating all young people equally, and with respect and dignity
- Always putting the welfare of each young person first, before winning or achieving goals
- Maintaining a safe and appropriate distance with performers (eg it is not appropriate to have an intimate relationship with a young person or to share a room with them)
- Building balanced relationships based on mutual trust which empowers young people to share in the decision-making process
- Making sport fun, enjoyable and promoting fair play
- Ensuring that if any form of manual/physical support is required, it should be provided openly and according to guidelines provided by the NGB. Care is needed, as it is difficult to maintain hand positions when a young person is constantly moving. Young people and carers should always be consulted and their agreement gained.
- Keeping up to date with the technical skills, qualifications and insurance in sport
- Involving parents/carers wherever possible (eg for the responsibility of their young person in the changing rooms). If groups have to be supervised in the changing rooms, always ensure parents/teachers/coaches/officials work in pairs
- Ensuring that if mixed teams are taken away, a male and female member of staff should always accompany them. (NB However, same gender abuse can also occur.)
- Ensuring that at tournaments or residentials, adults should not enter young peoples rooms or invite young people into their rooms
- Being an excellent role model – this includes not smoking or drinking alcohol in the company of young people
- Giving enthusiastic and constructive feedback rather than negative criticism
- Recognising the developmental needs and capacity of young people – avoiding excessive training or competition and not pushing them against their will
- Securing parental consent in writing to acting *in loco parentis*, if the need arises to give permission for the administration of emergency first aid and/or other medical treatment

- Keeping a written record of any injury that occurs and details of any treatment given

Practice never to be sanctioned

The following should **never** be sanctioned. You should never:

- As a member of LSP staff/volunteer, transport children in your own car
- Spend excessive amounts of time alone with children away from others
- Engage in rough, physical or sexually provocative games, including horseplay
- Share a room with a young person
- Allow or engage in any form of inappropriate touching
- Allow children to use inappropriate language unchallenged
- Make sexually suggestive comments to a young person, even in fun
- Reduce a young person to tears as a form of *control*
- Allow allegations made by a child to go unchallenged, unrecorded or not acted upon
- Do things of a personal nature for young people, that they can do for themselves
- Invite or allow young people to stay with you at your home unsupervised.

NB It may sometimes be necessary for staff/volunteers to help with tasks of a personal nature for young people, particularly if they are young or are disabled. These tasks should only be carried out with the full understanding and **written** consent of parents and the performers involved. There is a need to be responsive to a person's reactions. If a person is fully dependent on you, talk with him/her about what you are doing and give choices where possible. This is particularly so if you are involved in any dressing or undressing of outer clothing, or where there is physical contact, lifting or assisting a child to carry out particular activities. Avoid taking on the responsibility for tasks for which you are not appropriately trained.

If any of the following incidents should occur, you should report them immediately to another colleague; make a written record of the event and pass this on to the LSP CPO, for information. Parents should also be informed of the incident:

- If you accidentally hurt a child
- If a child seems distressed in any manner
- If a child appears to be sexually aroused by your actions
- If a child misunderstands or misinterprets something you have done.

3.3 Relationships of Trust

“The inequality at the heart of a relationship of trust should be ended before any sexual relationship begins.” Caring for Young People and the Vulnerable? Guidance for preventing abuse of trust (Home Office 1999)

This statement recognises that genuine relationships do occur between the different levels of volunteers and participants in a group but that no intimate relationship should begin whilst the member of staff or volunteer is in a 'position of trust' over them. The power and influence that an older member of staff/volunteer has over someone attending a group, activity or event cannot be under-estimated. If there is an additional competitive aspect to the activity and the older person is responsible for the young person's success or failure to some extent, then the dependency of the younger member upon the older will be increased. It is therefore vital for all personnel to recognise the responsibility they must exercise in ensuring that they do not abuse their positions of trust. Young people aged 16-18 can legally consent to some types of sexual activity; however, in some provisions of legislation they are classified as children. In certain circumstances the 'abuse of trust' is a Criminal Offence (Sexual Offences Act 2003 UK wide).

3.4 Code of Ethics and Conduct

All staff/volunteers are required to sign up to the Lincolnshire Sports Partnerships Code of Ethics and Conduct (Appendix F). The Code encourages:

- The development of an open and positive climate in sport
- Poor practice to be identified
- Investigations to be carried out
- Disciplinary action to be taken if appropriate.

3.5 Guidelines for Use of Photographic Filming Equipment at Sporting Events

There is evidence that some people have used sporting events as an opportunity to take inappropriate photographs or film footage of young people in vulnerable positions. LSP will adhere to the appropriate guidelines detailed in Appendix G. These guidelines have been adapted from the Amateur Swimming Association and are reproduced with their kind permission.

4.0 Recognition of Poor Practice, Abuse and Bullying

4.1 Introduction

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. LSP staff/volunteers are not experts at such recognition. However, they do have a responsibility to act if they have any concerns about the behaviour of someone (an adult or another child) towards a young person. LSP expects staff/volunteers to discuss any concern they may have about the welfare of a young person immediately with the LSP CPO as detailed in Appendices A and B.

It is the policy of LSP to provide a duty of care for children, safeguard their well-being and protect them from abuse. It is therefore essential that all members of staff/volunteers are aware of the contents of this policy to equip them with a basic understanding of the main forms of abuse, and to enable them to implement the procedures contained within this policy.

4.2 Poor Practice

Poor practice includes any behaviour that contravenes the LSP Code of Ethics and Conduct (Appendix F), which is constituted around the following:

- Rights – for example of the player, the parent, the coach, the official etc.
- Responsibilities – for example responsibility for the welfare of the players, the sport, the profession of coaching, their own development.
- Respect – for example of other players, officials and their decisions, coaches, the rules.

4.3 Abuse and Bullying

Abuse can happen wherever there are young people, and young people and disabled adults of any age can be abused. The effects of abuse can be so damaging and if untreated, they may follow a person into adulthood. For example, a person who has been abused as a child may find it difficult or impossible to maintain stable, trusting relationships, become involved with drugs or prostitution, attempt suicide or even abuse a child in the future.

There have been a number of studies¹, which suggest children (or adults) with disabilities are at increased risk of abuse. Various factors contribute to this, such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves, or adequately communicate that abuse has occurred.²

Children from black and minority ethnic groups (and their parents) are likely to have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm it is not, in itself, a category of abuse. All organisations working with children, including those operating where black and minority ethnic communities are numerically small, should address institutional racism, defined in the Macpherson Inquiry Report on Stephen Lawrence as *'the collective failure by an organisation to provide appropriate and professional service to people on account of their race, culture and/or religion'*.

