

Child Protection in Sport Unit (CPSU) Protocol for Information Sharing

Purpose

To provide a framework within which sports bodies, statutory bodies and relevant others can share information appropriately in the interests of protecting children from harm.

To provide a tool to:

- Clarify the principles upon which decisions are made to share, or not to share, information; at what relevant level to share; how to share; and with whom (internally and with external agencies).
- Share appropriately relevant information to protect children from actual or potential harm.
- Raise awareness of best practice in information sharing which will assist in developing consistent processes and practices both within and outside of the sport sector.
- Enable other agencies to share relevant information confidently with the sports sector.
- Ensure that information sharing practice reflects the framework of legislation and guidance.
- Ensure that those who are the subject of the information to be shared understand and have confidence in the processes followed by the bodies which have adopted this protocol.
- Clarify appropriate routes of communication for all agencies (sports organisations, statutory agencies and appropriate others) for information sharing¹

Principles

- A child is defined as being under the age of 18 by the *Children Act 1989* and when making decisions about sharing information about a child/children their welfare is the paramount consideration. Decisions to share information may be for the purpose of protecting an individual child or children in general.
- Sports organisations will share information where they reasonably believe that it is necessary to share in order to protect or safeguard a child/children.
- Sports organisations will explain openly and honestly, or at least notify, at the outset what information will or could be shared, and why, and seek agreement – except where doing so puts the child or others at risk of significant harm.
- Consent to share information will usually be sought, however, if consent is refused or there are good reasons not to seek consent, consideration will be given as to whether there is a sufficient public interest for the information to be shared (principles of openness, consultation and inclusion).
- Sports organisations will respect the wishes of children or families who do not consent to share confidential information – unless in their judgement there is sufficient reason to override that lack of consent.

¹ See Appendix 1: Questions that statutory agencies should ask to ascertain the correct route/persons with whom information can appropriately be shared in sports organisations

- Sports organisations will share no more information than is necessary for the specific purposes of sharing that relevant information (principle of proportionality).
- Sports organisations will ensure that people to whom this protocol applies are aware of the protocol and implications for them in order to ensure that its application is a transparent process.
- When sharing information, sports organisations will ensure that they clarify which information they are sharing is factual (to the best of their knowledge) and which is an expression of professional opinion (principle of certainty of facts).
- Sports organisations will ensure that the way that information is shared is appropriate to the level of urgency but information will always be supported by a written report.
- Information that is shared will be accurate, up-to-date, necessary for the purpose for which it is being shared, shared only with those with a need to see it and shared securely.
- Records will always be kept of the decision to share, or not to share, information and the reasons for this decision.
- Where information is shared during the course of an investigation, the outcome will be shared with those to whom the original information was sent.

The type of information that will be shared

- Information relating to safeguarding/welfare/child protection concerns which meet the threshold for referral to external safeguarding agencies (police or social services) will be shared in all cases.
- Information which raises safeguarding concerns arising from CRB disclosures. The threshold that will be applied is that the organisation's judgement is that the individual is unsuitable to work with children.
- Information indicating safeguarding/child protection concerns but which is not acted on by statutory agencies (e.g. where prosecution is not possible, or has been unsuccessful; where a referral is 'bounced back' by social services or the police as not meeting their threshold, but the organisation judges that concerns remain; or where risks are identified from information arising as a result of recruitment or other internal processes).
- Information relating to poor practice cases (for example, breach of codes of conduct/ethics) involving a perceived risk to children, but not meeting the threshold for referral to external safeguarding agencies, and:
 - where the organisation has either suspended or excluded the individual, or
 - has put in place special arrangements or monitoring to ensure children's welfare as a result of its disciplinary process

Clearly these different categories or levels have implicitly different implications for information sharing. High level concerns meeting the threshold for police or social services action should be managed by those agencies. The sports organisation with information that a concerning individual may be operating with children in another organisation(s) should in the first instance pass this information to the statutory agencies, and the sports organisation should seek the advice of the statutory agencies when consideration is being given to sharing information with the other organisation(s).

Process for information sharing and receiving of information

- The decision to share information will be based upon the principles embedded in the protocol¹
- The sports organisation will decide which organisations information needs to be shared with, based on the level of concern and on a need-to-know basis.
- The sports organisation will identify who is the appropriate person within the organisation to whom they should make the referral (this will be determined by that individual's role and responsibilities in relation to management of child protection/safeguarding concerns).

