



Barred and Under Consideration for Listing Policy

Badminton 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 Badminton Scotland 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.

If we are notified that an individual is barred from a regulated role that they do or have applied to do within our organisation, the individual will not be recruited, or will be removed from that type of regulated work. Our organisation will be committing an offence if we engage or fail to remove someone who is 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

- Continue with the recruitment as is the organisation’s normal process but decide on a case by case basis. Suitable alternatives discussed with the candidate.

As a result of on-going monitoring

- Decide on a case by case basis with appropriate actions taken following discussion with the individual.

The decision will be fully explained in accordance with our current HR policies. This policy will be made available to all of our staff/volunteers and adopted by our member clubs.



Making a Referral Policy

This policy is relevant to all those involved in making recruitment/disciplinary decisions in Badminton Scotland & its member clubs. For this policy, 'the club' refers to the Badminton Scotland member club that has adopted this policy as part of their membership agreement.

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

2 conditions must be met before the club or Badminton Scotland let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from regulated work *(this includes suspension which requires the person to reapply for their role when the suspension period has ended)*

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 either the club or the Badminton 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, the club or Badminton Scotland will consider whether they want to make a referral but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

Where it is necessary for the club 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 **Club Secretary**.

Where it is necessary for **Badminton Scotland** to make a referral, this process will be carried out by the **Business Information Administrator**. In their absence, the referral process will be carried out by the **Head of Engagement**.

Failure to make a referral where required, may result in the club or Badminton Scotland being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify those responsible for making referrals when both conditions for making a referral have been met.



Recruiting People with Convictions

The purpose of this policy is to provide assurance to applicants, staff and volunteers and guidance to those making recruitment decisions of Badminton Scotland or the Clubs process in assessing whether any conviction information provided to us in a disclosure certificate impacts on a person's ability to carry out the role that they have applied for or which they hold within Badminton Scotland or the Club. It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for Badminton Scotland or the Club.

Our organisation treats all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). We do not differentiate between paid and unpaid roles when applying the criteria detailed in this policy, the assessment is based entirely on the requirements of the role and any information shared with us in a disclosure certificate. The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

Self-Declaration

Badminton Scotland operate a fair recruitment process and will ensure anyone applying for, or holding a role in our organisation is given the opportunity to discuss any unspent convictions which they are required to tell us about.

As part of the Badminton Scotland recruitment process, the self-declaration form should be completed and returned with the PVG application form if required and as directed. The form should only be completed and returned to Badminton Scotland if the individual is provisionally offered the role subject to the outcome of the disclosure.

The rules around what an individual needs to disclose are complex and it may be difficult to know what should and should not be disclosed. Badminton Scotland should, therefore, only be told about unspent convictions and relevant spent convictions. An individual should not tell Badminton Scotland about any convictions which were gained before the age of 12, those which are spent and any which are not considered appropriate to disclose subject to exceptions.

Once in post, any member of staff or volunteer who gains any new convictions, must complete the self-declaration form again. It is important to note that failing to follow this ongoing self-disclosure process may result in disciplinary action and could ultimately result in dismissal.

To support the recruitment decision, it is recommended that Badminton Scotland clubs should follow this process for recruiting volunteers both for regulated and non-regulated roles.

Disclosure Certificate

In order to ensure there is no bias in our recruitment decisions, accessing the disclosure certificate will be the final part of Badminton Scotland's recruitment process and will only be requested when we have provisionally offered the role, subject to a satisfactory disclosure.

When Badminton Scotland receive the results of an individual's disclosure check, we will compare it to the self-declaration form which the individual has completed. If there are any differences between the details on the two documents, Badminton Scotland will arrange to discuss this with the individual.

Badminton Scotland will not make any judgement on the reasons that information differs prior to our discussion as we understand that the rules around what information an individual should share with us is complex. Where the Club is the recruiting body then authorised persons at Badminton Scotland will communicate as required with the Safeguarding Officer and/or Club Secretary with regards to this information as appropriate.

How we will use disclosure information

Any information disclosed with Badminton Scotland will be treated in the strictest confidence and only authorised people required to see the information to help assess it will have access to it. There may be instances where we need to seek support or guidance externally (for example, from a solicitor). When this is necessary, we will not share any information which will identify the individual, only the information which Badminton Scotland require support or guidance on.

