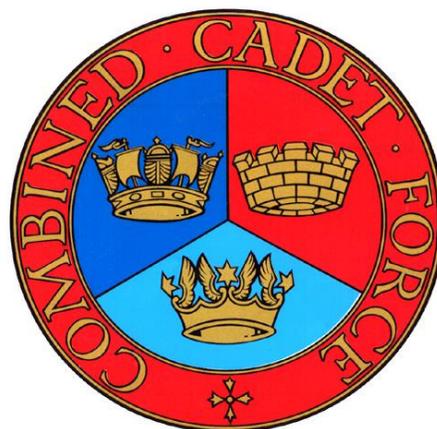


AIR CADET PUBLICATION (ACP) 4



CHILD PROTECTION POLICY AND GUIDELINES

(November 2010)

ACP 4 – CHILD PROTECTION POLICY AND GUIDELINES

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AIR CADET PUBLICATION (ACP 4)

AIR CADET ORGANISATION CHILD PROTECTION POLICY AND GUIDELINES

FOREWORD

Introduction

1. ACP 4 outlines the policy and guidance to safeguard cadets from all forms of abuse and to help build a safer environment for both cadets and adult members of the Air Cadet Organisation (ACO). Although CCF(RAF) sections normally apply school child protection policy in their actions, when individual cadets or small groups of CCF(RAF) cadets (possibly accompanied by a member of staff) participate in a camp or course, this policy is to apply.
2. No document, however comprehensive, can cover all situations in which an ACO adult member of staff may be required to take action to prevent or respond to child abuse but those who follow the principles and guidelines laid down in this publication can be more confident that they are properly discharging the most important aspect of our duty of care towards cadets. Knowledge of this publication alone will give members the information they need to properly discharge their child protection responsibilities in accordance with current legislation in England, Scotland, Wales and Northern Ireland. All adult members of the ACO have a part to play in the implementation of its child protection policy and need to be familiar with this publication. Commanding Officers are to ensure that all members of their instructional staff read this publication.

Statement of intent

3. The ACO will safeguard its children and young people by:
 - complying with all legal requirements in respect of child protection,
 - taking into account, in all its considerations and activities, the interests and well being of children and young people,
 - respecting the rights, wishes and feelings of the children and young people with whom it is working,
 - taking all reasonable practicable steps to protect them from physical, sexual and emotional abuse whilst engaged in ACO activities, and
 - promoting the welfare of children and young people and their protection in relation to a position of trust (see Chapter 1).

Unsuitability

4. The guidance contained in this publication is an attempt to identify what behaviour is expected of adults who volunteer to work with children and young people in the ACO. Adults whose practice deviates from this guidance and/or their professional code of conduct will bring into question their suitability to work or volunteer to work with children and young people. Consequently, all adult members of staff and adult cadets must understand what behaviour may call into question their suitability to continue to work with children and young people in any capacity, including that of their primary employment.

(original signed)

B COOPER
Air Cdre
Commandant Air Cadet Organisation

Definitions

Definitions, for the purpose of this publication, are as follows:

- a. **Children and young people.** Throughout this document references are made to “children and young people”. These terms are interchangeable and refer to children who have not yet reached their 18th birthday in accordance with the UN Convention on the Rights of a Child (which was ratified by the UK on 16 Dec 91), even though Scottish law¹ defines a child as a person under 16 years of age in certain circumstances.
- b. **Adult.** “Adult” refers to any adult volunteer member of the ACO and full time permanent members of staff who have regular unsupervised access to cadets. The phrases “adult members of staff” and “adult members of the ACO” also includes cadets who are aged 18 and over.
- c. **Adult cadet.** The term “adult cadet” is used to describe cadets who are aged 18 or over and who remain in service as staff cadets until their 20th birthday.
- d. **Parent(s), guardian(s), carer(s).** These terms include any person who has a parental responsibility under Sections 2 and 3 of the Children Act 1989 (England and Wales), Sections 1-6 of the Children (Scotland) Act 1995 and Sections 5-7 of The Children (Northern Ireland) Order 1995.
- e. **Safeguarding.** The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter childhood together².
- f. **Duty of care.** The responsibility which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered to owe them a duty of care.

¹ Children (Scotland) Act 1995 Section 1(2)

² Working Together to Safeguard Children 2006. HM Government (WT 2006)

RESPONSIBILITIES AND SUPPORTING MECHANISMS FOR CADETS

| Unacceptable behaviour issues | Responsibility for managing the issue | Issue tracking responsibility | Reporting timelines | Supporting resources for cadets and adults (see next page) |
|---|--|-------------------------------|---|--|
| Child abuse – physical | Police or local authority social services | Sqn Cdr/WSO/Wg Ex O | Immediately to police and/or local authority; info through the chain of command to HQ Air Cadets (Child Protection Officer (CPO)) | ACP 4 NSPCC, Children's Society, Children 1 st , Think u know (Internet Safety), Kidshield |
| Child abuse – sexual | | | | |
| Child abuse – emotional | | | | |
| Child abuse - neglect | | | | |
| Sexual offences | Police | Sqn Cdr/WSO/Wg Ex O | Immediately to police; as soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | ACP 4 |
| Harassment | Police (if applicable) Sqn Cdr/WSO/Wg Ex O | Sqn Cdr/WSO/Wg Ex O | As soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | There4me ACP 20B A! 203 JSP 763 |
| Bullying | | | | |
| Discrimination | | | | |
| Inappropriate relationships between adult members of staff and cadets | Sqn Cdr/WSO/Wg Ex O Police or social services (if applicable) | Sqn Cdr/WSO/Wg Ex O | As soon as possible to the police or social services (if applicable) and through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | ACP 1 ACP 4 |
| Inappropriate behaviour by adult members of staff or cadets | Police or social services (if applicable) Sqn Cdr/WSO/Wg Ex O | Sqn Cdr/WSO/Wg Ex O | As soon as possible to the police or social services (if applicable) and through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | ACP 1 ACP 4 ACP 20B AI 203 |

| Other cadet issues ¹ | Primary responsibility for managing the issue ² | Issue tracking responsibility | Reporting timelines | Supporting resources for cadets and adults (see next page) |
|--------------------------------------|--|-------------------------------|---|--|
| Pregnancy | Parents | Sqn Cdr | See ACP 20B ACAI 270, paragraph 13d | Brook Advisory Centre, Youth Information.com |
| Depression/mental health | Parents | Not required | Not required | Youth Information.com Children 1 st (NHS) |
| Medical matters | Parents | Not required | Not required | |
| Stress | Parents | Not required | Not required | |
| Anorexia/bulimia | Parents | Not required | Not required | Youth Information.com beat.co.uk |
| Suicidal gestures/ suicidal ideas | Parents | Sqn Cdr | Not required | Samaritans Papyrus-uk |
| Suicide/attempted suicide | Parents ³ | Sqn Cdr | Immediately for medical treatment (if required); as soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | |
| Self-harm | Parents | Sqn Cdr | Immediately for medical treatment (if required); as soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | NSPCC ChildLine TheSite.org |

¹ Some of these issues may also require referral to other specialist authorities (eg social services, medical practitioners, etc)

² Parents – only where the cadet is under the age of 18

³ Although suicide is not a criminal offence (Suicide Act 1961), assisted suicide is and, therefore, the police may need to be informed

| Other cadet issues ⁴ | Primary responsibility for managing the issue ⁵ | Issue tracking responsibility | Reporting timelines | Supporting resources for cadets and adults (see next page) |
|---------------------------------|--|-------------------------------|---|--|
| Drug misuse/abuse | Police, parents | Sqn Cdr/WSO/Wg Ex O | Immediately for medical treatment (if required); as soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | Talktofrank NSPCC ChildLine |
| Drug possession | Police, parents | Sqn Cdr/WSO/Wg Ex O | Immediately to police. As soon as possible through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | |
| Other criminal offences | Police, parents | Sqn Cdr/WSO/Wg Ex O | Immediately to police. Serious offences through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) as soon as possible | |
| Alcohol misuse/abuse | Parents | Not required | Not normally required. However if ACO implicated, through the chain of command to HQ Air Cadets (CPO/PSO/DPSO) | NSPCC ChildLine |
| Sexually transmitted diseases | Parents | Not required | Not required | NHS Live Well |
| Bereavement | Parents | Not required | Not required | Child Bereavement Charity, RD4U |
| Other issues | Parents | Not required | Not required | |

⁴ Some of these issues may also require referral to other specialist authorities (eg social services, medical practitioners, etc)

⁵ Parents – only where the cadet is under the age of 18

Specific links, resources and points of contact

(The MOD and ACO are not responsible for the content of external websites and their listing here does not confer official approval)

- **Beating eating disorders (beat)** <http://www.b-eat.co.uk/Home>
- **Brook Advisory Centre** <http://www.brook.org.uk/content/default.asp>
- **Child Bereavement Charity** <http://www.childbereavement.org.uk/>
- **Children 1st** <http://www.children1st.org.uk/>
- **Children First (NHS) General medical advice** http://childrenfirst.nhs.uk/families/az_child_health/index.html
- **Children's Society Kids Zone** http://www.childrenssociety.org.uk/kids_zone/your_issues/Your_issues_5500.html
<http://www.youthinformation.com/Templates/Section.asp?NodeID=89746>
- **Kid Shield** <http://www.kidshield.co.uk/>
- **NHS Live Well** <http://www.nhs.uk/livewell/sexualhealth/Pages/Sexualhealthhome.aspx?WT.srch=1>
- **NSPCC** <http://www.nspcc.org.uk/>
- **NSPCC ChildLine** http://www.nspcc.org.uk/whatwedo/aboutChildLine/aboutChildLine_wda56344.html
- **NSPCC ChildLine (Scotland)**
http://www.nspcc.org.uk/whatwedo/aboutChildLine/ChildLineScotland/childline_scotland_wda57200.html
- **NSPCC Helpline (for adults)** http://www.nspcc.org.uk/helpandadvice/NSPCCHelpline/NSPCCHelplines_wda59025.html
- **Papyrus (prevention of young suicide)** <http://www.papyrus-uk.org/for-you.html>
- **RD4U** (part of CRUSE Bereavement Care's Youth Involvement Project) <http://www.rd4u.org.uk/>
- **Samaritans** http://www.samaritans.org/talk_to_someone.aspx
- **Talktofrank** <http://www.talktofrank.com/>
- **There-4-Me** <http://www.there4me.com/home/index.asp>
- **TheSite.org** <http://www.thesite.org/healthandwellbeing/mentalhealth/selfharm?qclid=CK2R7dzYn5kCFQFhQgodCjYipw>
- **Thinkuknow (Internet Safety)** http://www.thinkuknow.co.uk/11_16/
- **Youth Information.com** <http://www.youthinformation.com/Templates/Internal.asp?NodeID=90249>

CHAPTER 1

THE AIR CADET ORGANISATION (ACO) POLICY STATEMENT ON CHILD PROTECTION

References:

- A. ACP 1 – Ethos, Core Values and Standards in the ACO.
- B. ACP 17 – Air Cadet Adventure Training Instructions.
- C. ACP 237 – Air Cadet Annual Camps – Administrative Instructions.
- D. ACP 20B ACAI 270 – Terms of Appointment – Cadets, paragraph 11.
- E. ACP 20B ACAI 211 – Discipline – Notes on the Handling of Complaints.
- F. ACP 20B ACAI 207 – Special Reports on Members of Adult Staff.

