

Safeguarding - Disclosure Policy

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Definitions

In these Model Regulations the following words shall have the following meanings unless the context otherwise requires:

- **Barred List Check** means a check to establish whether a person is suspended from working with children or adults at risk;
- **DBS** means the Disclosure and Barring Service;
- **DBS Enhanced Disclosure** means an enhanced disclosure provided by the DBS. This includes a record of all warnings, reprimands, cautions and convictions obtained from the Police National Computer (PNC). Chief Police Officers may also choose to disclose information which they hold and which is considered to be relevant to the role;
- **e- Bulk** means the DBS online disclosure system available for the bulk processing of disclosure applications to a registered body who processes more than 1,500 disclosures per year;
- **Individual** means the person applying to be appointed or appointed to a role involving Regulated Activity whether in a paid or voluntary capacity;
- **NGB** means the British Wrestling Association Ltd (BWA), the national governing body for the sport of wrestling to which Clubs and Affiliated Associations are affiliated;
- **NGB Appeal Panel** means the BWA's panel of people appointed to determine an appeal by an Individual against a Temporary Suspension Order;
- **NGB Central Safeguarding Team** means the safeguarding department of the BWA;
- **NGB Safeguarding Policy** means the BWA's Safeguarding Policy and/or procedure for the safeguarding of children and young persons as amended from time to time;
- **Regulated Activity** means work that a barred person must not do as defined by the Protection of Freedoms Act 2012;
- **Temporary Suspension Order** means an order temporarily suspending an Individual from undertaking a role or function which may be imposed by the BWA's CEO & Lead Safeguarding Officer

DBS Enhanced Disclosure Applications

1. These Regulations apply to the appointment of both paid and voluntary roles.
2. All appointments to roles requiring DBS Enhanced Disclosures must be expressed to be conditional upon the Individual complying with the British Wrestling Association (BWA) vetting requirements and receipt of satisfactory DBS clearance.
3. Individuals must be checked against the barred list prior to commencing a role in Regulated Activity.
4. A DBS Enhanced Disclosure may be obtained in respect of eligible Individuals at an appropriate time in accordance with the BWA Safeguarding Policy.

Position Prior to Receipt of a DBS Enhanced Disclosure

- Prior to receipt of the DBS Enhanced Disclosure and/or the Barred List Check, the Individual may be permitted to undertake a role which is supervised at all times by a person within the Club or Affiliated Association having the necessary DBS clearance, for a maximum period of 3 months.

Establishing the Outcome of a DBS Enhanced Disclosure

1. Ordinarily, the BWA will not receive a copy of the DBS Enhanced Disclosure. The exception to this is set out at Regulation 7.6 below.
2. The BWA Lead Safeguarding Officer (LSO) will establish whether a DBS Enhanced Disclosure has been issued by:-
 - a. manually checking the DBS application online; or
 - b. by way of notification by e-Bulk.

Obtaining the DBS Enhanced Disclosure

1. The BWA's Lead Safeguarding Officer (LSO) shall ask the Individual to provide the DBS Enhanced Disclosure in all cases as follows:-
 - a. on establishing that a DBS Enhanced Disclosure has been issued, the LSO shall write to the Individual requesting that he / she send the original DBS Enhanced Disclosure to the LSO within 21 days of the written request. The LSO has the discretion to vary the timing of this requirement as it sees fit if the Individual advises that he/she is pursuing the DBS dispute process;
 - b. pending receipt of the DBS Enhanced Disclosure, the Individual shall not be permitted to undertake a role in Regulated Activity but may remain in a supervised role for a maximum of 3 months;
 - c. if the Individual fails to send the DBS Enhanced Disclosure within the requisite 21 days, the LSO shall write to the Individual, requesting that he/she provide the DBS Enhanced Disclosure within a further period of 14 days and advising that should he/she fail to do so, he/she may be temporarily suspended from undertaking any role pursuant to the provisions of Appendix 1 below. A copy of the letter will be sent to the Club or Affiliated Association;
 - d. if the DBS Enhanced Disclosure is received within the requisite period and is clear, the LSO shall notify the Club or Affiliated Association and the Individual in writing, as soon as reasonably possible, confirming that the Individual may commence a role in Regulated Activity;
 - e. if the DBS Enhanced Disclosure is received within the requisite period and it is not clear, the LSO shall proceed to consider and assess the facts of the particular case in accordance with its existing Safeguarding and Recruitment Policies before notifying the Individual and the Club or Affiliated Association of the outcome of the assessment.

Returning the DBS Enhanced Disclosure

The LSO will return the DBS Enhanced Disclosure to the Individual as soon as reasonably possible. Subject to the BWA having the consent of the Individual, it may retain a photo

copy for its records. Any updated DBS Enhanced Disclosure obtained under Regulations 7 or 8 should also be returned in the same way.

Continuous Updating/Renewals

1. The LSO will be responsible for the process of checking the status of an Individual's DBS Enhanced Disclosure and any subsequent assessment of an Individual's on-going suitability to undertake a role. Such checking will be undertaken, as a minimum, every 3 years from the date of receipt of the Individuals original DBS Enhanced Disclosure.
2. The LSO may carry out a status update by:
 - a. undertaking an online status check using the DBS Update Service; and/or
 - b. requiring an Individual to obtain a new DBS Enhanced Disclosure.
3. The British Wrestling Association Chief Executive (CE) & LSO may at their discretion, obtain a status update at any time and more frequently than set out in Regulation 6.1 above where, for example:
 - a. the LSO and/or the Club or Affiliated Association becomes aware of or has any reason to believe that there may be a change to the Individual's DBS status; or
 - b. the CE or LSO is investigating any concern regarding an Individual's conduct pursuant to the BWA's Safeguarding Policies and Procedures or Judicial Code; or
 - c. the CE or LSO reasonably considers it to be appropriate for any reason to require an Individual to provide a new DBS Enhanced Disclosure.