Where information has been detailed on the self-declaration form but is not shared on the disclosure certificate, Badminton Scotland must always disregard this information as this means that the individual has provided information that they were not required to share with Badminton Scotland.

Badminton Scotland does, however, need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or to one of our Clubs. In order to ensure we carry out a fair and consistent practice when we assess any conviction or vetting information, Badminton Scotland will take into account the following criteria:

- Is the conviction relevant to the position being offered?
- How serious was the offence?
- How long is it since the offence took place?
- Is there a pattern of offending behaviour?
- Have the personal circumstances changed since the time of the offending behaviour?
- How has the person become rehabilitated?
- Is the person barred from the type of regulated work we need them to do?

If Badminton Scotland determine that the disclosed information is relevant to the role, we will withdraw the job or volunteering role offer if it is with Badminton Scotland. If it is with one of the affiliated clubs, we will provide a recruitment recommendation to the Safeguarding Officer and/or Club Secretary. It will be then for the club to decide the final recruitment outcome.

For those already in post, this may result in disciplinary action and could ultimately result in dismissal. The reason(s) for the decision will be fully explained.

Appeals

If an individual feels that the risk assessment has not been carried out appropriately or that the decision of Badminton Scotland is unfair, the individual has the right to appeal.

Should you wish to appeal a recruitment decision please submit your appeal in writing to Keith Russell, CEO keith@badmintonscotland.org.uk within 14 days of receipt of the decision being communicated to you clearly indicating your reasons for appeal. (R14.1 of the Badminton Scotland Governance) The appropriate appeal fee (£100) must accompany the appeal. The process will be progressed as quickly as practically possible.



Safeguarding Data Policy

This policy is designed to support the decision making process of Badminton Scotland & Member Club Committees, in particular Safeguarding Officers (SOs) in relation to the storing and retention of safeguarding information. It also gives advice on what information should be passed from an outgoing SO to the incoming SO.

Document	Where to Store	Who has access	How long to keep
Role application, appointment & induction forms	Securely on a cloud based drive, or on a password protected computer etc	Safeguarding Officer or appointed club person	Until person leaves role
Self-Declaration Form	Securely on a cloud based drive, or on a password protected computer etc	Safeguarding Officer or appointed club person	<p>These should be either securely scanned and stored on a password protected file or alternatively stored as a paper copy in a locked filing cabinet.</p> <p>If a volunteer requires a PVG, then the self-declaration and reference forms should be reviewed and stored securely until the PVG comes back as complete. At that point a spreadsheet can be updated to reflect that the self-declaration and references were reviewed and accepted, noting the date and name of referees. These forms can then be disposed of.</p> <p>If a volunteer does not require a PVG, then once the committee reviews the self-declaration form and references, then a spreadsheet can record that the forms were received, and satisfied your requirements, noting the date and name of referees. Then the forms can be disposed of.</p>
Reference Forms	Securely on a cloud based drive, or on a password protected computer etc	Safeguarding Officer or appointed club person	As per Self-Declaration form information above
Incident Report Forms	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	If the case information is relating to a safeguarding incident, including an abuse or position of trust breach or if it may be required in the event of a child abuse claim then it would need to be held indefinitely (but reviewed regularly) as the Limitation (Childhood Abuse) (Scotland) Act 2017 removed the time limit for raising actions for historic child abuse.

			Information pertaining to a case that would not be required if an investigation were continued or reopened can be removed. (eg general comms to set up a meeting would not form part of an investigation so can be deleted; specific information about witnesses or involved parties should be filed.
Case communication (Documents & Files)	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	As above
Case communication (within emails)	Securely within a password protected email account of saved Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	Documents and email trails regarding a case should be saved with the other documents and files to help with case chronology if the content provides evidence that could later be required. Emails should be removed from the folder or inbox once saved if required.
Accident Report Forms	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	Accident forms relating to minor injuries and those non RIDDOR reportable should be retained for 3 years. Accident forms and other relevant information relating to a RIDDOR reportable incident should be stored for 6 years.
Signed Codes of Conducts	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	12 months. These should be completed annually.
Social Media & other adherence Forms	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	12 months. These should be completed annually.
Photography Permission Forms	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	12 months. These should be completed annually.
Video Permission Forms	Securely on a cloud based platform, or on a password protected computer etc	Safeguarding Officer or appointed club person	12 months. These should be completed annually.

