



Appendices

Creating a Safe Environment in Sport
for Children and Young Persons

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Appendix A

Definitions of Terms

Child:

A child is defined as anyone under 16 years of age.

16 to 18 year olds:

Young people aged 16 to 18 years are sometimes classified as children in Scotland. In terms of the Children (Scotland) Act 1995, a 16 to 18 year old will be regarded as a child if they are subject to a supervision requirement through a Children's Hearing.

For the purposes of Part V of the Police Act 1997 a child is defined as anyone under the age of 18 years.

A number of studies suggest that children are at increased risk of abuse. Various factors contribute to this such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse has occurred.

Types of Abuse

It is generally accepted that there are four forms of abuse. However, in some cases negative discrimination and bullying can have severe and adverse effects on a child. Fraserburgh Football Club Limited is committed to protecting children from all forms of abuse.

Recognising child abuse is not easy and it is not a person's responsibility to decide whether or not a child has been abused. It is a person's responsibility to pass on any concerns and for the Police and/or Social Work Department to investigate.

The signs of abuse listed are not definitive or exhaustive. The list is designed to help Fraserburgh Football Club Limited members to be more alert to the signs of possible abuse.

Children may display some of the indicators at some time; the presence of one or more should not be taken as proof that abuse is occurring. Any of these signs or behaviours must be seen in the context of the child's whole situation and in combination with other information related to the child and his/her circumstances. There can also be overlap between different forms of abuse.

Emotional Abuse

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and adverse effects on his/her emotional development. It may involve conveying that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person.

It may feature age or developmentally inappropriate expectations being imposed on children. It may also involve causing a child to frequently feel frightened or in danger, or the corruption or exploitation of a child.



Appendix A (Contd.)

Emotional Abuse in Sport

This may include the persistent failure to show self-respect, build self-esteem and confidence by children that may be caused by:

- Exposure to humiliating or aggressive behaviour or tone.
- Failure to intervene where self-confidence and worth are challenged or undermined.

Signs of possible emotional abuse:

- Low self esteem
- Continual self deprecation
- Sudden speech disorder
- Significant decline in concentration
- Immaturity
- 'Neurotic ' behaviour e.g. rocking
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running away
- Indiscriminate friendliness

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs. It may involve a parent or carer failing to provide adequate food, shelter, warmth, clothing and cleanliness. It may also include leaving a child home alone, exposure in a manner likely to cause unnecessary suffering or injury or the failure to ensure that appropriate medical care or treatment is received.

Neglect in sport

This could include the lack of care, guidance, supervision or protection that may be caused by:

- Exposure to unnecessary cold or heat.
- Exposure to unhygienic conditions, lack of food, water or medical care.
- Non-intervention in bullying or taunting.

Neglect, as well as being the result of a deliberate act, can also be caused through the omission or the failure to act or protect.

Signs of possible neglect:

- Constant hunger
- Poor personal hygiene
- Constant tiredness
- Poor state of clothing



Appendix A (Contd.)

- Frequent lateness or unexplained non-attendance at school
- Untreated medical problems
- Low self esteem
- Poor peer relationships
- Stealing

Physical Abuse

Physical Abuse may involve the actual or attempted physical injury to a child including hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise harming them.

Physical Abuse may also be caused when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after. This situation is described as Munchausen Syndrome by Proxy. A person may do this because they need or enjoy the attention they receive through having a sick child.

Physical abuse may also be a deliberate act, omission or failure to protect.

Physical Abuse in Sport

This may include bodily harm caused by lack of care, attention or knowledge that may be caused by:

- Over training or dangerous training of athletes.
- Over playing an athlete.
- Failure to do a risk assessment of physical limits or pre-existing medical conditions
- Administering, condoning or failure to intervene in drug use.

Signs of possible physical abuse:

Most children will sustain cuts and bruises throughout childhood. These are likely to occur in bony parts of the body like elbows, shins and knees. In most cases injuries or bruising will be genuinely accidental. An important indicator of physical abuse is where bruises or injuries are unexplained or the explanation does not fit the injury or the injury appears on parts of the body where accidental injuries are unlikely e.g. on the cheeks or thighs. The age of the child must also be considered. Signs of possible physical abuse include:

- Unexplained injuries or burns, particularly if they are recurrent, improbable excuses given to explain injuries.
- Refusal to discuss injuries.
- Fear of parents being approached for an explanation.
- Untreated injuries or delays in reporting them.
- Excessive physical punishment to themselves.



Appendix A (Contd.)

- Arms and legs kept covered in hot weather.
- Avoidance of swimming, physical education etc.
- Fear of returning home.
- Aggression towards others.
- Running away.

When considering the possibility of non-accidental injury it is important to remember that injuries may have occurred for other reasons e.g. skin disorders, rare bone diseases.

Sexual Abuse

Sexual abuse involves forcing or enticing a child to take part in sexual activities whether or not they are aware of or consent to what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may include non-contact activities such as forcing children to look at or be involved in the production of pornographic material, to watch sexual activities or encouraging them to behave in sexually inappropriate ways.

Boys and girls can be sexually abused by males and/or females, including persons to whom they are not related and by other young people. This includes people from all walks of life.

Sexual Abuse in Sport

This could include contact and non-contact activities and may be caused by:

- Exposure to sexually explicit inappropriate language, jokes or pornographic material
- Inappropriate touching
- Having any sexual activity or relationship
- Creating opportunities to access children s ' bodies

Not all children are able to tell that they have been sexually assaulted. Changes in their behaviour may be a signal that something has happened. It is important to note that there may be no physical or behavioural signs to suggest that a child has been sexually assaulted.

A child who is distressed may display some of the following physical, behavioural or medical signs that should alert you to a problem. It is the combination and frequency of these that may indicate sexual abuse. Always seek advice.

Signs of possible sexual abuse:

- Behavioural
- Lack of trust in adults or over familiarity with adults
- Fear of a particular adult
- Social isolation -withdrawn or introversion
- Sleep disturbance (nightmares, bed-wetting, fear of sleeping alone, needing a night light)
- Running away from home
- Girls taking over the mothering role
- Sudden school problems e.g. falling standards, truancy
- Reluctance or refusal to participate in physical activity or to change clothes for games



Appendix A (Contd.)

- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's age e.g. French kissing
- Unusual interest in the genitals of adults, children or animals
- Fear of bathrooms, showers, closed doors
- Abnormal sexual drawings
- Fear of medical examinations
- Developmental regression
- Poor peer relationships
- Over sexualised behaviour
- Compulsive masturbation
- Stealing
- Irrational fears
- Psychosomatic factors e.g. recurrent abdominal or headache pain
- Sexual promiscuity
- Eating disorders
- Physical or Medical signs
- Sleeping problems, nightmares, fear of the dark
- Bruises, scratches, bite marks to the thighs or genital areas
- Anxiety, depression
- Eating disorder e.g. anorexia nervosa or bulimia
- Discomfort/difficulty in walking or sitting
- Pregnancy - particularly when reluctant to name the father
- Pain on passing urine, recurring urinary tract problem, vaginal infections or genital damage
- Venereal disease/sexually transmitted diseases
- Soiling or wetting in children who have been trained
- Self-mutilation, suicide attempts
- Itchiness, soreness, discharge, unexplained bleeding from the rectum, vagina or penis
- Stained underwear
- Unusual genital odour



Appendix A (Contd.)

Negative Discrimination (including racism)

Children may experience harassment or negative discrimination because of their race or ethnic origin, socio-economic status, culture, age, disability, gender, sexuality or religious beliefs. Although not in itself a category of abuse, it may be necessary for the purposes of the Child Protection Policy and Procedures, for negative discriminatory behaviour to be categorized as emotional abuse.

Important Note: All organisations working with children including those operating where black and ethnic communities are numerically small, should address institutional racism, defined in the MacPherson Inquiry report on Stephen Lawrence as:

“The collective failure by an organisation to provide appropriate and professional service to people on account of their race, culture and/or religion”.

Bullying

It is important to recognise that in some cases of abuse, it may not always be an adult abusing a young person. It can occur that the abuser may be a young person, for example in the case of bullying. See Appendix K Guidelines for Identifying and Managing Bullying.



Appendix B

Fraserburgh Football Club Limited - Application Form for Positions Involving Contact with Children

You have a right of access to information held on you and other rights under the Data Protection Act 1988. Fraserburgh Football Club Limited is committed to ensuring that all members in positions that require contact with children are suitable to do so. In accordance with Fraserburgh Football Club's Child Protection Policy, all members whose position requires contact with children must complete this application form, prior to appointment.

Personal Details

Title:	
Name:	
Surname:	
All previous names by which you have been known:	
Address:	
Post Code (must be completed):	
Telephone	Day: Evening: Mobile:

Current/Previous Clubs

Club Name	Position/Responsibilities	Start and Leaving Date

Present or Most Recent Employment/Role/Responsibilities

Name of Employer/Managing Organisation:
Job Title:
Dates of Employment (month and year):
Principal Responsibilities:
Reasons for Leaving:



Appendix B (contd.)

Qualifications and Previous Experience of Working with Children

(include name of organisation, responsibilities/duties, length of time involved and reasons for leaving)

--

Referees

Please provide details of 2 referees. At least one should have knowledge of your previous work with children. These individuals may be contacted for the purposes of verifying the information contained in this form.

Name:	Name:
Organisation:	Organisation:
Address:	Address:
Telephone:	Telephone:
Relationship to Applicant:	Relationship to Applicant:

Additional Information

Please provide details of relevant experience, principal achievements, personal skills and qualities, voluntary work and explain how you might use them in this post. (Use a separate sheet if necessary).

I am aware that in accordance with the Data Protection Act 1998, information provided on this application form will be stored for the purposes of processing the data for recruitment and monitoring the recruitment process. If appointed I am aware that this information will be stored for the purposes of enabling relevant organisation procedures.



Appendix B (contd)

I have completed this form accurately and truthfully and to the best of my knowledge.

Signature: _____ Date: _____

Declaration of Youth Protection Co-ordinator

I confirm that I have seen the following identification documents relating to

..... **[insert name of applicant]:**

I confirm to the best of my ability that the identification documents are accurate.

Signed: _____ Name: _____

Date: _____



Appendix C

Fraserburgh Football Club Limited - Reference Form

Fraserburgh Football Club Limited is committed to ensuring that all members in positions that require contact with children are suitable to do so. In accordance with Fraserburgh Football Club Limited's Child Protection Policy, references are sought for all members whose position requires contact with children.

Details of Referee

Name:		
Address:		
		Postcode:
Organisation:		
Telephone: (Home)	(Business)	(Mobile)
E-mail Address:		
Relationship to Applicant:		

..... **[Name of applicant]** has expressed an interest in working with **Fraserburgh Football Club Limited** and has given your name as a referee. This post involves substantial access to children and young people. As an organisation committed to the welfare and protection of children, young people we are anxious to know - **Is there any reason at all to be concerned about this applicant being in contact with children or young people?**

YES/NO Delete as appropriate

If you have answered yes we will contact you in confidence.

All the information on this form will be treated confidentially and in accordance with relevant legislation and guidance.

Information will only be shared with the person conducting the assessment of the applicant's suitability for the position and the immediate supervisor should they be offered a position.

We would appreciate you being extremely candid, open and honest in your evaluation of this person.

How long have you known this person?
In what capacity?
What attributes does this person have that would make them suited to work with children/ young people?



Appendix C (contd)

Please rate this person on the following (please tick one)

	Not Good	Good	Very Good	Excellent
Responsibility				
Maturity				
Self Motivation				
Can motivate others				
Commitment				
Energy				
Trustworthiness				
Reliability				

Please comment on the performance of the individual in the following areas:

Honesty/trustworthiness; Reliability; Relationships and communication with internal and external colleagues; Team working; Sickness absence; Adherence to organisation procedures.

Please describe the person's personality and provide any other relevant details about the person that are relevant to the position they have applied for (please use a separate sheet if required):



Appendix C (contd)

I am aware that the information given will be processed in accordance with the Data Protection Act 1998, for the purposes of recruitment of the named individual.

