

## Cycling Scotland Child Protection Policy and Procedures

Cycling Scotland believes that a child or young person should never experience abuse of any kind. We have a responsibility to promote the welfare and wellbeing of all children and young people within the Scottish Government framework of GIRFEC (Getting it right for every child) and keep them safe. We are committed to practice in a way that protects them.

The purpose of this policy is:

- To protect children and young people who receive Cycling Scotland services. This includes the children of adults who use the service.
- To provide staff with the overarching principles that guides our approach to protecting all children and young people from abuse.
- To ensure staff are clear about how to identify and respond to concerns about child welfare and wellbeing and especially those that are of a child protection nature
- To ensure staff have a clear understanding of the principles and practice involved in the protection of children within a GIRFEC framework and applying the principle that every child in Scotland has the right to be Safe, Healthy, Achieving, Nurtured, Achieving Responsible, Respected and Included.
- To ensure staff understand the importance of prevention in responding proactively and efficiently to all concerns.

This policy applies to all staff, including senior managers and board of trustees, paid staff, volunteers and sessional workers, agency staff, freelance contractors, students or anyone working on behalf of Cycling Scotland (referred to as staff in this document). If you have a concern, report it to the Designated Child Protection Officer (DCPO). This is Nina Saunders and she can be contacted on 0141 229 5350. In her absence, speak to the Head of Education and Training or the CEO.

Note: Cycling Scotland co-ordinates Bikeability Scotland on behalf of the Bikeability Scotland Delivery Group (BSDG). Although Cycling Scotland is responsible for cascading the instructor training, the Bikeability Scotland training sessions themselves are coordinated and delivered by local authorities, schools and other organisations. Therefore, each local authority, school or organisations child protection policies and procedures will apply when delivering Bikeability Scotland training sessions. Refer to Cycling Scotland's Quality Assurance Strategy for information on reviewing these policies.

### Legal Framework

- Children Act (Scotland) 1995
- Getting it right for Every Child (GIRFEC) 2005
- The Protection of Vulnerable Groups (Scotland) Act 2007
- Child and Young People (Scotland) Act 2014
- National Guidance for Child Protection Scotland (2014)
- Local CPC procedures/guidance. Information on local CPC's can be found at: <https://www.celcis.org/our-work/protecting-children/child-protection-committees-scotland/>

### We recognise that:

- The welfare of a child is paramount (Children Act (Scotland) 1995)

- All children regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm and abuse.
- Some children are additionally vulnerable because of the impact of previous experiences, their dependency, disability, communication needs or other issues.
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's wellbeing and welfare.

## **We will seek to keep children and young people safe by:**

- Valuing them, listening and respecting them.
- Adopting child protection practices through procedures and a code of conduct for staff.
- Developing and implementing an effective e-safety policy and related procedures
- Providing effective management for staff through supervision, support and training.
- Recruiting staff safely, ensuring all necessary checks are made through PVG membership and references.
- Sharing information about child protection and good practice with children, parents and staff.
- Sharing concerns with agencies that need to know including social work and police and involving parents and children appropriately.

## **Definitions**

### **Who is a child?**

For the purposes of this policy the definition of a 'child' or 'young person' is anyone aged under 18 years of age as supported by the Children and Young Person Act (2014). The extension of the use of the term 'child' beyond 16 years of age is to ensure that there is not an abuse of the position of trust that exists in a position of trust relationship. Where a young person aged 16-18 requires protection it must be noted that the Adult Support and Protection (Scotland) Act 2007 legislation may apply.

### **What is Child Protection?**

Child protection means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a *likelihood* or *risk* of significant harm from abuse or neglect.

### **What is Child Abuse?**

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. Assessments will need to consider whether abuse has occurred or is likely to occur.

There are four main categories of abuse, Physical, Emotional, Sexual and Neglect. The following definitions show some of the ways in which abuse may be experienced by a child, but are not exhaustive, as individual circumstances may vary, staff should be alert to this.

## Physical Abuse

The causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent/carer feigns symptoms of, or deliberately causes, ill-health to a child. (this is known as fabricated or induces illness).

- Possible indicators of physical abuse are repeat injuries, inherent suspicious injuries, burns and scalds, fractures and fabricated/induced illnesses.

## Sexual Abuse

Any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. Activities may involve physical contact, including penetrative or non-penetrative acts. It may also involve non-contact activities, such as involving children in looking at, or in the production of, indecent images or watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

- Possible indicators of sexual abuse are physical signs such as bruises, scratches or bite marks to thighs or genital areas; or behaviour such as precocity, withdrawal or inappropriate sexual behaviour.

