



## Harlow (Blackwater) Sailing Club

# Safeguarding Children, Young People and Vulnerable Adults Policy and Guidelines

Approved by H(B)SC Management Committee on 25<sup>th</sup> April 2018

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# Harlow (Blackwater) Sailing Club Safeguarding and Child Protection Policy and Guidelines

Note:

This policy follows guidance provided by the RYA at [www.rya.org.uk/go/safeguarding](http://www.rya.org.uk/go/safeguarding).

The RYA's Safeguarding and Equality Manager can be contacted on 023 8060 4104 or e-mail [jackie.reid@rya.org.uk](mailto:jackie.reid@rya.org.uk)

## Policy Statement

**It is the policy of Harlow (Blackwater) Sailing Club (OSC) to safeguard children, young people and vulnerable adults taking part in boating and club-based social activities from physical, sexual or emotional harm. The Club will take all reasonable steps to ensure that, through appropriate procedures and training, children and vulnerable adults participating in Club activities do so in a safe environment. We recognise that the safety and welfare of the child and vulnerable adult is paramount and that all members and visitors, irrespective of sex, age, disability, race, religion or belief, sexual identity or social status, have a right to protection from abuse and discrimination.**

Harlow (Blackwater) Sailing Club actively seeks to

- Create a safe and welcoming environment, both on and off the water, where participants can have fun and develop their skills and confidence.
- Recognise that safeguarding children and vulnerable adults is the responsibility of everyone. Ensure that our organised training and events are run to the highest possible safety standards.
- Be prepared to review its ways of working to incorporate good practice.

We will:

- Treat all participants with respect and celebrate their achievements.
- Carefully recruit and select all employees, contractors and volunteers.
- Respond swiftly and appropriately to all complaints and concerns about poor practice or suspected or actual abuse.

**Safeguarding children, young people and vulnerable adults is everyone's responsibility**

For the purposes of this policy, Harlow (Blackwater) Sailing Club (OSC) is referred to as 'the Club'.

### Definition of a 'child' and a 'young person'

For the purposes of this policy anyone under the age of 18 should be considered as a 'child'. It is acknowledged that in day-to-day communications the terms 'children' and 'young people' are both used, recognising that older teenagers may prefer not to be referred to as 'children'.

Nonetheless, the Children Act 1989 defines any person under the age of 18 as a 'child' so for the purpose of this policy, the term 'child' is used.

### Definition of a 'vulnerable adult'

An adult is normally defined as anyone aged 18 and over. All of us could be defined as 'vulnerable' at certain times, for example when undergoing medical treatment. From a safeguarding point of view, the term 'Vulnerable Adult' applies to those who have health or social care needs (irrespective of whether or not those needs are being met by social care) and who are unable to safeguard themselves at all times as a result. There are also adults who are at risk due to a specific circumstance they may find themselves in, for example: domestic abuse, forced marriage, sexual or commercial or financial exploitation.

In a sailing context, clubs and centres may work with:

- people who have a physical disability, whether from birth or acquired through injury, illness or advancing age, ranging from those who can sail independently but need some assistance getting afloat, to those who depend on others for physical care and support
- people who are blind or visually impaired, who may need to be guided around the site and when getting on board and sail with sighted crew
- people who are deaf or hearing impaired, whose needs are largely connected to communication and inclusion
- people who have learning disabilities or who for some other reason (e.g. mental health issues, brain injury, autism, dementia) may not have the capacity to make independent decisions or to assess risk or to communicate effectively. Indeed some people who have some combination of the above.

Although many of the good practice guidelines and principles to be followed when safeguarding children also apply to adults, there is a key difference. In the case of a child, there is a clear duty to act if we suspect that the child has been harmed or is at risk of harm. In the case of an adult, the starting assumption must always be that an adult has the capacity to make a decision and has the right to do so unless it can be established that they lack capacity.

### **Definition of 'capacity' in this context**

The term 'lacks capacity' means that a person cannot make a particular decision or take a particular action for themselves at a particular point in time – although they may still be able to express an opinion or preference or take a less complex decision. Under the Mental Capacity Act 2005:

- A person is not to be treated as unable to make a decision unless all practical steps to help him/her to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision.
- An act carried out or decision made, for or on behalf of a person who lacks capacity must be undertaken, or made, in their best interests.
- Before the act is carried out, or the decision is made, regard must be paid to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

The decision on whether a person has capacity should be taken by their legal carers, based on a professional assessment and a risk assessment for the specific activity.