Introduction

1. The ACO recognises the importance of child protection enshrined in The Protection of Children Act 1999 (and its equivalent in Scotland and Northern Ireland) and endorses fully the provisions of the Children Act 1989 (England and Wales), the Children (Scotland) Act 1995 and The Children (Northern Ireland) Order 1995 which all state that “the welfare of the child is paramount”. For the purposes of this policy, a “child” is a person under the age of 18 in accordance with Article 1 of the UN Convention on the Rights of a Child.

2. The ACO does not act *in loco parentis* for cadets under the age of 18 and parental responsibility remains with cadets’ parents, guardian or carers in accordance with Section 2 of the Children Act 1989 (England and Wales), Sections 106 of the Children (Scotland) Act 1995 and Sections 5-7 of The Children (Northern Ireland) Order 1995. The only exception to this is in the event of a cadet requiring urgent medical treatment, including any emergency operation, when parents, guardians or carers are unable to physically give consent and they have delegated this responsibility at Section 4 of RAF Form 3822A (Air Training Corps Consent Certificate) or on AC Form 13C (Cadet) (Consent Form and Certificate of Health). If the guardian of a cadet is designated as the Local Authority Social Services Department, but the cadet has been in long term care of foster parents or become very close to their foster family then, for minor issues, sqn cdrs should consider whether it is more appropriate to contact the foster parent in the first instance. Any serious issues will need to be discussed with Social Services and sqn cdrs are to ensure that they are in possession of the details of a point of contact in Social Services for the cadet.

Child protection policy

3. It is the primary responsibility of all adult members of the ACO¹ to safeguard the moral, psychological and physical welfare of children regardless of gender, religion, race, ability, disability, sexuality and social background by protecting them from any form of physical, emotional and sexual abuse or neglect.

4. All children have the right to protection from all forms of abuse and harm when engaged in ACO activities and when in contact with members of the ACO. All adult members of staff therefore have a duty of care, which makes them responsible both for safeguarding children in their care from abuse and harm and for responding swiftly and appropriately when suspicions or allegations of inappropriate behaviour arise; this applies to all cadets and not just cadets under their immediate control.

¹ For the purposes of this policy, the phrases “adult members of staff” and “adult members of the ACO” also includes cadets who are aged 18 or over (“adult cadets”).

5. The ACO aims to ensure that all cadets are kept safe from harm while they are in its care by:
 - a. Providing parents/guardians/carers with information about what we do and what they can expect from us.
 - b. Making sure that all adult members of staff are carefully selected and given training appropriate to their supervisory roles.
 - c. Providing a means for cadets and parents/guardians/carers to report their concerns if there is anything they are not happy about.
6. The ACO also aims to protect volunteers and staff by:
 - a. Establishing rules for an appropriate balance of male and female adult supervisors in relation to the gender of cadets.
 - b. Establishing the correct ratios of adults to cadets for best practice.
 - c. Ensuring, where possible, that a single adult is not alone with any cadet for any length of time or placed in situations where their conduct can be misconstrued.
 - d. Ensuring that only those adults who are properly cleared and appointed have regular unsupervised access to cadets.

Responsibility for cadets

7. Responsibility for cadets starts from the beginning of an authorised ACO activity and ceases at the end of an authorised ACO activity. However, responsibility remains with the ACO until cadets have departed ACO control and/or premises (which includes transporting them). All adult members of staff who work with, and on behalf of cadets, are accountable for the way in which they exercise authority, manage risk, use resources and safeguard children and young people. All adults have a duty to keep children and young people safe and protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take all reasonable steps to ensure the safety and well-being of children and young people.

8. This responsibility is, in part, exercised through the development of respectful and caring relationships between adult members of staff and cadets. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.

9. Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept such an appointment in the ACO, they need to understand and acknowledge the responsibilities and trust inherent in that role and be aware that sanctions will be applied if these provisions are breached.

Positions of trust

10. Although young people over 16 years of age can legally consent to some types of sexual activity, they may still be relatively emotionally immature. It is essential, therefore, that those who have a responsibility for them recognise this vulnerability and make sure it is not exploited. It is also important that those in a position of trust have a clear understanding of the responsibilities this carries to ensure they do not abuse their position or put themselves in a position where allegations of abuse, whether justified or unfounded, could be made. An individual in a position of trust may have the power to confer advancement or failure. The relationship may also be distorted by fear or

favour. It is therefore vital for all those in such positions of trust to understand the power this gives them over those they care for and the responsibility they must exercise as a consequence.

11. A position of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. Such a definition on its own could be seen as spreading over a whole range of ACO activities, including day-to-day relationships between adults and cadets of any age. Care is always needed when such a relationship potentially exists, but such a wide interpretation goes beyond what is reasonably defined as a position of trust. Such relationships also need to be defined by reference to the other party in the relationship, especially where the other party is particularly vulnerable, whether through age or in other personal circumstances. A relationship between an adult member of staff and a cadet cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable children. All adult members of staff therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. All ACO adult members of staff are, therefore, in a position of trust in relation to cadets.

12. Where a person aged 18 or over is in a position of trust with a child under 18, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship itself will be intrinsically unequal whilst in a position of trust and is therefore unacceptable. It is also inappropriate since the 'professional' position of trust would be altered. For these reasons, personal relationships between adult members of staff and cadets of any age are not allowed. In particular, a relationship between an adult member of staff and a cadet over the age of 18 would be a contravention of both this policy and Reference A.

Principle of equality

13. The principle of equality applies irrespective of sexual orientation, ie neither homosexual nor heterosexual relationships are acceptable in relation to a position of trust. They apply equally to all without regard to gender, race, religion or disability. In addition, it is important to recognise that females as well as males may abuse a position of trust.

Model principles

14. The following model principles are to be observed by all adult members of staff.

- a. The paramount need is to safeguard and promote the welfare of children and young people and protect them from abuse from those looking after them whilst in a position of trust.
- b. To protect the child and young person being looked after from an unequal and potentially damaging relationship.
- c. To protect the person in a position of trust by preventing him/her from entering into such a relationship deliberately or accidentally by providing clear and enforceable guidance on what behaviour is acceptable.
- d. A position of trust will arise where one party, through their work or activity, whether a paid or unpaid volunteer or adult cadet, has responsibility for the care of a child or young person in a way which gives them power or influence over him/her.
- e. Any behaviour which might allow a sexual relationship between the person in a position of trust and the individual or individuals in their care should be avoided; any sexual relationship whilst in a position of trust is unacceptable.
- f. Great care must be taken to avoid any behaviour that could be construed as sexual by a reasonable observer. This is particularly important in areas such as training or

sporting activities which may involve non-sexual physical contact, such as celebratory embraces on the sports field.

g. For mixed gender groups, both male and female adult supervisors are to be available 'on call' during parade nights. Whilst respecting privacy at all times, an adult supervisor must attend and remain with any cadet who receives any medical or first aid treatment. If the adult supervisor is not of the same gender as the cadet, he/she must be accompanied by another person of the same gender to act as chaperone (this could be another cadet). Further guidance on adult supervision requirements in relation to adventure training and camp accommodation is contained in References B and C.

Code of practice

15. A code of practice serves to protect children and young people from abuse of a position of trust; it serves to assist the ACO to deal properly with false, malicious or mistaken allegations of abuse of a position of trust and contains safeguards to protect those maliciously, falsely or mistakenly suspected or accused. It is constructed to protect children, young people and those in a position of trust and these procedures include:

a. Ensuring there is a culture of openness within the ACO; that cadets know their right to say 'no' and to know that sexual relationships with adult members of staff are not allowed. It also means ensuring that they know what to do if they believe that they have been subjected to inappropriate behaviour, for example, consideration could be given to nominating a single person within the unit to whom the cadet can turn to discuss concerns or receive advice in confidence. Cadets also need to be aware of how they may complain if they consider themselves to have been wronged in anyway – see Reference D for guidance.

b. If an abuse of a position of trust is reported or suspected, the procedures for reporting these concerns, and the action to be taken when a complaint is made are to be found in Chapter 3 (Responding to Allegations and Suspicions of Child Abuse) and in Reference E. If a complaint is made it is vital that the particular relationship within a position of trust is suspended until the matter is resolved.

c. To minimise the risk of situations arising where an abuse of a position of trust could occur or relationships which could lead to abuse of a position of trust could develop, or where false, malicious or mistaken accusations might be made, all adult staff are to adhere to the model principles and, in addition, be aware that:

- (1) Any relationship which develops that could represent an abuse of a position of trust is to be terminated immediately.
- (2) Any concern about another person becoming attached to an individual should be made known to higher authority.
- (3) Where a colleague is becoming attracted to someone in his or her care they are counselled on the possible consequences by their commanding officer.
- (4) Where an individual is concerned that their actions or words have been misunderstood, they are to resolve the possible misunderstanding immediately.
- (5) The ACO views any abuse of a position of trust as extremely serious and action under Reference F could be taken resulting in dismissal from the ACO.

Making a professional judgement

16. This policy and guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interest of the child or young person which appear superficially to contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the cadets in their charge. Such judgements, in these circumstances, should always be recorded and shared with a superior officer. In undertaking these actions individuals will be seen to be acting reasonably if they follow the spirit of these guidelines. Adult members of staff should always consider whether their actions are warranted, proportionate and safe and applied equitably.

