



## **Policy and Procedures for Checking Criminal Records**

*(Revised February 2020)*

<b>Abbreviations and Definitions:</b>	
BGA	British Go Association
Council	The Council of the BGA
CPA	The BGA's Child Protection Adviser.
DBS Code of Practice	<a href="https://www.gov.uk/government/publications/dbs-code-of-practice">https://www.gov.uk/government/publications/dbs-code-of-practice</a>
DBS	Disclosure and Barring Service
PVG	Protecting Vulnerable Groups (only relevant in Scotland)

### **Preamble**

This document describes the steps taken by the British Go Association to meet the requirements of the Protection of Freedoms Act 2012, the Protection of Vulnerable Groups (Scotland) Act 2007 and related Home Office Guidance<sup>1</sup>. The overall purpose of this policy is to ensure that children and young persons can play Go in a safe environment.

This document does NOT deal with "vulnerable adults" as defined in the relevant legislation (see BGA Policy 3b).

Although some of the relevant legislation is only applicable to England, Wales and Northern Ireland, the BGA will apply this document to the entire United Kingdom, together with (as far as is practicable) the Isle of Man and the Channel Islands. Similar legislation applies in Scotland where Disclosure Scotland operates the disclosure and barring service.

This document is regularly reviewed by the Council of the BGA.

### **Regulated Activity**

The legislation defines "Regulated Activity". This is activity which fulfils the following criteria:

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<sup>1</sup><https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Activity which involves teaching, training or instruction of children

**AND**

Happens frequently (once a week or more often)

**OR**

Happens intensively (on 4 or more days in a 30-day period, or overnight)

**AND**

The individual carrying out the activity of teaching, training or instructing is unsupervised.

- a) Teaching children to play go and/or running a Go club for children and young people does not necessarily fall into the remit of Regulated Activity. The key question is the level of supervision. Running a Go club in a school where a teacher is present for most of the time would not fall under Regulated Activity.
- b) Note that the supervision must be from someone who is themselves in a Regulated Activity, for example a teacher or classroom assistant. Thus a Go player who sets up a weekly children's club with the help of a parent is likely to fall under the definition of Regulated Activity.
- c) A further example of falling under Regulated Activity is if a Go Club leader takes a group of children to a tournament which involves an overnight stay.

## **Part 1: Policy**

### **1.1 Who needs a criminal records check?**

- a) The following positions will be subject to a criminal records check at the level of an Enhanced Disclosure with a children's barred list check:
  - Youth Development Officer
  - Child Protection Adviser
  - Education Adviser
- b) In addition the BGA maintains a list of Go teachers who are accredited to teach children and young people. These Go teachers will also be subject to an Enhanced Disclosure with a children's barred list check.
- c) There may be other BGA members whose duties will require them to obtain a criminal records certificate. This will include officials of the BGA (or of affiliated clubs) who organise Go events catering largely for children or young people, and may include others who have significant contact with children or young people. The CPA can advise

any member on the process of this and can also advise as to whether the activity falls under the definition of Regulated Activity).

- d) The BGA will accept a clear Enhanced Disclosure certificate that is less than three years old as being valid. In addition, it will accept a certificate over three years old, provided that the individual has subscribed to the Update Service. This service administered by the DBS allows an organisation to check on-line to see if the clear certificate is still current.
- e) Council is responsible for appointing members to the posts outlined in a) above. In making these appointments, Council will not only ensure that criminal record check is undertaken, but also that the person is suitable for the post, obtaining references and noting relevant experience as considered appropriate.

### **1.2 Responsibilities of the BGA:**

- a) The BGA complies fully with the DBS Code of Practice and undertakes to treat all individuals requiring a criminal record disclosure fairly. We will not discriminate unfairly against anyone on the basis of a conviction or other information revealed. However certain convictions (for example convictions against children) are likely to preclude an individual from taking up one of the positions outlined above in section 1.1(a), (b) or (e).
- b) The Child Protection Adviser will undertake the role of Master Disclosure Manager required for the on-line process of managing criminal record checks. In Scotland this role is called the Lead Person or Collator.
- c) The BGA may appoint one or more Verifiers (or Countersignatories in Scotland). Their role is to satisfy themselves of the identity of the applicant by checking the required forms of identity. In Scotland the Countersignatory may send the application form to Disclosure Scotland on behalf of the BGA.
- d) If the BGA ceases to use a post holder because it is believed that they have harmed or pose a risk of harm to children or vulnerable adults, the Child Protection Adviser will be responsible for referring the case to the DBS.
- e) The BGA fully complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. (See Appendix A, "Secure Handling, Use, Storage and Retention of Disclosure Information")
- f) We make every subject of a criminal record disclosure application aware of the existence of the DBS Code of Practice and this document, and make a copy available on request.