Signed: _____ Name: _____

Date: _____

Thank you in advance for the information provided and the time spent in compiling the report.

Please return this form in an envelope marked **PRIVATE and CONFIDENTIAL** to:

The Youth Protection Co-ordinator

**GORDON K. CHEGWYN,
Fraserburgh Football Club Ltd.,
83 Broad Street,
Fraserburgh,
AB43 9AX.**



Appendix D

Fraserburgh Football Club - Self-Declaration Form

As required in **Fraserburgh Football Club Limited's** Child Protection Policy and Procedures this form must be completed by all members for positions that require contact with children.

Fraserburgh Football Club Limited is committed to the protection of children involved in sport and has a duty to ensure the suitability of any individual who works with children. To fulfil this responsibility, we ask that you complete this form having read the guidance notes attached.

Note: You are advised, under the provisions of the Rehabilitation of Offenders act 1974 (exceptions) order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions Amendment) Order 1986, to declare all convictions including 'spent' convictions.

Should you be appointed for the position applied you will also be required to provide a Standard/Enhanced disclosure under the terms of the Police Act 1997 (Part V).

- For positions that require a Standard check: if selected for an interview you will be required to disclose all convictions (spent and unspent).
- For positions that require an Enhanced check: if selected for an interview you will be required to disclose all convictions (spent and unspent), cautions, warnings and any other non-conviction relevant information.

Fraserburgh Football Club Limited undertakes to treat all applicants for positions within Fraserburgh Football Club Limited equally and to process and make decisions on disclosed information in a fair manner.

Please complete Sections 1 and 2 fully including all relevant details regarding convictions, investigations (if applicable), social work or social department investigations and disciplinary action.

SECTION 1

PART A

Previous Convictions (to be completed for positions requiring Standard or Enhanced checks)

(continue on a separate form if necessary)

Date:
Court:
Offence(s) originally charged with:
Sentence:
Please give details of the reasons and circumstances that lead to your offence(s):
Please give details of how you completed the sentence imposed (e.g. did you pay your fine as required, what conditions were attached to your probation/community service order, did you comply with the requirements of your order/custodial sentence):

Do you give **Fraserburgh Football Club Limited** permission to contact the above organisations to clarify the information disclosed?

What have you learned from the experience?

PART B

You must complete this section if the position applied for requires an Enhanced check.

Previous Police Investigation

(continue on a separate form if necessary)

Date of investigation:

Police Division involved:
Investigation(s) details:
Please give details of the reasons and circumstances that led to your investigation:
Disposal (if known):

Are you, or have you ever been, known to any Social Work Department/Social Services Department as an actual or potential risk to children:

YES/NO

If yes, please provide details:

PART C

Have you ever had a disciplinary sanction (from a sports or other organisation's governing body) relating to inappropriate behaviour with children/vulnerable adults or child abuse?

YES/NO

If yes, please provide details:

SECTION 2

I hereby declare and represent that, save as disclosed above I have not at any time, whether in the United Kingdom or abroad, been found guilty and sentenced by a court for a criminal offence.

I give my consent to **Fraserburgh Football Club Limited** carrying out a check with Disclosure Scotland (if deemed necessary) and to take up references for the purposes of verifying the replies given in this declaration, including enquiries of any relevant authority.

I **agree** to advise **Fraserburgh Football Club Limited** should I be convicted of an offence after the commencement of my employment with **Fraserburgh Football Club Limited** and that failure to do so may lead to the immediate suspension of my work with children in and the termination of my services and in certain cases, membership.

I **agree** to abide by **Fraserburgh Football Club Limited's** Code of Practice for the Protection of Children.

I **agree** to abide by the conditions above and certify that the information contained in this form is true and correct to the best of my knowledge and I realise that false information or omissions may lead to the immediate suspension of my work with children in **Fraserburgh Football Club Limited** or the termination of my services.

Signed: _____ Date: _____

Note: the information contained in this form will be managed in accordance with the terms of the Data Protection Act 1998



Appendix E

Fraserburgh Football Club Limited - Guidance Notes for Completing Self-Declaration Form

Fraserburgh Football Club Limited is committed to the protection of children involved in sport and has a duty to ensure the suitability of any individual who works with children. The information provided in the Self-Declaration Form, in addition to the other recruitment and selection procedures detailed in Fraserburgh Football Club Limited's Child Protection Policy and Procedures, will enable an informed decision to be made about an individual's suitability to work with children.

Who must complete the Self-Declaration Form?

This form must be completed by all applicants for positions:

- Listed in the Rehabilitation of Offenders Act 1974 (ROA) (Exceptions) Order 1975 i.e. positions by which an employer is entitled to ask an 'exempted question'. These positions include occupations with duties that involve regular contact with children and young people (under the age of 18) and vulnerable adults.
- Which involve regular contact with and caring for, training, supervising or being in sole charge of children or young people.

What happens if I do not wish to complete a Self-Declaration Form?

In accordance with Fraserburgh Football Club Limited's Child Protection Policy and Procedures, all applicants for the above types of post must complete a Self-Declaration Form. Anyone unwilling to do so must not be employed in a position that requires regular or unsupervised contact with children.

Why must I give information about previous convictions?

The law states that for certain types of employment applicants are required to disclose information about their background to help determine whether they are suitable for the post. Jobs that involve working with children, young people and vulnerable adults fall into this category.

What information do I have to put on the Self-Declaration Form?

This depends on the type of post you are applying for. The Job Description (including information on roles and responsibilities) provided with the Application Form tells you what kind of post this is.

If the post involves regular contact with children and young people:

- complete Part A and C only and sign the form at Section 2
- give details of all offences of which you have been convicted by a court both in the UK and abroad regardless of when the conviction(s) occurred (this means you should include both 'spent' and 'unspent' convictions)

If you are applying for a post that requires regularly caring for, training, supervising or being in sole charge of children or young people:

- complete Part A, Part B and Part C and sign the form at Section 2
- give details of all offences of which you have been convicted both in the UK and abroad, regardless of when the conviction(s) occurred
- give details of any cautions, charges or warnings issued by the police (this is called 'non-conviction relevant information')

You must also provide identification so that the personal details you provide can be verified.



