

# Safeguarding Policy

BWB Document Control Procedure	
Policy Name	Safeguarding Policy
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## 1. Embedding British Wheelchair Basketball's Mission and Values

British Wheelchair Basketball is committed to enabling a safe, inclusive and welcoming environment across our sport. Our mission to transform people's lives through wheelchair basketball threads through all aspects of participation; from training to competition, supporters to players, from domestic to international competition.

Our values symbolise our unique DNA and the culture of British Wheelchair Basketball – the values of pride, grit, united and drive, will be considered in the execution and interpretation of all policies and governance.

British Wheelchair Basketball's policies support the delivery of world-class governance across the sport and enable the realisation of our commitment to safely and inclusively engage with all participants and deliver both the mission and values of this outstanding sport.

## 2. Data Notice

Personal Data will be handled during the implementation of British Wheelchair Basketball's policies. This Personal Data will be managed in line with British Wheelchair Basketball's Privacy Notice.

Please note that there will also be instances where personal data will be shared with third parties outside of British Wheelchair Basketball, either in carrying out our legal responsibilities or in retaining professional support.

Where the implementation of the Policy concludes in the imposition of sanctions, the individual's name, violation and sanction will be shared with interested parties (inside and outside of the sport) and via the British Wheelchair Basketball website.

## 3. Purpose of Policy

Our mission is to transform people's lives through wheelchair basketball and to ensure we achieve our mission, we must ensure that everyone participating in wheelchair basketball has a fun, safe and inclusive experience. Everyone who engages in wheelchair basketball has a legal, moral and mission-driven responsibility to:

- Protect children, young people and adults at risk from all forms of discrimination, abuse, exploitation and harm.
- Create and maintain a safe culture throughout our sport.
- Acknowledge that protecting children, young people and adults at risk is everyone's responsibility.
- Put children, young people and adults at risk at the centre of BWB's decision making process.

This Policy should be read in conjunction with the following policies, statements and guidance which can be accessed via [www.britishwheelchairbasketball.co.uk](http://www.britishwheelchairbasketball.co.uk)

- Safeguarding Procedures
- Codes of Conduct
- Disciplinary Policy

- Closed Training Session Policy
- Safer Recruitment Guidance
- Away Trips and Hosting Guidance
- Safe Use of Changing Facilities Guidance
- Photography and Livestream Guidance
- Personal Care Guidance
- Responding to Allergies Guidance
- Transporting Children or Young People in your Car Guidance

Breaches of the documents listed above may result in disciplinary action from BWB.

## 4. Legal Framework

BWB's approach to safeguarding is based on the principles recognised within the UK and international legislation coupled with government statutory and advisory guidance. The following is a summary of legislation, relating to safeguarding children, young people and adults at risk, which have been taken into consideration in the development of this policy:

