

Safe Recruitment Policy

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MOTORSPORT UK ASSOCIATION LIMITED

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1. Introduction

This document sets out Motorsport UK's responsibility to ensure that only suitable people are employed to work in roles where they are likely to have significant contact with children, young people and adults at risk. The aim of this document is to ensure that Motorsport UK meets their duties as set out in legislation and statutory guidance that exists to promote and protect the welfare of children and adults at risk.

Motorsport UK are committed to safe and fair recruitment processes. This policy seeks to strike the right balance to both protect those at risk while also ensuring that we do not discriminate or inappropriately prejudice people with previous convictions.

This guidance applies equally to staff and volunteers and covers people working/volunteering in England, Wales, Scotland, Northern Ireland, The Channel Islands and the Isle of Man. The term suitability check will be used to refer to the checks carried out for people working in all nations (for example by the Disclosure and Barring Service, Disclosure Scotland and Access NI).

The purpose of this document is to provide information on:

1. What Motorsport UK means by Safe Recruitment,
2. The roles and responsibilities of all people involved in motorsport in ensuring that safer recruitment standards are followed,
3. Motorsport UK's position on the use of suitability checks,
4. How a suitability check will be completed,
5. Why it is important to conduct thorough and individual risk assessments,
6. How Motorsport UK meets its obligations under the Rehabilitation of Offenders Act,
7. The storage and retention of personal data.

This guidance has been approved by the Motorsport UK Board of Directors and is applicable to all Motorsport UK staff and volunteers. This guidance will be reviewed annually or in line with government legislation changes.

2. What is Safe Recruitment?

Motorsport UK are committed to providing an environment where children, young people and adults at risk can participate in their sport in a safe, fair, fun and inclusive way.

Almost everyone who works or volunteers in motorsport does so because they have a passion for the sport; they want to support others to share the excitement and develop an interest in their sport.

Motorsport UK have a duty to ensure that when new staff and volunteers are recruited, all reasonable steps are taken to ensure unsuitable people are prevented from working with children and others who are less able to protect themselves from harm. There are a number of ways in which employers and managers can obtain information in order to make safe recruitment decisions. This includes:

- Providing clear job descriptions which describe the responsibilities of the role,
- Requesting identification documents as part of the application process,
- Requesting all staff and volunteers self-declare any unspent convictions or relevant information as part of the application process, (see attached template)
- Undertaking interviews that seek to understand a persons motivation for the role, their alignment to Motorsport UK's standards and policies, and their attitude to working with others,
- Obtaining and checking references,
- Completing suitability checks where the person will be working or volunteering in regulated activity.

The inclusion of these selection and recruitment processes are an essential part of protecting our environment and deterring people who might seek to harm children or adults at risk from applying for roles in the motorsport environment.

3. Roles and Responsibilities in Safe Recruitment

Everyone has a responsibility for keeping children, young people and adults at risk, safe from harm.

Motorsport UK are committed to safe and fair recruitment processes. As part of the recruitment process *for staff* the following actions are completed:

- All roles have a clear job description that outlines the responsibilities of the post.
- Adverts and job descriptions for any role that meets the definition of regulated will clearly state the requirement for an enhanced level of suitability check.
- Application forms require the applicant to sign a declaration confirming they have no previous convictions, warnings or relevant information which would prevent them from undertaking the role.
- References are sought and received prior to a person starting in post.
- All new job descriptions are reviewed to assess whether they meet the definition of regulated activity.
- Any role that meets the definition of regulated activity will have a suitability check completed prior to the person beginning in role.
- Where appropriate to the role, interviews will include a question on safeguarding children.

Motorsport UK Safeguarding team are responsible for overseeing the administration of suitability checks, this includes:

- Reviewing staff and volunteer roles across the sport to identify which roles meet the definition of regulated activity.
- Liaising with the membership team to ensure that only those people who are suitable to work in regulated activity, acquire their licence.
- Liaising with the recruitment team to administer checks for new staff members joining the organisation.
- Carrying out risk assessments to support clubs to manage their responsibilities under the Rehabilitation of Offenders Act.
- Referring an individual to the relevant Barring Service (DBS, Disclosure Scotland or AccessNI) when it is believed a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

Motorsport UK affiliated clubs will meet their responsibilities for keeping children and adults at risk safe by:

- Ensuring that all club members, staff and volunteers whose roles meet the definition of regulated activity have a suitability check in place.
- Reporting to Motorsport UK any person who avoids or refuses to complete a suitability check.
- Preventing anyone who has been Barred from working in regulated activity or who has had their Motorsport UK licence removed, from being involved in motorsport.

