



# BRITISH TAEKWONDO

**SAFER RECRUITMENT POLICY**

**AUGUST 2020**

**INCORPORATING**

**RECRUITMENT OF EX-OFFENDERS &  
CRIMINAL RECORD CHECK PROCEDURE**

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**This Safer Recruitment Policy and Criminal Records Check Procedure should be read in conjunction with the following related policies and procedures**

Safeguarding Policy

Code of Conduct

Disciplinary Policy & Procedure

### **Appendix 1**

Flowchart of process

A large, stylized graphic element in the background, consisting of several overlapping, curved, ribbon-like shapes in shades of light red and light purple, resembling a taekwondo belt or a dynamic motion graphic.

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## **SECTION 1 Policy**

### **1.1 Introduction & Aims**

British Taekwondo is committed to providing the safest possible environment for the welfare of Children and Adults at Risk and has a duty to safeguard and protect all participants from harm.

The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work. The Act established a body – now the Disclosure & Barring Service (DBS) to make decisions about individuals who should be barred from working with children and to maintain a list of these individuals.

The Act, amended by the Protection of Freedoms Act 2012, provides the legal definition of regulated activity with children and adults (i.e. work that a person who has been barred must not do).

### **1.2 Definitions**

Regulated activity with children is defined as involving contact which is:

- Of a specified nature e.g. training, teaching, supervising, advising, providing treatments or transport for the purposes of the activity

AND

- Occurs once a week or more

AND/OR

- Occurs on 4 or more occasions in a 30 day period

AND/OR

- Occurs overnight between 2am and 6am

For adults the threshold is reached if an individual is providing or teaching an adult about their personal care – ie assisting with eating, toileting, washing or dressing or is providing medical care.

The level of check required is dependent on the role being performed. The table below identifies the main roles within Taekwondo and identifies the check required in terms of Disclosure & Barring Service England & Wales. A similar level of check would be applied for within the other home countries.

<b>ROLE</b>	<b>CHECK REQUIRED</b>
COACH (whether paid or volunteer)	Enhanced Check with Barred List Check
WELFARE OFFICER	Enhanced Check with Barred List Check
REFEREE - with Weigh In Responsibilities	Enhanced Check with Barred List Check
REFEREE – without Weigh In Responsibilities	Basic Check
CLUB ADMINISTRATOR – if not within one of the roles above	Basic Check

Further roles and there required check can be discussed with the Safeguarding & Compliance Officer.

## **SECTION 2      Application Process**

An application for a criminal record check is only submitted when it is both proportionate and relevant to the position concerned. It is identified clearly within documentation relating to roles within Taekwondo that an application for a criminal record check will be submitted as part of the process.

### **Who undertakes a criminal records check?**

Processes vary slightly dependent upon where you live because there are different bodies charged with undertaking these checks across the Home Countries. Throughout this document we have used the term 'criminal records checks' as a generic term to describe the checks undertaken by the Disclosure and Barring Service; Disclosure Scotland; Access Northern Ireland and the Royal Gibraltar Police.

More information can be found on the following Disclosure Services websites:

**Disclosure & Barring Service England & Wales** - [England & Wales - Disclosure and Barring Service \(DBS\)](#)

**Protecting Vulnerable Groups Scotland** - [Scotland - Disclosure Scotland \(PVG\)](#)

**Access Northern Ireland** - [Northern Ireland - Access Northern Ireland \(Access NI\)](#)

**Royal Gibraltar Police** - [Gibraltar - Royal Gibraltar Police](#)

A guide to applying for a criminal record check can be found in the following document.

[https://britishtaekwondo.sharepoint.com/:b:/g/EZsX68dMWyZJvRB7VpPaELIBxV4swhU\\_ZDJYBIGZRZ9D-A?e=0cwGna](https://britishtaekwondo.sharepoint.com/:b:/g/EZsX68dMWyZJvRB7VpPaELIBxV4swhU_ZDJYBIGZRZ9D-A?e=0cwGna)

If you are aware that something will show up on your criminal records check, or you have received a caution recently and you wish to discuss this then please contact the Safeguarding & Compliance Officer, Rachel Smith, on 07568503791.