Appendix E (contd)

Who gets to read the Self-Declaration Form?

The Self-Declaration Form should be sent to **Fraserburgh Football Club Limited** in a sealed envelope. If you are not chosen for interview, the envelope will be returned to you, unopened, for you to dispose of.

The envelope will be opened if you are being considered for interview. If you are selected for interview and you have recorded previous convictions or other relevant information, you will be given the opportunity to discuss this at the interview.

What happens to the Self-Declaration Form after a decision has been made on my application?

If you are unsuccessful the Self-Declaration Form will be returned to you for you to dispose of.

If you are successful, police checks will then be carried out. The Self-Declaration Form and the Police Checks can be retained until a decision has been made on your application. Usually it will not be held any longer than six months.



Appendix F

Guidance on Disclosure Scotland Checks

Recent changes in the laws have enhanced the ways in which employers and organisations can take steps to ensure that people who work with children and vulnerable adults are suitable for such positions. The following provides answers to commonly-asked questions.

Do I have to employ people with previous convictions?

The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time, a conviction will be regarded as 'spent'. This means that in certain circumstances, a potential employee does not have to declare this conviction. **It is illegal to discriminate against someone on the grounds of a spent conviction.**

Exceptions to this rule

For certain kinds of employment, a prospective employer can ask you to declare all spent and unspent convictions. These are known as 'exempted' and are listed in the Rehabilitation of Offenders Act 1974 (ROA)(Exceptions) Order 1975. This includes nurses, teachers, firearms dealers, solicitors, positions which involve contact with children, the elderly and vulnerable adults.

How can I ask people about their previous convictions?

For positions that involve contact with children and vulnerable adults, applicants should be made aware that such positions are exempted i.e. they will be asked to declare all convictions. As part of your recruitment and selection procedures all members should complete an application form and a self-declaration form. The self-declaration form provides an opportunity to declare convictions and is confidential (see recruitment and selection procedures). The interview process enables you to identify the person you wish to appoint. At this point you should apply for a Disclosure Scotland check. This will verify or otherwise the information contained in the self-declaration form.

How can I get access to criminal records information?

Part V of the Police Act 1997 changed the procedures for checking criminal records. Organisations can apply for criminal records information to Disclosure Scotland. Disclosure Scotland began operating as part of the Scottish Criminal Records Office in Scotland on 29th April 2002.

To access a Disclosure Scotland check, organisations must firstly register with Disclosure Scotland. Each registered body will have to pay a fee of £150 to register with an additional £10 per named person for countersigning applications for a Disclosure Certificate.

Each Disclosure application, at present, costs £13.60. As it is an individual who applies for a check, Disclosure Scotland suggests the applicant should pay this however it is recommended that the organisation considers and makes a decision on who pays for all Disclosure applications.

Unpaid volunteers in the voluntary sector can access free Disclosures through the Central Registered Body for Scotland (CRBS) run by Volunteer Development Scotland.



Appendix F (contd.)

Types of Disclosure Certificates

1 Basic Disclosure

A Basic Disclosure Certificate is issued to the individual applicant only and is available to anyone on the payment of the appropriate fee. This provides information about current (unspent) convictions only. It does not contain any other information contained in criminal records.

2 Standard Disclosure

Standard Disclosures are only available for exempted positions (see above). This includes positions that involve regular contact with children and young people and vulnerable adults.

Standard Disclosures can only be applied for through a Registered Body and the Lead or Counter signatory of the Registered Body must countersign all applications.

A copy of the Standard Disclosure Certificate will be sent to both the applicant and the relevant Registered Body. The Standard Disclosure contains information about spent and unspent convictions.

3 Enhanced Disclosures

Enhanced Disclosures are only available for exempted positions and those that involve a greater degree of contact with children. This includes those who regularly care for, train, supervise, or are left in sole charge of children, young people and vulnerable adults.

Enhanced Disclosures can only be obtained through a Registered Body and the Lead or Counter signatory must sign the application form.

A copy of the Enhanced Disclosure Certificate will be sent to both the applicant and the Registered Body. The Enhanced Disclosure reveals details of all spent and unspent convictions and may also include non-conviction information held locally by the police, where this is considered relevant to the post or voluntary work sought.

How do I know which level of check is required?

Employers and organisations must advise applicants of the level of Disclosure required for the post. Details of the post must be provided in the Disclosure Scotland application form.

Is more than one Disclosure required?

For people who work in more than one different area e.g. Club and Local Authority, it is possible that more than one check will be required. At present there is no guidance or rule about this and each employer must decide whether another check is necessary. A Certificate issued for one post may not be appropriate for another. Only applicants have the right to show their Disclosure Certificate to whomever they choose.

What happens to the Disclosure Certificate?

Disclosure Scotland recommends the Disclosure Certificate be destroyed after a decision on recruitment has been reached. They must not be kept any longer than 6 months.

What if the information on the Certificate is incorrect?

Disclosure Scotland has provided an appeals procedure to challenge the accuracy of the information on the Certificate. For further information see www.disclosurescotland.co.uk and www.vds.org.uk



Appendix G

Fraserburgh Football Club - Medical Consent Form

Consent To Medical Treatment

The following information and consent is requested to ensure the health and well being of all children participating in **Fraserburgh Football Club Limited** activities. The information contained in this form is confidential and will only be used to safeguard and promote the child's health and well being should the need arise.

Name of Child: _____

Date of Birth: _____

Name of General Practitioner: _____

Address: _____

Telephone: _____

Please provide details of any pre-existing medical conditions that may affect the child's participation in the activity/event/programme:

Details of any medication or treatment required: _____

Details of any existing injuries (include when injury occurred and the treatment received): _____

Details of any allergies, including allergies to medication: _____

Child (optional)

I, [insert name], consent to receiving medical treatment, including anaesthetic, which the medical authorities present consider necessary.

Signature: _____

Print Name: _____

Date: _____



Appendix G (Contd.)

Parent/Guardian/Legal Carer

I,[insert name of parent/guardian/carer] consent to[insert name of child] receiving medical treatment, including anaesthetic, which the medical authorities present consider necessary.