¹ See Appendix 2: Flowchart for information sharing

- Where the concerns are about a child within their family or wider community (a non-sport context), sports organisations will refer information to the statutory agencies (police or social services) in the area in which the child lives.
- Where concerns are about possible or actual abuse of a child by someone within the sports organisation, the sports organisation will refer this to the statutory agencies where the alleged abuse may have taken place.
- Where the sports organisation is aware or believes that the person against whom the allegation is made may work with children in other organisations, they will seek the advice of the statutory agencies regarding whether information should be shared with those other organisations and, if so, by whom.
- Where concerns arise in the context of services/activities for children provided on behalf of a school/ educational establishment or within a school sport/physical education setting the National School Sport Strategy Protocol for Safeguarding Children¹ should be followed.
- Where a sports organisation has deemed someone unsuitable to work with children as an outcome of its disciplinary process, it will refer that individual's name to the (Protection of Children Act) list. Information about the outcome of a disciplinary process will only be shared on a need-to-know basis both within the organisation and with external agencies.
- Where there has been statutory agency investigation, and/or where the person who is subject of the investigation is subject to the monitoring of the local Multi Agency Public Protection Panel (MAPPP), sports organisations will contribute to the statutory agencies' planning processes where requested.
- The outcome of disciplinary processes would not normally be shared with external agencies by the sports organisation without the consent of the individual who is subject to this process (e.g. for the purposes of providing a reference). Exceptions to this would be guided by the principles embedded within this protocol.
- Outcomes of disciplinary processes will be shared within the sports organisation on a strictly need-to-know basis.
- When sports organisations are recruiting staff or volunteers to work with children, they may be provided with information that would indicate that an individual may pose an actual or potential risk to children or may be unsuitable to work with children. As part of their recruitment processes, sports organisations will have procedures in place that ensure that consent has been obtained from current/prospective employees/deployees both to obtain the information and to clarify it where necessary.
- Sports organisations will have in place policies, procedures and processes that ensure that appropriate recruitment and selection processes are consistently applied that reflect the need to safeguard children.
- As many recruitment processes are being applied retrospectively (since sports organisations have been able to access Criminal Records Bureau Disclosure information) sports organisations will have processes in place to determine whether someone remains suitable to work in their current position with children. They will also need to decide whether relevant information needs to be shared with statutory agencies or other organisations.
- It is unlawful for any organisation to share the content of CRB Disclosures with other organisations. Consequently, any decisions to share information where there are concerns about the risk an individual may present to children must be directed to the statutory agency from which the information was sourced (in the majority of cases this will be the police). A disciplinary decision can, however, be shared where an individual may present a risk to children and where the principles embedded in this protocol have been followed.
- Occasionally, sports organisations may be directed by a court, or given permission by a court, to share information about an individual where the court has determined that the individual poses a significant risk to children and the sports organisation may need to take action to contribute to management of the risk this individual poses.
- All information held regarding complaints about poor practice by sports organisations will usually only be shared with the consent of the individual against whom the complaint has been made (e.g. when an individual has consented to a reference being taken up by another organisation). Where statutory agencies are conducting a child protection investigation, however, the sports organisation

1

See Appendix 3: The National School Sport Strategy Protocol for Safeguarding Children

accordance with the principles embedded in this protocol where requested.

- All information held by sports organisations regarding complaints about poor practice will only be shared within the sports organisation on a strictly need-to-know basis.
- Where there is urgent need to share information in order to enable statutory agencies to act in the public interest, information may initially be shared verbally but will always be followed up in writing.
- The reason to share, or not to share, information will always be recorded by the sports organisation.