If there is an allegation or concern about a vulnerable adult who has capacity, their consent must be obtained before any referral is made, unless others are at risk of harm. No information should be given to the adult's family or carers without the adult's consent.

If the adult does not have capacity and is unable to give consent, a referral may be made and their family or carers informed provided that they are involved in the individual's life and are not implicated in the allegation.

### **Purpose of the Policy**

The purpose of this policy is to

- safeguard children and vulnerable adults from physical or emotional harm, both on and off the water
- assure parents and carers that their children and vulnerable adults are as safe at the Club as they might reasonably expect when they are when taking part in any other sport or leisure activity
- raise awareness amongst all members, volunteers or employees so that they know what to do if they are concerned about a child or vulnerable adult, whether the concern relates to:

- that person's welfare at the Club's site or
- something happening outside the sport that a child or vulnerable adult discloses to someone they trust at the Club,
- protect coaches, instructors, officials or volunteer helpers by giving them some practical, common sense guidelines to avoid placing themselves in situations where they are open to allegations which could seriously damage their lives and careers, and
- protect the Club by showing that we have taken 'all reasonable steps' to provide a safe environment.

### **Club Safeguarding Officer**

The Club Safeguarding Officer is: Clive Tarling  
 Tel: 07802 257616  
 Email: [clive.tarling@gmail.com](mailto:clive.tarling@gmail.com)

The Club Safeguarding Officer is deemed to be the 'designated person' for the purposes of this policy. The terms of reference for this role include:

- Maintaining an up-to-date policy and procedures, compatible with the RYA's policy and procedures.
- Maintaining a secure record of all Disclosure and Barring Service (DBS) disclosures.
- Ensuring that relevant staff and/or volunteers are aware of and follow the procedures, including implementing safe recruitment procedures.
- Advising the management committee on safeguarding and child and vulnerable adult protection issues.
- Maintaining contact details for local Children's Services, Adult Social Care Services and Police.

If there is a concern, the Club Safeguarding Officer, acting as the 'designated person' would:

- Be the first point of contact for any concerns or allegations, from children or adults, ensuring that confidentiality is maintained in all cases.
- Decide on the appropriate action to be taken, in line with the Club's procedures and in conjunction with the Club President and/or Commodore.
- Keep the RYA informed as necessary, following the guidance provided by the RYA at [www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx](http://www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx).

### **Our Code of Conduct**

All members of the Club agree to abide by the Club Code of Conduct (Appendix A) and the RYA Racing Charter contained in the Racing Rules of Sailing, available at [www.rya.org.uk/racing/Pages/RacingCharter.aspx](http://www.rya.org.uk/racing/Pages/RacingCharter.aspx).

Everyone in the Club should be aware of the policy. Those working or volunteering with children and vulnerable adults should follow the good practice guidelines, and be aware of the guidance on recognising abuse provided by the RYA. Reference to all these matters can be found at [www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx](http://www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx).

RYA Instructors, Coaches, Assessors, Trainers and Examiners are required to follow their Code of Conduct available at [www.rya.org.uk/coursestraining/coachestrainersinstructors/pages/default.aspx](http://www.rya.org.uk/coursestraining/coachestrainersinstructors/pages/default.aspx).

### **Individual responsibility and club liability**

Harlow (Blackwater) Sailing Club has a duty of care to its members and visitors, and must ensure that on- water and off-water activities are conducted safely. Adults are normally responsible for their own safety, welfare and behaviour. Parents are responsible for the safety, welfare and behaviour of their children. In the case of a person who lacks the capacity to take responsibility for their own welfare, the club may require a carer or designated adult to be on site. In these circumstances, it must be made clear at what point responsibility transfers from the instructor, coach or organiser to that person.

## **Staff and Volunteers**

The Club will seek to follow the RYA guidance on recruitment of staff and volunteers, as provided at [www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx](http://www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx).

There is currently no legal requirement for voluntary organisations to require their volunteers to apply for a Disclosure and Barring Service (DBS) disclosure, however it has become accepted good practice. Consequently the Club Safeguarding Officer and those who regularly teach, train, supervise or otherwise care for children and/or vulnerable adults will be required to apply for a disclosure certificate. The Club will follow the guidance offered by the RYA in respect of the level of disclosure sought and will utilise the RYA as an 'umbrella organisation' to facilitate this process.