## **SECTION 3      Outcome**

Most criminal record checks are returned with no evidence of criminal record or concerns and that individual proceeds through the system.

However, some criminal records are returned with content. Where a check has content, it is important to note that this does not necessarily stop them from working with children or adults. It is necessary to determine the level of risk that that persons poses in the role that they are being checked for. This section identifies the process that will be undertaken when “risk assessing” an individual based on their criminal record check.

### **3.1      Recruitment of Ex-Offenders**

The Rehabilitation of Offenders Act 1974 (ROA) allows people to have the legal right to be treated as though they had never committed an offence after a certain period of time has passed. Convictions, cautions, reprimands and final warnings become spent after a specified period of time known as the rehabilitation period which is determined by the sentence received. Roles that meet the criteria for regulated activity as outlined above are exempt from the ROA act, and any content disclosed on the clearance will be assessed to determine if it presents a safeguarding risk.

British Taekwondo undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

British Taekwondo can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a criminal check certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

British Taekwondo can only ask an individual about convictions and cautions that are not protected.

British Taekwondo is committed to the fair treatment of its coaches, potential coaches and volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

British Taekwondo actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

British Taekwondo is committed to ensuring staff involved in the assessment of disclosures have been suitably trained to identify and assess the relevance and circumstances of offences.

British Taekwondo also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

British Taekwondo ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to an unsuccessful application.

British Taekwondo makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

British Taekwondo undertakes to discuss any matter revealed on a disclosure with the individual seeking the position before withdrawing their application.

### **3.2 Content Review & Decision Making**

Once BT becomes aware that a criminal record check has “content”, if that person lives in England, Wales or Scotland, a temporary suspension is put in place, and the applicant is required to provide BT with the original certificate and this must be done within 14 days. If they live in N. Ireland or Gibraltar, BT will already have been supplied with the certificate and again a temporary suspension is put in place.

Once the certificate is received, Membership Services scans the certificate securely to the Safeguarding & Compliance Officer who will determine which of the following 3 categories the disclosure falls into:

1. Disclosures containing information that can be immediately cleared as they present minimal or low risk to children
2. Offences requiring further consideration, discussion and enquiry
3. Serious concerns

#### **Category 1 – Minimal Risk**

The Safeguarding & Compliance Officer will review and where possible deal with the disclosure independently. Every disclosure is different and therefore a prescriptive list for clearance cannot be given but set out below are examples of information which may be cleared by the Safeguarding & Compliance Officer:

- Violent offences with no complicating factors that occurred over 10 years ago that did not attract a custodial sentence. Particularly if part of a youth offending pattern
- Youth detention and similar arrangements are custodial but are discounted if over 10 years ago
- Youth offending with no direct harm to people from over 10 years ago (important to note youth offending is generally viewed to run from the ages of 15 to 25)

- ABH (actual bodily harm) with non custodial disposal and not part of a complex pattern of violent behaviour from over 7 years ago
- Breach of the peace over 5 years ago
- Theft (including theft by employee) with minimal disposal and over 5 years ago
- Financial convictions such as bankruptcy or fraud
- Welfare benefit fraud unless part of a pattern of behaviour
- Drunk and disorderly unless part of a pattern within the last 5 years
- Minor offences with minimal disposal eg shoplifting
- Minor convictions/cautions/warnings/reprimands that are property related with no complicating factors (even if less than 5 years ago)
- Drink driving offences where they occurred over 5 years ago and dependent on non-driving role

Once the offence has been assessed and cleared by the Safeguarding & Compliance Officer the temporary suspension is lifted and a note made on file so that when renewal occurs as long as there is no “content” post date of assessment it will automatically be cleared.