Recording, storage and disposal of information

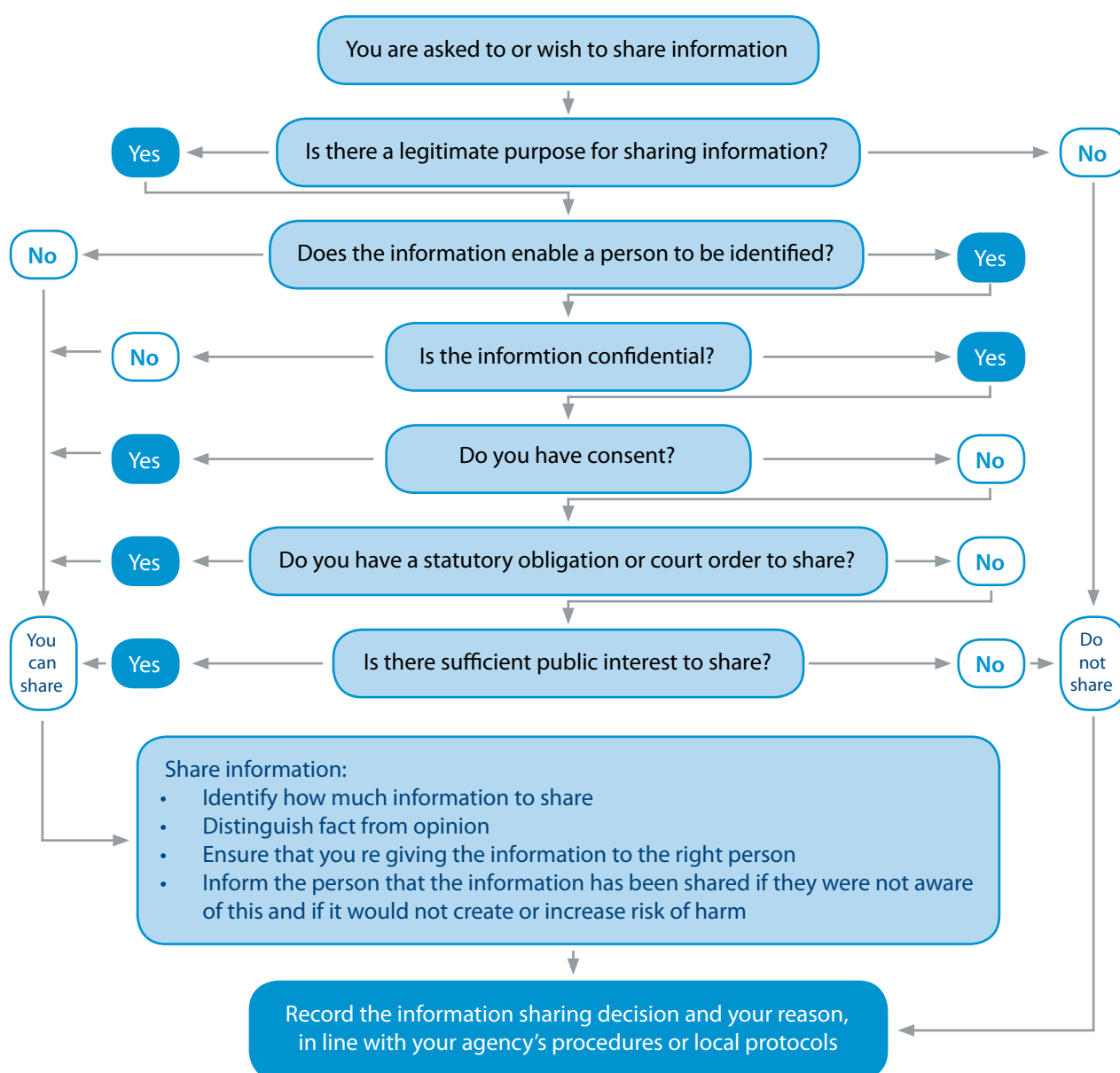
- Information held about different individuals will be recorded separately.
- Written information in either paper or electronic form will be stored securely in accordance with data protection legislation and other government guidance.
- All reasonable steps will be taken to ensure secure receipt of information.
- Information will be marked as confidential with a disclaimer included regarding what to do if correspondence is received by someone in error.
- Written communications will clarify the extent to which the information can be shared within the recipient organisation.
- Consent to share information will be sought from the individual to whom the information refers unless:
 - this may put children or other parties at risk of harm
 - refusal to consent is unreasonable or not in the public interest
 - consent cannot be obtained
 - the organisation is advised by a statutory agency not to do so, or there is a court order which so directs
- Sports organisations will have in place systems for the safe storage of information and clear procedures regarding authorised access to records.
- Sports organisations will have a records destruction procedure which includes destruction of additional copies of information used for a specific purpose (eg for a disciplinary hearing). There will be clear timescales for destruction of records whilst recognising that there will be different periods for the destruction of different records (e.g. for CRB Disclosures, disciplinary decisions and for insurance purposes).
- Sports organisations will have a secure method for record destruction and disposal.
- Consent to third party information being passed on will always be sought from the third party except in the circumstances regarding consent previously outlined. Sports organisations will have an 'access to records' policy and procedures which covers their own agency's records and third party information.