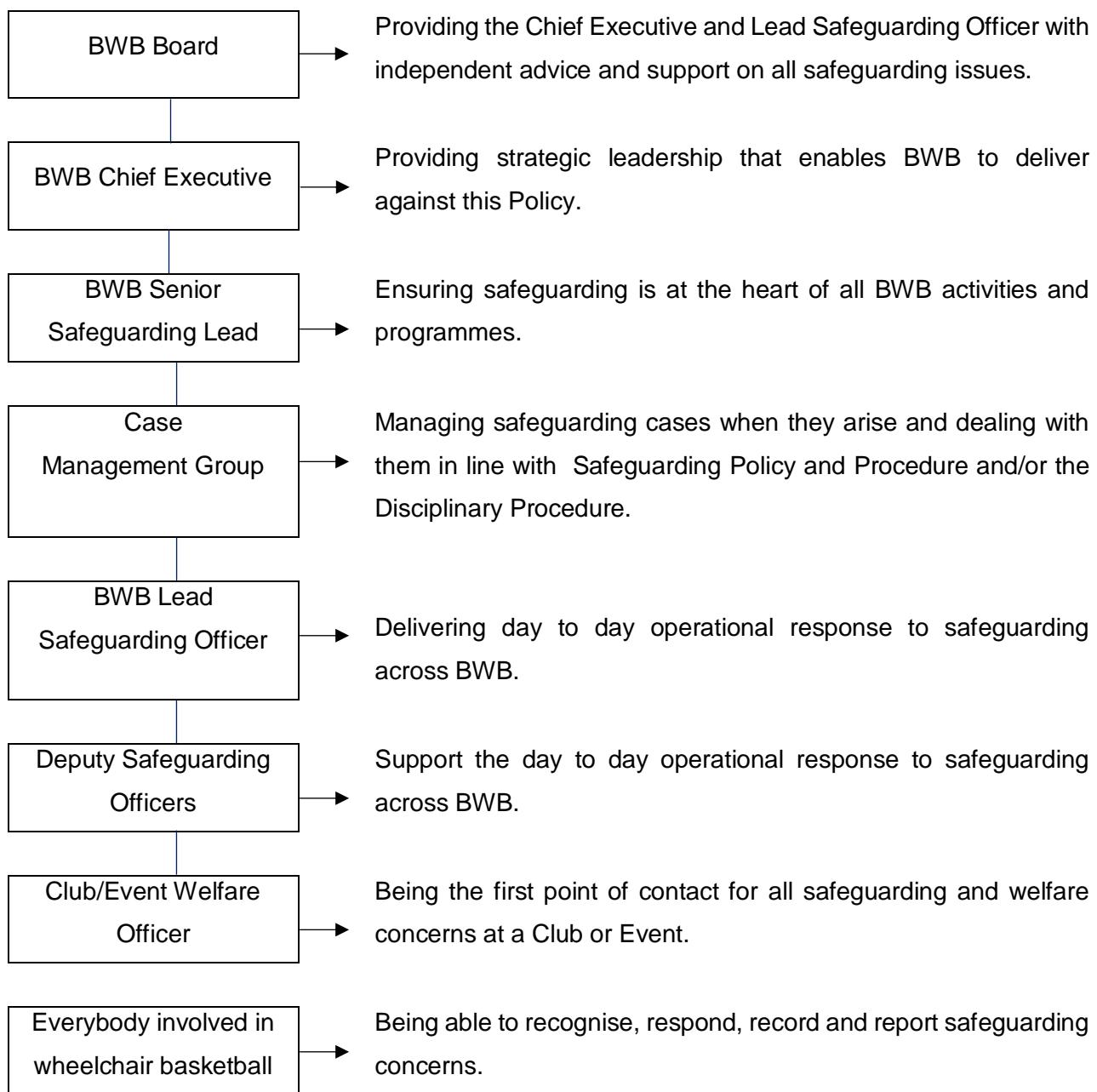
- The Human Rights Act 1998
- The United Nations Convention for the Rights of the Child 1989
- The Children Act 1989/2004
- Care Standards Act 2000
- The Sexual Offences Act 2003
- Mental Capacity Act 2005
- The Safeguarding Vulnerable Groups Act 2006
- The Equality Act 2010
- The Protection of Freedoms Act 2012
- The Care Act 2014
- Children and Social Work Act 2017
- Working Together to Safeguard Children 2018

## 5. Responsibility

This Policy applies to all clubs, organisations and participants who are taking part in BWB sanctioned activity at all levels. This includes BWB staff and Board members, players, officials, administrators, support staff, club officials, volunteers and spectators including parents and carers. This Policy is compliant with local laws.

The Policy refers to Safeguarding Children, Young People and Adults at Risk (see definitions on page 11).

## 6. Our Roles and Responsibilities in Safeguarding



## 7. Procedure Principles

BWB will ensure that:

- All allegations are investigated in a fair and reasonable manner.
- All parties to an allegation are treated with respect and free from victimisation.
- All parties have an equal opportunity to present their views.

## 8. Procedure

### Receipt of concern

1. The process begins with the receipt of a safeguarding concern. Concerns can be raised to any member of BWB staff and can be current or historical.
2. The immediate safety of the child, young person or adult at risk will be determined. Where there is an immediate risk this will be escalated to the relevant emergency service and/or Local Authority Designated Person.
3. Details of the concern will be recorded using the Incident Referral Form.
4. An internal triage will take place and a record made. Actions from the internal triage include:
  - a. Referral to the Police and/or Local Authority Designated Person
  - b. Referral to the Case Management Group (CMG)
5. The CMG will review the Case against the Safeguarding Policy and decide on a course of action, recording decisions and actions taken. BWB investigations should wait until any police or child/adult social care enquiries have been concluded.  
Outcomes from the initial CMG meeting include:
  - a. Referral to or consultation with statutory agencies
  - b. Investigation – no suspension
  - c. Investigation – suspension from position of responsibility without prejudice
  - d. Investigation – suspension from all BWB and affiliated activity without prejudice
  - e. No further action
  - f. Gathering further information
  - g. Recommendation for training, support or supervision
  - h. Referral to initiate Disciplinary Processes

Breach of a suspension may result in further investigations and disciplinary action as set out in the disciplinary procedures.

Each case will be considered by the CMG based upon the actual or potential risk of harm to a child, young person or adult at risk. Decisions about the level of risk an individual poses will be made on the balance of probability.

