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Introduction

Safe recruitment is a vital part of our wellbeing and safe sport practices, it is our commitment in action, to ensuring that those who are recruited in paid or unpaid roles in the sport of Fencing are suitable to work with children and vulnerable groups.

One part of the Safe Recruitment approach is the undertaking of PVG checks for those who wish to work paid or unpaid with vulnerable groups. Scottish Fencing will use the information returned on Disclosure checks to make a decision on whether it is suitable for clubs or the governing body to appoint an individual into a *Regulated Role*.

This approach is informed and based on legislation and policy. In particular, the following have informed our approach:

The National Guidance for Child Protection in Scotland 2021- updated 2023 states:

Committed, paid and unpaid coaches, officials, volunteers and workers will often become significant role models and trusted people in a child's life.

Those responsible for the organisation of activities should ensure that:

- Safeguarding is integral to practice in recruitment, training and oversight of staff and volunteers
- Children know how and with whom they can voice questions and concerns.

The Standards for Child Wellbeing & Protection in Sport states:

Standard 5: Every child has volunteers and staff working alongside them who have been considered suitable to work with children and young people

Safeguarding is everyone's responsibility. As an organisation, we are committed to not only developing policies and procedures but to providing information, guidance and training opportunities to ensure those working with vulnerable groups adopt best practice as part of our commitment to creating a safe and inclusive environment that actively looks to reduce risk, prevent harm and keep children and vulnerable groups safe.

Coaches, officials/helpers and other volunteers are committed, dedicated people who are motivated to work within the sport of Fencing for commendable reasons. However, we must take all reasonable steps to ensure that unsuitable people or people with an inappropriate motivation are prevented from working with vulnerable groups.

Guidance and Legislation

Scottish Fencing PVG Procedures, part of the Safe Recruitment Policy and supporting procedures are based on the following legislation and guidance:

Legal Framework

- Children (Scotland) Act 1995
- Criminal Procedure (Scotland) Act 1995
- Police Act 1997
- Sex Offenders Act 1997
- Human Rights Act 1998
- Data Protection Act 1998
- Sexual Offences (amendments) Act 2000
- Disclosure Scotland Code of Conduct “Making Scotland Safer” 2002
- Disclosure Scotland Code of Conduct “Protecting the Vulnerable by Safer Recruitment”
- Rehabilitation of Offenders Act 1974, the Exclusions and Exceptions (Scotland) order 2003
- Protection of Children (Scotland) Act 2003
- Protection of Vulnerable Groups (Scotland) Act 2007
- UN Convention on the Rights of the Child
- Disclosure (Scotland) Act 2020

Roles & Responsibilities

Scottish Fencing strives to ensure the safeguarding of all those participating in Fencing activities and will endeavour to promote the highest standards of care. For effective implementation of this policy, all clubs and committee officials must work in partnership with the governing body. All parties must ensure the safe recruitment of all individuals working in regulated roles regardless of whether it is as a volunteer or paid.

Scottish Fencing is enrolled with Disclosure Scotland for the purpose of accessing PVG disclosure records.

Below is a list of each party's responsibilities.

Scottish Fencing will:

- Ensure all member clubs require those who work in a *regulated role*, that is those working with children and young people or protected adults, are members of the PVG scheme and obtain a PVG Disclosure through Scottish Fencing
- Act as the suitability decision maker in relation to all *regulated roles* in member clubs
- submit disclosure record applications to Disclosure Scotland on behalf of affiliated non-commercial clubs and paid members
- Make informed *Suitability Decisions* in relation to disclosure records relevant to those applying for *Regulated Roles* with children and/or protected adults
- Ensure decisions relating to PVG disclosure records are carried out in accordance with Scottish Fencing Safe Recruitment Policy including Recruitment of Ex-Offenders Policy.
- Communicate the outcome of PVG disclosure records to clubs and inform them of the *Suitability Decision*
- Receive barring information from Disclosure Scotland relevant to an individual carrying out *Regulated Roles* within a member club and advise clubs accordingly.
- Ensure any individual who is barred from *Regulated Roles* is not appointed to a regulated role with children or protected adults within a member club. If necessary this may include taking disciplinary action.
- Provide clubs with guidance and support as required to manage an individual who is ‘being considered for listing’ under the PVG Act
- Manage and store disclosure records as per Scottish Fencing’s Safe Handling Policy.
- Provide and implement robust procedures, support and guidance to help safeguard all participants