### **Category 2 – Requires further consideration**

Where the offences are more recent and/or related to either violence or drugs the Safeguarding & Compliance Officer will request the following from the applicant:

- Details of the circumstances surrounding the offence
- How their circumstances have changed since the offending
- Names and addresses of 2 character witnesses (1 to be the current employer if possible)
- Details of their work/volunteering since the offence

When the information is received the Safeguarding & Compliance Officer will review with the Independent Non Executive Director for Safeguarding and consider it together with the following:

- The pattern of offending, i.e. escalation/frequency/repetition of violent crime which could indicate a significant risk of further offences in the future
- The disposal – which will indicate the view of the Court towards the offence
- The offender’s attitude to the disposal i.e. breach of any order
- The time elapsed since the offences were committed
- Any non-conviction information provided that may indicate police concerns

The outcome of this discussion will be one of the following:

- The suspension should be lifted with no restriction
- The suspension should be lifted with restrictions
- The suspension becomes permanent

The individual is notified of the outcome and has 7 days to appeal. This appeal must be made in writing, either by letter or by email to the Safeguarding & Compliance Officer. The appeal will be presented to a Safeguarding Case Management Group.

## **Category 3 – Serious Concerns**

### **Barred Individuals**

An individual who is barred by the DBS from working with children is committing a criminal offence by applying to do so. If an applicant's disclosure indicates they are barred from working with children the Safeguarding & Compliance Officer will refer immediately to the relevant Local Authority Designated Officer.

Disclosures which raise immediate concerns about the suitability of the applicant to work with children in a Taekwondo setting, or that could bring British Taekwondo into disrepute if it failed to consider immediately the relevance and significance of the information will be dealt with as a matter of urgency by the Safeguarding & Compliance Officer and the Independent Non Executive Director for Safeguarding.

Such disclosures may include convictions or non-conviction information for:

- Murder
- Manslaughter
- Rape
- Offences against children including neglect, cruelty, sexual offences and grooming and offences involving indecent sexual images of children
- All sexual offences
- Serious offences involving violence and/or drugs within the last 5 years with or without a custodial sentence

The Safeguarding & Compliance Officer will refer directly to the Independent Non Executive Director for Safeguarding and additionally 2 further members of the board to create an immediate Safeguarding Case Management Group.

Email or telephone conference will determine one of the following outcomes:

1. Recommend that a permanent ban is imposed due to the nature of offence
2. Whilst there is minimal immediate risk further information is required to be requested in accordance with Category 2

The applicant retains the right to appeal if the outcome is a permanent ban and this must be made in writing within 7 days and will be heard by a separate Safeguarding Case Management Panel.

### **Confidentiality / Data Protection**

British Taekwondo staff handle all information provided to them as a consequence of applying for a criminal records check in line with the obligations under the relevant code of practice, Data Protection Act (1998) and General Data Protection Regulations (2018).

## **FAQ's**

### **How long does the criminal check last?**

It has no official expiry date but a criminal check will only be accurate up to and including the date the check was carried out. Therefore, Safeguarding good practice dictates that all coaches, welfare officers and volunteers will be required to renew their check every 3 years before any insurance can be renewed. Please be aware that if your DBS expires before you have undertaken a renewal your insurance will be invalid and therefore you will be suspended temporarily from coaching until we receive the up to date disclosure.

### **What is the On-Line Update Service?**

Coaches, Welfare Officers and Volunteers in England & Wales can subscribe to the Online Update Service when they apply for their DBS check. This means that they may never need to apply for one again. For an annual subscription of £13 (free for volunteers) you can have your disclosure certificate kept up to date and you may be able to take it with you from role to role where the same type and level of check is required. Information and instructions on how to register for the Online Update Service can be found at:

<https://www.gov.uk/dbs-update-service>

### **Does British Taekwondo accept Portability?**

British Taekwondo will accept portability of records checks in the following circumstances:

- You have signed up to the online update service or
- You provide an original certificate for a previous recent check (within 3 months) where
  - a) it has been conducted at the right level for child and/or adult workforce and
  - b) the organisation is acceptable and recognised by British Taekwondo e.g. schools, hospitals, leisure centres

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## Appendix 1

The process for dealing with criminal records checks can be found clearly explained on the flowchart presentation through following the link below.



Criminal Check  
Procedure Flowchart.p



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