## Emotional Abuse

This is the persistent emotional neglect or ill-treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued in so far as they meet the needs of another person. It may involve the imposition of age – or developmentally, inappropriate expectations on a child. It may also involve causing children to feel frightened or in danger or exploiting/corrupting children. **Some level of emotional abuse is present in all types of ill-treatments of a child;** it can also occur independently of other forms of abuse.

- Possible indicators of emotional abuse are excessive dependence, attention seeking and self-harming.

## Neglect

The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in serious impairment of a child's health or development. It may involve parents failing to provide adequate food, shelter, clothing, or to protect a child from physical harm or danger or to ensure access to appropriate medical treatment. It may also include neglect of, or failure to respond to, child's basic emotional needs.

- Possible indicators of neglect are inadequate clothing, poor growth, poor hunger and poor hygiene.

## Other areas to be aware of:

**Bullying** - although bullying is not on its own a category of abuse it is important that staff are alert to the impact that bullying can have and this includes online cyber bullying and may be offensive, intimidating, malicious or insulting behaviour.

- Bullying is an unacceptable form of behaviour through which a child/young person or groups feel threatened, abused or undermined by another individual or group.
- Bullying is behaviour that can be defined as a repeated attack of a physical, psychological, social or verbal nature by those who are able to exert influence over others.
- Bullying can take many forms. It may include physical aggression, intimidation, threatening, extorting, pressurising, name-calling or teasing and can be online cyber bullying.
- Less obvious examples such as ignoring or excluding someone are also regarded as bullying and their possible effects should not be minimised.
- Bullying can cause stress and can affect a child's health.

Further information can be found at <http://www.respectme.org.uk/>

(Refer to the Dignity at Work and Equality & Diversity Policies in the Staff Handbook).

**Child Sexual Exploitation** - child sexual exploitation is a form of child sexual abuse in which a person(s), of any age takes advantage of a power imbalance to force or entice a child into engaging in sexual activity in return for something received by the child and/or those perpetrating or facilitating the abuse. As with other forms of child sexual abuse, the presence of perceived consent does not undermine the abusive nature of the act. Further information can be found at the Scottish Government website: <http://www.csethesigns.scot/>

**Domestic Abuse** - takes the form of actions that can result in physical, sexual and psychological harm and suffering for women and children. It is widely unreported, and it is crucial that staff are aware of the signs of domestic abuse. Further information can be found at Police Scotland: <http://www.scotland.police.uk/keep-safe/advice-for-victims-of-crime/domestic-abuse/>

**Forced Marriage** - is not condoned in Scotland and is an abuse of human rights. Children who are forced or subjected to emotional, physical or sexual abuse as a result, are protected by the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011. Further information can be found by calling the forced marriage Helpline on 0800 027 1234 which is open 24 hours or by visiting: <http://www.scotland.gov.uk/Topics/Justice/crimes/forced-marriage>

**Female Genital Mutilation (FGM)** - it is an offence in Scotland to carry out this procedure or carry it out (or arrange to carry it out) abroad, even in countries where it is legal. Further information on FGM can be found at: [http://www.nspcc.org.uk/inform/resourcesforprofessionals/minorityethnic/female-genital-mutilation\\_wda96841.html](http://www.nspcc.org.uk/inform/resourcesforprofessionals/minorityethnic/female-genital-mutilation_wda96841.html)

A 24-hour FGM advice line is available through the NSPCC by calling: 0800 028 3550.

**Radicalisation** - radicalisation is a non-specific word and may mean different things to different people. In the Scottish Government's published Revised Prevent Duty guidance: for Scotland (2015), radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups. Staff should understand what radicalisation means and why people may be vulnerable to it.

Further information can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445978/3799\\_Revised\\_Prevent\\_Duty\\_Guidance\\_Scotland\\_V2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445978/3799_Revised_Prevent_Duty_Guidance_Scotland_V2.pdf)

**Child Trafficking** - Child trafficking and modern slavery are child abuse. Children are recruited, moved or transported and then exploited, forced to work or sold. Children are trafficked for:

- child sexual exploitation
- benefit fraud
- forced marriage
- domestic servitude such as cleaning, childcare, cooking
- forced labour in factories or agriculture
- criminal activity such as pickpocketing, begging, transporting drugs, working on cannabis farms, selling pirated DVDs and bag theft.

Many children are trafficked into the UK from abroad, but children can also be trafficked from one part of the UK to another.