Appendix 1: Questions to ask to inform safe information sharing practice

Where the information describes concerns about an employee or volunteer:

- Who has responsibility for employment or deployment of staff and volunteers?
- Are they a qualified/licensed person for a recognised sports national governing body?
- Does the organisation have a structure for designated persons for child protection/welfare and, within this structure, at what level should information be shared? (Concerns of a child protection nature should always be shared with the designated person at a national level).
- Has the organisation got clear written guidelines for sharing of information and confidentiality?

Appendix 2: Flowchart of key principles for information sharing



Seek advice from your designated child protection lead officer if you are not sure what to do at any stage and ensure that the outcome of the discussion is recorded.

Appendix 3: National School Sport Strategy Protocol for Safeguarding Children

Guidelines for schools and sports clubs/organisations involved in the National School Sport Strategy.

1. Introduction

- This protocol clarifies expectations regarding child protection reporting processes and information sharing between sports national governing bodies (NGBs), sports clubs, schools and education services within Local Authority (LA) children's social care (formerly social services).
- It specifically relates to sports clubs which are linking with schools to deliver sporting activities or to support the delivery of sporting activities within the *National School Sport Strategy* (also called the PE, School Sport and Club Links [PESSCL] strategy).
- This protocol complies with government guidance about managing cases of allegations of abuse against people who work with children¹.
- This protocol has been agreed by the NSPCC Child Protection in Sport Unit, the Department for Education and Skills, the Department for Culture, Media and Sport, Sport England, the Youth Sport Trust, the PESSCL-funded sports NGBs and other key stakeholders following consultation.

For more information about the *National School Sport Strategy* (also referred to as the PE, School Sport and Club Links [PESSCL] strategy) go to: www.gov.uk/sport/school_sport or www.thecpsu.org.uk

2. Values and principles

- The welfare of children and young people is paramount.
- All organisations should be building their services for children around the outcomes identified within the Every Child Matters: Change for Children² framework (be healthy; stay safe; enjoy and achieve; make a positive contribution; achieve and enjoy). This protocol specifically relates to the 'stay safe' outcome for children and young people.
- Children and young people have the right to participate in sport in a safe, supportive and enjoyable environment.
- All children – whatever their age, culture, ability, gender, language, racial origin, religious belief or sexual identity – have the right to protection from abuse.
- All children's PE and School Sport experiences must be guided by a child-focused approach.
- All concerns about poor practice or abuse must be taken seriously and responded to swiftly, consistently and appropriately.
- It is the responsibility of every adult involved in the *National School Sport Strategy* to respond to and report concerns in accordance with this protocol and the procedures of their organisation.
- Note: Where concerns arise in a context not linked to the *National School Sport Strategy*, or about a coach who is not affiliated to a recognised sport NGB, all staff and PE teachers must ensure that they understand and follow the school and local authority child protection procedures.
- Individuals and organisations involved in the delivery of sporting and PE activities for children and young people are uniquely placed to contribute to safeguarding and promoting their welfare.
- All organisations, clubs and individuals who take responsibility for children in PE and School Sport have a duty to ensure that they are competent and have undertaken appropriate training and education consistent with the guidance provided in *Working Together to Safeguard Children* (2006)³ to provide safe and rewarding experiences for children.
- It is essential to work in partnership with parents/carers, children and young people.

¹ HM Government 2006. Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. This document can be downloaded from: www.everychildmatters.gov.uk/files

² Department of Education and Skills (September 2004). Safeguarding Children in Education. DfES, London Ref: DfES/0027/2004, P17 Section 37 and 38. Download this publication from: www.teachernet.gov.uk/childprotection/guidance

³ HM Government 2006. Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. This document can be downloaded from: www.everychildmatters.gov.uk/files

- Listening to children and valuing their right to participate is of primary importance.
- All information sharing will respect the rights of individuals and the principles of confidentiality in accordance with current legislation.

3. Accountability

Guidance for safeguarding and promoting the welfare of children within Education¹ states that:

“The governing body of a school controls the use of the school premises both during and outside school hours, except where a trust deed allows a person other than a governing body to control the use of the premises, or a transfer of control agreement has been made.”

And:

“Where the governing body provides services or activities directly under the supervision or management of school staff, the school’s arrangements for child protection will apply. Where services or activities are provided separately by another body, the (school’s) governing body should seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection, and there are arrangements to liaise with the school on these matters where appropriate.”