The Main Forms of Abuse

¹ Westcott, H (1993) **The Abuse of Children and Adults with Disabilities**. London, NSPCC

² Kerr, A (1999) **Protecting Disabled Children and Adults in Sport and Recreation**. Contact Disability Sport England (Tel: 020 7490 4919)

Child abuse is any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm. It commonly occurs within a relationship of trust or responsibility and is an abuse of power or breach of trust. Abuse can happen to a young person regardless of their age, gender, race or ability.

There are four main types of abuse: physical abuse, emotional abuse, sexual abuse and neglect. Abuse of disabled children and vulnerable adults, and instances of bullying also fall within the wider definition of abuse.

Somebody may abuse or neglect a young person by inflicting harm, or by failing to act to prevent harm. Young people may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by a stranger.

Appendix H contains definitions and examples of each of these main forms of abuse, plus additional information on the abuse of disabled young people, and bullying.

Appendix I contains guidance on recognising signs of abuse. It is not the responsibility of LSP staff/volunteers to decide whether abuse is or has taken place, **it is their responsibility to identify poor practice and possible abuse and act where they have concerns about the welfare of a young person by referring this to the LSP CPO (as detailed in appendices A and B)**

5.0 Responding to Disclosure, Incidents, Suspicions and Allegations

5.1 Introduction

If a young person discloses that he/she is being abused, an incident occurs, you suspect abuse or poor practice or receive an allegation of poor practice or abuse, you should report this immediately to the LSP Child Protection Officer (LSP CPO) as indicated in appendices A and B – ‘Procedures for Reporting Concerns...’.

If you are not able to contact the LSP CPO or the deputy, advice can be sought from Social Services, the Police or the NSPCC, contact details can be found in Appendix C.

Records and Information

Information passed to Social Services or the Police must be as helpful as possible, hence the necessity for making a detailed record at the time of the disclosure/concern.

Information should be detailed on the Incident Record Form (Appendix E) either by the LSP CPO or the person responding to the disclosure/concern. This form should be forwarded to the LSP CPO immediately and the LSP CPO will be responsible for referring this to Social Services.

If contact cannot be made with the LSP CPO or deputy immediately, the referrer should contact Social Services directly. Contact with the LSP CPO and completion of the incident record form should be made as soon as possible afterwards

Reporting the matter to the Police or Social Services should not be delayed by attempts to obtain more information. Wherever possible, referrals telephoned to the social services department should be confirmed in writing within 24 hours. A record should also be made of the name and designation of the Social Services member of staff or police officer to whom the concerns were passed, together with the time and date of the call, in case any follow-up is needed.

5.2 Specific Advice for Responding to Disclosure from a Young Person

Actions to Take

The person receiving information concerning disclosure should:

- React calmly so as not to frighten the child
- Tell the child he/she is not to blame and that he/she was right to tell
- Take what the child says seriously, recognising the difficulties inherent in interpreting what is said by a child who has a speech disability and/or differences in language
- Keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said
- Reassure the child but do not make promises of confidentiality which might not be feasible in the light of subsequent developments
- Make a full record of what had been said, heard and/or seen as soon as possible.

NB Not all young people are able to express themselves verbally. Communication difficulties may mean that it is hard for them to complain or be understood. Sometimes it is difficult to distinguish the signs of abuse from the symptoms of some disabilities or conditions, in relation to the nature of an individual's impairment. However, where there are concerns about the safety of a young person, record what has been observed in detail and follow the LSP procedures to report these concerns (Appendices A and B).

Actions to Avoid

The person receiving the disclosure should not:

- Panic
- Allow their shock or distaste to show
- Probe for more information than is offered
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Approach the alleged abuser
- Make promises or agree to keep secrets.

5.3 Specific Advice for Responding to Suspicions

It is not the responsibility of anyone working for LSP to decide whether or not child abuse has or is taking place.

However, there is a responsibility to protect children in order that **appropriate agencies** can then make enquiries and take any necessary action to protect the young person.

It is the responsibility of LSP CPO to inform Social Services of incidents of possible child abuse in writing within 24 hours.

Sharing Concerns with Parents

There is always a commitment to work in partnership with parents or carers where there are concerns about their children. Therefore, in most situations, it will be important to talk to parents or carers to help clarify any initial concerns. For example, if a child seems withdrawn, there may be a reasonable explanation. He/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement.

When Not to Share Concerns with Parents

There are circumstances in which a young person might be placed at even greater risk if concerns are shared (eg where a parent or carer may be responsible for the abuse or not able to respond to the situation appropriately). In these situations or where concerns still exist, any suspicion, allegation or incident of abuse must be reported to the person in charge as soon as possible and recorded.

Expert Advice

If you are not sure what to do, LSP CPO may be able to provide advice or contact details for you to get expert advice. Contact details for other useful organisation can also be found in Appendix C.

5.4 Allegations against Staff

Child abuse can and does occur outside the family setting. Although it is a sensitive and difficult issue, child abuse has occurred within institutions and may occur within other settings (eg sport or other social activities). Recent inquiries¹ indicate that abuse that takes place within a public

¹ Newcastle City Council (1994) **Report of the Independent Enquiry into Multiple Abuse in Nursery Classes in Newcastle Upon Tyne.**

setting is rarely a one-off event. It is crucial that those involved in sport are aware of this possibility and that all allegations are taken seriously and appropriate action taken. It is important that any concerns for the welfare of the child, arising from abuse or harassment by staff/volunteers, should be reported immediately. Child abuse is a disciplinary issue and will be dealt with in accordance with the LSP disciplinary procedures.

Seek Advice

The LSP CPO or deputy may be informed of situations where there is uncertainty about whether the concern constitutes abuse and is, therefore, unclear about what action to take. There may be circumstances where allegations are about poor practice rather than abuse, the LSP CPO or deputy should always gain advice from Social Services, police or the NSPCC if there is any doubt. This is because it may be one of a series of instances which together cause concern.

Support for the Reporter of Suspected Abuse

It is acknowledged that feelings generated by the discovery that a member of staff/volunteer is, or may be, abusing a child, will raise concerns among other staff/volunteers. This includes the difficulties inherent in reporting such matters.

LSP assures all staff/volunteers that it will fully support and protect anyone who, in good faith (without malicious intent), reports a concern about a colleague's practice or the possibility that a young person may be being abused.