Definition of Secure: Kept in a locked place with restricted access. If at SO's home can be stored in for example, a locked desk drawer or attic. If in a general office, documents must be in a locked filing cabinet with no other key holders. If an electronic version is stored, it should be password protected.

How to dispose: Shred, burn or delete if electronic copy



Safer Recruitment Process

All Badminton clubs have a variety of volunteers and staff who assist with the overall running of their Club. Whilst it is vital to keep the issues of wellbeing & protection in proportion, Badminton Scotland would like every Club to adopt some basic procedures that will help safeguard all concerned.

The Recruitment and Selection of Volunteers and Staff

Abusers of children/protected adults tend to gravitate to situations where little vetting or checking takes place. It is impossible to know who could abuse children/protected adults. Therefore, it is important that all reasonable steps be taken to ensure unsuitable people are prevented from working with children/protected adults.

It is also important that standard procedures are used, whether people are paid or unpaid, part-time or full-time. For all volunteers / staff working within the Club who have regular contact with children/protected adults, the following action demonstrates good practice (shown here in no particular order):

Interviews

It is best practice for clubs to utilise an interview process for recruitment of volunteers. Simple, informal interviews to assess the applicant and attempt to verify all information given can be held for voluntary posts. These could be included within the induction process. Employment Law governs recruitment processes for paid positions.

Referees

It is best practice for clubs to utilise the references forms for recruitment of volunteers. References from at least two people (not relatives) who have known the applicant for at least 2 years and who are able to comment **confidentially** on the person's previous work with children/protected adults and any former involvement in sport.

PVG Scheme Membership

A PVG Scheme application will be made for all **regulatory work roles** involved in your club. PVG information forms are available from Badminton Scotland, who will also receive the results of all PVG Applications and make judgement on each applicant's suitability to work with children/protected adults – based on the information presented and from other parts of the recruitment process. Clubs have overall responsibility to establish the suitability of candidates based on a full recruitment procedure however, this is fully supported by Badminton Scotland.

Induction

An induction procedure for all new starts is recommended. New starts will then be made aware of the relevant club policies and able to sign appropriate Codes of Conduct and membership requirements. A period of probation is advisable. Probation can also be used if you implement all areas of the recruitment process and are awaiting the results of a PVG Application.

Training

The Child Wellbeing & Protection in Sport (CWPS) workshop should be completed by all volunteers and staff in a regulated role.

All volunteers and staff must become members of Badminton Scotland under the rules and regulations of the Articles of Association.



Secure Handling of Disclosure Information Policy

The purpose of this policy is to provide guidance and instruction on how to appropriately handle disclosures for those who will have access to them and to provide assurance that their disclosure information will be handled, used, stored and destroyed appropriately and in accordance with the Disclosure Scotland Code of Practice.

For the purpose of this policy, PVG Scheme Records, PVG Scheme Record Updates, Standard and Enhanced disclosures will be referred to as disclosures. This policy is for Badminton Scotland, the sport governing body, who access disclosures for the purpose of assessing a member's suitability for paid and/or voluntary work. Badminton Scotland member clubs agree to adopt this as their own Secure Handling policy, as part of their membership agreement.

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

Requesting Disclosures

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

Our organisation will ensure that an individual's consent is freely given before seeking a disclosure. Before using disclosure information for any other purpose, we will seek their consent to use the disclosure for a purpose other than recruitment. Furthermore, we will ensure that all sensitive personal information that is collated for the purposes of obtaining a disclosure will be always managed confidentially by those involved in the disclosure process.

Sharing Information

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

Storage

Disclosure information will be stored in secure conditions as follows:

- **Badminton Scotland** do not keep disclosure information on an individual's personnel file. It is kept securely, either in lockable, storage containers or electronically with double authentication required. Access to storage units and electronically stored information is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties

Digital Certificates

Care will be taken in relation to electronic disclosure information, and we will endeavour to prevent unauthorised viewing, transmission, storage, printing or fraudulent manipulation.

Access to digital certificates will be restricted to those who are entitled to see it in the course of their duties. All electronic certificates are stored with double authentication.

We will not retain any electronic image of the disclosure information. We will, however, record the date of issue, the individual's name, date of birth and email address, the disclosure type and the role descriptor for which it was requested, the unique reference number of the disclosure and our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Paper Disclosures

Paper documents will be kept in lockable and non-portable storage units. Access to disclosure information will be restricted to those that are entitled to see it in the course of their duties and will be stored electronically with double authentication.