- In all cases of serious or repeated poor practice or suspected abuse, statutory agencies should be contacted.
- Following advice from statutory agencies, the person subject to the allegation will be advised of the receipt of a report. There may be situations where this is delayed or the nature of the concern isn't revealed where statutory agencies believe that this may put the individual at further risk of abuse and where evidence may be lost or destroyed.
- The CMG will advise the club and/or Regional Association whether it has decided to suspend the person without prejudice pending further statutory agency and/or internal enquiries, investigations and risk assessments. The CMG will inform the region/club/affiliated organisation as necessary.
- Information will be shared in line with the BWB Data Processing Agreement.

Dealing with a disclosure or suspicion of abuse can be distressing for all concerned. Whilst the priority must be the welfare and safety of the child, young person or adult at risk, it is also important to make sure that any member of staff, coach or volunteer has the right to advice and support following any involvement in a case.

The CMG and/or the LSO should give consideration to what support may be appropriate to the individual and others affected such as parents / carers and members of staff. Use of helplines, support groups and meetings will maintain an open culture. Thought should also be given about what support may be appropriate to the alleged perpetrator of the abuse.

## Investigation of concern

6. An investigator will be assigned to the Case.
7. The investigator will contact those involved in or who witnessed the incident and ask them to provide statements and evidence.  
Where the Alleged accepts the charge, the process will move straight to the application of sanctions.
8. Where evidence is verbal, notes will be taken and presented back to the provider for agreement. Photographs and videos can be submitted as evidence.
9. When all evidence has been collated the investigator will present a report with recommendation for the CMG to decide on the next steps.  
Possible actions:
  - **Disciplinary Panel:** The allegation is serious and is supported by evidence and should be passed to the Disciplinary Panel for judgement and penalty to be agreed. See 12 below.
  - **Recommendation:** The concern is not a serious breach but an example of poor practice. See 24 below.
  - **Unproven:** The evidence does not support the concern. See 27 below.
10. BWB will ensure that all notes and evidence are stored appropriately. Access will be restricted to members of the triage group. These notes and evidence will comprise the case file.
11. Once all inquiries have been completed the person subject to the concern may be provided with relevant information made to the CMG, depending on whether disclosure of the information may put someone else at risk or have legal or reputational issues.

## Disciplinary Hearing/Panel

12. Explanation of the composition and remit of the Disciplinary Panel is explained in Appendix 1.
13. A meeting of the Disciplinary Panel will be arranged. The meeting will either be face-to-face or conducted via video link.
14. BWB must give 3 weeks' notice for the Disciplinary Panel.
15. Where appropriate BWB will invite the Complainant, Alleged and Witnesses to attend the meeting. The invite will give all parties 2 weeks' notice of the date of the Panel.
16. Where the Alleged accepts the charge, the Panel will meet to agree the penalty only.
17. A summary of the allegation along with the case file will be sent to the Disciplinary Panel at least 1 week before the date of the meeting. The summary will outline the breach and a description of the incident. The summary will be accompanied by the case file of evidence collated.
18. The Disciplinary Panel will base their decisions on the contents of the case file only.
19. An Alleged, Defendant or Witnesses may only attend a meeting of the Disciplinary Panel to observe (when their presence have been deemed appropriate). They will not be expected to speak or ask questions, however, the Disciplinary Panel retains the option of asking questions of those in attendance in order to clarify material in the case file.
20. The Disciplinary Panel will review the information and make a decision:
  - a. They decide that the allegation has been proved and recommend a penalty for the Defendant. See 23 below.

- b. They decide that the allegation has not been proven but that there have been examples of poor practice, BWB will send through a list of recommended actions. See 24 below.
  - c. They decide that the allegation has not been proven and the case is dismissed. See 27 below.
  - d. They decide that there is not sufficient evidence to make a decision and ask for more evidence to be gathered before re-convening.
21. When reaching their decision, the Disciplinary Panel will assess whether there has been any aggravating or mitigating factors.
- Mitigating factors include an unintentional breach, a track record of exemplary behaviour.
  - Aggravating factors include an intentional breach, a history of repeated transgressions, actions resulted in or could have resulted in serious injury to others.
22. BWB will inform the Alleged and the Complainant of the decision of the Disciplinary Panel within 5 working days of the date of the Panel meeting.

