

The logo for Sport Cheer Wales is centered in a red-bordered white box. The words "SPORT CHEER" are in red, bold, sans-serif font. The word "WALES" is in a larger, bold, sans-serif font, with a 3D effect. The letters of "WALES" are filled with the red and green colors of the Welsh flag, and the Welsh dragon is visible within the letters. The background of the slide features abstract, flowing shapes in shades of green and red, resembling fabric or smoke.

SPORT CHEER WALES

SCW Criminal Records Check policy

V2019.1

About this policy

This policy should be used in conjunction with the following SCW policies and procedures;

- Safe Recruitment Policy
- Safeguarding and Child Protection Policy
- SCW membership policy
- Safeguarding Vulnerable adults policy
- Equality Policy
- Data Protection guidance

This policy is concerned with the SportCheer Wales guidance on use and requests for Disclosure Barring Service (DBS) checks. The SportCheer Wales Safe Recruitment Policy sets further guidelines for the safe recruitment of coaches and volunteers, but this specifically deals with the DBS requirements for each individual, and safe storage of this information.

SportCheer Wales agrees that DBS checks can be obtained from the following sources and be accepted by Welsh Cheerleading Programmes;

- Disclosure and Barring Service (England and Wales)
- Equivalency from other home countries – please contact SC Wales for further guidance.

This policy should be adopted by all SportCheer Wales member teams and should be available to any coach or volunteer that requests one during the recruitment process.

This policy should be used alongside the SCW Safe Recruitment Policy.

The Disclosure and Barring Service

The Disclosure and Barring Service is a public body of the Home office in the UK. The DBS enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for work involving children and vulnerable adults and provides access to criminal record information through its disclosure service.

SportCheer Wales Responsibilities

- SportCheer Wales will report any breaches of the Code of Practice to the DBS and will work with these bodies to ensure compliance.
- SportCheer Wales will ensure DBS checks are only required for recruited persons who fit the eligibility criteria.
- SportCheer Wales will ensure applicants with a criminal record are treated equally and have a more intensive interview process to ascertain eligibility of the role applied for.
- SportCheer Wales expect member teams to ensure all new recruited employees and volunteers do not commence their restricted roles until the disclosure report has been obtained
- SportCheer Wales will require all existing cheer coaches and relevant staff to complete a new disclosure every three years, or join the DBS update service.
- SportCheer Wales will assist member programmes and organisations to meet the legal requirements for each employee, employer or situation.
- SportCheer Wales will refer anyone who has been removed from regulated activity that is believed to
 - a. Have harmed or poses a risk of harm to children or protected adults
 - b. Received a conviction or caution for a relevant offence
 - c. Satisfied the DBS harm test.

Processing and Obtaining DBS Checks

Only registered companies obtaining more than 100 checks per year are eligible to conduct DBS checks. SportCheer UK is currently working on the viability of this status for cheerleading organisations. Welsh Cheer coaches can use an ‘umbrella company’ to obtain a DBS check – a list of reputable companies can be accessed at; <https://www.gov.uk/find-dbs-umbrella-body>

Once the certificate is obtained, this can then be forwarded to the SCW membership team who will process the relevant update and information. Membership will not be granted or will be suspended if this is not completed prior to the application date or the expiry date of the current certificate.

Eligibility of Ex-offenders

SportCheer Wales, under the Rehabilitation of Offenders Act 1974 (Exceptions) commits to, and encourages all cheerleading programmes in Wales to treat all applicants for relevant positions fairly. There will be no discrimination based on a past conviction. SportCheer Wales will only ask applicants to provide details of convictions there is a legal entitlement for them to now about, and that are not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended and the Police Act Regulations.

SportCheer Wales is committed to equality and recognise the importance of a mix of skills and talents, and welcomes applications from all individuals, regardless of race, ethnicity, age, disability, sex, gender, sexual orientation, marriage status, religion or any other protected characteristic. DBS checks will only be requested for those positions where a disclosure is necessary, and after a position is offered to the applicant.

Should the disclosure offer ambiguity, there will be a separate interview or discussion with suitably trained board member/s to ensure the applicant has the opportunity to provide relevant information on the conviction or caution. Failure to provide this information may result in any membership or role offered to be withdrawn. The discussion and provision of relevant information does not guarantee the membership or role offer being approved.