Further information can be found at: <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-trafficking/>

## Designated Child Protection Officer

The Designated Child Protection Officer (DCPO) for Cycling Scotland who is responsible for dealing with any concerns about the protection of children is Nina Saunders (Quality Improvement and Safeguarding Officer). Contact Telephone Number: 0141 229 5350

The role of the DCPO is:

- To act as the first point of contact for staff concerned about the safety and welfare of a child
- To confidentially manage and refer all cases of suspected abuse to the appropriate agency and as quickly as possible to either children's social work or Police Scotland.
- To be familiar with Child Protection Committees (CPC) procedures
- To ensure that all staff know where they can find the child protection policy and procedures and that they are implemented
- To liaise with appropriate local agencies for support and advice and know where to find local contacts
- To organise training of staff about how to respond to child protection concerns and advise of training needs
- To collect monitoring data on all welfare, wellbeing and child protection activities across the organisation.
- To act as a source of support, advice and expertise to staff on matter of child wellbeing, child welfare and protection when deciding whether to make a referral

- To demonstrate an awareness and understanding of current issues within the field of keeping children and young people safe, such as child sexual exploitation and online safety
- To have a working knowledge of GIRFEC, child protection case conferences as per National Guidance for Child Protection Scotland 2014.
- To lead on reviewing, updating and developing Cycling Scotland's child protection policy and procedures and monitoring its implementation.
- To lead the management of PVG notification where a person is dismissed or left due to risk/harm to a child
- To ensure that an individual case record is maintained of any action taken by the organisation, the liaison with other agencies and the outcome
- To liaise with senior management to inform them of issues, especially ongoing enquiries by social work or lead professional and inform about any action taken and further action required. For example, disciplinary action against a member of staff.
- To advise Cycling Scotland of child protection training needs
- To deal with the aftermath of an incident in the organisation.

## Child Protection Procedures

Children and young people from birth to 18, or beyond if still in school, may have a Named Person to help support their wellbeing within the GIRFEC approach. The Named Person is a central point of contact if a child, young person or their parent(s) want information or advice, or if they want to talk about any worries and seek support. They can also, when appropriate, reach out to different services who can help. The Named Person will be the headteacher, or guidance teacher or other promoted member of staff - for a school age child. For pre-school children this will be their health visitor

If a child has a Named Person, they will be a point of contact for Cycling Scotland for any concerns about a child's welfare and wellbeing, the Named Person will carefully consider the situation by asking five questions:

- What is getting in the way of this child's or young person's wellbeing?
- Do I have all the information I need to help this child or young person?
- What can I do now to help this child or young person?
- What can my agency do to help this child or young person?
- What additional help, if any, may be needed from others?

Once they have considered the situation, a Named Person will discuss this with the child's parent(s) and other appropriate professionals if required, to assess what needs to be done to improve the child's or young person's wellbeing. They will then plan what action(s) will be taken with the child or young person and their parent(s) and arrange appropriate review dates for the plan. Each situation and concern will be unique to the child or young person, and the way they are supported will be tailored to their individual needs.

If a child does not have a named person, then the legal parents/guardians should be contacted in the first instance if appropriate.

In both cases, if a matter is serious enough then a referral will be made to local Social Work Services or Police Scotland

## Code of safe conduct for staff:

- Wherever possible avoid spending time with young people unobserved.
- Where necessary invite a young person to bring a friend, move into view of others or leave the door open.
- Where a private conversation is necessary inform another member of staff of your whereabouts and approximately how long you will be with the young person.
- Workers and volunteers should watch out for each other. Are colleagues being drawn into situations that could be misinterpreted? How colleagues' view each other's practice will be how outsiders will view it including parents.
- Be aware of any physical contact with a young person. Where necessary for example when there has been an accident ensure that you are treating the person for the injury. Do not continue with any additional contact wherever it is unnecessary.
- Do not have or be perceived to have favourites.
- Do not give lifts to young people outside agreed activities.
- Do not take young people to your home. Always make sure that you made a record of any home visit and your manager was aware of this.
- Where it is necessary to take a young person in your car ensure that your manager/colleague is aware of this and approximately how long you will be. Take a mobile phone to communicate any reasons for delays. Ask the young person to sit in the back.
- Do not use physical punishments or any action that involves locking up a child.
- Do not arrange meetings outside working hours. Do not develop social relationships with young people using the service. If you come into contact with a service user in a social setting, try and move away, if this is not possible try and maintain a professional distance. Pay attention to your own behaviour in such a setting.
- Do not buy goods or use the services of service users or their friends.
- Do not accept any money or gifts from service users. Tell young people of the project policy and ensure the service user does not feel offended.
- Do not give money or gifts to service users.
- Do not borrow money from service users.
- Do not 'friend' or 'follow' any children or vulnerable adults on any social media sites.
- Be aware of the Ethical Code of Conduct detailed in the Training Policies Document.

## Responding to concerns procedure

If a child discloses abuse, remember that this may be the beginning of a legal process, as well as of a process of recovery for the child. Legal action against a perpetrator can be seriously damaged by any suggestion that the child has been led in any way.