Club Safeguarding Officers have a key role in supporting their clubs by:

- Maintaining oversight of the suspensions register and implementing any associated actions.
- Supporting people in their club who are in regulated activity to obtain a suitability check as required.
- Where appropriate, requesting club members and officials who are not in regulated activity to complete a self-declaration of their offending history.
- Reporting to Motorsport UK Safeguarding Team when they believe a person has caused harm or poses a risk of harm to at-risk groups, including children.

Entrant Licence Holders are responsible for the safety and welfare of their team members by:

- Ensuring that all team members (including permanent, part-time, contractors and self-employed) who are in regulated activity have a suitability check completed.
- Providing team members (including permanent, part-time, contractors and self-employed) with information on how they can share any concerns about behaviours that are considered to be of concern.

4. What are Suitability Checks?

A suitability check helps an employer to determine whether a person is suitable to work with children and/or adults at risk by providing information about any previous convictions, cautions and in some cases, intelligence, that is held about a person. Criminal record checks will form part of Motorsport UK's safe recruitment practice where the posts or roles under consideration meet the relevant eligibility criteria.

The Rehabilitation of Offenders Act 1974 (England, Wales and Scotland), Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979, and Rehabilitation of Offenders (Scotland) Amendment Order 2010 enable criminal convictions to become "spent" or ignored after a "rehabilitation period". After this period, with certain exceptions, an ex-offender is not normally obliged to mention their convictions when applying for a job, obtaining insurance or when involved in criminal or civil proceedings. However, there are exemptions to this when a job (paid or voluntary) involves significant contact with children and adults at risk. In these cases Motorsport UK will request a suitability check to seek disclosure of relevant conviction information, regardless of whether convictions are spent or not.

It must be remembered that a suitability check only discloses what is known and (for some levels of checks) what is deemed relevant to share. For this reason, a suitability check should not be relied on as the only method of deciding if a person is suitable to undertake a role.

The term suitability check includes checks carried out by:

- the Disclosure and Barring Service (DBS) In England and Wales,
- AccessNI in Northern Ireland,
- Disclosure Scotland in delivering the Protecting Vulnerable Groups (PVG) Scheme.

4.1. Eligibility for Suitability Checks

Access to checks at an Enhanced, and Enhanced with Barred List(s) are only available to employers who are entitled by law to ask an individual to reveal their full criminal history, including spent convictions.

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old in all devolved administrations.

Knowingly requesting a higher-level check than the legislation allows is unlawful and could be a breach of the Data Protection Act 2018 and other relevant legislation.

4.2. Motorsport UK's Position on the Use of Suitability Checks

Motorsport UK requires anyone who works or volunteers in regulated activity to complete an enhanced level check with barred list check (child or adult). Regulated activity is work that a barred person must not do. Certain roles in motorsport are classed as regulated activity and

require a check of the information held on the Children's and Adults' Barred Lists (a detailed list of all roles and the level of check required is included at appendix 1).

Not all roles will be classed as regulated activity depending on the frequency of work with children or adults at risk. A suitability check may still be required at a lower level however. Decisions will be made in accordance with Government eligibility criteria as detailed in the table below.

Activity (paid or unpaid)	Frequency	Level of check Required
1. Providing physical help or personal care	<ul style="list-style-type: none"> Just once 	Enhanced with Barred list check
2. Teaching, training or instruction of children 3. Care or supervision of children 4. Providing advice or guidance relating to physical, emotional or educational wellbeing 5. All forms of healthcare 6. Driving a vehicle for children	<ul style="list-style-type: none"> 3 or more days in a 30 day period OR <ul style="list-style-type: none"> Overnight between 2am -6am 	Enhanced with Barred list check
7. Teaching, training or instruction of children 8. Care or supervision of children 9. Providing advice or guidance relating to physical, emotional or educational wellbeing 10. Driving a vehicle for children	<ul style="list-style-type: none"> Less than 3 days in 30 	Enhanced
11. Management or supervision of a person providing the activities listed at points 1-6		Enhanced with Barred list check
12. Teaching, training or instruction of children aged 16 and 17 who are in paid or unpaid position, e.g. Cadet Marshal or work experience student		No check needed

Anyone working or volunteering in England, Wales, Northern Ireland, the Channel Islands or the Isle of Man will be asked to complete a check through the Disclosure and Barring Service (DBS) using Motorsport UK's provider First Advantage.