Types of Investigation

Where there is a complaint of abuse against a member of staff/volunteer, there may be three types of investigation:

- Criminal (led by the police)
- Child protection (led by Social Services and/or the Police)
- Disciplinary or misconduct (led by LSP)

Civil proceedings may also be initiated by the person/family of the person who alleged the abuse.

The results of any Police and Social Services investigation will inform the LSP disciplinary process. Even in the absence of a criminal prosecution, the LSP disciplinary process may still be activated and may result in sanctions being imposed upon the individual.

Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a *need to know basis* only. This may include the following people:

- The LSP CPO
- The Deputy LSP CPO
- The parents of the person who is alleged to have been abused.
- The person making the allegation.
- Social services/police.
- When relevant, Designated Officers within the relevant sports governing bodies

The alleged abuser (and parents if the alleged abuser is a child) should only be contacted following Social Services advice

Information should be stored in a secure place with limited access to designated people, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

Internal Enquiries and Suspension

LSP will make an early decision about whether an individual accused of abuse should be temporarily suspended, pending further police and Social Services inquiries. The Chief Executive, in line with the company's disciplinary procedures, will normally take this decision.

Irrespective of the findings of the Social Services or police inquiries, LSP must investigate and assess each individual case under the appropriate misconduct/disciplinary procedure. In such cases, LSP must reach a decision based on the available information. The welfare of children should always remain paramount.

Support to Deal with the *Aftermath*

Consideration should be given about what support may be appropriate to children, parents and members of staff/volunteers. Use of Helplines, support groups and open meetings will maintain an open culture and help the healing process. The British Association of Counselling Directory¹ may be a useful resource.

Consideration should be given about what support may be appropriate for the person alleged to have committed the abuse.

5.5 Allegations of Previous Abuse

Allegations of abuse may be made some time after the event (e.g. by an adult who was abused as a child or by a member of staff/volunteer who is still currently working with children). Where such an allegation is made, LSP should follow the procedures as detailed above and report the matter to the Social Services or the Police. This is because other children, either within or outside sport, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children. This is reinforced by the Protection of Children Act 1999.

5.6 Action for Dealing with Bullying

If bullying is severe i.e. serious physical assault or if it persists despite efforts to deal with it the same procedure should be followed as set out in Appendices A and B. All settings in which children are provided with services or are living away from home should have rigorously enforced anti-bullying strategies in place.

Action to Help the Victim and Prevent Bullying in Sport:

- Take all signs of bullying very seriously.

¹ The British Association for Counselling Directory is available from The British Association for Counselling, 1 Regent Place, Rugby CV21 2PJ, Tel: 01788 550899, Fax: 01788 562189, E-mail: bac@bac.co.uk, Internet: www.bac.co.uk

- Encourage all children to speak and share their concerns.¹ Help the victim to speak out and tell the person in charge or someone in authority. Create an open environment.
- Investigate all allegations and take action to ensure the victim is safe. Speak with the victim and the bully(ies) separately.
- Reassure the victim that you can be trusted and will help them, although you cannot promise to tell no one else.
- Keep records of what is said (what happened, by whom, when).
- Report any concerns to the person in charge of the activity (wherever the bullying is occurring).

Action Towards the Bully(ies):

- Talk with the bully(ies), explain the situation, try to get the bully(ies) to understand the consequences of their behaviour. Seek an apology to the victim(s).
- Inform the bully's parents.
- Insist on the return of *borrowed* items and that the bully(ies) compensate the victim.
- Provide support for the coach of the victim.
- Impose sanctions as necessary.
- Encourage and support the bully(ies) to change behaviour.
- Hold meetings with the families to report on progress.
- Inform all organisation members of action taken.
- Keep a written record of action taken.

¹ It is believed that up to 12 children per year commit suicide as a result of bullying, so if anyone talks about or threatens suicide, seek professional help immediately.

6.0 Implementation and Monitoring Procedures

6.1 Objectives

LSP has written a plan for the implementation of this child protection policy and procedures. This is a separate but closely related document which has been approved by the LSP board on 7 April 2005. The implementation plan highlights the action that needs to be taken, by whom, how and when in order to implement the LSP Child Protection Policy and Procedures.

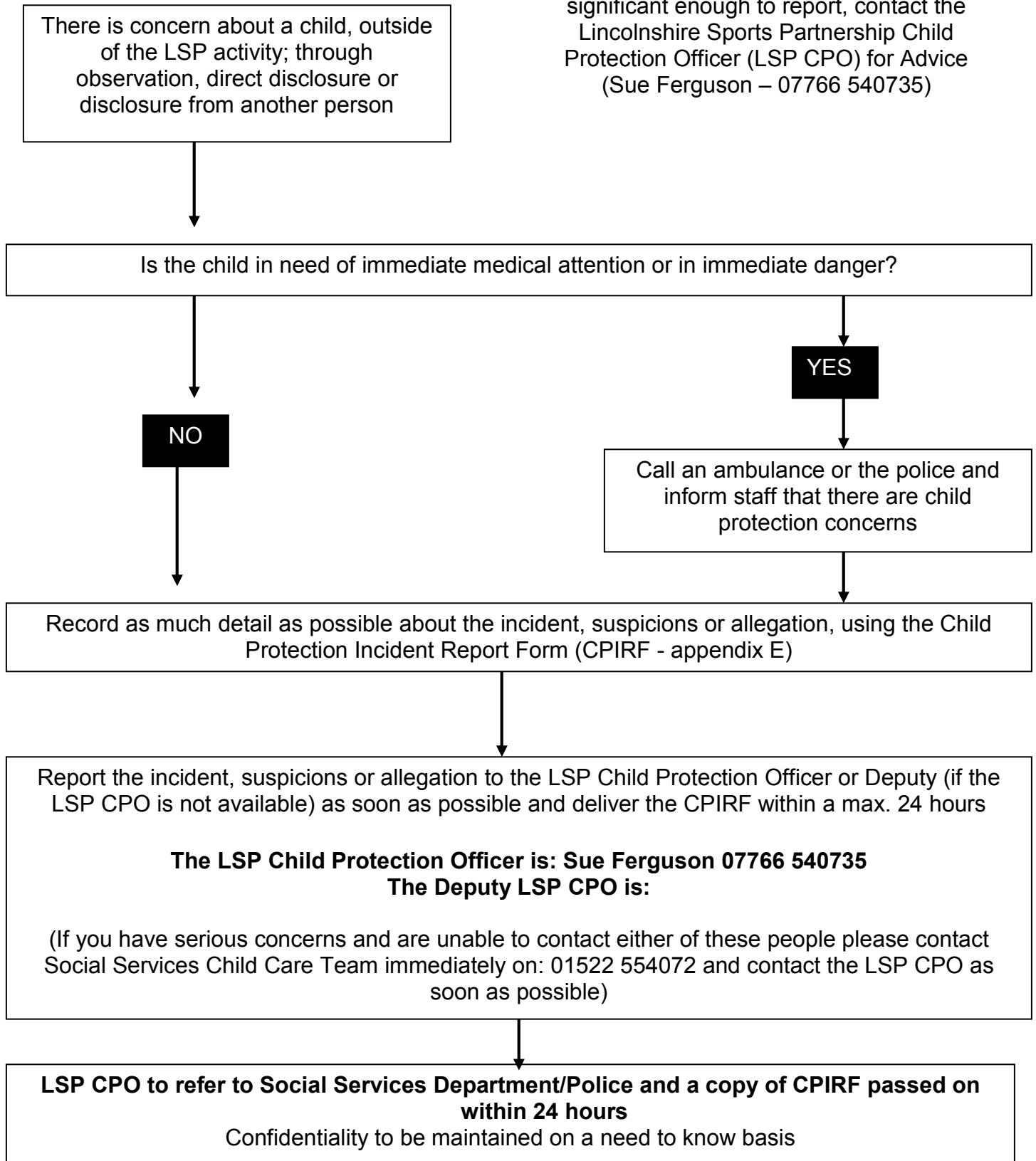
LSP will set up a Child Protection Steering (CPSG) Group who will be responsible for reviewing and updating the implementation plan at least every six months. This group will also be responsible for monitoring and evaluating the success of the actions detailed within the implementation plan and reporting back to the LSP Board on an annual basis.