I undertake to inform **Fraserburgh Football Club Limited** should any of the information contained in this form change.

Signature: _____

Print Name: _____

Relationship to child : _____

Date: _____



Appendix H

The Law and Medical Consent: Children and Vulnerable Adults

In some cases it may be necessary to obtain consent for medical examination, treatment or procedure to a child, e.g., where an injury has occurred in the course of training or competition or where it is alleged that the child has been abused.

The purpose of this guidance is to provide an overview of the law in Scotland in relation to medical consent and to advise **Fraserburgh Football Club Limited** members on the best practice that must be followed.

Children - who can give consent?

The child

The Age of Legal Capacity (Scotland) Act 1991 allows children under the age of 16 to give their own consent in certain circumstances. Section 2(4) states:

“A person under the age of 16 shall have legal capacity to consent on his/her own behalf to any surgical, medical or dental procedure or treatment where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment ”

The decision about competence is entirely one for the doctor or other medical practitioner to make. **This means where a child is assessed as being capable of providing consent, the consent of a parent/guardian is not required.**

The Scottish Executive recommend that efforts should always be made to discuss with the child informing his/her parents/guardians or carers, except where it is clearly not in the child's best interests to do so. If a child refuses to allow parents/guardians or carers to be informed, then this must be respected.

Consent from the following categories would only be required where the child is assessed as incapable of providing consent.

Person with Parental Responsibilities in relation to the child

A person who has parental responsibility of the child would normally be requested to provide consent, as under the Children (Scotland) Act 1995 they have responsibilities that include a duty to safeguard and promote the child's health, development and welfare.

If a child's parents are or have been married to each other, both have parental responsibility and either can give consent. If the parents have not been married to each other, normally only the mother has automatic parental responsibility, including the right to consent. The father will have the right to consent if either:

- He has obtained an order from the court awarding him parental responsibilities.
- He and the child's mother have a registered parental responsibilities agreement.

Where a parent requires to provide consent he or she should, so far as practicable, consider the views of the child.



Appendix H (contd)

Person who has care and control of the child

Section 5 of the Children (Scotland) Act 1995 also allows consent to be given by those who have care or control of a child but who do not have either parental responsibilities or parental rights in respect of the child, e.g., a grandparent who is the child's main carer. These people have a duty to do what is reasonable in all the circumstances to safeguard the child's health, development, and welfare. This includes giving consent to treatment or procedures.

Such consent would not be effective however, where

- The child is capable of consenting
- The person knew that the parent would not consent e.g. a parent who is a Jehovah Witness
- The medical examination was for the purpose of establishing child abuse.

If the child is looked after by the Local Authority, the authority can give consent only if it has obtained a Parental Responsibilities Order from the court or consent is authorised by conditions attached to an order or warrant issued by a Court or Children's Hearing.

Vulnerable Adults - who can give consent?

As with children, where a vulnerable adult is capable of consenting to medical treatment, consent will not be required from any other individual such as parent/guardian or carer. Again, it is for the medical profession to determine whether the vulnerable adult is capable of understanding the proposed treatment and consequences.

There are safeguards where a vulnerable adult may not be capable of consenting to medical treatment. This is dealt with in Part 5 of the Adults with Incapacity (Scotland) Act 2000. A medical practitioner must certify that he is of the opinion that an adult is incapable in relation to a decision about medical treatment. They shall then have the authority to do what is reasonable in the circumstances in relation to the proposed medical treatment to safeguard or promote the physical and/or mental health of the adult.



Appendix I

Notification of Accident

Staff/Student/Visitor

All questions must be answered

(Please delete whichever is inappropriate)

(Complete the appropriate section including C)

To _____ Group _____

From _____ Date _____

A

Complete for Accident to Staff (including temporary or casual staff)

Name of injured person _____

Dept/Division _____

Job Title _____

Date of Accident _____ Time of Accident _____

Date Reported _____ Time Reported _____

Time injured person actually stopped work on day of accident _____

Time should have stopped work on day of accident _____

Time injured person re-commenced work on day of accident _____

B

Complete for Student/Visitor (Delete appropriate)

Name of injured person _____

Home Address _____

Reason for visit to Fraserburgh Football Club _____

Date of Accident _____ Time of Accident _____

Date Reported _____ Time Reported _____



Appendix I (Contd.)

If Yes

What material? _____

Complete for all Accidents (Where not applicable, please indicate)

Was accident caused by faulty plant/equipment?

Yes

No

If Yes

What plant/equipment failed? _____

How plant/equipment failed? _____

Was accident caused by fault of any person?

Yes

No

If Yes

Name, if known _____

Nature of fault _____

What exactly was the injured person doing at the time of the accident? _____

Was he/she authorised or permitted to do this

Yes

No

Was this a written down procedure?

Yes

No

If not, was this custom and practice?

Yes

No

Were general or specific instructions given prior to commencement?

Yes

No

If so, state what instructions and by whom given _____

Complete for all Accidents (Where not applicable, please indicate)

Was protective clothing or equipment necessary for the activity being undertaken at the time of the accident?

Yes

No

If Yes

Give description of such protection _____

Was it provided?

Yes

No

When? _____



Appendix I (Contd.)

Was it being used at the time of the accident? Yes No

If no, why? _____

Has the accident been entered in the Departmental Accident Book? Yes No

Did injured person report to First Aid Post/Surgery? Yes No

If Yes _____

At what time _____

Accompanied by anyone? Yes No

If Yes, who?

State name(s) of witness(s) _____

Have You

Obtained a statement from each witness? Yes No

If Yes, please attach

Drawn a sketch or taken a photograph showing location and people? Yes No

Kept the offending tool/implement? Yes No

If Yes, what has been kept and where? _____

Signatures

Date.....

Person Completing Form _____

Director/Principal _____

Please do not delay completing and sending this form and follow up with photographs, sketches and statements as necessary.



Appendix J

Fraserburgh Football Club Limited - Notification of Incident Form

This form must be completed where someone associated with Fraserburgh Football Club Limited are concerned about an incident involving a child. This form must be completed as soon as possible after the incident that causes concern and must be passed to the Youth Protection Co-ordinator.