The following guidance should be followed as far as possible:

- Rather than directly questioning the child, just **listen** and be supportive.
- Never stop a child who is freely recalling significant events, but don't push the child to tell you more than they wish to.
- Write an account of the conversation immediately. Put the date and timings on it and mention anyone else who was present. Then sign it and hand your record in to your designated child protection officer, who should contact the child's named person or local children and family social work office where appropriate.
- All subsequent events affecting the child need to be recorded, up to the time of any formal interview takes place.

## Other important issues

- Children need to know that they will be listened to and their concerns will be taken seriously, so it is a good idea to display information about helplines and peer support schemes.
- Children will talk about their concerns and problems to people they feel they can trust. The person a child talks to will not necessarily be a senior staff member.
- Any member of staff or volunteer who is approached by a child wanting to talk should listen positively and reassure the child.
- The way a staff member talks to a child in such situations may influence the evidence that is put forward if the case goes to court. It is important that staff do not jump to conclusions, ask leading questions, or put words in a child's mouth.
- Staff should be aware that:
  - it is **not their responsibility to investigate** suspected cases of abuse;
  - they should not take any action beyond that in their organisation's procedures.
  - they cannot promise a child complete confidentiality – they must explain that they may need to pass information to other professionals to help keep the child or other children safe.

**If staff have concerns, they MUST ACT** – it may be the final piece of the jigsaw that is needed to protect that child, and it may prevent other children from being hurt. Contact the DCPO on 0141 229 5350.

## Numbers to contact:

- NSPCC – 0808 800 5000 (365 days per year, 24/7)
- Social Work (Glasgow) - 0141 287 055 & out of hours 0300 343 1505
- Police Scotland – 101 or 999 for emergency

## Recording Information

### Purpose of recording

- Allows for a chronology of what happened and when it happened
- Shows the history of events and allows analysis of any patterns
- Allows for continuity in absence of worker
- Shows actions taken by staff
- Provides accountability – agency, staff and caller
- Provides a basis for evidence in court
- Provides information for enquiry, statistics, research
- Highlights staff training and development needs.

### Checklist for a good record

- ✓ Structured and easily accessible
- ✓ Legible
- ✓ Clear and concise

- ✓ Author's meaning clearly conveyed
- ✓ Includes all relevant information
- ✓ Free from jargon and abbreviations
- ✓ Separates fact from opinion
- ✓ Professional judgment supported by evidence
- ✓ Decisions reached with worker are clearly recorded
- ✓ Signed and dated and timed.

## Recording Issues

1. **Be specific** – what is the exact nature of the concern and which category of abuse does it suggest
2. **Show the evidence** – what did you see, hear? Who said what, when, how?
3. **Be precise** with time words – what does always, frequent or never mean?
4. State your **professional judgment**.
5. Ensure your professional judgment is **support by the evidence**.

Refer to Appendix 1 for the Cycling Scotland Report Form

## Confidentiality/sharing information

### Information-sharing for child protection: general principles

The wellbeing of a child is of central importance when making decisions to lawfully share information with or about them.

- The wellbeing of a child is of central importance when making decisions to lawfully share information with or about them.
- Children have a right to express their views and have them considered when decisions are made about what should happen to them.
- The reasons why information needs to be shared and actions taken should be communicated openly and honestly with children and, where appropriate, their families.
- In general, information will normally only be shared with the consent of the child (depending on age and maturity). However, where there is a risk to a child's wellbeing, consent should not be sought, and relevant information should be shared with other individuals or agencies as appropriate.
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know.
- When gathering information about possible risks to a child, information should be sought from all relevant sources, including services that may be involved with other family members. Relevant historical information should also be considered.
- When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision *not* to share information and the rationale should also be recorded.
- Agencies should provide clear guidance for practitioners on sharing information. This should include advice on sharing information about adults who may pose a risk to children, dealing with disputes over information-sharing and clear policies on whistleblowing.
- It is not necessary to seek consent when there is legislative requirement to share information; for example, when making a referral to the Children's Reporter, or the

- prevention and detection of crime.

(adapted from National Guidance Child Protection Scotland, 2014)

### **Allegations against staff**

Any concerns about the welfare of a child or vulnerable adult arising from alleged abuse or harassment by a member of staff at Cycling Scotland must be reported immediately to Nina Saunders (0141 229 5350).

In the first instance, a Senior Manager, or where the Senior Manager is the subject of an allegation, the Chair of the Board, the Chief Executive or Proprietor of an independent organisation (the 'case manager') should immediately discuss the allegation with the police.

