

SAFEGUARDING REGULATIONS

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1. INTRODUCTION AND JURISDICTION

- 1.1 British Cycling is committed to ensuring that all involved in the sport have a safe and positive experience.
- 1.2 British Cycling has jurisdiction to deal with any safeguarding concern or allegation of abuse of a Child or Adult. Any Child or Adult is capable of being at risk of harm.
- 1.3 British Cycling has jurisdiction to deal with any breach of the British Cycling Safeguarding and Protecting Children and Young People Policy, Safeguarding and Protecting Adults Policy and/or any breach of these Regulations in respect of any Participant.
- 1.4 Concerns in relation to safeguarding are not capable of exhaustive definition; they may relate to any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm but may also include poor practice and bullying.
- 1.5 It is a requirement that all clubs and teams affiliated with British Cycling in England and Wales, who have Children as members or users of their services, appoint a Club Welfare Officer and comply with British Cycling Safeguarding and Protecting Children and Young People Policy.
- 1.6 It is a requirement that all affiliated clubs in Scotland, that have either declared members or British Cycling members who are under the age of 18 years, appoint a Wellbeing and Protection Officer.
- 1.7 These Regulations will apply to all Participants in the sport and activity of cycling. They are intended to set out the procedures to be followed by British Cycling and to provide a comprehensive, fair and equitable process for the purposes of:
 - a) responding to any enquiry into any concerns or complaints received regarding safeguarding and/or
 - b) assessing someone's suitability for working with Children and Adults in cycling.
- 1.8 The Case Management Group (CMG) shall have jurisdiction to consider adverse PVG Scheme or DBS disclosures and make recommendations to the Safeguarding Team as to someone's suitability to work or volunteer with Children and Adults in the sport and activity of cycling in England, Scotland and Wales.
- 1.9 The CMG shall have jurisdiction to consider progress on; to advise in relation to; and to make interim sanctions in relation to concerns or complaints regarding safeguarding in the sport and activity of cycling in England, Scotland and Wales.
- 1.10 British Cycling shall have jurisdiction in relation to appeals against the CMG, permanent sanctions and its disciplinary processes.
- 1.11 So far as practicable, confidentiality will be maintained at all times in respect of all those involved in any enquiry or investigation unless there is an over-riding obligation in the interests of the safety or protection of Children or Adults for such information to be shared with other interested parties. Any such information shared shall be distributed on a need-to-know-basis only.
- 1.12 All matters relating to poor practice, emotional, physical, sexual abuse or neglect should be reported to the appropriate Club Welfare Officer/Wellbeing and Protection Officer and, if it has not already happened, as soon as practicable thereafter to the British Cycling Safeguarding Team.
- 1.13 In the exercise of its duty to safeguard Children and Adults at risk of harm, British Cycling will record the details of any individual who is temporarily suspended, permanently disqualified or temporarily or permanently permitted to participate in cycling but subject to restrictions. This record shall include by way of example but not limitation the reasons for suspension, disqualification or restriction, any decision and any supporting evidence. This will be made available to appropriate third parties for the purposes of enforcement and crime prevention at British Cycling's sole discretion.
- 1.14 British Cycling will not be liable to any individual, club, team or organisation for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any action taken under these Regulations.

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2. DEFINITIONS

In these regulations the following words shall have the meanings set out opposite them:-

“Adult”

any person who is not a child;

“Affiliate”

any club or team affiliated to, or formerly affiliated to, British Cycling, and their Members or Volunteers;

“Barred List Check”

an Enhanced Disclosure from the Disclosure and Barring Service (DBS) which shall establish whether a person is barred from working in Regulated Activity with children or adults;

“British Cycling”

the British Cycling Federation;

“Child”

a person under the age of eighteen. Children means more than one child;

“Club Welfare Officer”

the individual designated with safeguarding responsibility within a club or team;

“CMG”

the Case Management Group which shall consist of not less than 2 independent individuals and also at least one representative from British Cycling, Scottish Cycling and Welsh Cycling (Beicio Cymru). The independent members shall be appointed and removed by a majority vote of the Participating Cycling Bodies for an initial three year term following a formal and transparent selection process which will be competence based. Independent members may be reappointed for further terms;

“DBS”

the Disclosure and Barring Service;

“Disciplinary Committee”

the panel constituted in accordance with paragraph 6 below;