Note: Confidentiality must be maintained at all times. Information must only be shared on a need to know basis i.e. only if it will protect the child. Do not discuss this incident with anyone other than those who need to know.

Continue on a separate sheet of paper if required and attach securely to this form.

Details of person making report

Name:
Position:
Contact telephone number:

Details of Child

Name:
Date of Birth:
Address:
Contact telephone number:
Names and address of parents/guardian/carers:

If you are reporting concerns on behalf of someone else, please provide details of that person

Name:
Position:
Address:
Contact telephone number:
Date this person advised you of their concerns/incident:



Appendix J (Contd.)

Details of the incident/concerns

Date of incident/concern arose:
Time
Place
Names and addresses of other people who may have information about the concerns/incident:
Describe in detail what happened:
Describe in detail visible injuries/bruises and concerning behaviour of the child, if any (use diagrams if this helps you to describe):
Was the child asked about the incident: YES/NO If yes, record exactly what the child said in their own words and any questions asked if the situation needed clarified:

Details of action taken

Detail what action, if any, has been taken following receipt of this information:



Appendix J (Contd.)

Other information

Record any other information you have about this matter (it is important that all information is passed on even that which you think is not important or helpful).

Signature: _____

Print name: _____

Date: _____



Appendix K

Child & Vulnerable Adult Protection Good Practice

Guidelines for Identifying and Managing Bullying of Children

In some cases of abuse it may not be an adult abusing a young person. Children and young people may also be responsible for abuse, for example, in the case of bullying. Bullying may be seen as particularly hurtful behaviour usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Bullying can take many forms including:

- Physical e.g. hitting, kicking, theft
- Verbal (including teasing) e.g. racist remarks, spreading rumours, threats or name-calling
- Emotional e.g. isolating a child from the activities or social acceptance of the peer group
- Harassment e.g. using abusive or insulting behaviour in a manner intended to cause alarm or distress.
- Children may be bullied by adults, their peers and in some cases by their families.

Identifying Bullying

Bullying can be difficult to pick up because it often happens away from others and victims do not tend to tell. However you can watch for signs that may indicate the presence of bullying. The following lists common bully victim behaviour.

If a child:

- Hesitates to come to training/programme/session.
- Is often the last one picked for a team or group activity for no apparent reason, or gets picked on when they think your back is turned.
- Is reluctant to go to certain places or work with a certain individual.
- Has clothing or personal possessions go missing or are damaged.
- Has bruising or some other injury.
- Keeps 'losing' their pocket money.
- Is quite nervous, withdraws from everybody else and becomes quiet and shy, especially in the case of those who are normally noisy and loud.
- A usually quiet person becomes suddenly prone to lashing out at people, either physically or verbally.



Appendix K (Contd.)

Action to Help the Victim(s) and Prevent Bullying:

- Take all signs of bullying very seriously.
- Encourage all children to speak and share their concerns. Help the victim(s) to speak out and tell the person in charge or someone in authority. Create an open environment.
- Take all allegations seriously and take action to ensure the victim(s) is safe. Speak with the victim and the bully(ies) separately.
- Reassure the victim(s) that you can be trusted and will help them, although you cannot promise to tell no-one else.
- Keep records of what is said i.e. what happened, by whom and when.
- Report any concerns to the person in charge at the organisation where the bullying is occurring.

Action towards the Bully(ies):

- Talk with the bully(ies), explain the situation and try to get the bully(ies) to understand the consequences of their behaviour.
- Seek an apology from the bully to the victim(s).
- Inform the bully's parents/guardians.
- If appropriate, insist on the return of 'borrowed' items and that the bully(ies) compensate the victim.
- Impose sanctions as necessary.
- Encourage and support the bully(ies) to change behaviour
- Keep a written record of action taken.



Appendix L

Fraserburgh Football Club Limited - Consent Form for the Use of Photographs, Film or Video Recordings of Children

Fraserburgh Football Club Limited is committed to the protection of children involved in sport.

In accordance with our Child Protection Policy and Procedures where possible we will not permit photographs, film, video or other images of children to be taken or used without the consent of the child and their parents/guardians or carers.

Fraserburgh Football Club Limited will take all reasonable measures to ensure these images are used solely for the purposes for which they are intended. If you become aware these images are being used inappropriately you should inform Fraserburgh Football Club Limited's Youth Protection Co-ordinator immediately.

Fraserburgh Football Club Limited reserve the right at all times to prohibit the use of photography, film or video at any activity with which it is associated.

Child

I,, [child] consent to photographing, filming or videoing my involvement in
.....[insert details of event/activity].

Signature _____

Print Name _____

Date _____

Parent/Guardian/Carer

I,, [parent/guardian/carer] consent to **Fraserburgh Football Club Limited** photographing, filming or videoing
..... [insert child's name]'s involvement in[insert details of event/activity details].

Signature _____

Print Name _____

Relationship to child: _____

Date: _____



Appendix M

Fraserburgh Football Club Limited – Application to Photograph, Film or Video a Sporting Event or Activity Involving Children

Fraserburgh Football Club Limited is committed to the protection of children involved in sport.

The purpose of this application form is to ensure that anyone wishing to photograph, film or video a sporting event or activity where children are participating:

- Secures the permission of the Managing Director or Club Secretary or Youth Protection Co-ordinator in advance of the event/activity
- Commits the applicant to comply with Fraserburgh Football Club Limited's guidance on the use of photographic, film, video or other images of children which is contained in Fraserburgh Football Club Limited's Child Protection Policy and Procedures
- Allows children/vulnerable adults and their parents/guardians or carers to provide informed consent (in accordance with the Child Protection Policy and Procedures where possible we will not permit photographs, film, video or other images of children to be taken or used without the consent of the child and their parents/guardians or carers).

This application form must be completed and submitted to the address below no later than 5 days before the event/activity.

Details of applicant

Name: _____

Address: _____

Telephone: _____

If you are applying on behalf of a company or other organisation please provide the following details:

Name of Company/organisation: _____

Contact Name: _____

Address: _____

Telephone: _____

In addition, when requested, please complete answers to the following:

What do you intend to use the photographs, film or video footage for?