We will not retain any paper image of the disclosure information. We will, however, record the date of issue, the individual's name, date of birth and email address, the disclosure type and the role descriptor for which it was requested, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Record Keeping

It is Badminton Scotland's responsibility to keep accurate information about disclosures we have accessed. The following information will be recorded on our Disclosure Tracking Record:

- Date of issue of disclosure
- Date PVG should be updated
- Applicant's Date of Birth
- Applicant's email address
- Name of Applicant
- Disclosure type/level
- Unique reference number of disclosure
- Position for which the disclosure was requested
- Recruitment decision taken

We will not record any vetting information as the code of practice prohibits this.

Retention

We will not retain disclosure information (hard copy or electronic) for longer than is necessary for the purpose for which the disclosure record was obtained. PVG disclosures will not be retained beyond the last day that a scheme member is carrying out regulated work for Badminton Scotland or any member club.

Destruction/Deletion

We will take all reasonable steps to ensure that disclosure information is destroyed by suitable and secure means, for example, shredding, pulping or burning. Electronic images or communications with disclosure information will also be deleted permanently from both the email address where it was received and from where it is stored.

We will ensure that all staff with access to disclosure information are aware of this policy and have received training and support to help them to comply with both this policy and the code of practice. A copy of this policy will be made available to any applicant, member of staff or volunteer who requests it.

Before acting as an Umbrella Body (a body which countersigns applications for Standard or Enhanced Disclosures or makes declarations in relation to PVG disclosure requests on behalf of other organisations) we will take the following steps.

- We will ensure that the club on whose behalf we are acting complies with the Code and the 1997 and 2007 Acts.
- We will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of disclosure information in full accordance with this policy.
- We will also ensure that any club for whom applications or requests are countersigned, has adopted this written policy.



PVG contract between Badminton Scotland & Our Club

Badminton Scotland agrees that we will access disclosures and make suitability decisions on behalf of all affiliated clubs. **Badminton Scotland & Our Club** understand that this suitability decision is solely in relation to the information provided on the disclosure or change of status notifications. **Badminton Scotland & Our Club** understand that we will access disclosures through **Badminton Scotland's** direct enrolment with Disclosure Scotland.

Badminton Scotland & Our Club understand that prior to any application being submitted, consent must be sought (and freely given) by the PVG applicant and that subsequently if there is any vetting information provided on disclosures or notifications or change in the status received, this information can be shared with the organisation that has recruited them. We agree that any information received or shared will be handled with the strictest confidence and in accordance with the Disclosure Scotland Code of Practice and **Badminton Scotland's** Secure Handling of Disclosure Information Policy, the information will only be shared with those entitled to know the information in the course of their duties and will only be used for the purpose it was provided for. **Badminton Scotland & Our Club** understand that as per GDPR regulations, an individual may withdraw sharing consent at any time, if this consent is withdrawn the PVG member will no longer be permitted to continue in the role for which the PVG was sought.

Badminton Scotland & Our Club understand that there may be occasions where information will be issued from Disclosure Scotland regarding the listing and barring information in relation to an individual, **Badminton Scotland & Our Club** agree to adhere to **Badminton Scotland's** Barred and Under Consideration for Listing Policy.

Badminton Scotland & Our Club understand that there may be circumstances where our organisations will be required to make referrals to Disclosure Scotland in relation to those that we have accessed disclosures for. We understand that in some cases the referral will need to be made by the recruiting organisation we made the suitability decision for. These circumstances are detailed in **Badminton Scotland's** Making a Referral Policy.

Badminton Scotland will ensure sufficient training on the disclosure scheme is made available to those clubs we will make suitability decisions for.

Suitability Decisions Making Organisation Details

Date of review : Annually/Appointment of New Safeguarding Officer/Update of SO PVG

In completing the information below, I confirm that Badminton Scotland will comply with the terms of the agreement as detailed above.	
• I confirm that Badminton Scotland has a Secure Handling Policy	X
• I confirm that Badminton Scotland has a Referrals Policy	X
• I confirm that Badminton Scotland has a Safe Recruitment Policy	X
Signatory Name: Nicky Waterson	
Signatory Role: Badminton Scotland - Head of Engagement / Lead Signatory	