

Paper on MSA Child Safeguarding Policy

What does it mean for the clubs?

My name is Maureen Horsburgh and I've been asked to write a paper about the MSA's policy on Child Safeguarding.

I've been involved in motor sport since the early 80's, both as a competitor and an organiser. I was an MSA Child Protection Officer and have been a licenced MSA Child Safeguarding Officer (CSO) for 3 years and I deal with this stuff in my day job, which I've been doing for 15 years.

National Guidance (Laming 2003) requires every organisation to adopt and implement a Child Safeguarding Policy, which means that the clubs, being members of the MSA, also have to have a Child Safeguarding Policy.

Also in order to be eligible for sports grants and lottery funding the MSA has to demonstrate that the sport has a policy of child safeguarding procedures and guidelines down to club level.

There will be some of you out there thinking this doesn't apply to us; we don't run events for children. Anyone under 18 is a child in law. A 17 year old with a licence can enter any event. A 14 year old can enter a production car Autotest, and a 12 year can enter a navigational rally. Also, you have no control over the spectators who come to your events and bring children with them. So this does apply to your clubs.

The MSA's intention is that the clubs use the MSA's umbrella policy (based on English law), and adapt it to suit the differences in the law in Scotland. Appendix 1 of the policy lists regional variations, but only gives the names, and does not explain the differences. I would be very wary of adapting the MSA's umbrella policy to comply with the law in Scotland. If there was a child safeguarding issue and it was discovered that the organising club's policy was erroneous, or did not comply with the law, the lawyers would have a field day. It needs an expert in Child Protection Laws to do this.

Having said that, the situation is that clubs must have a Child Safeguarding Policy and include it in their club's constitution.

This is a quote from the [MSA Child Safeguarding Statement](#);

[The MSA has adopted a Child Safeguarding Policy which is mandatory for clubs to comply with and the MSA requires all clubs to produce their own Child Safeguarding Policy and Statement.](#)

What does this mean?

This policy is relevant to all MSA Licence holders, paid or unpaid, volunteers - anybody involved in an MSA authorised event, club meetings and social events, therefore the clubs need to make their members aware of the policy, especially committee members and event organisers.

Having adopted the policy, the clubs are required to appoint a Club CSO. This is a licenced role and can be shared with other clubs. I spoke to Jennifer Carty, who is the MSA's Child Safeguarding Co-ordinator, she couldn't tell me how many clubs could share a CSO or if there was a geographical limit to the sharing. The only definite thing she did say was that the CSO did not have to be present at events, only that the CSO's contact details have to be on display throughout the event. So, as long

as the CSO was contactable by phone that person could theoretically be 'on duty' for several events at the same time!

There is a person specification for this role in the policy document. The person must be of sound character and not have a criminal record. The MSA will carry out a Disclosure and Barring Service (DBS) check - a criminal records check - on the proposed CSO.

In Scotland the law requires anybody working with under-18's to have a Protecting Vulnerable Groups (PVG) certificate. It's the same process to get a DBS and a PVG check but DBS is required in England and PVG in Scotland. I feel that SACC should consider pointing this out to the MSA. I don't know where Scottish clubs would stand legally if there was a serious incident and the CSO did not have a PVG certificate.

Anyway, as things stand, a DBS authorised MSA Official needs to verify who the nominated CSO is.

The proposed CSO will need to have a face to face meeting with the verifier, unless already known to the verifier. The verifier will need to see photographic id like a valid driving licence or passport, also secondary evidence of home address i.e. a utility bill, and a birth certificate. It's like providing ID for a new bank account.

As the CSO is an MSA licenced official, clubs have to inform the MSA of the appointment and the CSO's personal contact details. All appointments should be directed to Jennifer Carty. The club's committee meeting minutes need to show evidence of nomination and seconding to the role.

Assuming adoption of the policy and the appointment of a CSO, the clubs must include child safeguarding matters at their committee meetings as a standing agenda item and record all discussions in the minutes.

CSO roles and responsibilities.

Firstly, this is not about organising dawn raids on motorhomes in service areas. Sexual abuse is a very small part of child safeguarding, especially in the type of sport we are involved in.