“Disciplinary Appeal Committee”

the panel constituted to hear appeals from the Disciplinary Committee in accordance with paragraph 6 below;

“Enhanced Disclosure”

an enhanced check provided by the Disclosure and Barring Service;

“Event”

a single race, match or competition (or a series of races, matches or competitions) organised, licensed, convened, authorised or recognised by British Cycling or any of its Members, affiliate organisations or licensees, wherever held;

“LADO”

the Local Authority Designated Officer, also known as the Designated Officer;

“Safeguarding Manager”

the individual employed by British Cycling, Scottish Cycling and/or Welsh Cycling with primary responsibility for managing safeguarding concerns within their organisation. This role is referred to as the Wellbeing and Protection Officer by Scottish Cycling;

“Member”

an individual (whether they be a rider, coach, Official or otherwise) granted Membership, or formerly granted membership, of British Cycling;

“Membership”

means being a Member of British Cycling, granted in accordance with the bye laws;

“Notice of Appeal”

written notification of any individual wishing to present an appeal in accordance with these Regulations;

“Participant”

any person participating in an Event or other cycling related activity promoted or administered by British Cycling, including but not limited to any Member, Affiliate, Official, parent/carer, attendee at an Event or other British Cycling activity, licensee, Volunteer or contractor from time to time;

“Participation”

being employed or engaged in a paid, voluntary or consultancy capacity by British Cycling, or any Affiliate; or as a Participant in any Event or other cycling related activity;

“Position of Trust”

means any role with a degree of responsibility over property, finances or Participants;

“PVG Scheme”

the Protecting Vulnerable Groups (PVG) Scheme is managed and delivered by Disclosure Scotland. It helps make sure people whose behaviour makes them unsuitable to work with children and/or protected adults, can't carry out Regulated Work with these vulnerable groups;

“Regulated Activity”

work that a barred person must not do as defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

“Regulated Work”

the type of work that the PVG Scheme applies to. The Protection of Vulnerable Groups (Scotland) Act 2007 provides guidance on assessing whether an individual is engaged in Regulated Work;

“Scottish Cycling”

the Scottish Cyclist's Union. The organisation responsible for the administration and control of cycling in Scotland;

“Social Care”

the local authority responsible for the provision of social work, personal care, protection or social support services to children or adults in need or at risk, or adults with needs arising from illness, disability, old age or poverty;

“Volunteer”

any person providing assistance or support to British Cycling from time to time otherwise than as an employee or director and including but not limited to any person providing assistance at an Event;

“Wellbeing and Protection Officer”

the individual designated with safeguarding responsibility within a club in Scotland;

“Welsh Cycling”

the Welsh Cycling Union. The organisation responsible for the administration and control of cycling in Wales.

3. RESPONDING TO ANY ENQUIRY INTO ANY CONCERNS OR COMPLAINTS RECEIVED REGARDING SAFEGUARDING

- 3.1 All safeguarding concerns, allegations or suspicions of abuse, poor practice or bullying must be reported to the British Cycling Safeguarding Team. British Cycling, at its reasonable discretion, may investigate any such concern and complaint in accordance with these Regulations
- 3.2 British Cycling will decide who will carry out or coordinate any investigation. Any investigation will be conducted as promptly as possible and will provide periodic updates to the individual being investigated and any relevant Affiliate or Member during the course of the investigation where appropriate. British Cycling reserves the right to appoint a third party investigator to conduct or assist in the conduct of any investigation.
- 3.3 Where Social Care, the LADO (or equivalent role) or the Police are not already involved, and the concerns or matters raised are deemed to warrant their involvement, the British Cycling Safeguarding Team will notify them of the matters which have been brought to their attention. The Club Welfare Officer/ Wellbeing and Protection Officer should, where appropriate, be immediately informed of any concerns raised.
- 3.4 Where a British Cycling investigation reveals a possible or actual breach of the law then the British Cycling investigation may be suspended and an appropriate referral will be made to the Police and/or Social Care.
- 3.5 In respect of any safeguarding concern, allegation or suspicion of abuse, poor practice or bullying, which is shared with British Cycling, the CMG may impose a temporary suspension upon an individual in respect of whom the concerns have been raised, pending the outcome of further enquiries and/or investigation.
- 3.6 A temporary suspension will be enacted where such a suspension is deemed by the CMG to be appropriate and warranted which shall include without limitation the following reasons:
 - 3.6.1 it is necessary to ensure the welfare and safety of the child/adult involved and/or other children and adults who may have contact with the individual in question;