On the basis of this guidance it follows that:

- It is the responsibility of the club welfare officer/designated person of any sports club/organisation linking with a school to ensure that they have the name and contact details of the school’s designated person/teacher for child protection and the designated local authority (LA) officer responsible for providing advice and monitoring cases².
- It is the responsibility of the school which is contracting/inviting a sports club to undertake sporting activities on their behalf to ensure that the club/organisation meets minimum child protection quality assurance standards (for sports clubs this is Clubmark or an equivalent sports NGB accreditation). This should cover recruitment and selection, child protection policy and procedures, complaints and disciplinary procedures and management structures.
Note: Some NGBs have set higher minimum standards for their club accreditation schemes. Their clubs may have achieved Clubmark standards but still be ‘working towards’ achievement of the NGB club accreditation³.
- The school should ensure that:
 - they have the names and contact details of the sports club’s/organisation’s designated person/welfare officer and of the sports NGB lead child protection officer (or county/regional child protection if this reflects the designated person reporting structure within that sport).
 - the name and contact details of the school’s designated person/teacher for child protection and the designated LA officer are provided for the sports club/organisation’s designated person/welfare officer and made available to coaches or individuals who are providing PE and sporting activities.

22 sports NGBs are being funded through Sport England to deliver the *National School Sport Strategy*. Future funding for all sports in receipt of funding to deliver the *National School Sport Strategy*, and for the 45 County Sports Partnerships in England, is linked to achievement of the Standards for Safeguarding & Protecting Children in Sport⁴.

For more information about the standards and child protection guidance for the *National School Sport Strategy* go to the Child Protection in Sport Unit website at: www.thecpsu.co.uk and click on the National School Sport Strategy (PESSCL) link in the left-hand menu.

¹ Department of Education and Skills (September 2004). Safeguarding Children in Education. DfES, London Ref: DfES/0027/2004, P17 Section 37 and 38
Download this publication from: www.teachernet.gov.uk/childprotection/guidance

² Department for Education and Skills (November 2005). Safeguarding Children in Education: Dealing with allegations of Abuse Against Teachers and Staff. (Ref: DfES/2044/2005). Download this publication from: www.teachernet.co.uk/childprotection This document identifies the designated LA officer as the individual responsible for providing advice and monitoring cases of concern arising within an educational setting (see page 3).

³ For more information, including contact details for NGB child protection lead officers, go to www.thecpsu.org.uk, click on ‘National School Sport Strategy’ and then ‘National Governing Bodies’.

⁴ CPSU (2002). Standards for Safeguarding and Protecting Children in Sport. Leicester: NSPCC Child Protection in Sport Unit. Download the document from: www.thecpsu.co.uk >sports organisations > standards for protecting children.

4. Concerns about the conduct or practice of any individual involved in the delivery of the National School Sport Strategy

All LAs have a policy and procedures for children's social care regarding managing allegations against people working in positions of trust in line with government guidance¹. All LAs and education establishments have child protection policies and procedures that are in line with the overarching Local Safeguarding Children Board (LSCB – formerly Area Child Protection Committees) guidelines. In the event of any allegations or concerns relating to possible child abuse or poor practice being raised, the designated LA officer – as the individual responsible for providing advice and monitoring cases of concern arising within an educational setting – must be informed by the designated persons who receive the referral. The reporting processes that are followed will be dictated by the setting in which the incident or concerns arise.