Anyone working or volunteering in Scotland will be asked to complete a Protecting Vulnerable Groups (PVG) check through Disclosure Scotland.

Motorsport UK staff and volunteers working in England, Wales, Northern Ireland, the Channel Islands and the Isle of Man will be asked to complete a DBS check every three years. This is to ensure there is an ongoing overview of a persons suitability. The PVG scheme in Scotland operates slightly differently and does not require repeat checks to take place as any changes in a person's offending history are automatically notified.

Motorsport UK cannot accept the results of DBS checks conducted through a different employer. For this reason, it is recommended that applicants sign up to the Update Service, which enables Motorsport UK to access the persons record held by the DBS. PVG runs an updates service for all applicants as standard.

Although Motorsport UK may coordinate and arrange for suitability checks to be completed, they are not responsible for covering the costs for all checks. Motorsport UK will pay the associated costs for volunteers to have their checks completed. Anyone who is paid for undertaking their role in Motorsport (i.e. Mechanic or Team Manager) will be required to cover the costs themselves. If you have any questions about the requirement to pay for your suitability check please contact the Motorsport UK safeguarding team prior to applying for your check.

4.3. Process for Acquiring a Suitability Check

Any person working in regulated activity (see list of roles listed in appendix 1) will be requested to obtain a suitability check as part of their licence application. An applicant will be sent a link to complete their check through Motorsport UK's providers.

As part of the check process, an applicant will be required to verify their identity.

4.3.1. For people living and working in England, Wales, Northern Ireland, the Channel Islands and the Isle of Man, Motorsport UK use First Advantage to administer Disclosure and Barring Service checks.

To obtain a check by the Disclosure & Barring Service:

- Applicant emails vetting@motorsportuk.org providing their name, email address, role and their Motorsport UK licence number (if applicable).
- The information is submitted to First Advantage who will email the applicant directly with an account activation link.
- Once the account is activated the applicant completes the online application form which includes providing the details of three forms of identification.
- The applicant is provided with a barcode which they must take to a Crown Post Office with their selected forms of identification for these to be verified.
- Applicants living in the Isle of Man or the Channel Islands without access to a Crown Post Offices can contact Motorsport UK via vetting@motorsportuk.org for verification of your identification documents via video call by a member of the Motorsport UK safeguarding team.
- Once identification documents have been verified, the check can be completed within one month, however on occasion this can take up to 6 months and Motorsport UK has no power to escalate DBS applications that are delayed.

4.3.2. For people living and working in Scotland a check is required under the Protection of Vulnerable Groups (PVG) Scheme, these are facilitated through Volunteer Scotland and Disclosure Scotland.

To obtain a check by Disclosure Scotland:

- Applicant emails vetting@motorsportuk.org providing their name, email address, role and their Motorsport UK licence number (if applicable).
- Applicant will be asked to arrange a video call with a member of the Motorsport UK Safeguarding team to verify two forms of ID this includes both photographic ID and a proof of address.
- The information is then submitted to Volunteer Scotland who will email the applicant within 3-5 working days to progress the application.

Once a suitability check has been requested, if a person refuses or avoids completion of the check, after a six month period has elapsed they will be contacted by the Motorsport UK Regulatory Counsel and Disciplinary Officer who may decide to revoke the persons licence. In these cases the person may be placed on the suspensions register.

4.4. Results of Suitability Checks

Once the suitability check has been completed, a certificate will be issued directly to the applicant. The Motorsport UK safeguarding team will be notified that the check is complete and whether the certificate is clear or whether it contains information about previous convictions.

In cases where the certificate is “clear” or not containing any previous convictions, the Motorsport UK safeguarding team are not required to see a copy of the full certificate.

In cases where the certificate contains previous convictions, the safeguarding team are not provided with any details in relation to these convictions. In these cases, the Safeguarding Case Manager will contact the applicant and request for them to share the content of the certificate with them – it is the applicants decision whether they share the details of this.

If the applicant is a licence holder and chooses not to share the content, it is likely that their licence will be withdrawn as it is not possible for a risk assessment to take place. The Motorsport UK Regulatory Counsel and Disciplinary Officer will be updated and the person will be placed on the suspensions register.

If the applicant is a staff member and they choose not to share the content of the certificate, any contract of employment or job offer will be withdrawn.

4.5. Requirement for a Risk Assessment

If the applicant agrees to share the content of the certificate, the Safeguarding Case Manager will conduct an initial assessment to review the risks. At this stage it may be concluded that there is no ongoing risk and the licence/contract is issued as usual. In some cases, depending on the content shared on the certificate, the Safeguarding Case Manager may need to conduct a more thorough risk assessment with the applicant. The aim of this assessment is to review:

- The nature and seriousness of the offence/s,
- The relevance of the offending to the role,
- The date of the offence and the time since the offence occurred,
- Whether the conviction is spent or there is any ongoing supervision order in place.