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- 3.6.2 to protect the individual in question from the risk of further allegations;
- 3.6.3 where there is a risk to the reputation of British Cycling;
- 3.6.4 where there is a risk to any internal investigation or investigation by external organisations.
- 3.7 A decision to suspend will be authorised by any 2 members of the CMG unless British Cycling has received instructions from any statutory agency to suspend the individual, in which case no such authorisation shall be required.
- 3.8 Temporary suspension is to be considered a neutral act and should not be viewed as a sanction or penalty. A decision to suspend under regulation 3.6 is not open to appeal. The CMG will review the relevant suspension at least every two months.
- 3.9 Where a temporary suspension is imposed this may be a suspension from or a restriction on any and all Participation, and which may include but is not limited to coaching, managing teams, racing, riding, acting in a Position Of Trust, undertaking any official position such as board membership or administrative duties, spectating or other activity relating to the sport of cycling where there is likely to be contact with Children or Adults at Risk.
- 3.10 If any individual is temporarily suspended or restricted and during the course of the suspension or restriction British Cycling is informed of any breach or abuse of the suspension or restriction the individual will be issued with a written warning requiring immediate compliance with the terms of their suspension or restriction. Failure to adhere to the terms of the written warning will be considered a potential breach of British Cycling's policies and regulations and may be dealt with as such under British Cycling Disciplinary Regulations.
- 3.11 The investigative process may include any of the following:
- 3.11.1 a requirement on the individual to submit references;
- 3.11.2 a new criminal record check may be required of the individual;
- 3.11.3 a referral to the Police and/or Social Care and or the LADO (or equivalent role) for consideration as to whether a criminal or civil investigation into the matter is necessary;
- 3.11.4 an interview of the person under investigation, any witness, any person making a complaint or allegation, any Child or Adult at risk of harm, and/or anyone else who British Cycling reasonably believes may be able to assist in the investigation; and
- 3.11.5 the production of and consideration of any other evidence from anyone else who British Cycling reasonably believes may be able to assist the investigation.
- 3.12 British Cycling may proceed with its own investigation, concurrently with any criminal or civil investigation where considered appropriate by the CMG.
- 3.13 Save where in British Cycling's reasonable opinion it may prejudice the investigation, British Cycling may notify the individual in writing of the intention to investigate, the nature of the investigation and the reasons for this. The decision whether or not to inform the individual will be made balancing the need to properly investigate the matter and the rights of the individual under natural justice. If a temporary suspension or restriction has been imposed by British Cycling in the interests of safeguarding, the individual and any relevant Affiliate and/or Official will be informed of this. Notification will not be necessary if it is considered that this may prejudice any Police and/or Social Services and/or British Cycling internal investigation or may place any particular Child or Adult at risk of harm.
- 3.14 The individual being investigated shall not approach (whether directly or indirectly), intimidate or influence any witness involved in the investigation. A failure to adhere to this requirement shall be considered a potential breach of British Cycling's policies and regulations and may be dealt with as such under British Cycling's Disciplinary Regulations.
- 3.15 The individual being investigated may be interviewed during the course of the investigation. This may take place more than once where an additional interview is necessary to put further information to the individual concerned that has come to light during the course of the investigation. At their own expense, the individual shall be entitled to have a legal or other representative present during any interviews.
- 3.16 Upon conclusion of the investigation British Cycling will present relevant information gathered to the CMG which will proceed in accordance with paragraph 4 below.