The purpose for the implementation plan is to:

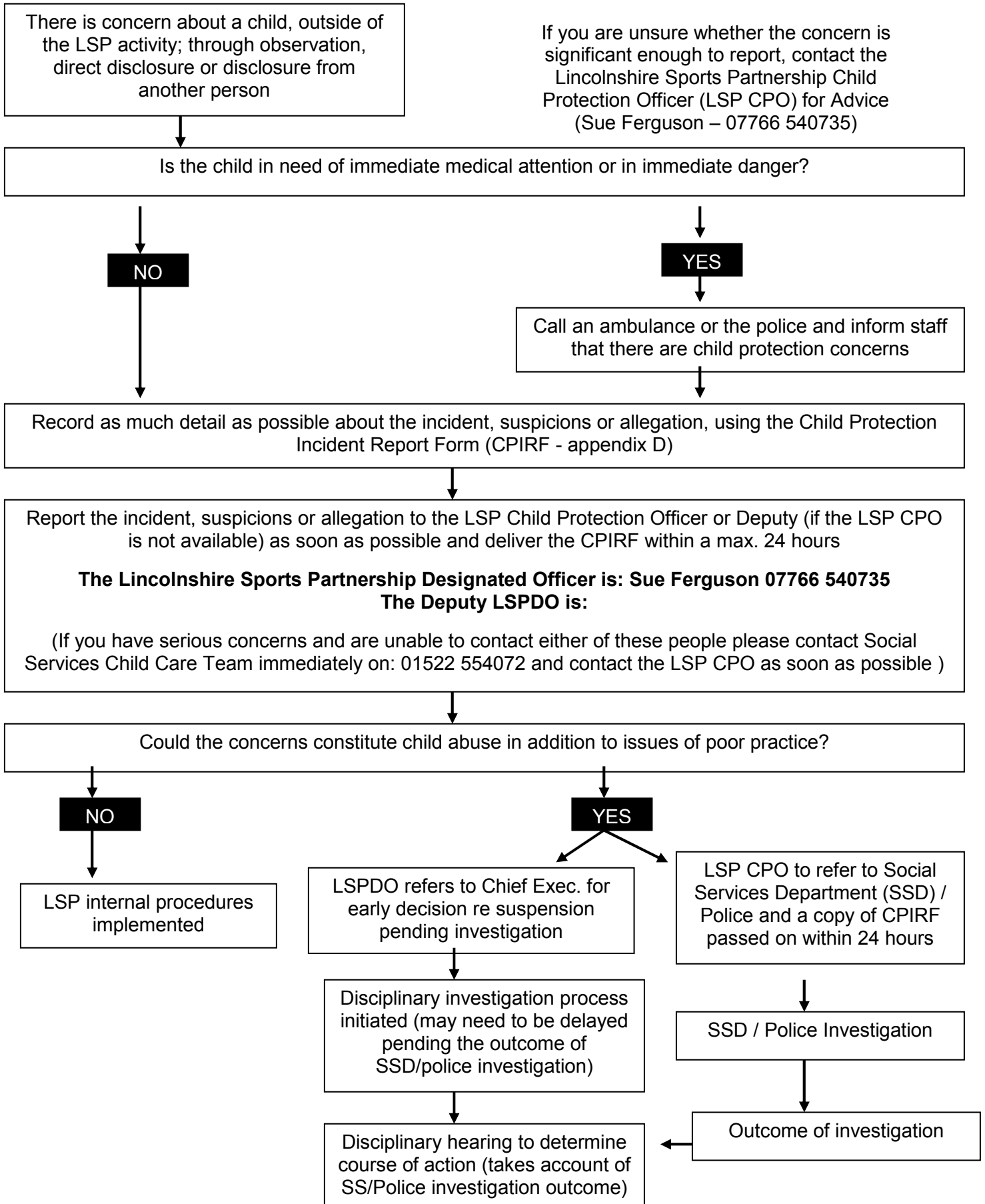
- Disseminate the LSP Child Protection message so that it reaches and influences all related sporting organisations to safeguard the welfare of young people and vulnerable adults in sport
- Operate sound procedures for the recruitment of staff
- Identify and ensure staff receive appropriate child protection training
- Keep up to date with updated with legislation related to child protection
- Monitor and update the implementation plan annually to keep child protection high on the sporting agenda
- Measure the impact of the policy and procedures on an annual basis.