### **Supporting Staff**

- Employers have a duty of care to their staff. They should ensure they provide effective support for anyone facing an allegation and provide the staff member with a named contact if they are suspended.
- Suspension should be carefully considered and is not automatic.
  - It is essential that any allegation is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
  - All options to avoid suspension should be considered prior to taking that step.

Where it is clear that an investigation by the police is unnecessary, the designated child protection officer(s) should discuss the next steps with the Head or the organisation and HR.

- Keep records on an individual's file until retirement or 10 years if that will be longer.
- Decisions regarding suspension are with the employer.
- If Cycling Scotland removes an individual (paid or unpaid) from work such as looking after children or adults (or would have, had the person not left first) because the person poses a risk of harm to children or adults, the Organisation must make a referral to the Disclosure Scotland. It is an offence to fail to make a referral without good reason (See the Referrals Policy in Appendix 2).

### **Whistleblowing**

Cycling Scotland understands that staff will often be the first to know when someone inside or connected with the Organisation is doing something illegal, dishonest, or improper, but may feel apprehensive about voicing their concerns. However, it is in the interest of everyone, and the Organisation that individuals with knowledge of wrongdoing are supported in reporting such behaviour.

Any individual with knowledge of any such activities should inform their DCPO/supervisor/manager who will take the matter further as appropriate and necessary or alternatively call NSPCC Whistleblowing advice line on 0808 028 0285.

(Refer to the Whistleblowing Policy in the Staff Handbook).

### **Social Media**

It is recognised that Social Media sites have become a significant way of life for many people and that, when used appropriately, are a positive way of keeping in touch with friends and colleagues as well as providing an opportunity to communicate through media.

There are instances, however, where these sites can be used inappropriately in terms of content or substantial use during working hours and the following should be adhered to:

- A staff member should not refer to any confidential information relating to their employment. This includes potentially sensitive or confidential information about Cycling Scotland.
- Any misuse of a Social Networking site including acts committed that may bring Cycling Scotland into disrepute, may result in disciplinary action against the staff member and could constitute gross misconduct.
- If a member of staff is concerned by information or content posted on one of the Cycling Scotland official sites (i.e. Twitter, Facebook, YouTube or Flickr) they should raise this concern with their DCPO/line manager.
- Privacy should be respected always – if a staff member wishes to post a photograph or information on an individual, they should gain prior permission from the individual and it must not be posted on personal pages.
- Staff must not friend/follow on their personal sites those that attend Cycling Scotland services under any circumstances.

(Refer also to the use of social media policy in the Staff Handbook).

## **Photography**

Permission must be sought to use imagery of participants in any activities of Cycling Scotland. It must be made clear where the photographs are to be used.

## **Recruitment**

Cycling Scotland will take all reasonable steps to prevent unsuitable people from working with children, young people and adults. If the job role requires working with children and/or vulnerable adults; staff will require to have PVG checks and have two suitable references of their suitability to work with children/young people/adults.

## **Selection**

- All applicants, for paid and unpaid positions, will complete an Application Form or alternative agreed recruitment process.
- Shortlisted applicants will be invited to attend an interview.
- Shortlisted applicants will be asked to provide references, and these will always be taken up prior to confirmation of appointment.

## **Training**

- The successful applicant will receive induction training, which will give an overview of the organisation and ensure they know its purpose, values, services and structure.
- Relevant training and support will be provided on an ongoing basis and will cover information about their role and opportunities for practising skills needed for the work.

- Training on specific areas such as Health & Safety, Identifying and Reporting Abuse, and Confidentiality, will be given as a priority to new staff and will be regularly reviewed.

## Supervision

- All staff will have a designated Supervisor, who will provide regular feedback and support.
- Every member of full-time staff will attend an Annual Review, where their performance, skills, motivation and expectations will be discussed. Annual Reviews will be recorded, and copies made available to staff member.
- Other members of staff (e.g. freelance staff/contractors) have a named member of full-time staff at Cycling Scotland who can provide feedback and support as and when necessary. These staff can attend Safeguarding CPD or training on a 3-yearly basis.

## Retrospective Checks

In April 2019, there are no implications for current Cycling Scotland staff whose roles are not listed unless they undertake a job role change. Currently it is not necessary for them to be PVG checked. However, if future job roles change and there is a requirement to do so, they need to be informed that this may be the case. Retrospective checks information will be sent to all staff in 2019 (Refer to Recruitment of Ex-Offenders and Appendices 2 & 3 for policy on dealing with Disclosure Information).

## Recruitment of Ex-Offenders

Cycling Scotland will treat any applicant for any position (paid or voluntary) within our organisation fairly, and not discriminate unfairly against the subject of a PVG based on a conviction or other information revealed.