Adult duty to speak out (often described as “whistle blowing”)

17. Any form of child protection concern can be an exception to the normal ACO requirement on other issues to follow the routine chain of command. Every adult member of the ACO is required to report any suspicions or evidence of abuse or harm concerning a child whether it is within or outside the ACO and no-one should feel, or be made to feel, uncomfortable, bullied or intimidated by doing so or being coerced into not reporting them.

Cadet freedom to speak out

18. Cadets should feel comfortable and free to report, at any time, any child protection concerns within or outside the ACO to any member of staff and all commanding officers are to endeavour to create a culture to ensure there is some means for cadets to do so. Cadets should know to whom they should report concerns and also what is likely to happen as a result – they must have confidence that they are being listened to. In addition to support within the sqn, contact details for the NSPCC ChildLine (0800-1111) (<http://www.childline.org.uk/pages/default.aspx>) are to be prominently displayed.

CHAPTER 2

RESPONSIBILITY AND GUIDANCE FOR THE PROTECTION OF CHILDREN

References:

- A. ACP 5 – ACO Health and Safety Manual.
- B. ACP 20B ACAI 229 – Baseline Personnel Security Standard and Counter Terrorist Checks.
- C. AP 1919 – Regulations for the Air Training Corps.
- D. ACP 50 – Media and Communications.
- E. ACP1 – Ethos, Core Values and Standards in the ACO.

Introduction

1. Safeguarding the welfare of cadets and protecting them from harm is every adult member of staff's responsibility. Most child abuse can be prevented. Cadets will and should see adult members of the ACO as people they can trust and from whom they can seek help. It must be clearly understood that every adult member of staff has a personal responsibility for the safety and welfare of cadets and this applies not only to cadets under their immediate control, but to all cadets. In its wider sense, the protection of children includes health and safety considerations, including risk assessments, etc, in accordance with the provisions of Reference A. The safety and welfare of cadets overrides any other consideration.

Access to cadets

2. Only formally appointed RAFVR(T) officers, WOs(ATC), SNCOs(ATC), instructors (including regular Service helpers), adult cadets and appropriately cleared civilian committee members are to be permitted regular unsupervised access to cadets for any ACO activities. It is the responsibility of HQ Air Cadets to ensure that all personnel appointed as adult members of staff have been vetted and cleared in accordance with the provisions of Reference B and Chapter 7 (Criminal Records Checks) of this publication. It is the responsibility of all commanding officers to ensure that only properly appointed ACO adult members of staff, appropriately cleared regular Service helpers and civilian committee members have regular unsupervised access to their cadets.

Confidentiality

3. Adults may have access to confidential information about cadets in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in the interests of the cadet to do so. The storing and processing of personal information is governed by the Data Protection Act 1998. Such information must not be used to intimidate, humiliate, or embarrass the cadet. If an adult member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a superior officer. Adult members of staff:

- should be clear about when information can be shared and in what circumstances it is appropriate to do so
- are expected to treat information they receive about cadets in a discreet and confidential manner
- should seek advice from a superior officer, through the chain of command, if they are in any doubt about sharing information they hold or which has been requested of them

Child protection training

4. The main burden of child protection within the ACO falls on those in direct contact with cadets under the age of 18. All volunteers are issued with the ACO Child Protection Guide and

“Children First - Yellow Card” (as reproduced in Chapter 4) on first joining and receive specific training in child protection issues throughout their appointment to ensure best practice.

Propriety and behaviour

5. Adults in contact with cadets should understand and be aware, that safe practice also involves using judgement and integrity about behaviour in places other than the ACO environment. All adult members of staff should therefore be aware that behaviour in their personal lives may impact upon their appointment in the ACO and contact with cadets. Attention is drawn to Reference C (Chapter 3) which directs that adult members of staff are required to report to HQ Air Cadets, through the chain of command, when a criminal charge is to be preferred against them by the civil authorities, by their professional body or by their employer, where there are child protection concerns. Convictions, cautions, reprimands, anti-social behaviour orders or sexual offenders’ protection orders (where individuals are added to the sex offenders’ register) are also to be reported to HQ Air Cadets, through the chain of command. The behaviour of an adult’s partner or other family members may raise similar concerns and may require careful consideration by the ACO as to whether there may be a potential risk to cadets.

Abuse of power

6. It is the legitimate right of adult members of staff to direct and correct the behaviour of cadets where warranted. Methods used to direct and correct behaviour are to be fair, yet firm and not likely to give rise to complaints of harassment or amount to a misuse of authority or an abuse of power. Actions legitimately taken by adult members of staff to direct and correct the behaviour of cadets are not a misuse of authority or an abuse of power, nor do they constitute victimisation. Cadets who are not performing to a satisfactory standard should be properly counselled.

7. Abuse of power or authority attributed to rank and position to harass, discriminate against or bully a cadet is inappropriate or unethical and on some occasions may constitute criminal behaviour. Adult members of staff must at all times be aware of their actions in relation to cadets to ensure that they do not abuse their position of power or authority. Cadets are in a dependant relationship with adult members of staff and should naturally respect the legitimate chain of command. When they are made to feel unsafe, vulnerable or at risk by persons in positions of legitimate power, then that power can be said to have been abused.

Personal living space

8. No cadet should be in, or invited into, the home (or other domestic setting) of an adult member of staff, unless the reason for this has been firmly established and agreed with parents/carers and superior officers. It is not appropriate for the ACO to expect or request that private living space be used for ACO purposes. Under no circumstances should cadets assist with chores or tasks in the home of an adult member of staff, neither should they be asked to do so by friends or family of that adult. Adult members of staff are to be mindful of the need to maintain professional boundaries.

Transporting cadets

9. It is inappropriate for adults to offer lifts to cadets outside their normal ACO duties, unless this has been brought to the attention of a superior officer and has been agreed with the cadet’s parents/carers. Best practice dictates that adult members of staff should avoid transporting a child alone. There may, however, be occasions where a cadet requires transport home or for medical treatment in an emergency situation or where not to give a lift may place a cadet at risk. Such circumstances must always be recorded and reported to a superior officer and parents/carers at the earliest opportunity so that they can be justified if questioned.

Infatuations

10. Occasionally, a cadet may develop an infatuation with an adult member of staff. Staff members should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

11. An adult who becomes aware that a cadet is developing an infatuation should discuss this at the earliest opportunity with their superior officer and/or parent/carer so that appropriate action can be taken to avoid any hurt, distress or embarrassment. Adult members of staff should always acknowledge and maintain professional boundaries.

Gifts, rewards or favouritism

12. Generally, adult members of staff should only give gifts to a cadet as part of an agreed reward system. They should exercise care when selecting cadets for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny. Any gifts should be given openly and not be based on favouritism. Adult members of staff need to be aware, however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or 'groom' (see paragraph 18 below) a child.

13. Care should also be taken to ensure that adult members of staff do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment. There will be occasions when cadets or parents/carers wish to pass small tokens of appreciation to adult members of staff, eg on special occasions or as a thank you, and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Social contact

14. Adult members of staff should not seek to have social contact with cadets or their families unless the reason for this contact has been firmly established and agreed with superior officers. If a cadet or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise his or her professional judgement in making a response but should always discuss the situation with their superior officer. Adult members of staff should be aware that sending of personal communications, such as birthday or faith cards, should always be recorded and/or discussed with superior officers and understand that some communications may be called into question and need to be justified (see Chapter 6 for further details on using information and communication technologies). It is important to note that social contact in certain situations can also be misconstrued as 'grooming' (see paragraph 18 below).

Sexual contact

15. All adult members of staff are to clearly understand the need to maintain appropriate boundaries in their contacts with cadets. Intimate or sexual relationships between cadets and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

16. Any sexual activity between an adult member of staff and a cadet of any age is forbidden, may be regarded as a criminal offence, and will always be a matter for administrative or disciplinary action.

17. Children are protected by specific legal provisions¹ regardless of whether the child consents. The sexual activity referred to does not just involve physical contact, it may also include non-contact activities, such as causing children to engage in or watch sexual activity, the production of pornographic material or sending inappropriate or indecent messages or images to children. Where there is a suspicion that an adult who works with children may have committed a sexual offence against a child, the matter is to be reported to the police, even if the child or the child's parents/carers do not wish to take any action.

18. There are occasions when adults embark on a course of behaviour known as 'grooming'² where the sole purpose is to gain the trust of a child and manipulate that relationship so sexual abuse can take place. Adult members of staff should be aware that consistently conferring inappropriate special attention and favour (sometimes perceived to be 'over-familiarity') upon a cadet might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

19. **This means that adult members of staff are not to:**

- have any form of communication with a cadet which could be interpreted as sexually suggestive or provocative, ie verbal comments, letters, notes, e-mail, phone calls, texts sending indecent photographs by whatever means, contact on social networking sites or physical contact
- make sexual remarks to, or about, a cadet
- discuss their own sexual relationships with or in the presence of cadets

Physical contact

20. There are occasions when it is entirely appropriate for adult members of staff to have some physical contact with cadets. However, it is crucial that in all circumstances, adults should only touch children in ways that are appropriate to their professional or agreed role and responsibilities.

21. Not all children and young people feel comfortable about physical contact, and adults should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child or young person before physical contact is made. Physical contact should take place only when it is necessary in relation to a particular activity (eg safety or training). It should take place in a safe and open environment, ie one easily observed by others and last for the minimum time necessary.

22. Children are to be treated with dignity and respect and contact with intimate parts of the body are to be avoided. Adult members of staff are to be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact.

Behaviour management

23. All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. The use of foul language, degrading treatment, sarcasm, demeaning or insensitive comments towards cadets is not acceptable in any situation. The use of corporal punishment is not acceptable and whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults or cadets aged 18 and over who work with or on behalf of children and young people. It is normally the behaviour that is not acceptable and not the cadet. Adult members of staff and cadets aged 18 and over should therefore deal with the problem not the

¹ Sexual Offences Act 2003, Sections 9-15 (and corresponding sections in the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and corresponding Articles in the Sexual Offences (Northern Ireland) Order 2008).

² 'grooming' – contrary to the Sexual Offences Act 2003 Section 15 (supplemented by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005) and the Sexual Offences (Northern Ireland) Order 2008 Article 22 – the act of gaining trust of a child so that sexual abuse can take place.

person; they should be firm, fair and friendly, but not familiar. Cadets are not permitted to use corporal punishment or any other demeaning behaviour towards other cadets.