This assessment may involve discussions with statutory agencies in order to obtain relevant and up-to-date information.

Following completion of this risk assessment with licence holders, the case will be anonymised and referred to the Motorsport UK independent suitability check panel for their decision. The Motorsport UK independent suitability check panel is made up of Club Safeguarding Officers from different disciplines and regions. The panel members are provided with an anonymised copy of the risk assessment and asked to use their expertise to consider how the person can be managed or supported to continue in their role.

Following discussion by the panel, possible outcomes include:

- It is decided that there is no transferable risk and the person continues in their role.
- It is proposed that the information is shared with the persons line manager for supervision to be put in place. This will be at the agreement of the applicant.
- It is decided that the risks posed by the applicant cannot be safely managed and a recommendation will be made to the Motorsport UK Regulatory Counsel and Disciplinary Officer to suspend the persons licence for a specified period of time.

If the certificate shows that the person is barred from working with children, they will not be subject to a risk assessment – it is an offence to knowingly employ someone in a regulated activity with a group from which they are barred from working. A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working. If a Barred person is found to be working in Regulated Activity, a referral will be made to the appropriate agencies.

Following the completion of a risk assessment with any member of staff or job applicant, a decision will be made by the Safeguarding Case Manager with conjunction with the Head of People.

5. Duty to Refer

Motorsport UK has a legal duty to refer an individual to Barring Services when a decision is reached that a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

Motorsport UK will make a referral on occasions when:

- Permission for a person to engage in regulated activity with children and/or adults is withdrawn, OR
- A person is moved to another area of work that isn't regulated activity, including where a person is re-deployed, resigns, retires, or leaves their role,

AND the person has carried out one of the following:

- Engaged in harmful conduct in relation to children or adults at risk.
- Acted or neglected to act which has led to harm of a child or adult or put them at risk or harm.
- Poses a risk of harm to a child.
- Has been cautioned or convicted of a relevant offence.

6. Recruitment of Ex-offenders

Due to the nature of the work of some staff and volunteers, Motorsport UK is permitted to ask exempted questions to assess a person's suitability to work in positions of trust with children, young people and adults at risk. This provides Motorsport UK with information on both spent and unspent convictions, which is allowed under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. In receiving this information Motorsport UK complies fully with Disclosure Services codes of practice and the Rehabilitation of Offenders Act.

Furthermore, Motorsport UK commits to:

- The fair treatment of its staff, potential staff, volunteers and potential volunteers and all members of our communities.
- Treat all applicants for positions fairly.
- Not discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Only ask an individual to provide details of convictions and cautions that Motorsport UK are legally entitled to know about.
- Only ask an individual about convictions and cautions that are not protected
- Make information on Safe Recruitment and the Suitability Check process available to all applicants at the start of the recruitment process

- Actively promote equality of opportunity for all with the right mix of talent, skills and potential.
- Welcoming applications from a wide range of candidates, including those with criminal records.
- Select all candidates for interview based on their skills, qualifications and experience.
- Review all roles to ensure that suitability checks are only carried out after an assessment has indicated that one is both proportionate and relevant to the position concerned.
- Ensuring that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- Providing opportunities for an open and measured discussion to take place on the subject of any offences or other matter that might be relevant to the position.
- Sharing information on the existence of the codes of practice.
- Discuss any matter revealed on a suitability check certificate with the individual seeking the position before withdrawing a conditional offer of employment.

7. Compliance with the Disclosure Services Code of Practice

As an organisation that has access to disclosure information, Motorsport UK abides by the codes of practice issued by Disclosure Scotland and the Disclosure and Barring Service for England and Wales.

These codes exist to reassure people about their information and ensures information is:

- Requested, obtained and used properly and lawfully
- Stored and disposed of appropriately

Motorsport UK also complies fully with its obligations under data protection requirements and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information

7.1. Storage of information

Certificate information is kept 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.

Motorsport UK will not retain information for longer than it is relevant or keep it for the purposes other than for which it was obtained.

7.2. Handling of information

In accordance with the Police Act 1997 (England) and (Scotland), certificate 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 certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

7.3. Usage of information

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. Information is not stored unnecessarily and used again for unrelated purposes.