## **Part 2 Procedures:**

### **President's Role**

The following Procedures give a specific role to the President. This role will be undertaken by another Officer of the BGA in the following cases:

- a) Where the President is directly involved in an accusation of malfeasance, the CPA will involve another Officer instead of the President
- b) Where the President has a potential conflict of interest, they may delegate the responsibility to another Officer.

### **2.1 How to obtain a criminal records check certificate**

The individual should discuss with the Child Protection Adviser whether the proposed involvement with young people falls under the definition of Regulated Activity. This will determine the level of check required. The CPA will discuss with the individual

#### **England, Wales and Northern Ireland:**

- a) The BGA uses an umbrella organisation (Online Disclosures) to provide a criminal record checking service. The process is completed on-line and the individual provides the CPA with their full name, date of birth and email address in order to begin the process. The individual must also state that they accept the conditions and procedures laid down in this document. The individual must also agree to subscribe to the Update Service. Online Disclosures will then email the individual with a code to enable them to enter the details of their proof of identity onto the system.
- b) The individual and a BGA Verifier will arrange an appointment for the Verifier to see the original copies of the proof of identity. The Verifier then completes the relevant section of the on-line application stating the level of check required and verifying the identity documents.
- c) The CPA completes the BGA Record Sheet (see appendix B).
- d) **The outcome of the criminal records check:** The DBS will send the applicant a paper copy of the disclosure certificate. The applicant must alert the Child Protection Adviser that the DBS certificate has been received and send the CPA a copy of the certificate.
- e) The applicant has 19 calendar days from the date of the DBS Certificate to apply for the **Update Service**. This service allows the BGA and other registered services to check the DBS status of an individual and avoids the need for multiple certificates.

## **Scotland:**

- a) The BGA is registered with Volunteer Scotland Disclosure Services to provide a criminal record checking service for eligible Scottish Go players. An individual who is not barred from working with children may apply to join the Protecting Vulnerable Groups Scheme (the PVG Scheme).
- b) The individual completes parts A-D of the Application to Join PVG Scheme. (Forms are available from the CPA). The form is sent to the BGA Countersignatory and arrangements made for the checking of identity documents. The Countersignatory completes sections E1 to E9 and sends the form to Volunteer Scotland along with the required coversheet.
- c) Disclosure Scotland will send a PVG Scheme Record to the applicant and the BGA registered Lead Person (currently the CPA).

### **2.2 Situations where a criminal conviction, caution or warning is shown on the disclosure:**

Police information on a disclosure does not necessarily preclude an individual from working with children; this will depend on the nature and context of the offence. The CPA will discuss the disclosure with the applicant in order to obtain further information on the context of the offence. The decision as to whether the individual is permitted to undertake the BGA roles as described in Part 1.1 will be determined by the Child Protection Adviser in consultation with a BGA Council Official, normally the President. This decision will be made in the light of information about the offence.

**Barred List Information.** A Barred List check will be undertaken by the Disclosure and Barring Service. If the individual has been barred the CPA will be informed and they are legally prevented from undertaking Regulated Activity.

### **2.3 Suspicion of Inappropriate or Harmful Behaviour**

In the event that any BGA member believes that an individual in a post outlined above in section 1.1 (a) (b) or (c) is guilty of inappropriate behaviour such that he/she has harmed or poses a risk of harm to children or vulnerable adults, then the BGA CPA shall be informed. The CPA will inform the Police, and/or local child protection agencies as appropriate. In addition, the CPA will consult with the Local Authority Designated Officer if the allegation is that the individual has behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

The CPA will also inform the President of the BGA of the allegation.

The situation may arise whereby the behaviour does not reach the threshold for a police investigation or a criminal prosecution, but is considered

sufficiently serious to raise questions about the individual's suitability to work with children.