Storage of DBS information

Storage & Access: Disclosure certificates and any information obtained from a disclosure will not be stored on an employee/member's record but will be stored separately. No item will be stored in hard copy, but in electronic storage with adequate restrictions and password protections.

Handling: Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record will be maintained of all those to whom disclosure information has been revealed, as it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage: Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

Retention: SportCheer Wales will not retain disclosure information for any longer than is necessary to make a suitability decision. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. For Team Wales coaches, this period is extended until the conclusion of the ICU world championships for the year of employment. This is due to possible requests from the ICU to qualify for access passes within the World Championships.

Disposal: Once the retention period has elapsed, information is destroyed by secure means. The only information recorded on an employee/member's record will be the issue date of a disclosure and/or expiry date, the type of disclosure requested, the position for which it was requested, the unique reference number of the disclosure and the details of the recruitment decision taken, together with any relevant consent relating to the use of the DBS Update Service.

Levels of Criminal Record Checks

Standard check

To be eligible for a Standard check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced check

To be eligible for an Enhanced check, the position must be included in both the ROA Exceptions Order and in Police Act Regulations.

Enhanced check with Barred List Check

To be eligible to request a check of the children's or adults' barred lists, the position must meet the definition of regulated activity. This check is the highest level of disclosure and barring check.

Roles that require a DBS check

The following are the categories within the children's workforce that would require a check at Enhanced level:

- those in regulated activity in relation to children;
- those who fall under the pre September 2012 definition of regulated activity in relation to children;
- those who manage others in regulated activity with children; and
- those who would be in regulated activity except for the fact they are supervised.

Regulated Activity

Regulated Activity in relation to children is:

- a) Unsupervised* and
- b) Once a week or more, or 4 days in any 30 day period, or overnight and
- c) In a specific role OR in a specified place, (see below):

Specific Child-Related Roles

Supervising, caring, teaching, training, instructing, providing advice/guidance on wellbeing, providing therapy/treatment, transporting (solely for children on behalf of a Programme or cheerleading organisation), providing assistance, moderating a public electronic communication service to be used mainly by children.

OR

In a specified place

Educational institution (e.g. school, under-18 further education), nursery, children's hospital, detention centre (e.g. prison, remand centre), children's home, childcare premises, children's care home

OR

A day-to-day manager or supervisor of somebody engaging in Regulated Activity.

* In order for a role to be considered 'supervised' the supervision must be:

- Regular;
- Day-to-Day;
- Reasonable in all circumstances for protecting children; and
- Carried out by someone in Regulated Activity.

SCW requires all paid staff and volunteers over the age of 16, employed or volunteering, who meet the definition of regulated activity to apply for an enhanced check with barred list for the relevant workforce. Although SCW guidelines are aimed primarily at the children's workforce, SCW acknowledges that some organisations offering adaptive abilities provision will require SCW to facilitate checks for eligible roles within the adult workforce.

SCW recommends that affiliated organisations carry out an Enhanced check for any position that is eligible for an Enhanced disclosure. Standard disclosures are not considered to be appropriate for any roles in Cheerleading working or volunteering with vulnerable groups.

Where recruiting to posts that do not meet the eligibility criteria for an enhanced disclosure, SCW or the affiliated organisations may choose to request Basic check. Basic checks can be useful for posts where it is relevant to seek information on an individual's criminal record e.g. finance positions.

The following roles are considered by SCW to fall within the scope of regulated activity. SCW members who are insured in any of these capacities are required by SCW to have an enhanced criminal record check (or home country equivalent) with relevant workforce barred list check:

- Coaches including assistants (unless the coach does not meet the frequency requirements or does not work with children or vulnerable adults. Anyone who is still a regular coach but does not meet the frequency requirements set out in the definition of regulated activity will be asked to complete an enhanced check without barred list)
- Welfare Officers.

SCW also requests criminal record checks for anyone working or volunteering for SCW in any of the following roles and strongly recommends clubs to do the same:

- Choreographers;
- Anyone supervising children (if meeting frequency requirements);
- Anyone providing overnight supervision/care, e.g. Heads of Delegation, Chaperones, Host Families;

- Medical staff including physiotherapists, psychologists, nutritionists, first aiders etc;
- Roles that involve the day-to-day management or supervision of somebody engaging in Regulated Activity.

Judges

Judging does not fall within the scope of regulated activity, so they are not required to have DBS disclosures. However, judges should be checked by their programme if they provide judging instruction to children in a training environment, or take on a supervisory role whilst judging at a trip or event.