Children and young people in distress

24. There will be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Adult members of staff should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries. They should be circumspect in offering reassurance in one-to-one situations, but always record such actions in these circumstances.

Personal care, first aid and administration of medication

25. Children and young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard cadets and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the cadets concerned and sensitive to the potential for embarrassment. Adult members of staff should avoid physical contact when cadets are in a state of undress and avoid any visually intrusive behaviour. Adult members of staff also need to be vigilant about their own behaviour, which means that they should not change in the same place as cadets nor shower or bathe with them.

26. When administering first aid or arranging medical treatment, wherever possible, adult members of staff should ensure that another adult is aware of the action being taken. If the adult member of staff who is administering first aid is not of the same gender as the cadet, he/she must be accompanied by another person of the same gender to act as chaperone (this could be another cadet). Parents/carers should always be informed when first aid has been administered.

27. In circumstances where children need medication regularly, a health care plan should be established to ensure that safety and protection of cadets and the adult members of staff who are working with them. Depending on the age and understanding of the cadet, they should, where appropriate, be encouraged to self administer medication or treatment including, for example, any ointment or the use of inhalers.

One-to-one situations

28. It is not realistic to state that one-to-one situations should never take place. However, one-to-one situations have the potential to make a child or young person more vulnerable to harm by those who seek to exploit their position of trust. Adult members of staff should avoid meetings with cadets in remote, secluded areas and avoid the use of 'engaged' or equivalent signs where possible; such signs may create an opportunity for secrecy or the interpretation of secrecy. Meetings with cadets outside of ACO activities should not take place without the agreement of superior officers and parents or carers.

Photography and videos

29. There are a number of public buildings, which may include swimming pools, sports centres, etc, that have a clearly defined policy of not allowing the taking of photographs or videos under any circumstances and, in these instances, such policies must be followed.

30. Adult members of staff may, however, be involved in the taking or recording of images as part of their normal duties and, in these circumstances, in addition to complying with local policy, they are to follow the guidance laid down in Reference D. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of cadets. Informed written consent from parents or carers and agreement, where possible, from the

cadet, should always be sought before an image is taken for any purpose (generic consent by parents/carers is normally given at Section 3 of RAF Form 3822A (Air Training Corps Consent Certificate) on first joining). There may be occasions, however, when specific consent from parents or carers will be necessary when photographs of cadets are going to be published outside of the ACO and it is planned to include personal details. When cadets do not have parental consent for their photographs to be used in any form of publicity material, the sqn cdr or event organiser must endeavour to ensure that photographs of them are not used.

31. Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

32. Adult members of staff need to remain sensitive to any children who appear uncomfortable, for whatever reason, should recognise the potential for such activities to raise concerns or lead to misunderstandings. It is not appropriate for adults to take photographs of children for their personal use.

33. Adult members of staff must:

- be clear about the purpose of the activity and about what will happen to the images when the activity is concluded
- be able to justify images of children in their possession
- avoid making images in one to one situations or which show a single child with no surrounding context
- ensure that the cadet understands why the images are being taken and has agreed to the activity and that they are appropriately dressed
- report any concerns about any inappropriate or intrusive photographs found
- always ensure they have parental permission to take and/or display photographs (including on official websites or social networking sites)

34. Adult members of staff are not to:

- display or distribute images of cadets unless they have consent to do so from parents/carers
- use images which may cause distress
- use mobile telephones to take images of children
- take images 'in secret', or take images in situations that may be construed as being secretive

35. Parents/carers, family or friends of cadets who wish to take photographs at ACO events are to be informed that they can do so but, in order to safeguard their child whilst in ACO care and to protect them from inappropriate use of photographic images, they should make their intention to do so known to the sqn cdr or event organiser; this can be done verbally, either prior to, or during, the event. Cadets and parents/carers should be informed that if they have concerns regarding inappropriate or intrusive photography, these should be reported to the sqn cdr or event organiser who will act in the same manner as they would with any other child protection concern.

Inappropriate relationships between 18+ cadets and younger cadets

36. Cadets who reach 18 years of age, although still cadets, are adults in the eyes of the law and may be deemed to be in positions of trust over younger cadets (similar to adult members of staff). It is therefore particularly important that all cadets aged 18 or over are aware of the

implications of any potential for inappropriate relationships with younger cadets. A sexual relationship with a child under the age of 16 is a criminal offence³ and such a relationship is therefore forbidden. A sexual relationship between an “adult cadet” and a cadet of 16 or 17 years of age on the same sqn may be determined to be a contravention of Reference E and of the guidelines contained in Chapter 1, paragraphs 10-12 if an “adult cadet” is considered to be in a position of trust over the younger cadet.

37. However, it is appreciated that it would be very difficult for the ACO to legislate against, say, a relationship between an “adult carer” and another cadet over the age of 16 but who has not yet reached his or her 18th birthday, with which the parents, guardians or carers of the younger cadet are content. Furthermore, it could be argued that in such a case, the ACO is unable to interfere in an individual’s private life and therefore should not impose an absolute ban on such relationships. Nevertheless, when they become aware of a relationship between cadets, commanding officers should carefully monitor the situation and, if the relationship has the possibility of affecting discipline or impact on the efficiency or effectiveness of the sqn or there is potential for the older cadet to abuse a supervisory position by virtue of rank or appointment or it raises any other child protection issues, it would normally be appropriate for one of the cadets to move sqns thereby removing the possibility of the older cadet remaining in a position of trust over the younger cadet. This would be a matter of judgement for local management and each case will be judged on its own merits; however, Wing Executive Officers (Wg Ex Os) should always be advised of any proposed move and further advice may be sought from HQ Air Cadets if deemed necessary by Wg or Regional HQs.

Relationships between cadets

38. The ACO understands that relationships between cadets both under the age of 18 and over the age of 18 happen and has no wish to inhibit free association, especially if such relationships do not affect discipline nor impact on the efficiency or effectiveness of the sqn or where there are no other child protection issues. However, the following may be considered to be inappropriate during ACO activities:

- close and exclusive emotional relationships involving public displays of affection or intimacy and,
- a relationship that involves, or gives the appearance of involving, partially, preferential treatment or improper use of rank or appointment

39. This guidance is not intended to inhibit friendships, camaraderie or teamwork (with no sexual connotation).

Other unacceptable or inappropriate behaviour

40. Other unacceptable or inappropriate behaviour is behaviour which is likely to bring discredit upon the ACO. Ultimately it will be a matter of judgement by the chain of command that certain behaviour, which may not be a criminal offence, has the potential to reflect negatively upon the ACO.

Conclusion

41. Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this publication, or which directly contravene the guidance given. It is expected that all adult members of staff will always advise their superior officer of the justification for any such action already taken or proposed. Good practice and the guidance laid down in this publication will help protect cadets from abuse and adult members of staff from false

³ Sexual Offences Act 2003, Section 9, the Criminal Law (Consolidation) (Scotland) Act 1995, Section 5 and the Sexual Offences (Northern Ireland) Order 2008, Article 16

allegations. Adult volunteers should always conduct themselves in accordance with Reference E and, where possible, follow the guidelines contained in this publication, especially the Codes of Behaviour detailed in Chapter 4.

CHAPTER 3

RESPONDING TO ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE

Reference:

- A. AP 1919 – Regulations for the Air Training Corps.
- B. ACP 20B ACAI 207.
- C. ACP 20B Annex B to ACAI 207.

Introduction

1. All personnel working with children and young people are to be familiar with local procedures for safeguarding the welfare of children and young people. All adults have a duty to report any child protection or welfare concerns. All allegations must be taken seriously and properly investigated in accordance with statutory guidance.

Dealing with allegations, suspicions or concerns

2. It is not the responsibility of any individual within the ACO to decide whether or not child abuse has taken place. The wishes of a complainant in an allegation of sexual offending, whilst important in determining the manner in which a complaint is to be managed and resolved, can often be less significant than the responsibility of a sqn or unit cdr in protecting other cadets by ensuring that an alleged criminal offence is reported to the police. Consequently, there may be occasions when the decision is taken by the ACO to report an alleged criminal offence to the police, against the wishes of the complainant or the parents/guardians, especially if an adult member of staff is implicated.

3. All adults have the responsibility if they are suspicious or concerned to:

- a. Take whatever action is necessary to protect a cadet who is the subject of concern.
- b. Report their concerns to their superior officer and/or the appropriate statutory authority for them to investigate and take necessary action.

Reporting allegations, suspicions or concerns

4. Where time and circumstances allow, which should normally be the case, child protection concerns should be discussed with a superior officer (unless that officer is implicated). Responsibility for reporting child protection concerns to a statutory authority normally lies with commanding officers or Wg Ex Os where other members of staff are implicated. Their role is not to judge but to pass on information for advice and support of the cadet.

5. In **urgent** cases, if there is an **immediate** concern about the welfare of a child who may be at **risk**, all ACO adult members of staff must be prepared to make direct contact with the statutory authorities, reporting later to their chain of command that they have done so.

6. The statutory authorities for dealing with cases of child abuse are the police, social services or the NSPCC (0808 800 5000 – further information is available via the following link: http://www.nspcc.org.uk/helpandadvice/NSPCCHelpline/NSPCCHelplines_wda59025.html). Arrangements differ across the country and commanding officers are to ensure that all adult members of staff are made aware of appropriate local contacts and these details are to be readily available. A contact list for local authorities may be found via the following link: <http://www.direct.gov.uk/en/DI1/Directorries/Localcouncils/AToZOfLocalCouncils/index.htm>

7. Government non-statutory guidance states that when social services receive a referral from a member of the public, rather than a professional, personal information about referrers, including anything that could identify them, should only be disclosed to third parties (including subject families and other agencies) with the consent of the referrer. If the police are involved, social services will discuss with them when to inform parents about referrals from third parties, as this will have a bearing on the conduct of police investigations. Consequently, adult members of staff who refer cases to social services should reiterate that they are doing so as a concerned “member of the public” and not part of a professional childcare agency and, if they do not wish to have their identity disclosed to a third party, they should inform the police or social services accordingly. Further information is available via the following links:

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-04319-2006&>
<http://publications.teachernet.gov.uk/eOrderingDownload/6841-DfES-ChildAbuseSumm.pdf>

8. In all cases, adult members of staff who hear disclosures or allegations or hold suspicions or concerns are to report them to their commanding officer at the earliest opportunity, bearing in mind the “need to know” principle (ie commanding officers may not necessarily need to know full details of the disclosure, allegation, suspicion or concern, but should at least be aware that a cadet has a welfare problem).