- Concerns/allegations arising within a school or educational setting should be referred to the school's designated person/teacher or the designated LA officer, who will make a decision about whether the concerns meet the threshold for referral to LA children's social care, as soon as possible.
- Concerns/incidents arising within a sports club or non-educational setting should be referred to the club welfare officer or sports NGB child protection lead officer, who will make a decision in partnership with the designated LA officer about whether the concerns meet the threshold for referral to LA children's social care, as soon as possible.
- If there are immediate concerns for the safety or welfare of a child, a referral should be made directly to the police or LA children's social care, in accordance with the government guidance *What to do if You're Worried a Child is Being Abused* (DoH et al, 2003)², and the designated LA officer should be informed as soon as possible.
- All referrals should be communicated to the designated LA officer as soon as possible. This individual will take responsibility for managing the process and ensuring that concerns are discussed and communicated with the NGB lead child protection officer appropriately.
- Decisions about the course of action to be taken in response to concerns (whether it should be responded to as potential child abuse or as poor practice) should be made following discussion of the concerns or a meeting between the NGB lead child protection officer and the designated LA officer except where there are immediate concerns for the safety or welfare of a child or other children.
- Where the County Sports Partnership (CSP) have played an active role in promoting, supporting or accrediting a coach or sports club within the delivery of the National School Sport Strategy, the CSP child protection lead officer should be informed of any concerns and involved in any decision making process about the course of action to be taken in response to these concerns.
- If the police or LA children's social care are going to investigate an allegation, a strategy meeting will be convened which will both plan the child protection investigation and identify the appropriate complaints or disciplinary procedures that will be applied to the individual against whom the allegations have been made. The sports NGB child protection lead officer (and where appropriate, the CSP child protection lead officer) should be involved in any child protection strategy meeting.
- The referral should be recorded using an agreed incident/referral form. All parties must also use their own agencies' recording processes.
- Copies of the incident/referral form should be given or sent to the designated LA officer and LA children's social care/the police if a referral has been made to the statutory agencies.³ The form should also be copied to the NGB child protection lead officer where concerns are about an NGB-affiliated club, coach or volunteer. The designated LA officer holds overall responsibility for managing referrals relating to poor practice or suspected abuse.
- The sports NGB child protection lead officer will be kept informed of any actions following a child protection referral relating to affiliated clubs, coaches or volunteers who are involved in the delivery of *National School Sport Strategy* activities.

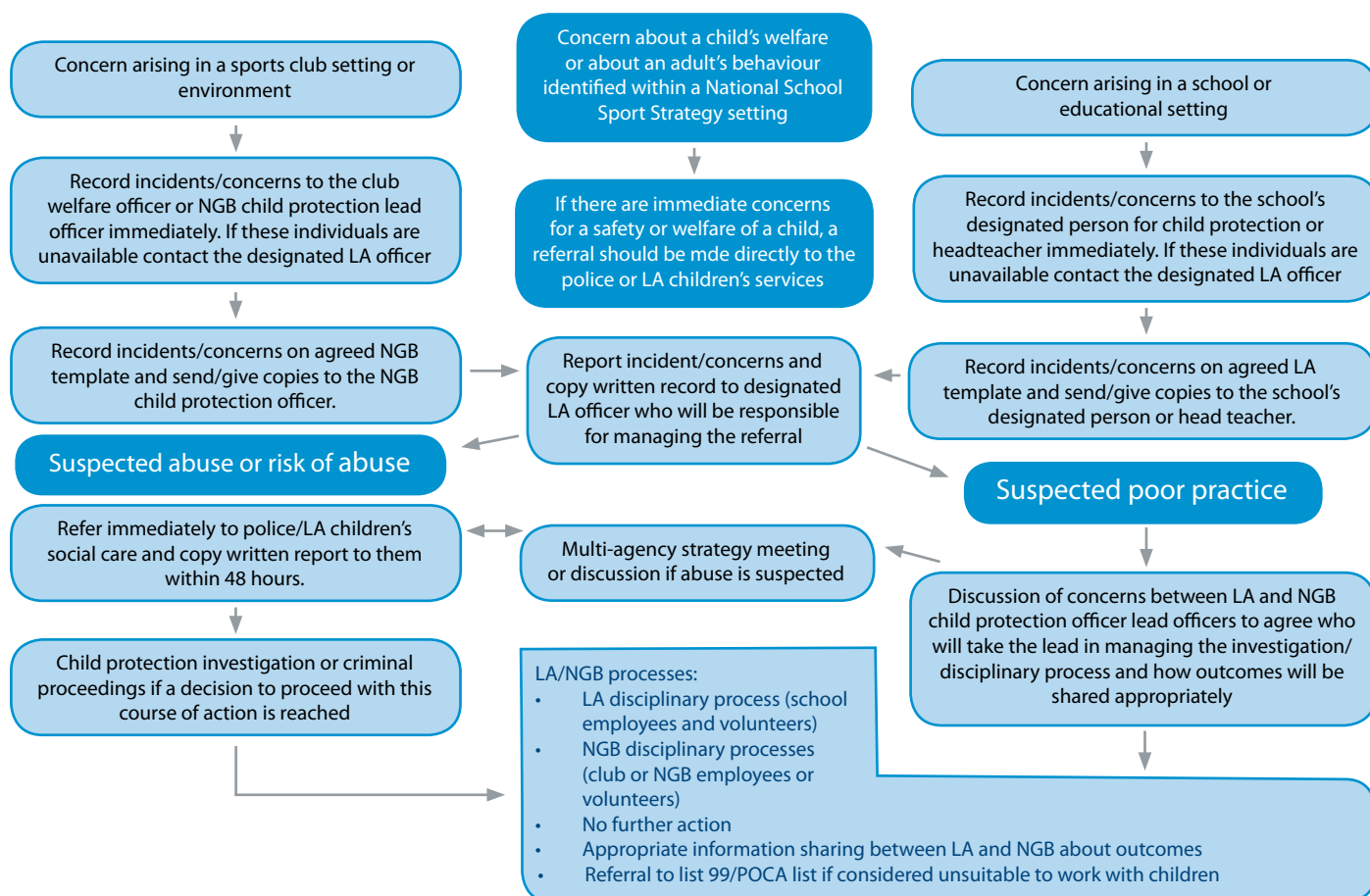
1 HM Government 2006. Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. This document can be downloaded from: www.everychildmatters.gov.uk/files