4. THE ROLE AND RESPONSIBILITIES OF THE CMG

- 4.1 A meeting of the CMG will be convened to consider all reported safeguarding concerns, allegations or suspicions of abuse, poor practice or bullying and provide guidance to the British Cycling Safeguarding Team on what action, if any, to take. The CMG will be presented with the information gathered during the investigative process.
- 4.2 An individual under investigation may be provided with a copy of the information gathered during the course of the investigation, be given the opportunity to comment in writing on matters of fact and accuracy, and may be offered an opportunity to make written representations to the CMG within such timescales, as the CMG may deem appropriate in the circumstances, unless to do so, in the reasonable opinion of British Cycling would prejudice the investigation or the welfare and safety of the Child or Adult at risk involved or other Children or Adults who come or may come into contact with the individual under investigation.
- 4.3 The CMG's function is to consider whether an individual poses an actual or potential risk of harm to Children or Adults at risk of harm within the sport of cycling. The CMG shall assess this on the balance of probabilities. The CMG shall recommend appropriate actions in order to manage any such risk where possible.
- 4.4 In its decision-making the CMG may consider (but will not be limited to considering) the following factors:
- 4.4.1 whether any matters revealed during the course of an investigation are relevant to the position or role of the individual in question;
- 4.4.2 the seriousness of the matter raised;
- 4.4.3 the length of time since any matter/incident occurred;
- 4.4.4 whether there is a pattern of behaviour (or pattern of other relevant matters);
- 4.4.5 whether the circumstances have changed following the alleged behaviour and/or other alleged relevant matters and/or
- 4.4.6 the circumstances surrounding the matter/incident and the explanations offered.
- 4.5 After consideration of the information available the CMG may respond by recommending one or more or a combination of the following outcomes:
- 4.5.1 take no further action;
- 4.5.2 commission a more detailed investigation;
- 4.5.3 make a referral to the Police and/or Social Services or the LADO (or equivalent role);
- 4.5.4 make a referral to the Local Education Authority;
- 4.5.5 impose or extend a temporary suspension pending completion of any further investigation referral or risk assessment;
- 4.5.6 provide a written conditional warning outlining the areas of concern or improvements required;
- 4.5.7 require the individual to undergo training;
- 4.5.8 require the individual to be supervised and/or work with a mentor permanently or temporarily, for a specified period;
- 4.5.9 extend the period of any temporary suspension until such time as the individual concerned has complied with any required training, supervision or mentoring;
- 4.5.10 extend the period of any temporary suspension until such time as the individual concerned enters into a managed agreement with British Cycling, an appropriate Affiliate and any appropriate statutory agencies. The managed agreement will include such matters as the CMG shall consider necessary to manage risks identified under Regulation 4.3. For the avoidance of doubt, any suspension under this Regulation 4.5.10 will not be considered a permanent suspension;
- 4.5.11 refer the individual to the British Cycling Disciplinary Officer to follow the British Cycling Disciplinary Regulations;
- 4.5.12 refer to the individual to the DBS and/or
- 4.5.13 reach any other decision that the CMG feels is appropriate having regard to the circumstances of the case.
- 4.6 The final decision on what action will be taken where safeguarding concerns, allegations or suspicions of abuse, poor practice or bullying have been reported to British Cycling will rest with the Safeguarding Manager.

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- 4.7 Where the CMG believe that the Safeguarding Manager has made an unreasonable decision, a nominated CMG member may inform the British Cycling Board of Directors.
- 4.8 Within seven calendar days of the conclusion of the CMG meeting, the Safeguarding Manager decision with supporting reasons will be communicated in writing to the individual and any relevant Affiliate, Official and/or Members. The individual will also be advised of their right to appeal against any decision made and the time limits for doing so.
- 4.9 An individual's failure to comply with the decision made by the Safeguarding Manager shall be considered misconduct under the British Cycling Disciplinary Regulations.
- 4.10 Following consideration by the CMG of the reported safeguarding concern, allegation or suspicion of abuse, poor practice or bullying, the outcome and any decision on further action made by the Safeguarding Manager will be communicated to the appropriate Affiliate, Officials and/or Members for the purposes of enforcement and the safeguarding of Participants.
- 4.11 All Affiliates, Officials and other Members shall comply with the terms of any decision reached. If any Affiliate or Member fails to implement or comply with any of the requirements imposed, then British Cycling reserves the right to take appropriate action.
- 4.12 British Cycling reserves the right to notify those with responsibility for safeguarding in other sporting organisations of any decision made.
- 4.13 British Cycling reserves the right to refer any dispute arising out of or in connection with the British Cycling Safeguarding Children and Young People policy, British Cycling Safeguarding Adults Policy and British Cycling Safeguarding Regulations to Sport Resolutions for final and binding arbitration in accordance with the British Cycling Disciplinary Regulations.