7.4. Retention of information

Once a recruitment (or other relevant) decision has been made, Motorsport UK do not keep certificate information for any longer than is necessary. The period of retention allows for the consideration and resolution of any disputes or complaints, and for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

7.5. Disposal of information

Once the retention period has elapsed, Motorsport UK will ensure that any certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). Motorsport UK may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Appendix 1 – Roles in Regulated Activity

The below list includes roles which are considered to meet the definition of regulated activity and are therefore required to have an Enhanced level of suitability check. This list is not exhaustive, if your role is not listed but you believe your role meets the criteria, please contact the Motorsport UK Safeguarding Team.

Role	Audience	Level of Check	Payee
Club Safeguarding Officer	Adults and Children	Enhanced with Barred	Motorsport UK
Coach	Children	Enhanced with Barred	Individual
Co-driver	Children	Enhanced	Individual
Instructor / Trainer	Children	Enhanced with Barred	Individual
Medical / Rescue	Children	Enhanced with Barred	Motorsport UK
Volunteer official - Frequent	Children	Enhanced with Barred	Motorsport UK
Volunteer official - Infrequent	Children	Enhanced	Motorsport UK
Team Personnel	Children	Enhanced with Barred	Individual
Mechanic	Children	Enhanced with Barred	Individual
Marshal with supervisory responsibility	Children	Enhanced with Barred	Motorsport UK

Motorsport UK will pay for checks for people who undertake their role in a voluntary capacity. In cases where the person is paid to complete their role, they will be expected to pay for the check themselves.

Motorsport UK understand that all roles will not fit completely within the above structure, please make any queries to Motorsport UK safeguarding team via vetting@motorsportuk.org

Appendix 2 - Template for Self-Disclosure, to be used where the person is not in regulated activity and/or a suitability check is not proportionate.

Self-declaration and disclosure form

for non-regulated activity roles that involve infrequent contact with children
(under 18 years old)

Private and confidential

All information will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. Subject to any applicable exceptions under it you have a right of access to information held on you under the Data Protection Act 2018.

Employee or volunteer information				
Name				
Address				
Contact number(s)				
Motorsport UK licence number				
Role held				
Date of birth				
Gender ⁱ	Female <input type="checkbox"/>	Male <input type="checkbox"/>	Non-binary <input type="checkbox"/>	Another description (please state) <input type="checkbox"/>

DISCLOSURE OBLIGATIONS

Any disclosure provided below will be reviewed in the context of the role description, the nature of the offence and the responsibility for the involvement with others in the sport.

Having unspent convictions will not necessarily mean that you cannot work/volunteer with us.

The information provided may be assessed alongside normal selection criteria to determine suitability for the role. A separate arrangement will be made with you if clarification is required to discuss your disclosure before a final decision is reached.

Declaration of individual		
1. Do you have any unspent convictions or conditional cautions?	No <input type="checkbox"/>	Yes – please see the 2 options below <input type="checkbox"/>
Please provide details of unspent convictions or conditional cautions, in the space provided:		
2. Have you been formally charged with any other offence in any country which has not yet been disposed of?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>
3. Are you currently subject to any criminal investigations or pending prosecutions by the police in any country which may have a bearing on your suitability for this position?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>
4. Have you ever been known to Children’s Social Care or the police as being a risk or potential risk to children?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>
5. Have you been the subject of any formal action, disciplinary investigation and/or sanction by any organisation due to concerns about your behaviour towards children?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>
6. Have you ever been dismissed for misconduct from any employment, volunteering, or other position previously held by you, in circumstances which may have bearing on your suitability for this position?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>
7. Are you currently subject to any fitness to practice investigations or proceedings by a regulatory, governing, or licensing body in any country, which may have bearing on your suitability for this position?	No <input type="checkbox"/>	Yes – please provide further information <input type="checkbox"/>

Confirmation of declaration

Please tick the boxes below and then sign this form.

☐

I agree that the information provided here may be processed by Motorsport UK in connection with volunteer recruitment purposes and I understand that an offer of a volunteer role may be withdrawn or removal of accreditation may result if information is not disclosed by me and subsequently comes to Motorsport UK attention.

☐

In accordance with the Motorsport UK procedures, if required by Motorsport UK I agree to provide a valid Suitability Check¹ and consent to Motorsport UK clarifying any information provided on the disclosure with the agencies providing it.

☐

I agree to inform Motorsport UK 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 declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role by Motorsport UK but that all accreditation is in the discretion of Motorsport UK.

Signature

x

Print name

Today's date

¹ DBS, PVG or Access NI depending on the country you work in.