



## Policy and Procedures for checking criminal records

<b>Abbreviations: and Definitions:</b>	
BGA	British Go Association
Council	The Council of the BGA
CPA	The BGA's Child Protection Adviser.
CRB	Criminal Records Bureau
CRB Code of Conduct	<a href="http://www.crb.homeoffice.gov.uk/about_crb/what_is_the_code_of_practice.aspx">http://www.crb.homeoffice.gov.uk/about_crb/what_is_the_code_of_practice.aspx</a>
ISA	Independent Safeguarding Authority
Verifiers	The two BGA Officials appointed by Council as described in section 1.2(c) to operate the Vetting and Barring scheme.

### Preamble

This document describes the steps taken by the British Go Association to meet the requirements of HM Government's Vetting and Barring Scheme Guidance (March 2010)<sup>1</sup>, and to seek to ensure that children and young persons can play Go in a safe environment.

This document does NOT deal with "vulnerable adults" as defined in the relevant legislation.

Although some of the relevant legislation is only applicable to England and Wales, the BGA will apply this document to the entire United Kingdom, together with (as far as is practicable) the Isle of Man and the Channel Islands. The document will be revised as the legislative position in Scotland becomes clearer.

This document is regularly reviewed by the Council of the BGA. It is to be published on the BGA web-site ([www.britgo.org](http://www.britgo.org)).

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<sup>1</sup> <http://www.crb.homeoffice.gov.uk/PDF/VBSguidanceED1Mar10.pdf>

## **Part 1: Policy**

### **1.1 Who needs a criminal records check?**

- a) The British Go Association (BGA) uses the Criminal Records Bureau (CRB) and/or the Vetting & Barring Scheme of the Independent Safeguarding Authority (ISA) services to assess individuals for positions which involve working with young people within the organisation.
- b) BGA positions that require either a Criminal Records Bureau Disclosure, or a proof of registration with the ISA are:
  - Youth Development Officer
  - Child Protection Adviser
  - Education Adviser
- c) In addition the BGA maintains a list of go teachers who are accredited to teach children and young people. These go teachers also require either a CRB Disclosure or a proof of registration with the Independent Safeguarding Authority. These positions are considered to come under the definition of Regulated Activity as defined by the ISA.
- d) There may be other BGA members whose duties will require registration with the ISA. This will include officials of the BGA (or of affiliated clubs) who organise Go events catering largely for children or young people, and may include others who have significant contact with children or young people. Council is responsible for informing BGA members of the possibility that they may need to register, and the CPA is responsible for providing advice to any member who believes that they may need to register.
- e) The BGA will accept a clear CRB Disclosure that is less than 2 years old as being valid. In addition, it will accept CRB Disclosures over 2 years old, provided that the relevant person has made an application for a further CRB Disclosure or for registration with the Vetting & Barring Scheme within 2 years of a valid CRB Disclosure.

### **1.2 Responsibilities of the BGA:**

- a) The BGA is a Regulated Activity Provider in respect of the accreditation and provision of go teachers of children and young people.
- b) The BGA complies fully with the CRB Code of Practice and undertakes to treat all individuals requiring a CRB Disclosure fairly. We will not discriminate unfairly against anyone on the basis of a conviction or other information revealed. However certain convictions (for example convictions against children) are likely to

preclude an individual from taking up one of the positions outlined above in section 1.1(b), (c) or (d).

- c) Council will appoint two persons who shall be involved in the Disclosure process and also act as CRB verifiers (henceforward referred to as "The Verifiers". One of these shall be the BGA Child Protection Adviser, the other shall be a member of Council.
- d) The BGA ensures that those two Verifiers have been suitably trained to identify and assess the relevance and circumstances of offences.
- e) Information regarding Disclosures will be confidential to those two Verifiers, except as under section 2.4 below when information will be disclosed to the Appeals Committee who will maintain confidentiality, or as required by law
- f) The BGA will register an interest with the Independent Safeguarding Authority for those post holders identified in section 1.1 (b), (c) and (d) who are registered with the Vetting & Barring Scheme. This means that the BGA would be notified of any changes to the individual's registration status.
- g) If the BGA ceases to use a post holder because it is believed that they have harmed or pose a risk of harm to children or vulnerable adults, the Child Protection Adviser will be responsible for referring the case to the ISA.
- h) The BGA fully complies with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. (See below)
- i) We make every subject of a CRB Disclosure Application aware of the existence of the CRB Code of Practice and this document, and make a copy available on request.

### **1.3 Secure Storage, Handling, Use, Retention & Disposal of Disclosure Information:**

- a) Storage and access:  
The Child Protection Adviser will be responsible for ensuring that Disclosure information is kept securely in a lockable, non-portable storage container with access strictly limited to the Verifiers.
- b) Handling:  
In accordance with Section 124 of the Police Act 1997, CRB Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The BGA maintains a record of all those to whom CRB Disclosure Information is revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it (see Appendix A).