2 This document can be downloaded from: www.doh.gov.uk/safeguardingchildren/index.htm

3 Agencies with statutory child protection powers comprise the local authority, the police and the NSPCC.

- Once a decision about whether or not an individual who is subject to allegations should be temporarily suspended, the disciplinary process will then await the outcome of the formal child protection processes before continuing.
- The flowchart (below) of this protocol sets out the process to be followed in response to concerns about the conduct or practice of any individual (teacher, coach, employee or volunteer) involved with the delivery of the *National School Sport Strategy*.
- There are a number of possible processes that may follow a referral:
 - a criminal investigation and proceedings
 - enquiries and assessment by the LA children’s social care about whether a child is in need of services or in need of protection
 - LA disciplinary processes where there is a direct employment relationship between the school and the individual
 - NGB disciplinary processes where concerns relate to club/NGB staff, coaches or volunteers
 - the sports NGB, school and LA will need to cooperate in any investigation and decision-making processes¹
 - where there are concerns about a person’s suitability to continue working with children, referral to the DfES List 99 (for school employees) or the *Protection of Children Act (POCA)* list must be considered (sports club/NGB employees or volunteers where there has been a finding through a disciplinary process that an individual will be banned from working in that sport)
 - no further action

5. Flowchart for concerns about the conduct or practice of any individual involved in the delivery of the National School Sport Strategy



¹ See DfES guidance: Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and Other Staff (Ref: DfES/2044/2005, date of issue November 2005). Download this publication from: www.teachernet.co.uk/childprotection

6. Concerns about a child's welfare outside of a National School Sport Strategy environment

Where there are concerns about a child's welfare or if a child discloses that they are suffering abuse or reveals information that gives grounds for concern, it is essential that a referral is made to the organisation's designated person as soon as possible.

If concerns arise in a sports club setting

Report any child protection concerns to the club welfare officer or sports NGB child protection lead officer. Follow the sports NGB's child protection procedures.

If concerns arise in a school setting

Report any child protection concerns to the designated person for the school or the designated LA officer. Follow the school's child protection procedures.

- If there are immediate concerns for the safety or welfare of a child, or if the designated child protection officer for your organisation is not available, the person being told or discovering the abuse should contact their local LA children's social care or the police immediately.
- The statutory agencies and the designated child protection officer will decide how to inform the parents/carers and will advise about any action you should take.
- The referral should be recorded using an agreed incident/referral form. All parties must also use their own organisation's recording processes.
- Copies of the incident/referral form should be given/sent to both the designated child protection lead officer for your organisation and to LA children's social care or the police if a referral has been made to the statutory agencies. Record details of any referral made (date, time, who the referral was made to) and the advice given to you.
- Maintain confidentiality on a need-to-know basis.
- See flowchart on the previous page of this protocol.

The primary guidance about what action an individual should take to safeguard a child about whom there are concerns is contained within *Working Together to Safeguard Children (2006)*¹ and in *What to do if you're worried a child is being abused* (DoH et al, 2003)².

¹ HM Government 2006. Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children. This document can be downloaded from: www.everychildmatters.gov.uk/files

² This document can be downloaded from: [www.doh.gov.uk/safeguarding children/index.htm](http://www.doh.gov.uk/safeguarding%20children/index.htm)

7. Flowchart for concerns about a child’s welfare outside of a National School Sport Strategy environment