- Strive to ensure everyone understands their roles and responsibilities in respect of safe recruitment, including the PVG scheme
- Provide, support and guidance to the Welfare Officers and to Clubs
- Make Referrals to Disclosure Scotland when required and support our member clubs with their obligations to refer
- Monitor the operation of this policy

The club will:

The role of the club is to ensure that they use the *Safe Recruitment* process for individuals who are offered a regulated role with children or protected adults by completing:

- References
- ID Checks
- Interview (if the committee deem this as necessary)
- PVG for regulated roles

To make PVG application requests the club must:

- Complete and return the Scottish Fencing PVG processing agreement
- Have the following items in place:
 - Safe Recruitment Policy in place that includes:
 - ID Check (for all roles)
 - References (for all roles)
 - PVG (for regulated roles only)
 - Interview (as considered appropriate)
 - Making Referrals policy (this is to cover the requirement to make Referrals under PVG legislation)
 - Secure Handling policy
- Ensure all individuals coming into the club to work in a *regulated role* are recruited safely and in accordance with their club's Safe Recruitment Policy including obtaining a PVG Disclosure through Scottish Fencing
- Ensure anyone in a *regulated role* undertakes the relevant Child Wellbeing and Protection in Sport training
- Support the club Welfare Officer to carry out their duties in this area
- Only proceed with the appointment of those in *regulated roles* in line with the suitability decision from Scottish Fencing
- In situations where Scottish Fencing assess an individual as unsuitable to hold a *regulated role*, the club will ensure that the individual is not permitted to undertake that role even on an ad hoc/incidental basis
- Implement any recommendations of Scottish Fencing relating to Safe Recruitment

The club Welfare Officer (PVG lead) and any other club PVG processors

The Welfare Officer is not responsible for carrying out all elements of the *Safe Recruitment* process. They are, however, responsible for ensuring the club committee has followed the relevant process and confirmed this with Scottish Fencing before considering a PVG application.

The role of the club Welfare Officer is to:

- Complete and return their individual IC Checker agreement
- Correctly identify regulated roles with children or protected adults within the club using the positions listed by Scottish Fencing
- Carry out the administration of PVG applications on behalf of their club and in line with their responsibilities
- Ensure the club committee has followed safe recruitment processes and obtained appropriate references
- Correctly check individuals' identity documentation for the purpose of the disclosure record application
- Ask the applicant to complete Scottish Fencing's Disclosure Check Applicant Form
- Receive the *Suitability Decision* from Scottish Fencing detailing the individual's suitability/unsuitability to carry out a *Regulated Role* for which they have applied
- Process and store relevant information confidentially and ensure that access is restricted to authorised individuals only

- Provide the names of those who have stopped working in *Regulated Roles* to Scottish Fencing for de-linking their PVG
- Report any person removed from a *Regulated Role* due to their inappropriate conduct in line with the club's Making a Referral Policy
- Where a person is removed from a *Regulated Role* and the standard for referral has been met inform Scottish Fencing and either assist with the referral or make the referral directly as required/advised.

The individual applicant will:

- Complete the PVG consent form

It is important to note that applicant can withdraw their permission at any time in the process. If permission is withdrawn it will end the recruitment process and the club cannot appoint the individual to a regulated role. The sharing of relevant PVG information is an essential part of the safe recruitment process to enable appropriate appointment decision-making and risk management.

- Complete their PVG application fully

Please note the link from Disclosure Scotland is valid for 14 days. If it expires, the individual is responsible for contacting Scottish Fencing (admin@scottish-fencing.com) to request a resubmission for another link.

- Once the PVG process is complete, the individual continues to have responsibilities as a PVG scheme member. These are:
 - Ensuring their personal details and contact details remain up to date with Disclosure Scotland
 - Ensuring their personal details remain up to date in sport80 and informing their club of any changes
 - Promptly disclosing any legal or disciplinary matters outside of the club, from either their professional or personal life, that may impact their suitability to remain in a *regulated role*.
 - On leaving their role and when they stop regulated work they no longer need a PVG. They must contact Disclosure Scotland to leave the scheme. There are more details about this on the Disclosure Scotland website at: [Manage your PVG membership - mygov.scot](https://www.mygov.scot/manage-your-pvg-membership)
 - Delete their disclosure date and certificate number from their sport80 account.

Regulated Roles

Regulated Roles is the term for work with children where an individual has an agreed normal duty to care for, train, supervise or be in sole charge of children, whether paid or unpaid. Individuals who have a responsibility to manage or supervise those carrying out regulated work with children are also doing regulated work, and therefore would also need a PVG.