## Sanctions

23. The Disciplinary Panel will recommend a sanction for those cases that have been proven.  
The following sanctions will apply to breaches upheld through this process:

Description of Breach	Suspension/Sanction	Date Retention Period
<b>Breach</b>	Unlimited Education and Training Sanction recorded on BWB website	5 years or length of ban + 1 year To be completed within identified period of time
<b>Serious or repeated Breach</b>	Unlimited Education and Training Sanction recorded on BWB website	Discretion of Panel

## Recommendations

24. Where the allegation is not deemed to have been a serious breach but there have been examples of poor practice, a list of recommendations along with expected timeframes for completion will be sent to the relevant parties.
25. If either party disagrees with the recommendations, the case will be referred to the Disciplinary Panel.
26. BWB will agree a review date with the Defendant to assess whether they have taken on board the recommendations. If the actions are not completed within the agreed timeframe, the case will be referred to the Disciplinary Panel.

## Unproven

27. BWB will inform the Complainant and the Alleged that the case has not been proved.

## Appeals

28. The Alleged party can appeal the outcome of an investigation only where they can prove that evidence was not considered that would have a material impact on the judgment made.
29. The Alleged party wishing to make an appeal must notify BWB within 2 weeks of being notified of the decision of the investigation. The Alleged must submit any missing evidence with the notification.
30. BWB will review the evidence and determine the following:
  - a. If the evidence has a material impact on the case, the case will be re-opened and the new evidence will be added to the case file.
  - b. If the new evidence does not materially impact the decision, BWB will decline the appeal.
31. BWB will email the Alleged with the result of their appeal decision. No further appeal will be allowed on the case.

***BWB reserves the right to engage a supporting body in the Triage, Investigation, Hearing, Appeal and Case Management of any BWB Safeguarding/Disciplinary Case. All Case data will be shared with the supporting body for the purposes of case resolution only.***

## 9. Reporting to the Disclosure and Barring Service

### England, Wales and Northern Ireland

The duty to refer to the DBS is met when an employer (includes those who volunteer) has dismissed or removed a person from regulated activity or would or may have if the person had not left, resigned, retired, been made redundant or moved to another position because the person has:

- Been cautioned or convicted for a 'relevant offence'. A 'relevant offence' for the purposes of referrals to the DBS is an offence that would result in the individual's automatic inclusion in the Children's or Adults' barred list.
- Engaged in 'relevant conduct'. 'Relevant conduct' is that which endangers or is likely to endanger children, young people or adults at risk.
- Satisfied the 'harm test.' The 'harm test' is met when an employer believes that an individual may harm, may cause to be harmed, may put at risk of harm, may attempt to harm or may incite another person to harm a child, young person or adult at risk.

Referrals to the DBS should be made once investigations and disciplinary processes are complete (even if the person has left their role). Referrals must be made even if a significant period has passed between the allegation and the gathering of evidence to support a decision to make a referral.

### Scotland

The duty to refer to Disclosure Scotland is met when an individual (staff or volunteer) has engaged in harmful behaviour when working with children, young people or adults at risk and this meant that as a result of that behaviour the person was dismissed, would have been dismissed but they left before they could be or was transferred permanently away from work with children, young people and adults at risk. Reports should be made to Disclosure Scotland within three months of a disciplinary decision being made.

## **10. Our Commitment to Children, Young People and Adults at Risk**

Safeguarding children, young people and adults at risk is of paramount importance to BWB and we are committed to raising awareness and empowering everyone we engage with to recognise, respond, record, report and refer safeguarding concerns.

We commit to:

- Communicating honestly and openly with children, young people and adults at risk about their safety and welfare.
- The safety and welfare of all children, young people and adults at risk who engage in BWB sanctioned activity in Great Britain.
- Providing children, young people and adults at risk with a fun, inclusive and safe experience in our sport.
- Developing the skills and capacity of children, young people and adults at risk to recognise, respond and report poor practice and safeguarding concerns.
- Listening to children, young people and adults at risk.
- Respond appropriately to children, young people and adults at risk when raising safeguarding concerns.
- Supporting all forms of diversity including children, young people and adults at risk who are disabled, Black and Minority Ethnic (BME) and who identify as LGBTQI+.
- Take action to ensure children, young people and adults at risk are protected from harm, discrimination, exploitation or abuse.

## **11. Our Commitment to Parents and Carers**

We commit to:

- Communicating honestly and openly with parents and carers about the safety and welfare of their child, young person or adult at risk in their care.
- Engaging and listening to parents and carers views in regards to our safeguarding policies, procedures and practice.
- Transparency in our decision-making with parents and carers.
- Promoting safe communities for children, young people and adults at risk, both within and outside our organisation.