5. CRIMINAL RECORDS CHECKS

- 5.1 It is a requirement that any individual in England and Wales applying to be appointed or appointed to a role involving any Regulated Activity complete a Barred List Check.
- 5.2 It is a requirement that any individual in Scotland applying to be appointed or appointed in Regulated Work become a member of the PVG Scheme.
- 5.3 Where a check carried out in accordance with paragraph 5.1 and/or paragraph 5.2, or a self-disclosure as part of safer recruitment procedures, reveals an adverse disclosure, the matter shall be considered by at least two CMG members who shall take one or more of the following actions:
- 5.3.1 conclude that the adverse disclosure does not present safeguarding concerns and confirm that the individual can be deployed without restriction;
- 5.3.2 request further information, including but not limited to obtaining an explanation for the adverse disclosure and/or references from the individual; and/or 5.3.3 require the individual to commission, at their own expense, a risk assessment prepared by a suitably qualified person (the terms of which, and the suitably qualified person to be agreed with British Cycling).
- 5.4 Upon receipt of any further information sought in accordance with paragraph 5.3.2 and/or paragraph 5.3.3, it shall be considered by at least two members of the CMG who may conclude that the adverse disclosure does not present safeguarding concerns and confirm that the individual can be deployed without restriction.

6. APPEALS, DISCIPLINARY COMMITTEE AND DISCIPLINARY APPEAL COMMITTEE

- 6.1 Any appeal of the decision made by the Safeguarding Manager, following consideration by the CMG of any reported safeguarding concern, allegation or suspicion of abuse, poor practice or bullying, shall be referred to the British Cycling Disciplinary Clerk.
- 6.2 Save where provided otherwise in these Regulations, the powers and procedures of the British Cycling Disciplinary Clerk are set out in the British Cycling Disciplinary Regulations.

- 6.3 Any individual wishing to present an appeal in accordance with these Regulations must submit to British Cycling Safeguarding Manager written notification ("the Notice of Appeal") containing the following information:-
- (a) the name and address of the appellant (and of any representative); and
 - (b) confirmation of the grounds for the appeal being one or more of the following:
 - (i) that the outcome reached following the CMG meeting was based on error of fact or could not have been reasonably reached when faced with the evidence before them;
 - (ii) significant and relevant evidence has become available which was not available prior to the decision being made, had it been available, may have caused a materially different decision to be made;
 - (iii) provisions of these regulations were not adhered to in a material fashion; and/or
 - (iv) the findings of the CMG and Safeguarding Manager were irrational or otherwise exhibited an error of general law.
- 6.4 The Notice of Appeal must be submitted within 14 calendar days of receipt by the individual of notification of any decision made by the Safeguarding Manager.
- 6.5 The Disciplinary Appeal Committee hearing an appeal may uphold the original decision made by the Safeguarding Manager, quash the original decision, refer the matter back to the CMG for further deliberation and decision or substitute its own decision, provided such decision does not go beyond the possible outcomes set out in paragraph 4.5 above, save that the Committee may disqualify the individual from Participation in part or in whole either indefinitely or for a specific period of time.
- 6.6 There shall be no appeal against a decision of the Disciplinary Appeal Committee where such decision is itself an appeal from a decision made by the Safeguarding Manager.
- 6.7 Following recommendation by the CMG, any decision to refer an individual to the Disciplinary Committee under paragraph 4.5 shall be referred to the Disciplinary Officer and the Disciplinary Committee shall be convened and operate as if it were being convened under the British Cycling Regulations, which procedures shall apply where relevant to the extent that they are not in conflict with anything within these Regulations. The standard of proof in all cases shall be the balance of probabilities.
- 6.8 British Cycling will confirm the decision of the Disciplinary Committee or Disciplinary Appeal Committee in writing within 14 calendar days of any hearing. In addition, any decision will be communicated to the appropriate Affiliate and/or Members.
- 6.9 Ordinarily, any costs incurred by the parties will lie where they fall. However, the Appeal Committee will have the discretion to order the Appellant to pay some or all of the costs of holding the hearing (including any travel or accommodation costs incurred by members of the Appeal Committee and or any costs incurred as a result of the Appeal Committee obtaining specialist advice in accordance with the Disciplinary Regulations.)
- 6.10 If a party proceeds with an appeal, notwithstanding that a provision of these Regulations has not been complied with, without promptly stating its objection, that party shall have waived its right to object.
- 6.11 Any appeal following the outcome of a dispute referred to Sport Resolutions under paragraph 4.13 must be submitted within 14 days following receipt of the written grounds of the decision to the Safe Safeguarding Manager at British Cycling. The Safeguarding Manager will refer the appeal to Sport Resolutions to appoint an Appeal Committee of three arbitrators in accordance with the British Cycling Disciplinary Regulations. The decision of the Appeal Committee shall be final and binding on all concerned.