- We will request the appropriate level of PVG only where it is necessary and relevant to the position sought.
- Where a position requires a PVG, we will make this clear on the application form, job advert and any other information provided about the post.
- At interview, we will ensure that open and measured discussions can take place about offences.
- Failure to reveal information at interview, that is directly relevant to the position sought, could lead to the withdrawal of an offer of employment.
- At interview, or when receiving a PVG which indicates a conviction, we will take into consideration the following: -
  - Whether the conviction is relevant to the position being offered
  - The seriousness of the offence revealed
  - The length of time since the offence took place
  - Whether the applicant has a pattern of offending behaviour
  - Whether the applicant's circumstances have changed since offending took place.

We will ensure that all our staff members involved in the recruitment process are aware of the Policy and have received relevant training and support (Refer to Appendix 3 and Appendix 4). See also Scotland Works For You Guidance:

<https://www.mygov.scot/scotland-works-for-you/scotland-works-for-you-guidance-pack.pdf?inline=true>

Cycling Scotland has a secure Handling, Use, Storage and Retention of Disclosure Information Policy (See Appendix 5).

## Board Endorsement

The Board acknowledges and endorses these policies and procedures are in place to promote, support and safeguard children’s wellbeing within the organisation. This commitment acknowledges the Boards accountability for the implementation of the child protection policy and procedures.

Signed ..... Member of the Board of Trustees

## Review

Cycling Scotland is committed to reviewing our policy, procedures and good practice annually or in the following circumstances:

- Changes in legislation and/or government guidance
- As a result of any other significant change or event.

Any significant changes will be passed to the HR sub-committee in the first instance. If further review is required, then this will be passed to the Board. This policy was last reviewed on 29th November 2019.

Signed ..... Designated Child Protection Officer

## Agreement of Understanding

Cycling Scotland expects staff, freelance contractors and volunteers to follow the behaviours and information set out in this document. If anyone behaves in a way which contradicts any of these points, we will address the problem straight away and aim to resolve the issues. Continued issues and breaches of this code may result in us taking disciplinary action (Refer to Disciplinary Policy in the Cycling Scotland Staff Handbook).

I ..... (*print name*) have read and understood the Policies and Procedure outlined in this document.

Signed: .....

Date: .....

## Appendix 1

### Cycling Scotland Report Form

#### CONFIDENTIAL

<b>Name of Child:</b>	<b>Gender:</b>
<b>DOB:</b>	<b>Ethnicity &amp; Language:</b>
<b>Address &amp; Postcode:</b>	<b>Phone Number:</b>
<b>Name of Main Carer:</b>	<b>Relationship to Child:</b>
<b>Address &amp; Postcode of Main Carer</b>	<b>Phone Number of Main Carer:</b>
<b>Is the main carer aware of this referral?</b>  Yes/No	<b>Please state reason:</b>
<b>Does the child know that a referral is being made?</b>  Yes/No	<b>Please state reason:</b>
<b>Any other relevant information?</b>	
<b>Reason for concern:</b> <i>(state briefly what the child said or what you observed that caused concern. Include the date, time and event).</i>	
<b>Areas of Risk:</b> Physical / Neglect / Emotional / Sexual Parental / Substance Misuse / Parental Mental Health / Child Placing themselves at Risk / Domestic Abuse / Non-Engaging Family / Child Exploitation / Other Concern (please note here):	
<b>State what action has been taken and when:</b>	
<b>Name:</b>	<b>Signed:</b>
<b>Date &amp; Time:</b>	<b>Position:</b>
<b>DCPO Actions</b>	
<b>Name:</b>	<b>Signed:</b>
<b>Date &amp; Time:</b>	<b>Position:</b>

## Appendix 2

### Cycling Scotland Referrals Policy

This policy is relevant to all those involved in making recruitment/disciplinary decisions in our organisation.

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where our organisation must notify the Protection Unit at Disclosure Scotland that this has happened. This is called “Making a Referral”. If we would have permanently removed the individual, the actions detailed in this policy will continue to apply (even if a member of staff or volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave).

2 conditions must be met before we let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from regulated work

Condition 2 – At least 1 of the following 5 grounds apply

- Caused harm to a child or protected adult
- Placed someone at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Given inappropriate medical treatment

When both of these conditions have been met, it is a legal requirement that Cycling Scotland must let Disclosure Scotland know by making a referral within 3 months of the permanent removal of the individual.

Where there is an historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with us but which we believe would, in all probability, have led to the 2 conditions being met, we will consider whether we want to make a referral but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

Where it is necessary to make a referral, this process will be carried out by the Safeguarding Officer. In their absence, the referral process will be carried out by the Head of Education and Training. Those who are in a position which may involve carrying out disciplinary action which may result in the removal from regulated work or dismissal of someone in regulated work must ensure they notify the Safeguarding Officer. or, in their absence, Head of Education and Training of the legal requirement to make a referral where the conditions above have been met.