The main positions agreed as being regulated work in fencing are as follows:

- Coach (any level of qualification or experience so this includes assistant coaches)
- Parent helper (with responsibilities for looking after or assisting to look after young people under the age of 18).
- Welfare Officer
- Team Manager (trips away)
- All Trustees of clubs which are registered as charities and whose focus is children (or protected adults). If a club is a charity check the articles to see whether this applies. It will also be stated clearly in the charity documentation when the club first registered.
- Anyone (this could be the responsibility of a club Chair for example) who supervises coaches or Welfare Officers or other volunteers with a regulated role

The PVG Process

1. Member clubs carry out all steps of the Safer Recruitment Process including receiving the applicant's references

2. Once the recruitment process is complete, the club must apply for a PVG check – no appointment can be made for a *Regulated Role* without this check, which is a legal requirement
3. The club Welfare Officer meets the individual applying for a PVG and checks their ID documents (originals only, do not accept copies or images).
4. The Welfare Officer provides the applicant with the Club's consent to sharing PVG data form and advises that the applicant can withdraw consent at any time (but if they do will be unable to take on a regulated role)
5. The Welfare Officer submits the PVG request to Scottish Fencing
6. Scottish Fencing reviews the PVG request. If there are any errors, it is sent back to the club for correction and re-submission to Scottish Fencing. If it is correct, the PVG request is sent to Disclosure Scotland for processing
7. Disclosure Scotland send a PVG completion link to the individual (links expire within 14 days and require a resubmission after this time). The applicant completes the link
8. Disclosure Scotland completes background checks and sends certificate to the applicant
9. The individual receives the PVG certificate up to two weeks before it is received by Scottish Fencing. This is to allow the applicant time to review the information returned and for the applicant to contact Disclosure Scotland directly if there is an error on the certificate
10. Scottish Fencing is requested to review a copy of the PVG certificate and uses the information contained to make the *suitability decision* (more information below) and informs the club's Welfare Officer if they can appoint or decline the individual

Please note that clubs can only take a note/record of the following information:

- date of issue
- PVG disclosure certificate number (on the top right-hand corner of the certificate) and
- PVG scheme member number (on left hand side under the applicant's date of birth).

NO PVG, NO START, NO EXCEPTIONS
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The Suitability Decision-making Process

On receipt of the PVG disclosure, Scottish Fencing will assess the information it contains and make the *suitability decision* in accordance with these procedures.

The *suitability decision* is based on the club's confirmation that it has undertaken all other parts of the safe recruitment process to check an individual's suitability and the club wish to appoint them to a regulated role, pending the outcome of the PVG check. The suitability outcome given by Scottish Fencing will fall into one of three outcomes:

- The PVG check is satisfactory, and the club can proceed with the appointment:
 - a. This applies to PVG certificates that are clear, or
 - b. non-relevant non-conviction information.
- The PVG check returned information that is relevant and significantly serious so that the club cannot appoint the individual. This person will be disqualified from working in a *regulated role* within a Scottish Fencing registered club (whether paid or voluntary). In this situation:
 - a. the PVG certificates contains relevant convictions,
 - b. relevant non-conviction information or
 - c. the PVG certificates indicate the individual is listed as barred from working with children or protected adults, or both.
- The PVG check returned information that is relevant and further information is required to determine if appointment can proceed. In this situation, a Suitability Assessment Meeting is required. This applies to:
 - a. PVG certificates that indicate a member is *under consideration for listing*. They are therefore unable to work in a regulated role within a Scottish Fencing registered club (whether paid or voluntary) until the nature of disclosed information and its relevance to the post applied for is assessed,

- b. PVG certificate contains conviction information and Scottish Fencing need to determine the relevance and seriousness, or
- c. PVG certificate contains non-conviction information which Scottish Fencing need to determine the relevance and seriousness.

Please note Non-conviction relevant information is intelligence held by Police Scotland. When an applicant applies for a PVG, any intelligence held on the applicant which Police Scotland deem is relevant to the type of regulated work is documented on the PVG certificate in typed text.

Suitability Assessment Meeting

If a Suitability Assessment Meeting is required, at least two people – the Wellbeing and Protection Lead Officer, COO/CEO and/or Director responsible for Wellbeing and Protection, will consider if the information returned on a PVG is sufficient to make the suitability decision. PVG might not be the only information used to make an informed suitability decision as part of the Safe Recruitment process.