- c) Usage:  
Disclosure information is only used for the specific purpose for which it was requested and for which the individual's full consent has been given.
- d) Retention:  
Once a decision has been made we do not keep Disclosure information longer than necessary. This is generally for a period of six months, to allow for the consideration and resolution of any disputes or complaints. If, in the exceptional circumstances it is considered necessary to keep disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the requirements regarding the safe storage and strictly controlled access described in 1.3 (a) will prevail.
- e) Disposal:  
Once the retention period has lapsed the CPA will ensure that the Disclosure information is immediately destroyed by secure means, e.g. by shredding, pulping or burning. The BGA will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However we will keep a record of the date of the date of issue of the Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of any decision taken. (See appendix A).

## **Part 2 Procedures:**

### **2.1 Individuals who do not have a valid CRB Disclosure less than 2 years old on 26<sup>th</sup> July 2010.**

- a) Individual to be given an application form, guidance notes and copy of BGA policy and procedures. In addition the individual will be informed of the CRB Code of Practice.
- b) Application form together with proof of identity is sent to a BGA Verifier who checks the form for accuracy, verifies the Identity Documents and completes section X. By completing the Application Form, the individual is considered to accept the conditions and procedures laid down in this document.
- c) The Verifier completes the BGA Record Sheet (see appendix A)
- d) BGA Verifier sends form to TMG CRB with appropriate payment.

**e) If no relevant information found:**

The applicant is provided with their unique ISA registration number and they may start the regulated activity once this number is supplied to one of the Verifiers. The CRB will issue a disclosure certificate to the BGA.

**f) If relevant information found:**

CRB forwards information to the Independent Safeguarding Authority. ISA assesses information including representation from the individual where appropriate.

g) If ISA decides to bar: ISA informs applicant of the decision to place them in a barred list. The individual cannot take up one of the BGA regulated activity positions.

**2.2 For existing post holders with valid CRB Disclosures (less than 2 years old):**

Provided these post holders have made an application for a further CRB Disclosure or for registration with the ISA within 2 years of receiving their CRB Disclosure, these post holders may continue in post until a decision is received from the ISA.

**2.3 Suspicion of Inappropriate Behaviour**

It is BGA policy that the BGA will respond without delay to any complaints made that a child or young person, for whom the BGA or its members or officers are responsible, may have been harmed. (See <http://www.britgo.org/policy/young.html>). If anyone (adult or young person) has concerns about the behaviour of an individual they should discuss their concerns in confidence with the Child Protection Adviser.

In the event that any BGA member believes that an individual in a post outlined above in section 1.1(c) or (d) is guilty of inappropriate behaviour such that he/she has harmed or poses a risk of harm to children or vulnerable adults, then the BGA CPA shall be informed. The CPA will inform the Police, and/or local child protection agencies if appropriate. The two BGA Verifiers will then consider the case after giving the individual concerned an opportunity to present his/her case. The Verifiers will give their ruling in writing, and will inform the individual of their right to Appeal (see section 2.4).

**2.4 Appeals**

In the event that the decision is to cease to use the individual concerned, then they may make an Appeal. Such an Appeal is to be sent to the BGA President within 28 days of receipt of the decision by the Verifiers.

On receipt of an Appeal, the President shall appoint an Appeals Committee, consisting of three people. All Appeals Committee members

shall be members of the BGA, and at least 2 shall be Council members. The Verifiers shall NOT be members of the Appeals Committee. If the President is also a Verifier (or is personally involved in the case) then his/her duties with respect to the Appeal will be taken on by the next most senior officer<sup>2</sup> of the BGA. The CPA will attend the appeal hearing to give evidence. The Appeals Committee will examine all the evidence and will come to a decision.

Any appeal hearing is to be held within 28 days of receipt of the appeal.

## **2.5 Communication with the ISA**

In the event that the Verifiers' decision is to cease to use the individual concerned, and this is not overturned on appeal, the CPA is responsible for ensuring that the ISA is informed of any decision to cease to use the services of an individual who is considered to be a risk to children.

Sue Paterson  
Toby Manning  
5 May 2010.

Ratified by Council 8 May 2010.

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<sup>2</sup> The BGA Constitution describes clearly the seniority

## Appendix A

### Record Sheet:

Name	Form Number	Date submitted to TMG CRB	Date disclosure / registration received	Persons to whom Disclosure information is revealed.	Registration number	Decision to appoint (Yes or No)	If Disclosure information received, date destroyed	Name of person making appointment decision