Failure to make a referral where required, may result in our organisation being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify the Safeguarding Officer or the Head of Education and Training when both conditions for making a referral have been met.

## Appendix 3

### Cycling Scotland Recruitment of Ex-Offenders Policy

This policy is for Cycling Scotland to refer to when accessing Disclosure Records for the purpose of assessing an individual's suitability for paid and/or unpaid work.

The purpose of this policy is to ensure consistent and fair practices are implemented for the recruitment of staff or volunteers who have a criminal record and who work (paid or unpaid) in an "exempted position" within Cycling Scotland.

Cycling Scotland undertakes to treat all applicants for positions within the Organisation fairly and not to discriminate unfairly against the subject of disclosure on the basis of conviction information revealed. Having a criminal record will not necessarily debar an individual from working/volunteering in positions within Cycling Scotland.

Cycling Scotland will therefore consider ex-offenders for employment on their individual merits. The Organisation's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of The Rehabilitation of Offenders Act 1974.

#### **Positions covered by The Rehabilitation of Offenders Act 1974**

Cycling Scotland will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

During interviews, Cycling Scotland will ask applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, Cycling Scotland will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

#### **Positions that are exempt from The Rehabilitation of Offenders Act 1974**

If the position into which Cycling Scotland is seeking to recruit is one of the excluded jobs (including voluntary positions) listed in The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, Cycling Scotland will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). Even in these circumstances, however, Cycling Scotland will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Cycling Scotland implements a fair recruitment policy that ensures individuals have the opportunity to disclose any convictions or conviction information in a way that allows for a clear risk assessment to be carried out that will determine whether or not the conviction or conviction information is relevant to the position applied for, by taking account of:

- whether the conviction is relevant to the position being offered
- the seriousness of the offence revealed
- the length of time since the offence took place
- whether the applicant has a pattern of offending behaviour
- whether the applicant's circumstances have changed since the offence took place.

To ensure the correct applicant is appointed and to enable Cycling Scotland to determine the relevance of any convictions or conviction to positions applied Cycling Scotland will use the following recruitment tools:

- Application Form or CV
- Self-Declaration Form
- References
- Interviews
- Appropriate level of Disclosure Record.

Cycling Scotland will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. Cycling Scotland will seek the applicant's agreement to make an application to Disclosure Scotland for a standard, enhanced, PVG or enhanced with DBS barred lists check (as appropriate). Cycling Scotland will pay the fee for this check. Where the individual is member of the DBS update service, Cycling Scotland will, with his or her permission, carry out a status check on any current certificate.

As part of our recruitment policy, we request the appropriate level of disclosure record at the final part of the recruitment stage, when a position has been offered. Should Cycling Scotland decide that the information disclosed is relevant to the post applied for, the offer of employment will be withdrawn, and this information will be fed back to the applicant by letter.

It is an offence for an individual who is barred to undertake the type of regulated work from which they are barred. It is also an offence to make an application to be considered for such work.

It is an offence for an organisation to offer regulated work to someone who is barred or to fail to remove a person from regulated work if they have been notified that they are barred.

## Appendix 4

### **Cycling Scotland policy on individuals who are under consideration for listing or barred from regulated work**

Cycling Scotland aims to ensure that all children and/or protected adults are kept safe from harm while they are with our staff and volunteers.

Those who will undertake regulated work with children and/or protected adults within our Organisation will be asked to complete a PVG disclosure application. Disclosure Scotland will continually monitor scheme members suitability to carry out regulated work and will notify our Organisation if someone is barred as they have become unsuitable to do that type of regulated work or if someone is moved to consideration for listing. This can happen either at the time that someone applies to join the PVG Scheme or throughout the period that they are doing regulated work.

The PVG Scheme provides for decisions to be made about a person's suitability to carry out certain types of regulated work. As part of this determination process, those not considered suitable will be barred from doing regulated work with children or protected adults or both.

Individuals can also be placed under consideration for listing where there is information which needs further investigation to determine if the person is suitable for regulated work.

Barring or being considered for listing can happen at the time that the applicant applies to join the PVG Scheme or throughout the period that they are a scheme member. Disclosure Scotland will notify the Organisation when someone we are recruiting or have recruited into regulated work becomes barred or under consideration for listing in relation to the regulated work for our Organisation.

If notified that someone is barred from regulated work with children and/or protected adults, the person must be removed from the relevant type of work. This is because it is an offence for an organisation to offer or fail to remove a person who is barred from regulated work after they have been notified.