9. In any case, where suspicions are formed or when disclosures or allegations are made, it is imperative that all the facts are recorded at the time in writing. Anyone receiving information should make appropriate notes of what is said to ensure accuracy of facts in order to properly brief the authorities. Details must not be embellished or omitted and must just reflect the words said during the disclosure.

10. The parents/guardians/carers of the cadet subject of the disclosure or allegation should normally be informed by the commanding officer that a report is being made to the statutory authorities, unless they themselves are implicated by the report, in which case advice is to be sought from the responsible authority.

11. In cases where adult members of staff hear allegations or hold suspicions or concerns in which other adult members of staff or cadets are implicated in any form of child abuse, they should normally consult their commanding officer or Wg Ex O (where their commanding officer is implicated). The Wg Ex O will inform the chain of command, including the Personnel Staff Officer (PSO) or Deputy Personnel Staff Officer (DPSO) at HQ Air Cadets.

Action to be taken if a cadet confides in an adult member of staff

12. In the event of incidents, complaints, allegations or suspicions involving cadets under the age of 18, the person in whom the cadet confides should take the action prescribed in Chapter 4 (Child Protection Guide and “Cadets First – Yellow Card”) (but see paragraph 5 above).

Confidentiality

13. The legal principle that “the welfare of the child is paramount”¹ means that the considerations of confidentiality which might apply to other situations in the organisation, should not be allowed to override the right of children to be protected from harm. Whatever adult members of staff do must be in the best interests of the cadet, not of the ACO or any other organisation or individual. For reasons of confidentiality, the number of people to be informed of alleged child abuse cases reported to the authorities are to be kept to a minimum. The only people whom commanding officers, or other personnel where commanding officers are implicated, must inform of these reports are their Wg Ex Os who will normally advise the chain of command and the

¹ Children Act 1989 (England and Wales), the Children (Scotland) Act 1995 and The Children (Northern Ireland) Order 1995.

PSO/DPSO and/or Child Protection Officer (CPO) at HQ Air Cadets. However, every effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated.

Duty to report police investigations, court proceedings, disciplinary hearings, etc

14. In accordance with References A and B, adult members of staff and cadets, who are the subject of a police investigation or court proceedings are to report the matter to HQ Air Cadets, through their chain of command. These requirements do not apply when the civil offence is a minor offence under the Road Traffic Acts – see Reference C for further details. Furthermore, if an adult member of staff or cadet is the subject of a safeguarding/child protection social services enquiry or disciplinary hearing by their employer and/or professional body (eg General Medical Council, General Teaching Council, etc), where there are any child protection implications or where there may be press interest, they are to report the matter to HQ Air Cadets, through the chain of command.

Suspension of adult members of staff and cadets allegedly involved in child abuse, child protection incidents or sexual offences

15. **Allegations against an appointed adult member of staff.** When an adult member of staff is being investigated by the police for an alleged sexual offence or where an allegation of child abuse, or any type of sexual offence, is made against, or there is misconduct involving cadets by an ACO officer, WO, SNCO or instructor, the person concerned is to be suspended from all ACO activities immediately, without prejudice, in accordance with current regulations.

16. **Allegations against a probationary civilian instructor.** When a probationary civilian instructor is being investigated by the police for an alleged sexual offence or where an allegation of child abuse, or any type of sexual offence, is made against, or there is misconduct involving cadets by a probationary civilian instructor, the person should be instructed not to attend ACO activities until the outcome of any investigation is known.

17. **Allegations against members of a civilian committee.** When a civilian committee member is being investigated by the police for an alleged sexual offence or where an allegation of child abuse, or any type of sexual offence, is made against, or there is misconduct involving cadets by a civilian committee member, the appropriate committee chairman (or relevant CO) is to take measures to ensure that the person involved takes no part in ACO activities until the matter is resolved.

18. **Allegations against a cadet.** When a cadet of any age is being investigated by the police for an alleged sexual offence or where an allegation of child abuse, or any type of sexual offence, is made against, or there is misconduct involving cadets by another cadet, it will usually be appropriate for the Regional Commandant to suspend the alleged offending cadet from attending the sqn or taking part in any ACO activity until the outcome of any investigation is known.

19. **Complainant.** Only rarely will it be appropriate to consider suspending a cadet who has made an allegation (in order to prevent potential difficulties) even if the allegation is later found to be groundless and commanding officers are to consult with the chain of command before doing so (but see paragraph 21 below regarding false allegations).

20. **Support for suspended members of staff.** Support for individuals who are the subject of an allegation is important and consideration should always be given to appointing a suitable assisting officer.

Resignations and ‘compromise agreements’

21. The fact that a person tenders their resignation, or ceases to attend ACO duties, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of cadets, including any in which the person concerned refuses to cooperate with the process.

22. ‘Compromise agreements’, whereby a person agrees to resign to avoid disciplinary action, are not to be used in these cases.

False allegations

23. Where it is established beyond all reasonable doubt that a complaint of unacceptable behaviour is false and either malicious, vexatious or mischievous, serious consideration will be given to disciplinary or administrative action against the complainant. The accused person has the right to take action at their own expense for libel or slander through civil litigation against the complainant.

Follow up action

24. Commanding officers and/or other referrers (and/or Wg Ex Os where another adult member of staff is implicated) may be invited to attend child protection strategy meetings with local authorities and the police. If available, the HQ Air Cadets CPO may also be invited to attend these meetings to share information and to represent the ACO’s child protection policy and guidance.

CHAPTER 4

CHILD PROTECTION GUIDE¹

Introduction

1. For the purposes of this document, a “child” is a person under the age of 18 in accordance with Article 1 of the UN Convention on the Rights of a Child. The main burden of child protection within the ACO falls on those in direct contact with cadets under the age of 18. The welfare of the child is paramount². The aim of this booklet is therefore to provide guidance to all adult members of staff³ so that they may have a clear vision of the action to take should they become directly involved with child protection issues during the course of their duties.

Child protection policy

2. It is the primary responsibility of all adult members of the ACO to safeguard the moral, psychological and physical welfare of children regardless of gender, religion, race, ability, disability, sexuality and social background by protecting them from any form of physical, emotional and sexual abuse or neglect.

3. All children have the right to protection from all form of abuse and harm when engaged in ACO activities and when in contact with members of the ACO. All adult members of staff have a duty of care, which makes them responsible both for safeguarding children in their care from abuse and harm and for responding swiftly and appropriately when suspicions or allegations of inappropriate behaviour arise; this applies to all cadets and not just cadets under their immediate control.

Adult duty to speak out (often described as “whistle blowing”)

4. Any form of child protection concern can be an exception to the normal ACO requirement on other issues to follow the routine chain of command. Every adult member of the ACO is required to report any suspicions or evidence of abuse or harm concerning a child whether it is within or outside the ACO and no-one should feel, or be made to feel uncomfortable, bullied or intimidated by doing so or being coerced into not reporting them.

Cadet freedom to speak out

5. Cadets should feel comfortable and free to report, at any time, any child protection concerns within or outside the ACO to any member of staff and all commanding officers are to endeavour to create a culture to ensure there is some means for cadets to do so. Cadets should know to whom they should report concerns and also what is likely to happen as a result – they must have confidence that they are being listened to. In addition to support within the sqn, contact details for the NSPCC ChildLine (0800-11111) (<http://www.childline.org.uk/Pages/default.aspx>) are to be prominently displayed.

Working safely with children and young people

6. It is the responsibility of each adult member of the ACO to ensure that:
- their behaviour is appropriate at all times
 - they observe the rules established for the safety and security of cadets

¹ This chapter is issued as a standalone A5 booklet (and “yellow card”) to all adult members of staff and includes some of the information found in the preceding chapters for ease of reference.

² Children Act 1989 (England and Wales), the Children (Scotland) Act 1995 and The Children (Northern Ireland) Order 1995.

³ For the purposes of this guide, the phrases “adult member(s) of staff” and “adult member(s) of the ACO” also includes cadets who are aged 18 or over.

- they follow the procedures following suspicion, disclosure or allegation of child abuse
- they recognise the position of trust in which they have been placed, and
- in every respect, the relationships they form with cadets in their care are appropriate

7. All adult members of the ACO must accept and understand this policy and they must also agree to put the organisation's policy on child protection into practice and adhere to the Codes of Behaviour detailed at the end of this chapter.

What if you suspect abuse or an allegation is made?

8. Child abuse occurs when a child has suffered from, or is at significant risk of suffering from, ill treatment or impairment of development, by any person who knowingly colludes with or fails to prevent the ill-treatment of the child by not ensuring reasonable standards of care and protection. You should be aware that abusers are not just strangers; they can include parents, carers, family members, friends, people in positions of trust and authority, other children or young people, anyone who has contact with children and young people. Children who are abused are often abused by an adult they know and trust. Children will and should see you as a person they can have faith in and from whom they can seek help – listen to them, take what you are told seriously and you will be helping to reassure and protect the child.

9. You must do something if:

- a child tells you, or shows signs that, he or she is being abused in any way
- you have reason to believe anyone within or outside the ACO is abusing or harming a child
- someone tells you that a child is being abused
- you become aware that someone who has contact with and access to children has offended against them or poses a risk to them

10. **When a cadet speaks to you about a child protection matter:** Make sure that you are out of hearing and sight of others and that you have a third person (who is acceptable both to you and the cadet) present to witness what is said:

- listen carefully to what they are saying
- show you take them seriously
- avoid asking them to repeat the information
- explain that you cannot keep what they tell you a secret, but any information will remain "in confidence"
- reassure them that they have done the right thing
- make no judgement about what you have heard and stay calm
- make an immediate, careful, record of what has been said. Use their actual words wherever possible

The procedure to follow⁴

11. The responsibility for reporting concerns to the appropriate statutory authority normally lies with the individual who receives a complaint or who suspects abuse. However, where time and circumstances allow, which normally should be the case, the matter is to be discussed with a superior officer (if the officer is not implicated) and Wg Ex O (if applicable) who will consult with the CPO or PSO at HQ Air Cadets. The role of the chain of command is not to judge but to pass on information for advice and to support the cadet.