## **12. Our Commitment to being a Safe Sport**

We commit to:

- Having strong leadership and governance which puts safeguarding at the heart of wheelchair basketball in Great Britain.
- Developing a safe culture within British Wheelchair Basketball and all its activities.
- Implementing strategies and systems which prevent discrimination, abuse, exploitation or harm from occurring.
- Safer recruitment strategies to ensure we have the right people working in our sport.
- Provide training for our staff and volunteers to recognise, respond, report, record and refer safeguarding concerns.

- Listening to and consulting with children, young people and adults at risk.
- Having clear codes of conduct which set out our expectations of behaviour from coaches, officials, players and parent/carers.
- Ensuring our physical and online environments promote the safety and wellbeing for all children, young people and adults at risk.
- Ensuring that those working with children, young people and adults at risk know how to work safely and in line with the professional boundaries we outline in our Codes of Conduct.

## **13. How will we ensure our Policy is Continuously Improved?**

We are committed to continuous improvement and review:

- We welcome feedback on our policies and practices, and will endeavour to ensure our complaints processes are developmentally appropriate, visible and accessible.
- We commit to responding to feedback and complaints in a timely manner.
- We commit to ensuring complaints and concerns are analysed to identify any causes and trends to inform our continuous improvement.
- We will review this Policy bi-annually or sooner if there is a change in safeguarding guidance, legislation or a safeguarding case.

## **14. How will we ensure our Policy is Implemented?**

To help all those involved in wheelchair basketball to implement our Policy, we have developed the Safeguarding Procedures as well as bite sized guidance documents which set out how individuals, Clubs and we can ensure children, young people and adults at risk in our sport are kept safe.

We will also ensure that our Lead Safeguarding Officer will undertake an annual analysis of how this Policy is being implemented by seeking feedback from BWB staff, coaches, volunteers, parents, carers children, young people and adults at risk, and providing this feedback to our Board. We will analyse the data from our safeguarding cases to implement further prevention and governance strategies whilst also undertaking quality assurance processes at our events and with our teams.

## 15. Glossary of Terms

Adult at Risk	Any person aged 18 or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or at risk of, abuse or neglect and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. An individual's level of vulnerability to harm may vary over time depending on the circumstances they are in and their needs at that time.
Alleged	Person against whom an allegation has been made
BWB	British Wheelchair Basketball
Case File	The file of evidence relating to the allegation
Child or Young Person	Any individual under the age of 18 in England, Wales and Northern Ireland, and 16 in Scotland. All individuals under the age of 18 will be treated as a Child or Young Person, regardless of country of residence.
Complainant	The person making the allegation
Disciplinary Panel	Panel of independent people who will hear the evidence and make a judgement as to whether the allegation is proven or not.
Evidence	Facts or information that give further information regarding an allegation.
Parent	Any person who has legal responsibility for a child or young person.
Safeguarding Adults at Risk	Taking action to protect an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and to stop both the risks and experience of abuse and neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes and feelings.
Safeguarding Children and Young People and beliefs in deciding on any action.	The action taken to promote the welfare of children and protect them from harm. This means protecting children from abuse and maltreatment, preventing harm to their health or development, ensuring they grow up with the provision of safe and effective care, and taking action to enable all children to have the best outcomes.
Staff and Volunteer	Anyone in a paid or voluntary role in BWB, including coaches and officials.
Witness	A person who sees an event take place.

## 16. Appendices

### Appendix 1 – Disciplinary Panel

The Disciplinary Panel exists to provide impartial and independent judgement on cases submitted to them by the case worker. The Panel will comprise of a combination of; Independent Trustees, independent suitably qualified individuals appointed by a supporting body and members of BWB's Senior Leadership Team.

Where there is a conflict of interest (for instance where a Panel Member knows one of the parties involved in the case), the individual will remove themselves from the panel.

The panel will consist of:

- a. Chairperson
- b. Two Panel members
- c. Panel Disciplinary Secretary

There is no requirement for anyone on the Panel (including the Chairperson) to be legally or medically qualified.

The Disciplinary Secretary will be a member of BWB staff. They should not be involved (or give the impression that they are in any way involved) in the decision making. They bring the charge, obtain and serve the evidence relied upon (both from the Witnesses and the accused person) and select the panel members to hear the case. They must remain impartial at all times.

Those sitting on Disciplinary Panels must ensure that the principles of natural justice are followed. All hearings must be conducted fairly, by an objective panel, with the accused person given a full opportunity to answer the charge and call any evidence in support. Those accused are also entitled to be assisted or represented by a person of their choice.

The Panel Chairperson should have experience of chairing hearings and/or meetings.

Although the BWB Board retain responsibility for setting the rule and policies, members of the Disciplinary Committee will be asked for input to ensure we capture lessons and create a robust process.