The Club may accept a DBS enhanced disclosure certificate processed by another organisation, provided it has been issued within the past three years and provides the required level of disclosure. As an interim measure, the Club may ask staff and volunteers to complete and sign a 'self-disclosure' form (Appendix B), pending receipt of an enhanced DBS disclosure.

The Club Safeguarding Officer will maintain a secure record of all disclosures. The Club will require that all those who regularly teach, train, supervise or otherwise care for children and/or vulnerable adults to re-apply for a disclosure certificate every three years. The policy for maintaining these records is set out at Appendix C.

## **Photography**

Cameras, mobile phones and tablet computers equipped with cameras must not be used in the Club changing rooms and toilets at any time.

The Club will seek written consent from the child and their parents/carers before taking photos or video at an event or training session or publishing personal images. Parents and spectators should be prepared to identify themselves if requested and state their purpose for photography/filming.

If the Club publishes images of children, no identifying information other than names will be included. Any concerns about inappropriate or intrusive photography or the inappropriate use of images should be reported to the Club Safeguarding Officer.

## **Showers, Changing Rooms and Toilets**

Whenever possible, adults are requested not to enter the showers and changing rooms at times when children are changing before, during or after junior/youth training or racing. If this is unavoidable it is advised that they are accompanied by another adult. A notice will be displayed outside the changing rooms when junior/youth training or racing is taking place to inform other club members. Parents should be aware that adult club members may use the changing rooms when junior/youth training or racing is taking place.

Vulnerable adults' right to privacy should be respected at all times, regardless of whether they choose to use the general changing rooms or in the disabled changing room.

If it is essential, in an emergency situation, for a male to enter a female changing area or vice versa, it is advised that another adult of the opposite sex accompanies them.

## **Bullying**

The RYA's Anti-bullying policy is available at [www.rya.org.uk/racing/youthjunior/information/Pages/Policies.aspx](http://www.rya.org.uk/racing/youthjunior/information/Pages/Policies.aspx).

Whilst the RYA Anti-bullying policy refers specifically to children, its guidance may also apply to vulnerable adults.

### **First aid and medical treatment**

First aid is part of the Club's normal duty of care. Consent must be obtained if medication or medical treatment is required in the absence of the parent or carer.

### **Concerns**

Anyone who is concerned about a child or vulnerable adult's welfare, either within the Club or outside, should inform the Club Safeguarding Officer immediately, in strict confidence. Thereafter the Club will seek to follow the RYA guidance as provided at [www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx](http://www.rya.org.uk/infoadvice/childprotection/Pages/default.aspx).

Any member of the Club failing to comply with the Safeguarding policy and any relevant Codes of Conduct may be subject to disciplinary action under the Rules of the Club.

### **Promotion and Distribution of this Policy**

All members of the Club should be aware of the policy. To achieve this, the following actions will be taken.

- A Safeguarding noticeboard will be provided at the Club and maintained by the Club Safeguarding Officer.
- This policy will be posted on the Club's website.
- All new members will be provided with a copy of this policy, and their attention drawn to the Club's Code of Conduct.

## **Appendix A – Harlow (Blackwater) Sailing Club Code of Conduct**

It is the policy of Harlow (Blackwater) Sailing Club that all participants, coaches, instructors, officials, parents and volunteers show respect and understanding for each other, treat everyone equally within the context of the sport and conduct themselves in a way that reflects the principles of the club/class. The aim is for all participants to enjoy their sport and to improve performance.

**Abusive language, swearing, intimidation, aggressive behaviour or lack of respect for others and their property will not be tolerated and may lead to disciplinary action.**

### **Participants**

- Listen to and accept what you are asked to do, to improve your performance and keep you safe
- Respect other participants, coaches, instructors, officials and volunteers
- Abide by the rules and play fairly
- Do your best at all times
- Never bully others either in person, by phone, by text or online
- Take care of all property belonging to other participants, the club/class or its members