⁴ Because child protection legislation in Scotland and Northern Ireland Region may differ from the rest of the UK, personnel in that Region are to follow the referral procedures laid down by their local child protection committees and local authorities.

12. In **urgent** cases, if you have an **immediate** concern about the welfare of a child who may be at risk, you must make direct contact with the police, social services or the NSPCC, reporting later to your chain of command. Ensure you write down times, facts, observations (verbatim speech if possible). Have the cadet's name and address and the name and address of their parent/guardian/carer available.

13. If you suspect abuse, a cadet confides in you, or a complaint is made about any adult or about yourself, it is your duty to report the concern. However, it is not your responsibility to decide whether or not child abuse has taken place. No investigation or questioning is to be undertaken. The proper (statutory) authorities for dealing with cases of child abuse are the local authority social services department (children's social care), the police or the NSPCC. Arrangements differ across the UK and appropriate local contacts should be readily available and advertised within your sqn and wg. Swift reporting will enable the correct authorities to give advice and take appropriate action.

14. The parents or guardians/carers of the cadet subject of the disclosure of allegation should normally be informed by the sqn CO as soon as possible that a report is being made to the police or social services, unless they themselves are implicated by the report.

15. In cases where you hear allegations about yourself or your colleagues, or hold suspicions or concerns in which your colleagues are implicated, you should consult your superior officer immediately who will, in turn, advise the Wg Ex O, where applicable. If your superior officer is implicated in any allegations or suspicions you should immediately consult your Wg Ex O. In these circumstances, the Wg Ex O is to ensure that the chain of command is informed and the matter reported to the PSO or DPSO at HQ Air Cadets without delay. In addition, when members of staff are implicated, the matter will normally be reported to the Local Authority Designated Officer (LADO), who is the point of contact for all agencies when there are allegations made against individuals working with children, so that cases can be dealt with across county boundaries.

16. For reasons of confidentiality the number of people to be involved in alleged child abuse cases reported to the authorities are to be kept to a minimum (the 'need to know' principle).

Local Information

17. Use this space for keeping your own contacts/telephone numbers:

| | Contact Details |
|---|---|
| Wg Ex O | |
| HQ Air Cadets Child Protection Officer | 01400 267088 Email: cpo@atc.raf.mod.uk |
| HQ Air Cadets Personnel Staff Officer | 01400 267638 or 267639 |
| Local Authority Social Services | http://www.direct.gov.uk/en/DI1/Directorates/Localcouncils/AToZOflLocalCouncils/index.html |
| NSPCC Child Protection Helpline ⁵ | 0808 800 5000 http://www.nspcc.org.uk/helpandadvice/NSPCCHelpline/NSPCCHelplines_wda59025.html |
| Scottish National Child Protection Line ⁶ | 0800 022 3222 http://www.infoscotland.com/childprotection/index.jsp |
| Police (local number) | (or 999 in any emergency) |

Contacting Social Services or the Police

- ask for the Duty Officer (or Emergency Duty Team) and say that you wish to discuss a matter of child protection
- ask for the name of the person with whom you are speaking
- discuss all the information you have (nothing is to be filtered or withheld)
- state your intention to advise your chain of command
- ask if anyone else should be informed
- keep a record of your conversation and of any advice given

Government non-statutory guidance states that when social services receive a referral from a member of the public, rather than a professional, personal information about referrers, including anything that could identify them, should only be disclosed to third parties (including subject families and other agencies) with the consent of the referrer. If the police are involved, social services will discuss with them when to inform parents about referrals from third parties, as this will have a bearing on the conduct of police investigations. Consequently, adult members of staff who refer cases to social services should reiterate that they are doing so as a concerned "member of the public" and not part of a professional childcare agency and, if they do not wish to have their identity disclosed to a third party, they should inform the police of social services accordingly.

Further information is available via the following link:

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-04319-2006&>

⁵ The NSPCC Helpline advisers are all trained child protection officers. They can help with a range of child-care problems and can offer expert advice. A call to the helpline can help stop a difficult situation getting out of control and it's open 24 hours a day, 365 days a year.

⁶ The 24 hour Scottish Child Protection Line, operated by The Essentiagroup on behalf of the Scottish Government, is a gateway service which provides easy access to local child protection services.

CODE OF BEHAVIOUR

What you must do:

ALWAYS adhere to these guidelines

ALWAYS treat everyone with dignity and respect

ALWAYS set an example you would wish others to follow

ALWAYS treat all cadets equally – show no favouritism

ALWAYS plan training and activities that involve more than one other person being present, or at least are within sight and hearing of others (except when actually flying with VGSs and AEFs)

ALWAYS respect a cadet's right to personal privacy

ALWAYS avoid unacceptable situation relating to a position of trust, eg a sexual relationship with a cadet over the age of consent

ALWAYS plan separate sleeping arrangements for adult members of staff (including adult cadets) and cadets under the age of 18 and, where possible, separate washing and toilet facilities for cadets under the age of 18

ALWAYS allow cadets to talk about any concerns they may have

ALWAYS encourage others to challenge any attitudes or behaviours they do not like

ALWAYS avoid being drawn into inappropriate attention seeking behaviour (eg tantrums, crushes and infatuations)

ALWAYS follow the ACO's 'no alcohol' policy when cadets are in your care

ALWAYS keep other members of staff informed of where you are and what you are doing

ALWAYS remember someone else might misinterpret your actions, no matter how well intentioned

ALWAYS take any allegations or concerns of abuse seriously and refer immediately

ALWAYS be aware that child protection issues can be complex and distressing. You are encouraged to seek help from specialist agencies if you have been affected by these matters

ALWAYS remember this code even at sensitive moments, eg when responding to bullying, bereavement or abuse

CODE OF BEHAVIOUR

What you must not do:

NEVER trivialise abuse

NEVER form a relationship with a cadet that is an abuse of a position of trust

NEVER condone overt sexual behaviour between cadets

NEVER permit abusive peer activities, eg initiation ceremonies, bullying, etc

NEVER engage in inappropriate behaviour or contact, physical, verbal or sexual

NEVER play physical contact game with cadets

NEVER touch cadets unless it is a necessary part of training, or for safety reasons

NEVER make suggestive remarks or threats to cadets, even in fun

NEVER use inappropriate language or display improper behaviour towards cadets (verbally, in writing 'phoning', text messages, e-mail or via social network sites on the internet)

NEVER ignore an allegation because you personally find it unbelievable. Just because the person about whom the allegation is made is known to you, and may be a trusted colleague or friend, does not mean that the allegation is necessarily unfounded

NEVER attempt to contact a cadet or their parent/guardian/carer who you believe may have made an allegation against you

NEVER, under any circumstances, talk to the media, at the time or later

NEVER rely on your good name to protect you

Remember!

- **never do nothing**
- **don't assume someone else will do something**
- **never push a child for more information**
- **never discuss your worries with the suspected abuser**

AIR CADET ORGANISATION (ACO) CHILD PROTECTION GUIDE
(issued as a printed pocket-sized card to all adult members of staff which contains information from the preceding chapters)

CHILDREN FIRST

“The welfare of the child is paramount”

*(Children Act 1989 (England and Wales), the Children (Scotland) Act 1995 and
The Children (Northern Ireland) Order 1995)*

An aide-mémoire for adult members of staff in the ACO

It is designed for you to keep with you – carry it!

(for further details, refer to the Child Protection Guide)

It is the primary responsibility of all adult members of the ACO to safeguard the moral, psychological and physical welfare of children regardless of gender, religion, race, ability, disability, sexuality and social background by protecting them from any form of physical, emotional and sexual abuse or neglect.

All children have the right to protection from all forms of abuse and harm when engaged in ACO activities and when in contact with members of the ACO. All adult members of staff have a duty of care, which makes them responsible both for safeguarding children in their care from abuse and harm and for responding swiftly and appropriately when suspicions or allegations of inappropriate behaviour arise; this applies to all cadets and not just cadets under their immediate control.

What happens if?

You suspect a cadet is being abused:

- Stop and listen immediately if someone wants to tell you about an incident, or you suspect abuse. Ensure a suitable witness is present if possible
- Give sympathetic consideration to the person talking to you
- Make a note of what is said while the conversation is taking place
- Where time and circumstances permit, report the allegation/suspicion to the officer in charge
- If you have an immediate concern, report the matter to the statutory authority (police, local authority social services of the NSPCC **0808 800 5000**) (helpline in Scotland – **0800 022 3222**)
- If the officer or instructor in charge is implicated in any way, report to the Wg Ex O or HQ Air Cadets

A cadet tells you about abuse by someone else:

- Allow the cadet to speak without interruption; accept what is said
- Alleviate feelings of guilt and isolation, while passing no judgement
- Ensure the cadet has access to an independent adult
- Offer support but make no undertaking to keep the matter secret
- Take the same action as in suspecting a cadet is being abused above

You receive an allegation about any adult, including yourself:

- You **must** report the matter, through the chain of command, where possible, to the statutory authority
- Do not attempt to question the person or investigate yourself
- Never ask questions which might put words into a person's mouth
- Never ignore an allegation, even if the person concerned is trusted and known to you
- Never contact a cadet or his/her parents who you believe has made an allegation against you

YOU MUST REFER – YOU MUST NOT INVESTIGATE

ACP 4 ANNEX A TO CHAPTER 4

| Question | What To Do | Key Points |
|---|---|---|
| What should I do if a cadet asks to speak to me in confidence about what could be a child protection matter? | Arrange for a third person (who is acceptable both to you and the cadet) to be present and make sure you are out of hearing and sight of others. Reassure them and listen carefully to what they are saying – do not ask questions. Make no judgement about what you've heard and stay calm. | You cannot keep what they tell you a secret, but reassure them that anything they tell you will remain "in confidence". Ensure you write down times, facts, observations (verbatim speech if possible). |
| Who is responsible for reporting concerns to the appropriate authorities? | YOU ARE. However, where time and circumstances allow (which normally should be the case), the matter is to be discussed with your CO or other superior officer. | Talk to your CO and/or Wg Ex O (if applicable) who will normally consult with HQ Air Cadets (Personnel Staff Officer or Child Protection Officer). |
| What do I do if I think a child is in immediate danger? | In urgent cases, where you have an immediate concern about the welfare of a child who may be at risk , you must make direct contact with one of the statutory authorities (social services, the police or the NSPCC (see contact details below)), reporting later to your chain of command. | Have the cadet's name and address and the name and address of their parent/guardian/carer available. Refer to your notes – don't filter or withhold any information. You have no right to detain a cadet but you should provide "a place of safety", if possible, until the authority assumes responsibility. |
| Should I contact parents/guardians/carers? | The parents or guardians/carers of the cadet subject of the disclosure or allegation should normally be informed by the Sqn CO as soon as possible that a report is being made to the police or social services. | If parents or guardians/carers are implicated, do not inform them but request advice from the statutory authority, |
| What should I do if I hear allegations/have suspicions/get a report about potential abuse, and members of the ACO are implicated? | In cases where you hear allegations about yourself or your colleagues, or hold suspicions or concerns in which your colleagues are implicated, you should consult your superior officer without delay. If your superior officer is implicated in any allegations or suspicions you should immediately consult your Wg Ex O. | The Wg Ex O will ensure that the chain of command (including HQ Air Cadets) is informed. |
| How many people should be informed? | Only discuss child protection issues with the individuals mentioned in the Child Protection Guide. | For reasons of confidentiality, the number of people to be informed of alleged child abuse cases reported to the authorities are to be kept to a minimum ('need to know'). |

