

June 2016

Data Protection – Fair Processing Notice

The following is a note from Children First

“INFORMATION SHARING - THE RELATIONSHIP BETWEEN CLUBS AND SGBs”

Since the earliest days of Child Protection policies and procedures being introduced to and implemented by Governing Bodies of Sport and their affiliated clubs there has been a level of uncertainty, confusion and anxiety around the handling and sharing of Disclosure information. The uncertainty centered on the fact that it is illegal to share Disclosure information with a third party, and the need for confidentiality to be respected and protected, yet CPOs in both SGBs and clubs needed support.

We are now in a position to address this circumstance in a way which will make the recruitment, selection and Disclosure checking process clearer, more effective and fairer to everyone involved. It will also help ensure more thorough and objective management of any complaints and/or concerns of a child wellbeing/protection nature which might arise. This will include the referral to Ministers procedure where the criteria are met.

Safeguarding in Sport acknowledges the support, co-operation and expertise of Volunteer Scotland Disclosure Services, (formerly CRBS) and the Information Commissioner’s Office in reaching this point.

The solution is straightforward and lies within the Data Protection Policy processes of each SGB and each Club.

Our focus has been on Information sharing as it relates to individuals in regulated work roles. However, by adding an appropriately worded FAIR PROCESSING NOTICE within the Data Protection policy statement of the organisation, every person who is/becomes a member and/or employee (paid or unpaid) of that organisation could, if the criteria are met, have their information shared between the recognised persons in the designated organisations.

It will be everyone’s responsibility to ensure that the FPN process operates within the letter and spirit of the Law, but it does mean that designated and trained persons will, when the criteria are met, be able to discuss cases and circumstances directly which will assist towards fairer and more objective decisions being taken.

FAIR PROCESSING NOTICE RE CHILD WELLBEING/PROTECTION

“The Data Protection Act 1998 requires that you are informed about how your personal information will be used. For the purposes of child wellbeing/child protection matters, the club may share information about you with the sport’s Governing Body in Scotland and/or National (UK) Governing Body where it has been alerted to circumstances that might affect your status as a member of the PVG scheme for regulated work with children and/or protected adults or your suitability to carry out the regulated work role for which you have applied/been appointed or already doing. In the event such sharing is deemed necessary, it will normally only be carried out between the registered Child Protection Officers in the Club and Governing Body.”

This FPN format is focused on those in the PVG scheme. It may be possible to adapt the wording to cover all members/employees to ensure that child wellbeing and child protection policies and procedures apply to everyone within the organisation.

Points to note:

- It remains an offence to share disclosure information with a third party or for purposes for which it is not intended.
- Confidentiality remains something which must be respected and protected.
- The Disclosure Scotland/VSDS Code of Practice re the holding and storing of Disclosure Information remains in place.
- The efficacy of the FPN is more straightforward by the current favoured model :
 - The SGB being registered with VSDS as an Intermediary Organisation working on behalf of its clubs.
 - A formal relationship between the SGB and its clubs as Secondary organisations, i.e. the SGB and VSDS/Disclosure Scotland will have a full list of the named contacts in each club who are trained to receive Disclosure information.
 - those in CPO (or equivalent) positions being appropriately trained
 - VSDS Signatory training
 - Safeguarding and Protecting Children
 - In Safe Hands (+ In Safe Hands 2)

Other aspects to consider:

- Clearly there needs to be a starting point for such a change, and different sports may need to handle it differently.
- In the early stages, i.e. once approved by the SGB board, the relevant FPN could be introduced into the recruitment process for any prospective regulated work role.
- There is a need to consider retrospectively introducing the full workforce into the FPN process. This could be achieved 'en mass' if the FPN is approved by the sport through due process e.g. at an AGM. Please note that the FPN is not a permission process requiring individual acceptance. It is a statement of what will happen if certain circumstances arise and criteria are met.
- It is for each sport to put the FPN in place so that it can operate justly and fairly for all.

It is not for Safeguarding in Sport to tell any SGB or Club how it should run its affairs, but the FPN process is strongly recommended as a means of strengthening the Child Wellbeing/Protection procedures already embedded through the Minimum Operating Requirements.

Approved by the SSRL Board 10th June 2014

That the administration incorporate the "FAIR PROCESSING NOTICE RE CHILD WELLBEING/PROTECTION" into SSRL's Data Protection Policy and Recruitment Policies and update files accordingly.