Procedure for Reporting Concerns About a Child Outside of Lincolnshire Sports Partnership Activities

If you are unsure whether the concern is significant enough to report, contact the Lincolnshire Sports Partnership Child Protection Officer (LSP CPO) for Advice (Sue Ferguson – 07766 540735)



Procedure for Reporting Concerns About a Child in Relation to Lincolnshire Sports Partnership Staff/Volunteers



Essential Contacts

| | | |
|---|--|---|
| Lincolnshire Sports Partnership Child Protection Officer (LSP CPO) | Sue Ferguson Area Manager Lincolnshire Sports Partnership | 07766 540735 |
| Lincolnshire Sports Partnership Deputy Child Protection Officer | | |
| Local Social Services Child Protection Officer Out of office hours contact | Tim Barker | 01522 554072 Emergencies 01529 413366 |
| Local police child protection teams In an emergency dial 999 . | Sergeant DS Dooley | 01522 885317 |
| The NSPCC | | Helpline: 0800 800 5000 |
| Child Protection in Sport Unit | Nick Slinn Development Officer (England) | 0116 2347278 |
| Childline UK | Freepost 1111 London N1 OBR | Tel: 0800 11111 |
| NI Childline | 74 Duke Street Londonderry | Tel: 0504 311555 |

CONFIDENTIAL - Child Protection Reference Form

Name:

Address:

The above candidate has applied to be a Lincolnshire Sports Partnership Coach and has given your name as a referee. Working as a Lincolnshire Sports Partnership Coach involves substantial access to children. As an organisation committed to the welfare and protection of children, we need to know if there is any reason at all to be concerned about this applicant being in contact with children or young people.

If you are happy to complete this reference, any information will be treated with due confidentiality and in accordance with the relevant legislation and guidance. Information will only be shared with the person conducting the assessment of the candidate's suitability to act as a coach. We would appreciate you being candid, open and honest in your evaluation of this person.

1. How long have you known this person? _____

2. In what capacity? _____

3. What main attributes and skills does this person have, that you believe will make them suitable in a coaching role? _____

4. Coaching involves substantial access to children. As an organisation committed to the welfare of and protection of children, we need to know if you have any reason to be concerned about this applicant being in contact with children or young people.

YES I have concerns I have **NO** concerns

If you have answered **YES** we will contact you in confidence.

Name: _____ Signed: _____

Date: _____ Contact Tel Number: _____

Position: _____ Organisation: _____

Please return in pre paid envelope provided.

Child Protection Incident Record Form

| | |
|--|-----------------|
| Your name: | Your address: |
| Your position: | Contact number: |
| Child's name: | |
| Child's address: | |
| Parents/carers name, address and contact number: | |
| Child's date of birth: | |
| Date and time of any incident: | |
| Your observations (include names of any people involved in the incident or who the allegation is against): | |
| Exactly what the child said and what you said: (Remember, do not lead the child – record actual details. Continue on separate sheet if necessary) | |
| Action taken so far: | |
| If the LSP CPO was not available did you contact any of the following external agencies: | |

| | |
|-----------------------------------|--|
| Police yes/no | If yes – which: Name and contact number: Details of advice received: |
| Social services yes/ no | If yes – which: Name and contact number: Details of advice received: |
| Other (eg NSPCC) | Which: Name and contact number: Details of advice received: |

| |
|-------------------------------|
| Signature: Print name: |
| Date: |

PLEASE SEND THIS INCIDENT REPORT FORM TO:
Sue Ferguson
Lincolnshire Sports Partnership Child Protection Officer
Lincolnshire Sports Partnership
Lincolnshire County Council Offices
Newland
Lincoln
LN1 1YQ

(It is the responsibility of LSP CPO to telephone and forward this referral on to Social Services if appropriate)

If you have any queries, need an urgent response or advice please telephone:
Sue Ferguson on 07766 540735

Remember to maintain confidentiality on a *need to know* basis – only if it will protect the child.
Do not discuss this incident with anyone other than those who need to know.

Code of Ethics and Conduct

Sports coaching helps the development of individuals through improving their performance in one or more areas of sporting activity.

This development is achieved by:

- Identifying and meeting the coaching needs of each individuals
- Improving performance through a progressive programme of safe, guided practice, measured performance and/or competition
- Creating an environment in which individuals are motivated to maintain participation and improve performance.

Staff must comply with these principles of good ethical practice set out below and must abide by this Code of Conduct. Staff must agree to:

- 1 Respect the rights, dignity and worth of every person and treat everyone equally within the context of their sport.
- 2 Place the well-being and safety of the participant above the development of performance.
- 3 Follow all guidelines laid down by each sports Governing Body and have appropriate insurance cover.
- 4 Develop an appropriate working relationship with participant (especially children), based on mutual trust and respect and not exert undue influence to obtain personal benefit or reward.
- 5 Encourage and guide participants to accept responsibility for their own behaviour and performance.
- 6 Hold up-to-date and nationally recognised Governing Body coaching qualifications.
- 7 Ensure the activities they direct or advocate are appropriate for the age, maturity, experience and ability of the individual.
- 8 At the outset, clarify with participants (and where appropriate with their parents) exactly what is expected of them and what participants are entitled to expect from their coach. A contract may sometimes be appropriate.
- 9 Cooperate fully with other specialists (eg other coaches, officials, sports scientists, doctors, physiotherapists) in the best interests of the performer.
- 10 Always promote the positive aspects of their sport (eg fair play) and never condone rule violations or the use of prohibited substances.
- 11 Consistently display high standards of personal behaviour and appearance.
- 12 Discriminatory, offensive and violent behaviour is unacceptable and all complaints will be acted upon
- 13 Arrive in plenty of time to set up the activity and ensure that safety checks and dynamic risk assessments are carried out prior to activity commencing
- 14 Keep themselves informed about sound coaching practice and the principles of children’s growth and development
- 15 Never ridicule a child for making a mistake or losing
- 16 Ensure that participants and coaches have respect for opponents, officials, opposing coaches, supporters and each other
- 17 Ensure that participants are adequately supervised at all times in accordance with the relevant NGB guidelines for the activity being delivered

As a LSP member of staff working with children I have read, understood and agree to abide by the above code of ethics and conduct.

Signed:..... Name (Print):.....

Organisation:..... Date:.....

Guidelines on Use of Photographic and Filming Equipment at Sporting Events

Professional photographers/filming/video operators wishing to record the event should seek accreditation with the event organiser by producing their professional identification for the details to be recorded. Ideally they should request this at least five working days before the event.

Students or amateur photographers/film/video operators wishing to record the event should seek accreditation with the event organiser by producing their student club or registration card and a letter from their club/educational establishment outlining their motive for attending the event.