Local Information

| | Contact details | | Contact details |
|--|--|---|--|
| Wg Ex O | | Local Authority Social Services | http://www.direct.gov.uk/en/D11/Directories/DG_10011509 |
| HQ Air Cadets (Child Protection Officer) | 01400 267088 cpo@atc.raf.mod.uk | Child Protection Helplines | NSPCC – 0800 800 5000 Scotland 0800 022 3222 http://www.nspcc.org.uk/helpandadvice/NSPCCHelpline/NSPCCHelplines_wda59025.html |
| HQ Air Cadets (Personnel Staff Officer) | 01400 267638 or 267639 | Police (local number) (or 999 in any emergency) | |

Contacting Social Services or the Police: ask for the Duty Officer (or Emergency Duty Team) and say that you wish to discuss a child protection matter.

- ask for the name of the person with whom you are speaking
- discuss all the information you have (nothing is to be filtered or withheld)
- state your intention to advise your chain of command
- ask if anyone else should be informed
- keep a record of your conversation and of any advice given

REMEMBER:
 -- never do nothing
 -- don't assume someone else will do something
 -- never push a child for more information
 -- never discuss your worries with the suspected abuser

CHAPTER 5

ALCOHOL POSSESSION AND CONSUMPTION BY ADULT MEMBERS OF STAFF AND CADETS

Moral responsibility

1. All adult members of staff who work with, and on behalf of cadets, are accountable for the way in which they exercise authority, manage risk, use resources and safeguard children and young people. The duty of care is, in part, exercised through the development of respectful and caring relationships between adult members of staff and cadets. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.

Propriety and behaviour of adult members of staff

2. All adult staff members have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

3. There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the organisation or indicate an unsuitability to work with children or young people. Misuse of alcohol would be an example of such behaviour. Adult members of staff should therefore understand, and be aware, that safe practice also involves using judgement and integrity. Consequently, adult members of staff should, therefore, behave in such a manner which would not lead any reasonable person to question their suitability to work with children nor act as a role model.

4. Personnel are therefore reminded of the serious view that is taken of acts of intemperance and drunkenness and of the consequences that may arise from them.

Alcohol policy

5. **Adult members of staff.** Whilst on duty, adult members of staff are not to consume alcohol nor are they to be under the influence of alcohol from the night before. This also applies to nominated duty personnel during residential activities (such as camps).

6. **Cadets.** In the UK, it is a statutory offence¹ for any person under the age of 18 to purchase, attempt to purchase, or to be provided with alcohol. Cadets are therefore to conform to UK law regarding the possession and consumption of alcohol (or to any more stringent law of a host country when representing the ACO overseas). Cadets on duty aged 18 years and over should not be permitted to purchase, possess and consume alcohol, except with the explicit authority of the commanding officer who is to conform with the specific rules issued by a higher authority for a particular event or activity. However, in granting this permission, it should be noted that any injury sustained whilst under the influence of alcohol is excluded from the ACO personal accident insurance cover which would normally include travel to and from a duty location as well as the activity period itself. It may also be excluded from the normal MOD indemnity extended to adult staff acting in the normal course of their duties. In other words, adult members of staff who grant such permission may be personally liable for any adverse consequences, linked to alcohol consumption, that follow.

¹ Licensing Act 2003 S149(1)

CHAPTER 6

A GUIDE TO USING INFORMATION AND COMMUNICATION TECHNOLOGIES

Reference:

- A. ACP 50 – Media and Communications.
- B. 2008DIN03-020 (Nov 08) – Authorisation procedures for all MOD personnel – military and civilian – wishing to have contact with the media, or write or speak in public.

Introduction

1. Information and Communication Technologies (ICTs) encompass electronic devices such as personal computers (PCs), mobile phones, smart phones, personal digital assistants, games consoles and digital cameras that allow communication via websites, email, instant messenger, voice and text messaging.
2. ICTs are very much a part of life in the 21st century. Children and young people in particular have embraced the digital age; pen and paper has given way to email and text messages, and owning a mobile phone is the norm, even for younger children. Although it would be impossible to cover all situations covering the use of ICTs, this chapter is designed as a basis for guidance on the use of modern technologies within the ACO. Those working with children and young people need to know how to make the most of these technologies but at the same time ensure they are used appropriately and responsibly. The e-safety principles contained in this chapter should help create an ICT safety policy, will ensure cadets are protected and the integrity of adult members of staff safeguarded.
3. Although many members of the ACO have adapted to and indeed welcomed all the advances in ICTs, it is important to remember that not everyone has access to them. No member of staff or cadet should feel discriminated against simply because they don't have a mobile phone or PC. If necessary, alternative means of communication should be found.
4. All communication between adult members of staff and cadets should be in an ACO context. Adult members of staff should decide the most appropriate method of communication depending on the message/information being sent. Permission is to be sought from parents/carers to contact a cadet and ask them what the most appropriate forms of contact for that cadet is. Parents/carers should be able to appropriately monitor their children's activities on the internet and communications through mobile phones, so that they are not susceptible to being exposed to inappropriate contact and even more serious instances of child abuse.

Internet usage

5. **Access to inappropriate images.** There are no circumstances that will justify adults or cadets possessing indecent images of children. Adults and cadets who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children is illegal. This will lead to criminal investigation with the individual being barred from working with children and young people, if proven.
6. **Internet access for cadets involved in ACO activities.** Adult members of staff are to ensure that cadets are not exposed to any inappropriate images or web links. Internet equipment used by cadets is to have parental controls applied with regard to access. Some of the areas of risk that cadets may be exposed to are:
 - **Social networking sites and chatrooms.** Sex offenders are increasingly using the internet to make contact with children and young people. Adult members of staff need to be

aware that those who wish to abuse children often start with electronic communications and then attempt to lure them into an unprotected face to face meeting.

- **Unsuitable materials or sites.** Children and young people may be exposed to pornographic materials, to race or hate sites. Unsuitable material is not easily detected until the information has been downloaded.
- **Cyber bullying.** Although primarily aimed at schools, useful guidance to combat cyber bullying is available at: <http://www.teachernet.gov.uk/doc/11910/Cyberbullying%20-%20summary%20document%20-%2-FINAL.pdf>

At Annex A to this chapter are some further internet safety tips for cadets.

7. **Use of ACO computer equipment.** Adult members of staff are not to use equipment belonging to, or used by, the organisation to access adult pornography or other inappropriate material; neither is personal equipment containing these images or links to them to be brought into ACO premises or to activities. Infringements will raise serious concerns about the suitability of the adult member of staff to continue to work with children.

8. **Reporting concerns.** To report suspicious behaviour online with or towards a child, contact the Child Exploitation and Online Protection (CEOP) <http://www.ceop.gov.uk>. Childnet International also works in partnership internationally to help make the internet safe for children and have resources available covering all areas of internet safety <http://www.childnet-int.org>

Websites and photographs

9. When designing a website, care should be taken to ensure the safety of children and young people. The following are the most important principles:

- Children should not be identified by surname or other personal details such as email, postal addresses, telephone numbers, etc
- When using photographs of cadets, it is preferable to use group pictures. If a photograph of an individual child or young person is used, avoid giving personal details.
- The office of the Data Protection Commissioner has declared that photographs posted on the internet are personal data and are subject to data protection legislation. Written consent should therefore be obtained from parents or carers before using cadets' photographs on a website (this is normally achieved by completing Section 3 of RAF Form 3822A (Air Training Corps Consent Certificate) on first joining).

See Chapter 2, paragraphs 29-35 and Reference A, Chapters 1, 10 and 11 for further information.

Communication with children and young people

10. Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, emails, digital cameras, videos, webcams, social networking sites, chatrooms and messenger services. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child or young person, other than that which might be appropriate as part of their ACO role. Adult members of staff should ensure that all communications are transparent and open to scrutiny.

11. Adult members of staff should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children, including email addresses, home or mobile telephone numbers, unless the need to do so is agreed with a superior officer and parents/carers. Communication between adult members of staff and children outside agreed protocols (see the following paragraphs) may lead to disciplinary/administrative

action and/or criminal investigation. This also includes communications through internet based websites (eg Facebook, Bebo, MySpace, etc).

Social networking sites

12. Social networking sites have become increasingly popular for contacting people, discussing issues and advertising up and coming events. The ACO recognises that they can be useful for specific ACO projects. However, adult members of staff need to be very conscious of context in which these sites are used and ensure the public cannot view any personal information belonging to cadets. See Reference A for further details.

13. Social networking sites are essentially designed for peer-to-peer contact. It is vitally important to ask “is the content of the messages and photographs available to be viewed on my profile suitable for children (or their parents) to see?”. Adult members of staff are to maintain appropriate personal and professional boundaries when using internet or web based communication channels. Further information on ACO policy on the misuse of the internet is at Annex B. Reference B sets out the arrangements that all MOD personnel (military and civilian) must follow if they wish to have contact with media, or write or speak in public on Defence or related matters and it applies to all members of the regular Armed Forces, the Volunteer Reserve Forces and cadets and civilian volunteers when on duty. It covers all public speaking, writing or other communication, including via the internet and other sharing technologies, whether on duty, off duty or in spare time, on issues arising from an individual’s official business or experience or otherwise related to Defence.