Where will the photographs, film or video footage to be published or displayed?



Appendix M (Contd.)

When will this happen?

How will the photograph, film or video be processed?

How will the equipment be used?

Who will have access to the photographs, film or video footage?

Where will the photographs, film or video be stored?

How long will the photograph, film or video be kept?

I have read, understood and agree to comply with Fraserburgh Football Club Limited's guidance for the use of photographs, film video or other images of children/vulnerable adults contained in Fraserburgh Football Club Limited's Child Protection Policy and Procedures.

I agree to comply with any conditions or restrictions on the taking and use of photographs, film or video deemed appropriate by Fraserburgh Football Club Limited.

I understand and accept that any failure to comply with the aforementioned Policy and Procedures may prevent any future permission being granted and that any practices which are considered to place children at risk may be reported to the Police and/or Social Work Department.

I accept that at all times Fraserburgh Football Club Limited reserves the right to prohibit the use of photography, film and/or video at any event or activity with which it is associated.

Signature of Applicant: _____

Print Name: _____

Signature of Company/organisation: _____

Print Name: _____

Position in organisation: _____

Date: _____

This form must be returned with photographic evidence of your identification e.g. copy of driving licence or passport.



Appendix N

Fraserburgh Football Club Limited - Referral Form for Suspicions or Allegations of Abuse of a Child

This form must be completed as soon as possible after receiving information that causes suspicion or an allegation of the abuse of a child. This must be passed to the Youth Protection Co-ordinator and the Social Work Department or the Police as soon as possible after completion. Do not delay by attempting to obtain information to complete all the details.

Note: Confidentiality must be maintained at all times. Information must only be shared on a need to know basis i.e. only if it will protect the child. Do not discuss this incident with anyone other than those who need to know.

Continue on a separate sheet of paper if required and attach securely to this form.

Details of person making report

Name:
Position:
Contact telephone number:

Details of Child

Name:
Date of Birth:
Address:
Contact telephone number:
Names and address of parents/guardian/carers:

Details of person about whom there is concern

Name:
Position:
Date of Birth:
Address:
Relationship to child:



Appendix N (Contd.)

If you are reporting this alleged incident on behalf of someone else, please provide details of that person:

Name:
Position:
Address:
Contact telephone number:
Date this person advised you of alleged incident:
Record here the information you were given from this person about the alleged incident:

Details of the alleged incident

Date of alleged incident:
Time:
Place:
Names and addresses of witnesses:
Describe in detail what happened:



Appendix N (Contd.)

Describe in detail visible injuries/bruises and concerning behaviour of the child, if any (use diagrams if this helps you to describe):

Was the child asked what happened: YES/NO

If yes, record exactly what the child said in their own words and any questions asked if the situation needed clarified:

Details of action taken

Detail what action, if any, has been taken following receipt of this information:

ONLY AFTER SEEKING ADVICE FROM THE POLICE/SOCIAL WORK DEPARTMENT,
were the child's parents/carers contacted?

Details of external agencies contacted

Police

Police station contacted:

Name and contact number:

Advice received:



Appendix N (Contd.)

Social Work Department	Social Work Dept: Name and contact number: Advice received:
Other	Name of organisation: Name and contact number: Advice received:

Other information

Record any other information you have about this matter (it is important that all information is passed on even that which you think is not important or helpful).

Signature: _____

Print name: _____

Date: _____

Where a referral has been made to the Police and Social Work Department a copy of this form must be sent to them as soon as possible.



Appendix O

FRASERBURGH FOOTBALL CLUB LIMITED - THE ROLE OF THE YOUTH PROTECTION CO-ORDINATOR

Characteristics of a Youth Protection Co-ordinator within a football context include:

- **An understanding of, and support for, the introduction and review of a Youth Protection Code of Good Practice**
- **An understanding and appreciation of the need for confidentiality**
- **Experience in liaising with organizations such as Social Work or Police or experience in representing views clearly to others**
- **The ability to follow procedures and to know when to seek advice and not rely solely on own judgement**

The Role of the Youth Protection Co-ordinator:

- **Ensure all persons with young people under the age of 18 years at the Club are fully aware of what is required of them within the protocols of the Code of Good Practice**
- **Conduct the administrative work associated with processing information on new coaches/Club Officials**
- **Liaise closely with Club youth coaches, ensuring that agreed procedures for the prevention of risk are followed**
- **Counsel/advise the Club on matters related to Youth Protection**
- **Intimate opportunities for youth coaches to undertake training**
- **Act as the contact person on matters relating to Youth Protection at the Club**

If abuse is disclosed or alleged, the Youth Protection Co-ordinator will action process:

- **The Co-ordinator will take details of the allegation/suspicion/concern.**
- **The Co-ordinator will consult with an appropriate Youth or Child Protection professional, i.e., Aberdeenshire Council Social Work Department (Tel. No. 01346 513282) and/or Grampian Police (0845 6005700).**
- **The Co-ordinator will obtain the name of the individual consulted.**
- **The Co-ordinator will follow the advice given by the appropriate agency.**



Appendix O (Contd.)

THE CO-ORDINATOR SHOULD NOTE TO AVOID ANY DOUBT OR UNCERTAINTY. IT IS STRONGLY RECOMMENDED THAT HE/SHE CONTACT THE LOCAL SOCIAL WORK DEPARTMENT TO CONFIRM PROCEDURES AND ALLAY FEARS. IT SHOULD BE REMEMBERED THAT THE TASK OF DECIDING WHETHER OR NOT ABUSE HAS OCCURRED RESTS WITH THE PROFESSIONAL AGENCIES.