All other spectators wishing to use photographic/film/video equipment should register their intent with the promoter of the event.

Accreditation procedure: a system should be adopted whereby a record should be made of the individual's name and address and club. Professionals should register prior to the event and their identification details should be checked with the issuing authority prior to the event. On registering, promoters of events should consider issuing an identification label on the day, which can serve to highlight those who have accreditation but must ensure that where regular events occur, the identifying label is changed to prevent unofficial replication.

Public information: the specific details concerning photographic/video and filming equipment should, where possible, be published prominently in event programmes and must be announced over the public address system prior to the start of the event.

The recommended wording is:

In line with the recommendation in the Organisation's Child Protection Policy, the promoters of this event request that any person wishing to engage in any photography should register their details with staff at the spectator entry desk before taking any such images. The promoter reserves the right of entry to this event and reserves the right to decline entry to any person unable to meet or abide by the promoter's conditions.

If you have concerns: if you are concerned about any photography taking place at an event, contact the promoter or event organiser and discuss it with them. If appropriate the person about whom there are concerns should be asked to leave and the facility managers should be informed.

Videoing as a coaching aid: there is no intention to prevent club coaches and teachers using video equipment as a legitimate coaching aid. However, performers and their parents/carers should be aware that this is part of the coaching programme and care should be taken in the storing of such films.

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Appendix H

Types of Abuse

- **Neglect** – where adults fail to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development (eg failure to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment.) It may also include refusal to give children love, affection and attention. Neglect in sport could include a teacher or coach not ensuring children were safe, exposing them to undue cold, heat or to unnecessary risk of **injury**.
- **Physical abuse** – where adults and young people physically hurt or injure children by hitting, shaking, throwing, poisoning, burning, biting, or scalding, suffocating, drowning or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after eg factitious illness by proxy or Munchausen’s syndrome by proxy. Examples of physical abuse in sport may be when the nature and intensity of training and competition exceeds the capacity of the child’s immature and growing body; where drugs are used to enhance performance or delay puberty.
- **Sexual abuse** – where girls and boys are abused by adults and young people (both male and female) who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing children pornographic material (books, videos, pictures) is also a form of sexual abuse. In sport, coaching techniques which involve physical contact with children could potentially create situations where sexual abuse may go unnoticed. The power of the coach over young performers, if misused, may also lead to abusive situations developing.
- **Emotional abuse** – is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger by being constantly shouted at, threatened or taunted which may make the child very nervous and withdrawn. Some level of emotional abuse is involved in all types of ill-treatment of a child. Emotional abuse in sport may occur if children are subjected to constant criticism, name-calling, sarcasm, bullying or unrealistic pressure to perform to high expectations consistently.

The above definitions are adapted from Department of Health (1999) *Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children*.

Bullying

It is important to recognise that in some cases of abuse, it may not always be an adult abusing a young person. It can occur that the abuser may be a young person, for example in the case of bullying. Bullying may be seen as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Nancy Duin defined bullying as *repeated (systematic) aggressive verbal, psychological or physical conduct by an individual or group against another person or persons* (*Bullying, a Survival Guide*, produced by BBC Education).

Although anyone can be the target of bullying, victims are typically shy, sensitive and perhaps anxious or insecure. Sometimes they are singled out for physical reasons – being overweight, physically small, having a disability or belonging to a different race, faith or culture.

Girls and boys can be bullies although it seems to be more conspicuous in boys. Although bullying often takes place in schools¹ research shows it can and does occur anywhere where there is inadequate supervision – on the way to and from school, at a sporting event, in the playground and changing rooms.

Bullies come from all walks of life; they bully for a variety of different reasons and may even have been abused. Typically, bullies can have low self-esteem, be excitable, aggressive and jealous. Crucially, they have learned how to gain power over others and there is increasing evidence to suggest that this abuse of power can lead to crime.¹

The competitive nature of sport makes it an ideal environment for the bully. The bully in sport can be:

- A parent who pushes too hard
- A coach who adopts a win-at-all costs philosophy
- A player who intimidates others
- An official who places unfair pressure on a person.

Bullying can include:

- Physical: eg hitting, kicking and theft.
- Verbal: eg name-calling, constant teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures.
- Emotional: eg tormenting, ridiculing, humiliating and ignoring.
- Sexual: eg unwanted physical contact or abusive comments.

The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children and disabled adults, to the extent that it affects their health and development or, at the extreme, causes them significant harm (including self-harm). There are a number of signs that may indicate that a young person or disabled adult is being bullied:

- Behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, emotionally up and down, reluctance to go to school, training or sports club.
- A drop off in performance at school or standard of play.
- Physical signs such as stomach ache, headaches, difficulty in sleeping, bed-wetting, scratching and bruising, damaged clothes and bingeing for example on food, cigarettes or alcohol.
- A shortage of money or frequent *loss* of possessions.

Disabled People

There have been a number of studies¹, which suggest children (or adults) with disabilities are at increased risk of abuse. Various factors contribute to this, such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves, or adequately communicate that abuse has occurred.²

¹ Research by Sheffield University, reported in the BBC Education publication (1994) by Goldsmiths College, London, showed that 10% of primary school children and 4% of secondary school children are bullied once a week.

¹ The BBC Education publication (1994) also indicates that bullies are four times more likely to become criminals.

¹ Westcott, H (1993) **The Abuse of Children and Adults with Disabilities**. London, NSPCC

² Kerr, A (1999) **Protecting Disabled Children and Adults in Sport and Recreation**. Contact Disability Sport England (Tel: 020 7490 4919)

Race and Racism

Children from black and minority ethnic groups (and their parents) are likely to have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm it is not, in itself, a category of abuse. All organisations working with children, including those operating where black and minority ethnic communities are numerically small, should address institutional racism, defined in the Macpherson Inquiry Report on Stephen Lawrence as *'the collective failure by an organisation to provide appropriate and professional service to people on account of their race, culture and/or religion'*

Recognising Signs of Abuse

Indications that a child may be being abused include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries.
- An injury for which the explanation seems inconsistent.
- The child describes what appears to be an abusive act involving him/her.
- Someone else (a child or adult) expresses concern about the welfare of another child.
- Unexplained changes in behaviour (eg becoming very quiet, withdrawn or displaying sudden outbursts of temper).
- Inappropriate sexual awareness.
- Engaging in sexually explicit behaviour.
- Distrust of adults, particularly those with whom a close relationship would normally be expected.
- Has difficulty in making friends.
- Is prevented from socialising with other children.
- Displays variations in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty or unkempt.