This list is not intended to be exhaustive.

Online Status Check - DBS Update Service

- a. The BWA'S LSO may carry out an online status check using the DBS Update Service provided that:
 - i. the Individual has subscribed to the DBS Update Service; and
 - ii. the Individual has given his/her consent (in accordance with the form attached at Appendix 3) for the LSO to use the DBS Update Service; and
 - iii. the LSO holds a copy of the Individual's original DBS Enhanced Disclosure.

If the criteria set out in Regulation 7.1 is satisfied, the LSO shall set up an electronic reminder on the BWA database prior to the third anniversary of the date of receipt of the Individual's original DBS Enhanced Disclosure and every third year thereafter and on or about such anniversary shall log-on to the DBS Update Service to carry out a status check, and shall check in particular:

- the Individuals identity;
- that the name on the DBS Enhanced Disclosure matches this identity; and
- the DBS Enhanced Disclosure reference number, the Individual's name and date of birth.

If the status check shows that the Individual's DBS Enhanced Disclosure remains current as no further information has been identified since its issue then the BWA's LSO shall notify the Club or Affiliated Association and the Individual that the DBS Enhanced Disclosure remains current and valid.

If the status check shows that the Individual's DBS Enhanced Disclosure is no longer current, the LSO shall:

- b. require the Individual to apply for a new DBS Enhanced Disclosure within 28 days; and
- c. shall inform the Club or Affiliated Association that the Individual may not undertake any role in Regulated Activity and that he/she may only undertake a supervised role until such time as the Individual provides a new DBS Enhanced Disclosure.

If the Individual does not comply with the request to apply for a new DBS Enhanced Disclosure within 28 days, the LSO shall write to the Individual requesting that he/she provide the new DBS Enhanced Disclosure within a further period of 14 days and advising that should he/she fail to do so he/she shall be temporarily suspended from undertaking any role in accordance with Appendix 1 below. A copy of the letter will be sent to the Club or Affiliated Association.

If the DBS has issued a new DBS Enhanced Disclosure to the Individual and the Individual fails to provide the LSO with a copy within 28 days of its issue by the DBS, the LSO may request a copy of the DBS Enhanced Disclosure directly from the DBS.

Upon receipt of the new DBS Enhanced Disclosure, the LSO shall consider the facts of the particular case in accordance with the BWA's Safeguarding Policy.

Manual Updating

As an alternative to the use of the DBS Update Service, the LSO shall set up an electronic reminder on the BWA'S database prior to the third anniversary of the date of receipt of the Individuals original DBS Enhanced Disclosure and every third year thereafter; and

- a. on or about the said anniversary shall write to the Individual and request that he/she apply for a new DBS Enhanced Disclosure within 28 days of the written request;
- b. if the new DBS Enhanced Disclosure is not applied for within 28 days of the request, the LSO shall write to the Individual requesting that he/she provide the new DBS Enhanced Disclosure within a further period of 14 days and advising that if he/she should fail to do so he/she may be temporarily suspended from undertaking any role in accordance with Appendix 1 below or may be permitted to undertake a supervised role only. A copy of the letter will be sent to the Club or Affiliated Association;
- c. upon receipt of the new DBS Enhanced Disclosure, the LSO shall establish whether it contains any new content or no new content.

If there is no new content on the Individual's new DBS Enhanced Disclosure, the LSO shall notify the Club or Affiliated Association and the Individual that the DBS Enhanced Disclosure remains current and valid;

If there is new content on the Individual's new DBS Enhanced Disclosure, the LSO shall proceed to consider and assess the facts of the particular case in accordance with the BWA's Safeguarding Policy before notifying the Individual and the Club or Affiliated Association of the outcome of the assessment.

Appendix

Temporary Suspension Orders

- In order to ensure the safety and welfare of children and vulnerable persons in British Wrestling and in order to meet its general safeguarding obligations, the BWA's CE, after consultation with the LSO, may at any time impose a Temporary Suspension Order suspending the Individual from any and all activity under the auspices of the BWA for such duration and on such terms as it considers to be appropriate.
- For the avoidance of doubt, a Temporary Suspension Order may be imposed when an Individual fails to comply with any aspect of the BWA's vetting procedures.
- When considering the imposition of a Temporary Suspension Order, the BWA's CE & LSO shall consider the facts of each individual case and shall consider, by way of example only:-
 - the nature of the role;
 - whether a child or children or vulnerable persons are or may be at risk of harm;
 - any explanation offered by the Individual for his or her non-compliance with the vetting process. This list is not intended to be exhaustive.
- Temporary Suspension Orders will be issued by the BWA's CE and confirmed to the Individual in writing, confirming the right to appeal as set out in Regulation 2 of this Appendix 1 below.

Appeals

An individual may appeal against the imposition of a Temporary Suspension Order. Any appeal should be submitted in writing to the BWA Safeguarding Appeal Panel within 10 days of receiving confirmation of the Temporary Suspension Order. The letter of appeal should set out clearly the grounds of appeal.

Any appeal will be considered in accordance with the BWA Safeguarding Policy and the Appeal Panel will, at all times, adhere to the principles of natural justice.

The terms of the Temporary Suspension Order will continue to apply during the appeal process.



The Appeal Panel may confirm the original decision to impose a Temporary Suspension Order, vary it or dismiss it. Its decision will be final and binding.

The BWA will not be liable to any suspended Individual, Club or Affiliated Association for any loss of any nature arising as a result of or in connection with the imposition of a Temporary Suspension Order or the application of these Regulations