FRASERBURGH FOOTBALL CLUB LIMITED'S YOUTH PROTECTION CO-ORDINATOR IS: -

Name: GORDON K. CHEGWYN
Home Address: RATHEN HOUSE, RATHEN, FRASERBURGH, AB43 8UL
Business Address: 83 BROAD STREET, FRASERBURGH, AB43 9AX
Tel. No. (H) 01346 532480 (B) 01346 513338 Mobile 07793455785
E-mail Address: gordon.chegwyn@fraserburghfc.net

FRASERBURGH FOOTBALL CLUB LIMITED'S DESIGNATED INDEPENDENT PERSON REFERRED TO IN GUIDELINE 3 OF THIS CODE IS: -

Name: MRS. LYNN GRAHAM
Home Address: NEWMILL HOUSE, NEWMILL, STRICHEN, AB43 6TH
Tel. No. (H) 01771 637216 (B) 01779 474271
E-mail Address: lynng@masson-glennie.co.uk

OTHER INFORMATION: -

CHILDLINE Children Requiring Counselling, Freepost 1111, London, N.1
Tel. No. 0800 1111
Minicom (2p.m. – 9 p.m. only) 0800 400222



Appendix P

Legal Framework

The Fraserburgh Football Club Limited Child Protection Policy and supporting Procedures are based on the following legislation and guidance:

- Children (Scotland) Act 1995
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975
- Criminal Procedure (Scotland) Act 1995
- Protecting Children 'A Code of Practice for Voluntary Organisations in Scotland Working with Children and Young People', 1995
- Sex Offenders Act 1997
- Sexual Offences (Amendments) Act 2000
- Data Protection Act 1998
- Police Act 1997
- Disclosure Scotland Code of Conduct 'Making Scotland Safer' (2002)
- Disclosure Scotland Code of Conduct 'Protecting the Vulnerable by Safer Recruitment' (2002)
- Protecting Children -A Shared Responsibility: Guidance on inter-agency co-operation, The Scottish Office 1998
- UN Convention of the Rights of the Child 1992



Appendix Q

USEFUL CONTACTS

sportscotland

Rose Challies
Ethics Manager
Caledonia House
South Gyle
Edinburgh EH12 9DQ
Tel: 0131 317 7200
www.sportscotland.org.uk
child.protection@sportscotland.org.uk

CHILDREN 1st

Kathleen McNulty

Child Protection in Sport Development Worker
Learning and Teaching Scotland
74 Victoria Crescent Road
Glasgow G12 9JN
Tel: 0141 339 4005
www.children1st.org.uk
Kathleen.McNulty@children1st.org.uk

Volunteer Development Scotland

Laura Baird
Policy Officer
Stirling Enterprise Park
Stirling FK7 7RP
Tel: 01786 479 593
www.vds.org.uk

Association of Chief Police Officers in Scotland

Iain MacLeod
Detective Chief Superintendent
Tayside Police Headquarters
PO Box 59
West Bell Street
DD1 9JU
Tel: 01382 223 200
www.taysidepolice.police.uk

National Training Organisation for Sport Recreation and

Allied Occupations

Ashley Pringle
Programme Manager
SPRITO Scotland
Division of Media, Language & Leisure Management
Glasgow Caledonian University
Cowcaddens Road,
Glasgow G4 0BA
Tel: 0141-331-8484
www.SPRITO.org.uk

Other Useful Contacts:

ParentLine Scotland

0808 800 2222

NSPCC Child Protection Helpline

0808 800 5000

Childline Scotland

0800 1111

Child Protection in Sport Unit

NSPCC
3 Gilmour Close
Beaumont Leys
Leicester LE4 1EZ
Tel: 0116 234 7278
www.sportsprotects.org.uk

Grampian Police

Headquarters & All Police Stations
Tel: 0845 6005700

Aberdeenshire Council – Social Work Dept.,

Area Main Office: - Seafield House
Castle Street
Banff AB45
Tel: 012612 812001

Area Sub Office: - 14 Saltoun Square
Fraserburgh AB43 9DA
Tel: 01346 513281



Appendix R

POLICY ON THE RECRUITMENT OF EX OFFENDERS

Fraserburgh Football Club Limited ("the Club") undertakes to treat all applicants for volunteer and staff positions within the Club fairly and not to discriminate unfairly against the subject of a disclosure on the basis of a conviction or other information revealed.

The Club will only request a Standard or Enhanced disclosure where it is necessary and relevant to the position sought.

Where a position requires a disclosure the Club will make this clear on the application form, job advert and any other information provided about the post.

At interview the Club will ensure that open and measured discussions can take place on the subject of offences. Failure to reveal information at interview, that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

At interview or when receiving a disclosure which shows a conviction, the Club will take into consideration:-

- Whether the conviction is relevant to the position being offered.
- The seriousness of the offence revealed.
- The length of time since the offence took place.
- Whether the applicant has a pattern of offending behaviour.
- Whether the applicant's circumstances have changed since offending took place.

The Club will ensure that all its staff or volunteers involved in the recruitment process are aware of this policy and have received relevant training and support.

The Club undertake to make a copy of this policy and the Code of Practice, available to any applicant for a post with the Club that requires a disclosure.



Appendix S

POLICY ON THE SECURE HANDLING, USE, STORAGE AND RETENTION OF DISCLOSURE INFORMATION

In accordance with the Scottish Executive Code of Practice, for registered persons and other recipients of Disclosure Information, Fraserburgh Football Club Limited ("the Club") will ensure the following practice:-

- Disclosures will only be requested when necessary and relevant to a particular post and the information provided on a disclosure certificate will only be used for recruitment purposes.
- The Club will ensure that an individual's consent is given before seeking a disclosure, and will seek their consent before using disclosure information for any purpose other than recruitment.
- Disclosure information will only be shared with those authorised to see it in the course of their duties.
- Where additional disclosure information is provided to the Club and not to the disclosure applicant, the Club will not disclose this information to the applicant, but will inform them of the fact that additional information has been provided, should this information affect the recruitment decision.
- Disclosure information will be stored in a locked non-portable container, for a maximum of 6 months. Only those authorised to see this information in the course of their duties will have access to this container.
- Disclosure information will be destroyed by shredding.
- No image or photocopy of the disclosure information will be made, however the following details will be retained:-
 - Date of issue of disclosure
 - Name of subject
 - Disclosure type
 - Position for which disclosure was requested
 - Unique reference number of disclosure
 - Recruitment decision taken.



Appendix S (Contd.)

- The Club will ensure that all staff or volunteers with access to disclosure information are aware of this policy and have received relevant training and support.
- The Club undertake to make a copy of this policy and the Code of Practice available to any applicant for a post with the Club that requires a disclosure