### **Parents**

- Support your child's involvement and help them enjoy their sport
- Help your child to recognise good performance, not just results
- Never force your child to take part in sport
- Never punish or belittle a child for losing or making mistakes
- Encourage and guide your child to accept responsibility for their own conduct and performance
- Respect and support the coach
- Accept officials' judgements and recognise good performance by all participants
- Use established procedures where there is a genuine concern or dispute
- Inform the club or event organisers of relevant medical information
- Ensure that your child wears suitable clothing and has appropriate food and drink
- Provide contact details and be available when required
- Take responsibility for your child's safety and conduct in and around the clubhouse/event venue

### **Carers**

- Accept that adult participants have a right to take risks and to take decisions about their welfare, unless they lack the capacity to do so as defined by the Mental Health Act 2005
- Support the participant's involvement and help them enjoy their sport
- Help the participant to recognise good performance, not just results
- Never force the participant to take part in sport
- Never punish or belittle the participant for losing or making mistakes
- Encourage and guide the participant to accept responsibility for their own conduct and performance
- Respect and support the instructor/coach
- Accept officials' judgements and recognise good performance by all participants
- Use established procedures where there is a genuine concern or dispute
- Inform the club or event organisers of relevant medical information
- Ensure that the participant wears suitable clothing and has appropriate food and drink
- Provide contact details and be available when required
- Take responsibility for the participant's safety and conduct in and around the clubhouse/event venue

### **Coaches, Instructors, Officials and Volunteers**

- Consider the welfare and safety of participants before the development of performance
- Encourage participants to value their performance and not just results
- Promote fair play and never condone cheating



- Ensure that all activities are appropriate to the age, ability and experience of those taking part
- Build relationships based on mutual trust and respect
- Work in an open environment
- Avoid unnecessary physical contact with young people
- Be an excellent role model and display consistently high standards of behaviour and appearance
- Do not drink alcohol or smoke when working directly with young people
- Communicate clearly with parents and participants
- Be aware of any relevant medical information
- Follow RYA and club/class guidelines and policies
- Holders of RYA Instructor and Coach qualifications must also comply with the RYA Code of Conduct
- Holders of RYA Race Official appointments must also comply with the RYA Race Officials Code of Conduct.

If you are concerned that someone is not following the OSC Code of Conduct, you should inform you're the Club Safeguarding Officer, a Management Committee Member, or the person in charge of the activity.

## Appendix B – Self-disclosure form

### Self-disclosure form for applicants for posts involving regular contact with children and/or vulnerable adults

**Harlow (Blackwater) Sailing Club** is committed to safeguarding children from physical, sexual and emotional harm. As part of our Safeguarding policy, we require applicants for posts involving frequent or regular contact with children to complete this self-disclosure form. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

All information will be treated as confidential and managed in accordance with data protection legislation and guidance. You have a right of access to information held about you under the Data Protection Act 1998.

**Name** .....

- 1. Do you have any convictions, cautions, reprimands or final warnings that are not ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?** YES / NO (If yes, please supply details)
  
- 2. Have you ever been known to any Children Services Department or the Police as being an actual or potential risk to children?** YES / NO (If yes, please supply details)
  
- 3. Have you ever been the subject of any disciplinary investigation and/or sanction by any organisation due to concerns about your behaviour towards children?** YES / NO (If yes, please supply details)

#### Declaration

I declare that to the best of my knowledge the information given above is correct and understand that any misleading statements or deliberate omission may be sufficient grounds for disciplinary action and/or the withdrawal of my appointment.

I understand that I may be asked to provide a Criminal Records Disclosure and consent to do so if required. I agree to inform the organisation within 24 hours if I am subsequently investigated by any agency or organisation in relation to concerns about my behaviour towards children or young people.

I understand that the information contained in this form and in the Disclosure, or relating to subsequent concerns about my behaviour, may be shared with regulatory bodies and/or other persons or organisations, in circumstances where this is considered necessary to safeguard children.

Signed: ..... Date: .....

Note: if the applicant is aged under 18, this form must be counter-signed by a parent or guardian.

## **Appendix C – Policy Statement on the secure storage, handling, use, retention and disposal of DBS Disclosures and Disclosure information**

### **General Principles**

As an organisation using the Disclosure and Barring Service (formerly CRB) service to help assess applicants' suitability for positions of trust, Harlow (Blackwater) Sailing Club undertakes to comply with the DBS's (formerly CRB) Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. This written policy is available to those who wish to see it on request.

### **Storage and Access**

Disclosure information is never kept on an applicant's personal file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information have been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, ie. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a 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 the recruitment decision taken.