It should be recognised that this list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place. **It is not the responsibility of those working in sport to decide that child abuse is occurring but it is their responsibility to act on any concerns.**

RECRUITMENT AND RETENTION OF STAFF AND VOLUNTEERS WITH CRIMINAL RECORDS

Information on disclosures

Staff/volunteer appointments can be made if there are no convictions, cautions, reprimands, final warnings or other non-conviction information on the Enhanced CRB Disclosure.

The Enhanced CRB Disclosure will also show whether, under Schedule Four of the *Criminal Justice Courts Services Act 2000* (see *appendix A*), the person is banned from working or seeking work with young people under the age of 18. If the person is banned, you should contact the police, who will take appropriate action. It is an offence for a person banned from working with young people to apply for such work and for an employer knowingly to employ a banned person in such a capacity

What to do if a criminal record is revealed on a disclosure

If there is information listed, generally the disclosure will confirm what the applicant has previously revealed, and this will be taken into account when offered employment. Where a Disclosure confirms information that has already been taken into account, offers of employment should not be rescinded without very good reason.

If, however, there are significant discrepancies between the information that the applicant has provided and the information on the Disclosure, then further consideration will be necessary. Any new matters revealed by Disclosure should be discussed with the applicant.

In some instances it may be clear that the applicant is unsuitable for the post they have applied for because of their criminal record or information related to risk. In other instances involving offences not listed in Schedule Four, however, it will not be clear whether a person is suitable until questioned further. It may be necessary to seek permission to contact relevant agencies to clarify the nature of the information. It may be that at a subsequent interview the applicant can provide the reassurance that is needed.

The relevance of offences

The main focus of decision-making should be on the offences, which are relevant in terms of protecting children and vulnerable adults, the relevant categories of offences for most purposes are:

- Violence
- Sexual
- Drugs

It is however important to recognise all three categories cover a very wide range of behaviours from relatively minor e.g. a teenager having consensual sex with his underage girlfriend to the most grave e.g. indecent assault or rape.

Risk assessment

Recruitment and selection is never risk-free. Sound decisions depend on careful analysis of factual information against well-prepared job and person specifications that are bias free. Addressing issues

related to criminal convictions needs an objective common sense approach which takes into account the employer's duties in law, the nature of the crime, when it happened, the circumstances involved, the sentence, patterns of offending, efforts to avoid re-offending, job requirements and safeguards against offending at work. This will help you to decide whether the risk of employing a person can be taken and what precautions and safeguards would be needed to manage and minimise that risk.

Assessing the risk of employing a person with a criminal record means comparing an applicant's skills, experience and conviction circumstances against risk criteria you have identified for the job. For example some violence offences would be relevant to positions involving unsupervised contact with the public. Fraud should be considered in relation to posts involving the handling of significant amounts of money and theft in relation to posts involving the handling of stock. Sexual or child pornography offences would almost certainly disqualify any person required to work with children. It should be remembered that no two offences are exactly alike. For example, a premeditated burglary that involves extensive damage to property and the physical intimidation of the occupants is different from someone convicted of reaching in through an open window and stealing a purse on a whim.

Make sure best use is made of the interview to discuss the nature of their convictions with applicants short-listed as meeting the requirements of the job and person specification if they have disclosed a criminal record. This information is essential to any risk assessment. **Look at both the job and the person and weigh up the pros and cons against possible safeguards and precautions.**

Assessing the job for risk

Take into account issues such as:

| | |
|--|---|
| Exemption status under the Rehabilitation of Offenders Act, 1974, duties under the Police and Children's Acts regarding one-to-one contact with children, vulnerable adults, or the elderly. | It is illegal to employ certain offenders in some occupations. |
| To what extent are you bound by other legal constraints? | For example, those with motoring convictions employed as drivers. |
| Does the post involve any direct responsibility for finance or items of value? | What could happen and how serious would that be? What factors would increase or decrease the perceived risk? For example, nature of offence and impact of rehabilitation since then. Consider whether the offence would create unacceptable risks for other employees, customers, suppliers, clients, service users, etc. In particular whether any one-to-one contact is likely (or relevant). |
| Does the post involve direct contact with members of the public? | |
| Will the nature of the job present any realistic opportunities for the post holder to re-offend in the place of work? | |

Assessing the ex-offender and the offences

Keep an open mind. Some ex-offenders will have had access to rehabilitation programmes that might also offer advice and guidance to potential employers and assist with transfers into employment. There are organisations that already successfully employ ex-offenders and may be willing to offer you guidance. Sometimes it can be directly relevant to consider employing a reformed person with a conviction. For example, it could bring important insight or knowledge to the job. In some cases, the relationship between the offence and the post will be clear enough for you to assess the risks. In other cases, the decision may not be so clear-cut. You should consider:

- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation. For example, Probation Service, Specialists working in prison, other Agencies.
- The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property. Generally speaking, the longer the sentence the more seriously the Courts viewed the offence at the time. Custodial sentences are usually more serious than non-custodial sentences.
- The length of time since the offence occurred. (How effective has rehabilitation been?)
- Any relevant information offered by the applicant about the circumstances that led to the offence being committed, for example the influence of domestic or financial difficulties.
- Was the offence a one-off, or part of a history of offending. (Is the offence likely to re-occur?)
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy, etc.).
- The country in which the offence was committed; for example, some activities are offences in Scotland and not in England and/or Wales, and visa versa.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

Implementing safeguards

You might need to check that your insurance policies do not exclude employment of some ex-offenders in specific occupations. Most don't, but fidelity bond insurance is available if required. You will also need to take account of other legislative requirements, such as on human rights, discrimination, data protection, etc.

