



Policy on Retrospective Disclosures on Adult Volunteers and Discovery of Ex-offenders working within the Sea Cadets

1. The Sea Cadet Corps is fully committed to safeguarding the welfare of all children and young people in its care. It recognises its responsibility to take all reasonable steps to promote safe practice and to protect children from harm, abuse and exploitation.
2. In an effort to ensure the wellbeing and safety of the children (Cadets) in its care volunteers will from time to time, necessitated by legislation or management direction, be required to re-apply for a Disclosure check via the Criminal Records Bureau (CRB), Central Registration Body Scotland (CRBS) or Access Northern Ireland (Access NI). (A member of the organisation who is working as a volunteer in their spare time and is also an employee of the Marine Society and Sea Cadets (MSSC) will be governed by the MSSC Policy on Retrospective Disclosures for Employees).
3. The MSSC complies fully with the Codes of Practice, issued by the CRB and also by Scottish Ministers, by Disclosure Scotland under Part V of the Police Act 1997, in connection with the use of information provided to registered persons and other recipients of information for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.
4. The SCC undertakes to make every subject of a Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.
- 5 The SCC has a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- 6 Sea Cadet Regulation (SCR) 4.25.1 requires that any member of the organisation who is arrested or issued with a warrant for arrest for a criminal offence must report the circumstances in writing at the earliest opportunity to their Commanding Officer who will pass the details in confidence to the lead counter signatory, the Director of Business Management at MSSCHQ.
7. All information disclosed will be treated confidentially and only viewed by those who are in a position to make any relevant decision.
8. Failure to reveal information that is directly relevant to the position currently occupied could lead to termination of the appointment.
9. The SCC will request a volunteer to re-apply for a Disclosure only where this is considered appropriate and relevant to the particular position.
10. Failure or refusal of a volunteer to re-apply for a Disclosure when requested to do so may result in the discontinuation of the volunteer's appointment.
11. The SCC undertakes to give the subject of a Disclosure the opportunity to challenge any matter revealed in the Disclosure with the appropriate body and allow time for the subject of that Disclosure to appeal against any decision by MSSC to discontinue a volunteer's appointment (see paragraphs 12 and 13 below).
12. If a Disclosure is made about a current volunteer within the organisation which appears to be incompatible with the position held by the subject of the Disclosure, the following process will be instigated:

The individual will be contacted and suspended from duty (in writing). Suspension does not necessarily imply that their appointment will be terminated and is considered a neutral act. During a period of suspension the subject of the Disclosure must not have contact with any Sea Cadets or take part in any Sea Cadet activity whatsoever.

b. The individual will be required to respond in writing giving full details of the offence and may be invited for interview. Once this document has been received or an interview conducted an MSSCHQ Child Protection Panel chaired by the lead counter-signatory will be convened to assess the risk to the Cadets posed by the subject of the Disclosure.

c. In Scotland the Child Protection Panel (CPP) shall consist of the Area Officer or his/her deputy, the Business and Management Director and at least one other Scottish Disclosure counter-signatory.

d. The individual will be informed (in writing) of the decision by the chairman of the panel.

e. If the offence has resulted in the subject of the Disclosure's name being added to the list of people disqualified from working with children, the individual will automatically be dismissed from the organisation. In such cases where an individual's name has been added to the list of people disqualified from working with children¹ there will be no right of appeal.

13. Right of appeal - Due to the confidential nature of Disclosure only relevant registered counter-signatories may have sight of the completed Disclosure Certificate. Therefore any individual who wishes to make an appeal against a decision made by the CPP may do so direct to the Captain Sea Cadets (CSC) (other than in cases in Scotland where the persons name has been added to the disqualified from working with children list which is administered by the Scottish Ministers¹) but is responsible for disclosing all relevant information to the Captain including the original Disclosure Certificate. The individual making the appeal does so on the understanding that by entering an appeal they are giving their authority for the CPP to discuss their case with the CSC.

THE CAPTAIN'S DECISION IS FINAL

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY PREVENT YOU FROM WORKING WITH THE SEA CADET CORPS AS A VOLUNTEER. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES.

¹ Any person whose name appears on the 'disqualified from working with children list' (the list) is excluded from the appeals process due to the fact that they are disqualified from working with children by the courts. Moreover by continuing to work in a child care position following an entry onto the list the perpetrator will have committed an offence and may be liable to prosecuted under the Protection of Children (Scotland) Act. In such cases the MSSC will be duty bound to report the matter to the authorities