If notified that someone is under consideration for listing in relation to the regulated work type that they do for the Organisation, we can make our own decision about the action that the Organisation will take. We believe that it is beneficial to have a written policy or statement detailing the action that is considered appropriate, not only to provide clarity for those who have to make recruitment decisions but also to let those in regulated work know what to expect in these circumstances.

While a person is under consideration for listing, they are not barred from doing regulated work. However, Cycling Scotland will assess the risk to our service users on a case by case basis.

If we are notified that an individual is barred from a regulated work type that they do or have applied to do within our Organisation, the individual will not be recruited to do, or will be removed from that type of regulated work. Our Organisation would be committing an offence if we engaged or failed to remove someone barred from the relevant regulated work.

Disclosure Scotland may place a scheme member 'under consideration for listing' if they have information that they need to take time to review. During this time, the member is not

barred from regulated work. If we are notified by Disclosure Scotland that an individual is under consideration for listing, our Organisation will take the following action:

### **At recruitment stage**

- Advertisements for job roles at the Organisation will specify clearly whether the work involves regulated work together with the basis of that work.
- Offers of employment will be made conditional on the receipt of a satisfactory disclosure checks. These will be conducted by Disclosure Scotland.
- The check will confirm that the applicant is suitable to carry out the role and has not been barred from performing this work.
- If the background check reveals that an applicant is not suitable, the offer of employment will be withdrawn by Cycling Scotland and the applicant will not be employed.

### **As a result of on-going monitoring**

Existing employees may be required to provide a satisfactory disclosure check where their work becomes regulated work or Cycling Scotland requires them to start carrying out regulated work. Existing employees cannot conduct any regulated work until they have undertaken a satisfactory disclosure check.

The disclosure check will be conducted by Disclosure Scotland. The check will confirm that the employee is suitable to carry out the work and has not been barred from performing this.

If employees are unable to provide a satisfactory disclosure check, or refuse to undertake a disclosure check, the Organisation will consider the options for redeployment into any available job roles that do not involve regulated work.

If existing employees become added to the children and adults barred lists by any disclosure body, the Organisation will consider the options for redeployment into any available job roles that do not involve regulated work.

In both cases, if this is not possible, the Organisation may need to consider dismissal of the employee on the basis of the statutory ban imposed by the disclosure. The Organisation may be unable to continue to employ the employee in any capacity if the continued association with the employee cannot be maintained, causes reputational damage to it or other reasons that harm its reputation.

Any decision will be fully explained to the individual member of staff.

### **Duty of disclosure**

Cycling Scotland is legally required to send information to Disclosure Scotland if a decision is taken to dismiss an employee or remove them from working in regulated work.

Cycling Scotland may also be required to inform Disclosure Scotland if the Organisation suspends an employee, or an employee resigns in suspicious circumstances, as the referral duty criteria may already be met at that stage.

## Appendix 5

### Cycling Scotland - Secure Handling, Use, Storage & 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.

This policy is for Volunteer Scotland Disclosure Services enrolled organisations accessing Disclosure Records for the purpose of assessing individual's suitability for paid and/or unpaid work. We comply fully with the Disclosure Scotland Code of practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. We also comply fully with our obligations under the GDPR, the Data Protection Act 1998 and Data Protection Act 2018.

In accordance with the Scottish Government Code of Practice, for registered persons and other recipients of disclosure information, Cycling Scotland will ensure the following practice:

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

Cycling Scotland 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, Cycling Scotland will ensure that all sensitive personal information that is collated for the purposes of obtaining a record will always be managed confidentially by those involved in the Disclosure process, in line with the provisions of Schedule 1 of the Data Protection Act 2018.

Disclosure information will only be shared with those authorised to see it in the course of their duties.

Disclosure information is never kept in an applicant's personnel file. Disclosure information will be stored in a locked non-portable container and we will not retain such information for longer than it is relevant to their needs. Access to this container will be strictly controlled and limited to those who are authorised to see it as part of their duties in accordance with section 124 of the Police Act 1997. We maintain a record of all those to whom disclosures and disclosure information has been revealed and we recognise that it is a criminal offence to pass the information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is absolutely necessary in order to allow for the consideration and resolution of any disputes or complaints. Where appropriate, Disclosure Scotland will be consulted, and full consideration will be given to the data protection and human rights of the individual.

Once the retention period has elapsed, we will ensure that any disclosure information is immediately destroyed by shredding. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack). 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.

Cycling Scotland will ensure that all staff with access to disclosure information are aware of this policy and have received relevant training and support. Cycling Scotland undertakes to make a copy of this policy available to any applicant for a post with Cycling Scotland that requires a Disclosure.