This is about safeguarding under 18's. i.e. keeping them safe. For example, applying the right procedure for signing on under 18 competitors and officials, and paying attention to minimum ages.

It is the responsibility of the CSO to ensure that their club members, especially event organisers, are aware of MSA guidelines for under 18's at events and that they have current signing on forms and parental consent forms. Procedures and paperwork can be found on the MSA's website and in the blue book.

A lot of this is about doing what we are doing already. If you saw a child spectator in an unsafe place, you would talk to the adults with the child and get the child (and the adults probably) to move to a safe place. This is not just the CSO's responsibility; everybody involved in the event has a responsibility to keep others, including children, safe. And as I said before, we're already doing it.

Prior to an event there's a wee bit of paperwork necessary for the CSO. There is an MSA Club Child Safeguarding Officer Event Checklist to be filled out prior to an event. (appendix 3 of the policy and available on the MSA's website) It's not difficult but, again, it's based on English law. The check list asks you to note the phone number of the local LSCB. LSCB stands for Local Safeguarding Children's Boards. They don't exist in Scotland. The equivalent would be the regional Child Protection Committee. I only know that because of my day job. I don't know how many of you out there know that or would be able to work that out. This is another example that needs to be highlighted to the MSA. The checklist needs to be specific to Scotland.

However, let's assume the Club CSO has filled it out. They then need to make this information, along with a copy of the MSA and the Club's Child Safeguarding Policies and the Child Safeguarding Incident Reporting Form, available to the Clerk of the Course, the Secretary of the meeting and the MSA steward for the event. This can be done prior to the event and can be sent by e-mail or by post. Perhaps the clubs should consider including this in their Safety Plan alongside the Ambulance and Police contact details.

On the day of an event, the role of a CSO is to be available in case of any allegations and record concerns and pass these on to the MSA's Child Safeguarding Co-ordinator (Jennifer Carty) and the police or other agencies if necessary. The CSO does not have to be present at the event; they only need to be contactable by phone. The recording of any concerns can be done by any senior official of the event. The CSO's role here is to pass on the allegation to the MSA's Child Safeguarding Co-ordinator, who will take the matter forward.

The MSA Child Safeguarding Statement states;

The MSA will apply whatever sanction or other action it considers appropriate for any breach of the MSA Child Safeguarding Policy.

Breach of the Safeguarding policy includes non-compliance. So if a club does not appoint a CSO, they are in breach of the policy. I spoke with Jennifer Carty, who is the MSA's Child Safeguarding Co-ordinator, regarding sanctions and she was unable to tell me what these sanctions would be or what procedures the MSA had in place for identifying non-compliant clubs. I also asked how the MSA would proceed if a Club did not appoint a CSO and was told that at some point next year the MSA would start to pursue non-compliant clubs. How this would be done she couldn't say.

Club CSO's have to attend initial and refresher training courses. After initial training, CSO's must attend refresher courses every 3 years or their licence will lapse. There is a course in Motherwell on 1st December. They may run courses further north – the MSA have not confirmed this yet.

In conclusion

Clubs **MUST** comply with the MSA's Child Safeguarding Policy.

Clubs **MUST** adopt the MSA's Child Safeguarding Policy and Statement in to their Club's constitution.

Clubs **MUST** have their own Child Safeguarding Policy and Statement compliant with Scottish law.

and

Clubs **MUST** appoint a Child Safeguarding Officer.

I would recommend that SACC considers raising the following concerns with the MSA.

- 1 Adapting the MSA's Child Safeguarding Policy and the Club Child Safeguarding Officer Event Checklist to comply with Scottish Law.
- 2 Clarification of sharing CSO's.
- 3 How will the MSA proceed if clubs do not appoint a CSO?
- 4 What sanctions will the MSA impose on clubs for non-compliance?
- 5 Why must clubs adopt the MSA's Child Safeguarding Policy and Statement in to their Club's constitution but not their own, not the club's, Child Safeguarding Policy and Statement compliant with Scottish law?
- 6 Is a DBS disclosure valid in Scotland because the MSA is registered in England, or do we need PVG checks on our CSO's and other officials? Instead, or in addition?