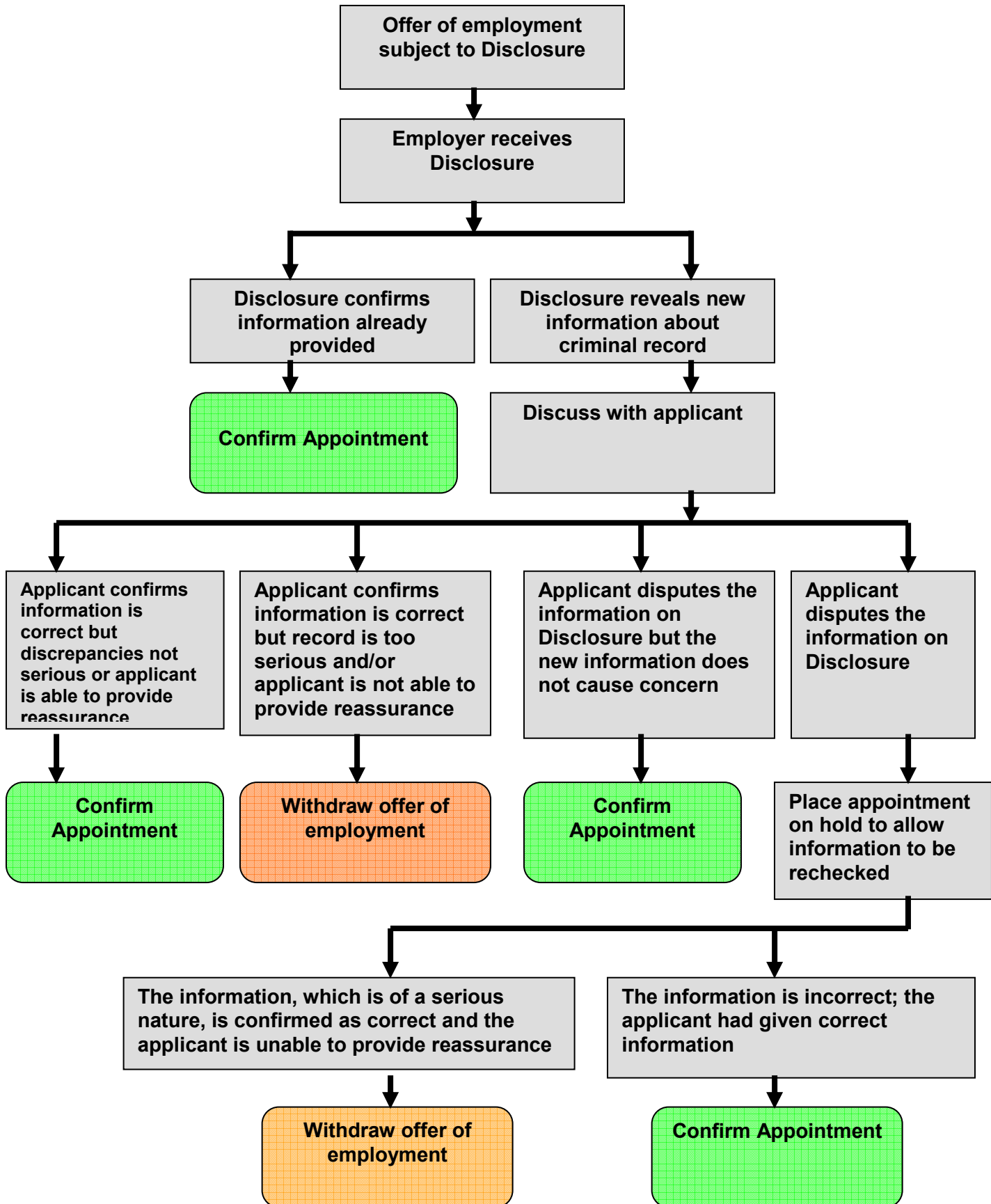
| | |
|---|--|
| Assess: | The level and closeness of supervision. The practicality of regular progress reviews with those involved, including the applicant. Whether any training or briefing would be useful to enable the supervisor to manage the post-holder in the work context. |
| What precautions are there or could you put in place? | Consider supervision (direct or indirect), progress reviews involving the ex-offender, etc. |

Managing sensitive information

Organisations should ensure that:

- Information regarding offences is kept confidential. Applicants need to feel confident that information about their convictions will not be disclosed to anyone unless there is a specific reason for doing so.
- Only the personnel office, or the people directly responsible for recruitment, should be informed of an employee's criminal record.
- The successful applicant should be informed who in the organisation knows of the conviction and the reasons why the information has been disclosed. The individual's line manager should only be informed if the offence is directly connected with the job.
- Offence information should be kept securely in lockable filing cabinets. Access to keys should be restricted to individuals responsible for recruitment and personnel.

Flow chart for dealing with disclosures



Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 - People banned from working with children

Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, a number of people are banned from working with children. These are :

- people on the DfES List 99
- people on the DoH list
- people on the National Assembly of Wales List
- people aged 18 or over convicted of certain specified offences against those aged under 18 (or 16 in some instances) and given a hospital or guardianship order or a custodial sentence of 12 months or more.
Suspended sentences of 12 months or more are treated as qualifying sentences.

The specified (Schedule Four) offences are:

- murder or manslaughter
- rape or burglary with intent to commit rape
- grievous bodily harm
- cruelty to children
- kidnapping, false imprisonment and abduction
- indecent assault on a man or a woman
- sexual intercourse with a girl aged between 13 and 16
- buggery with a child under 16
- indecency between men
- abuse of trust
- incest and related offences
- assault with intent to commit buggery
- indecency with children under the age of 14
- offences relating to or encouraging child prostitution
- offences relating to child pornography

The term 'working with children' covers a number of areas. According to the *Guide on Protection of Children*, broadly these are :

- **employment in certain establishments** which provide functions of various sorts exclusively or mainly for children such as schools, children's homes and children's hospitals. All staff, whether primary or secondary carers or ancillary staff, are deemed to be primary carers.
- **employment in day care premises**, except where the work takes place in a different part of the premises to where day care activities are situated, or if it occurs during times of the day when children are not being looked after.
- **caring for, training, supervising or being in sole charge of children**
- **a position where normal duties involve unsupervised contact with children.** This would cover, for example, a minicab firm whose drivers are routinely employed to transport unaccompanied children on a regular basis, but not those who do it on an irregular or one-off basis.
- **child employment.** Where the young person is under the age of 16, those responsible for caring for them in the course of their employment would be covered by the definition.
- **positions of influence and control** over children which could place them at risk.

Juveniles – under 18 year olds – should only be banned if a court believes that there is a likelihood of the offender in question committing a further offence against a young person.

The 1999 Act requires childcare organisations to refer the names of individuals considered unsuitable for work with children to the DoH and DfES lists. It also requires childcare organisations not knowingly to offer employment to anyone listed for any posts involving regular contact with children in a childcare capacity.

The Act applies to people disqualified in England and Wales only. However such people are committing an offence if they seek such work in Northern Ireland. Similar schemes are being considered in Scotland and Northern Ireland. Those who are subject to disqualification in Scotland and Northern Ireland will be recognised as being disqualified in England and Wales also.