In such a case the CPA, in consultation with the President, will nominate an investigating officer, who will have an appropriate professional qualification.

The person investigating the allegation will offer a professional judgement, based on the information available from their enquiries, on whether the allegation fell into one of the following categories:

- **Substantiated.** A substantiated allegation is one which is supported or established by identifiable evidence or proof;
- **Unsubstantiated.** An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded.** There is no evidence or proper basis which supports the allegation being made. This might indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **False.** There is sufficient evidence to disprove the allegation;
- **Malicious.** There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

The Investigating Officer will inform the President, the CPA and the individual who is the subject of the investigation the outcome in writing.

If the allegation is substantiated the CPA will make a recommendation to the President as whether the BGA should cease to use the individual's services or whether the individual can continue their role with certain restrictions or with advice or guidance. (In practice this decision is likely to be taken at a three-way meeting involving the Investigating Officer, the CPA and the BGA President).

The BGA President will inform the individual in writing if the decision is made to cease to use his or her services. Alternatively, a decision may be made that the person can continue to work with young people for the BGA so long as further training or other safeguards are put in place.

## **2.4 Communication with Council**

Any allegation of possible child abuse is important and sensitive; it also runs the risk of adverse publicity or possible legal action if the allegation is unfounded and is made public. Accordingly, Council as a body will not normally be involved in any investigation. At the start of a formal investigation the President will inform Council that an investigation is in progress, but will not disclose the identity of those involved. At the end of

the investigation Council will be informed as a minimum that the investigation has been completed, and, after consulting with the CPA, the President may provide additional information if it is considered that Council has a "need to know".

## **2.5 Communication with the DBS**

In the event that the President's decision is to cease to use the individual concerned, the CPA is responsible for ensuring that the DBS is informed of any decision to cease to use the services of an individual who is considered to be a risk to children.

*This revised Procedure was adopted by Council on 22 Feb, 2020, and replaces the preceding policy dated November 2012.*

## **Appendix A**

### **Secure Handling, Use, Storage and Retention of Disclosure Information Policy**

For the purpose of this policy, PVG Scheme Records, PVG Scheme Record Updates, Standard and Enhanced disclosures will be referred to as Disclosure Records.

The BGA will ensure the following:

Disclosure records will only be requested when necessary and relevant to a particular post and the information provided on a disclosure record will only be used for recruitment purposes.

The BGA will ensure that an individual's consent is given before seeking a disclosure record, and will seek their consent before using disclosure information for any purpose other than recruitment. Furthermore, the BGA will ensure that all sensitive personal information that is collated for the purposes of obtaining a record will be managed confidentially at all times by those involved in the Disclosure process.

Enhanced disclosure only - where non conviction Disclosure information is provided to the BGA by a Chief Constable or Chief Officer of a relevant Police Force, and not to the Applicant, the BGA will not disclose the details of the Disclosure information to the Applicant. If this information affects the recruitment decision then the BGA can inform the Applicant, if asked, that additional information has been provided, but may not provide actual details of this additional information or from where it was sourced.

Disclosure information must be kept confidential, and will only be shared with others on a "need to know" basis.

Disclosure information will be stored in a locked non-portable container and will not be retained for longer than is necessary. This container will normally be under the control of the CPA. Only those authorised to see this information in the course of their duties will have access to this container. Disclosure information will be destroyed by shredding. No image or photocopy of the disclosure information may be retained. Recipients of disclosure information may, however, keep a record of the following:

- Date of issue of disclosure record
- Name of subject
- Disclosure type
- Position for which the disclosure was requested
- Unique reference number of disclosure
- Recruitment decision taken



(See appendix B)

The BGA will ensure that anyone with access to Disclosure information is aware of this policy and have received relevant training and support.

## Appendix B

### Record Sheet:

<b>Name</b>	<b>Form Number</b>	<b>Date submitted to Online Disclosures /Volunteer Scotland</b>	<b>Date disclosure / registration received</b>	<b>Persons to whom Disclosure information is revealed.</b>	<b>Registration number</b>	<b>Decision to appoint (Yes or No)</b>	<b>If Disclosure information received, date destroyed</b>	<b>Name of person making appointment decision</b>