Scottish Fencing will contact the individual in the first instance to confirm that their consent to share their PVG data is still in place. Scottish Fencing may have to discuss how and with whom their information will be shared. For example, there may be occasion where Scottish Fencing needs to seek further expert advice, and so may have to share with **sportscotland's** Case Management Support Service. Scottish Fencing will explain clearly how, with whom and for what reason PVG data is shared and remind the individual that they are entitled to remove consent at any time. However should they remove their consent that will end the recruitment process and prevent them from taking on a regulated role.

Scottish Fencing will contact the club's Welfare Officer and ask them to share the references the club collected and any other relevant information relating to the recruitment process undertaken. Scottish Fencing may also ask the club to share risk assessments and personal management processes to help those undertaking the suitability assessment to consider if the club can manage any risks identified.

Once those undertaking the suitability assessment have gathered the additional information it will be used to inform the suitability decision. There will be one of three outcomes:

- The club can progress with the appointment,
- The club can progress with the appointment with restrictions / risk assessment / supervision in place. or
- The club cannot progress with the appointment and the recruitment process is terminated.

Scottish Fencing will record on our central PVG tracker:

- deploy without restriction,
- deploy with restrictions but no requirement to reassess (for example, if further applications come from another club),
- deploy with restrictions and requirement to reassess if applicant moves to another club/role, or
- do not deploy.

Consent

Consent for sharing information is taken at the point the PVG application is made. An individual has the right to withdraw consent at any time.

Should an individual withdraw consent the club will terminate the recruitment process at that point, as the Safe Recruitment process cannot be completed without the consideration of all information, including PVG and other relevant safeguarding information. Clubs cannot appoint a person to a *Regulated Role* without the completion of the *Safe Recruitment* process.

If an individual is delivering a *Regulated Role* and withdraws consent to share PVG/Safeguarding information, then club must remove them from that role immediately and if relevant initiate conduct in sport disciplinary proceedings.

Referrals - Protection of Vulnerable Groups (Scotland) Act 2007:

The Act creates the framework to ensure that people who are known to be unsuitable on the basis of past behaviour do not gain access to children or protected adults through paid or voluntary work, and that those who do become unsuitable are detected early and removed from these workforces.

Disclosure Scotland maintains the lists of people barred from working with children or with protected adults in Scotland. Scottish Fencing and Member Clubs have a legal responsibility to make a referral in the below outlined circumstances. **It is a criminal offence not to make such a referral.** For guidance on the grounds and process for making a referral, contact Scottish Fencing's Lead Safeguarding Officer email safeguarding@scottish-fencing.com

Circumstance to make a referral to Disclosure Scotland either by Scottish Fencing or a Member Club are when an individual has:

- harmed or placed a child/protected adult at risk of harm,
- engaged in inappropriate conduct involving pornography,
- engaged in inappropriate conduct of a sexual nature involving a child or protected adult, or
- given inappropriate medical treatment to a child or protected adult

AND as a result:

- Scottish Fencing or the club has dismissed the member of staff or volunteer,
- Scottish Fencing or the club would have dismissed the volunteer or member of staff as a result of the incident had they not resigned, retired or been made redundant before the dismissal,
- Scottish Fencing or the club has transferred the member of staff/volunteer to a role which is not regulated work with children/protected adults, or
- The club or Scottish Fencing would have dismissed or consider dismissing the member of staff or volunteer but the role ended due to the expiry of a fixed term contract.

Consideration for Listing and Barring Notice – Action to be taken

If Disclosure Scotland notifies Scottish Fencing that a member of staff/volunteer is *considered for listing* Scottish Fencing will contact the Welfare Officer in the club to advise the club to suspend the individual until the outcome of the case is determined.

Scottish Fencing will remind clubs that a precautionary suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension, the welfare of children or protected adults is the paramount concern.

If Disclosure Scotland informs Scottish Fencing that they have listed an individual and they are therefore barred for carrying out regulated work, Scottish Fencing will contact the club Welfare Officer to instruct the club to remove this member of staff/volunteer from all regulated work with children/protected adults immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007. The Safeguarding Director, COO/CEO and Safeguarding Lead officer will review the case to consider whether further disciplinary actions are required.

For further information on this policy please contact:

Scottish Fencing's Lead Safeguarding Officer **E-Mail:** safeguarding@scottish-fencing.com or **Tel:** 07743 927150