Chat and messenger services

14. Instant Messenger Services or IM (eg MSN Messenger, AOL, AIM) are internet programs that allow people to write and receive messages in real time. Many children and young people use IM for both one-to-one (chat) and group conversations (chatrooms). Chat is a great way to engage with young people but adult members of staff should consider the following:

- Encourage cadets to use moderated chatrooms (a chatroom that will block inappropriate messages)
- Care must be taken with regard to language and content and for how long a communication lasts
- To ensure accountability and safeguard integrity, adult members of staff should save significant conversation as a text file as well as keep a log of when and with whom they communicated.

Emails

15. **Best practice.** Many cadets have email addresses and this can be a cheap and effective way of communicating with members. To help ensure that communications with cadets are appropriate, the following are some points for best practice when sending emails to cadets:

- Use clear unambiguous language to reduce the risk of misinterpretation. Use an appropriate tone: friendly, but not over familiar or personal – keep it business like. Although it should be clear when an email is ending, you should never use terms such as ‘luv’ or ‘x’ (kiss) to round things off
- Try to have a separate email account for your ACO communications
- If you are sending images, make sure they are appropriate
- Do not forward chain emails to cadets
- Make sure that any hyperlinks you include do not lead to inappropriate content
- Always copy another adult into your emails
- Always save a copy of all the emails you send to cadets

- Blind copy email addresses to ensure you are not broadcasting other people's contact details
- If you receive an email from a cadet which causes you concern, immediately seek advice from your superior officer
- If you receive any unsolicited messages from people you do not know which contain obscene or racist images, these should be reported to the Internet Watch Foundation at www.iwf.org.uk

16. **Giving advice and confidentiality.** Some children can find it easier to communicate via email because nobody is physically present. This means that a child may be more willing to share personal and sensitive information about themselves or a given situation than they would face-to-face. Whilst it is entirely appropriate to offer general advice and support, counselling should only be done by those qualified to give it. In any event, it is advisable to add the rider below to the bottom of any email about ACO business stating the level of confidentiality:

“Any views or opinions presented are solely those of the author and do not necessarily represent those of the Air Cadet Organisation unless otherwise stated.

If there is a concern that the sender or someone else, particularly a child, may be at risk of serious harm, we may need to share those concerns. In such circumstances we would inform the sender giving details of who would be contacted and what information would be given.”

17. **Transferring/sending files.** Bearing in mind that files and images can be sent via email and IM, adult members of staff should ensure that only legal and non-offensive content is sent/transferred. It is also important that anti-virus software and a firewall are installed on the computer being used.

Mobile phones

18. 90% of children aged 11-16 years of age have a mobile phone. It is probably the most used communications tool. When adult members of staff send a text message or photograph to a cadet, they should ensure that the content of the message could not be misinterpreted – in other words, text messages to and from cadets should be professional and limited to ACO business. The following are some points for best practice when using mobile phones to communicate with cadets:

- Despite the statistics, not every cadet has the use of a mobile phone and, even if they do, parents/carers may not want the organisation to have the number. It is important, therefore, to have alternative means of communication
- If cadets want you to hold their mobile phone numbers, make sure their parents know and have agreed
- Recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible
- Where appropriate, use group rather than individual texting
- Whilst communications should be warm and friendly, they should not suggest or offer a special relationship
- Respect a cadet's confidentiality, unless abuse is suspected or disclosed
- Adult members of staff should take care with the language they use, avoiding ambiguous abbreviations such as 'lol' which could mean 'laugh out loud' or 'lots of love'; using a kiss (x) at the end of a text or within a signature may be taken out of context by some recipients and is likely to be seen as inappropriate in virtually every instance.
- Be conscious of the time when sending messages or making calls to cadets; avoid late at night and the early hours of the morning

- Many mobile phones have digital cameras. Adult members of staff should ensure that they only take photographs of cadets in accordance with the policy and guidelines contained in this publication and that all images are store in accordance with the Data Protection Act principles. It would be unwise to keep images on an adult member of staff's mobile phone. Images should be downloaded to an official computer as soon as possible and kept securely
- Make sure that your communication is such that in no circumstances would it embarrass you for it to be seen by the cadet's parents or your superior officer
- Any texts or conversations that raise concerns should be saved and passed on or shown to superior officers

19. **Mobile telephones on camps.** Although mobile telephones are an excellent and almost essential modern method of communication, they can cause considerable nuisance on camps. Camp Commandants will seek advice from the ACLO on the station being visited regarding station policy for mobile telephones. Camp Commandants will also use their discretion concerning the use of telephones by cadets, especially after "lights out". Unrestricted use of mobile phones may be considered inappropriate when cadets are undergoing ACO activities for the following reasons:

- The mobile phone may get lost or damaged if carried when conducting a physical activity (such loss or damage is not covered by any ACO insurance policy)
- Uncontrolled calls home may be made when cadets are homesick or worried. Responsible supervisory adult staff may therefore be unaware of the problem until the parent/carer makes contact with staff. Cadets should be reminded to report any problem or concerns to a member of staff who can take the appropriate action.
- Many mobile phone also provide the facility to take still or video images and can therefore pose a risk of the production and transmission of inappropriate material

The law regarding the sending of inappropriate messages and images

20. The Sexual Offences Act 2003 (which is applicable to England, Wales and Northern Ireland) was amended in Feb 07 to make it possible for offences which are not primarily sexual in nature to be punishable by a sexual offences prevention order (SOPO) (which could earn the offender a place on the Sex Offenders' Register). Improper use of a public communications network is already forbidden by Section 127 of the Communications Act 2003 which defined improper use as sending a message that is "grossly offensive or of an indecent, obscene or making character". The amendment to the Sexual Offences Act adds that offence to the list of others that qualify for a SOPO. New provisions cover such activities as nuisance phone calls, obscene messages, sending indecent or inappropriate images and harassment emails of a sexual nature (especially to children). It therefore brings electronic communication firmly into the sights of the Sexual Offences Act.

Annexes:

- A. Internet Safety Tips for Cadets.
- B. Misuse of the Internet – ACO Policy.

INTERNET SAFETY TIPS FOR CADETS

- Never give out personal information to online mates, ie name, address, nickname, passwords and mobile phone numbers for you, your family or friends.
- Never send pictures or videos of yourself – anyone can change it or share it.
- Never arrange to meet a stranger you have contacted online.
- Never accept emails or open files from people you don't really know or trust as these may contain viruses or worse, an inappropriate image or film.
- If you receive spam/junk emails – **never** believe them, reply to them or use them.
- Never forward chain emails.
- Remember, people may not be who, or how old they say, they are.
- Never reply to cyber-bullying: block the sender, save the evidence, and tell a responsible adult.
- If someone is making you feel uncomfortable or worried whilst communicating online – don't be afraid to tell a responsible adult or report the matter by visiting the Child Exploitation and Online Protection Centre at www.ceop.gov.uk
- If you have seen illegal online content, ie images of child abuse, criminally obscene images, criminally racist content, you can report this by visiting the Internet Watch Foundations at www.iwf.org.uk
- Set social networking profiles to "private" and be careful who is added as a "friend" – "friends" on these sites should also be friends in real life.
- Don't spend too much time online: have "real world" friends and interests too

MISUSE OF THE INTERNET – ACO POLICY

References:

- A. ACP 50 – Media and Communications.
- B. 2008DIN03-020 (Nov 08) – Authorisation procedures for all MOD personnel – military and civilian – wishing to have contact with the media, or write or speak in public.
- C. ACP 20B – Air Cadet Administrative Instructions.
1. The attention of all adult members of staff is drawn to References A and B. The ACO has a “zero tolerance” policy with regard to the misuse of the internet¹.
 2. Whilst using any form of ACO computer equipment, it is unacceptable to:
 - Visit sites that contain obscene, hateful or other objectionable materials
 - Make or post indecent remarks, proposals or materials on the internet including racist or sexist jokes and defamatory comments
 - Upload, download or otherwise transmit commercial software or any copyrighted materials belonging to any other parties unless such an up or download is covered or permitted under a commercial agreement or other such licence.
 - Connect to the internet without adequate virus protection and firewall measures on the accessing computer
 3. All adult members of staff are to be aware of the damage that malicious comments or accusations can cause to someone’s career, or standing in the ACO. Additionally, it can cause personal distress and affect families/marriages/partnerships and for this reason alone, must be strenuously avoided.
 4. Any cadet making libellous or seriously defamatory remarks on websites about another member of the ACO, particularly superiors, may be dismissed. Any adult member of staff doing so will be made the subject of an administrative report in accordance with Reference C, which may recommend termination of their appointment.
 5. The ACO takes its responsibilities to all personnel (cadets and adults) very seriously and will defend them from any malicious attack on their character. It is therefore the responsibility of all personnel to ensure that unacceptable behaviour is prevented.
 6. Any concerns on the misuse of the internet should be referred to HQ Air Cadets, through the normal chain of command.

¹ Misuse of the internet in this context means making a defamatory or derogatory comment about anyone, whether a cadet, adult member of staff, or any third party, through the medium of a website or blog, chatroom or conversation site, or in emails. Even true statements can be defamatory when broadcast in these ways.

CHAPTER 7

CRIMINAL RECORDS CHECKS

References:

- A. JSP 893 – Policy on Safeguarding Vulnerable Groups.
- B. RAF GAI 1026 (Royal Air Force Support to the Air Cadet Organisation).
- C. The Baseline Personnel Security Standard – ACO/S7 dated 6 Aug 08.
- D. ACP 20B ACAI 270 paragraph 4.

Introduction

1. In order to comply with government legislation¹, all potential adult supervisory staff (commissioned, non-commissioned, Civilian Instructors (CIs)/Civilian Gliding Instructors (CGIs) and honorary chaplains) applying to join the ACO are to undergo a check to enhanced level by the Criminal Records Bureau (CRB) for England and Wales, AccessNI for Northern Ireland, through the MOD Registered Body (DVA York), or by Disclosure Scotland (through Central Registered Body Scotland (CRBS)) for those living and working in Scotland (Wg Ex Os, OCs VGSs and AEFs in Scotland are Lead Signatories in their own right and deal directly with CRBS), in accordance with Reference A before they can be permanently appointed. Civilian committee members are deemed to be in regulated activity² are also to undergo similar checks. Cadets who intend to apply for an extension of service to their 20th birthday are to be subjected to a criminal records check by their 18th birthday.

Categories of personnel

2. **Regular RAF personnel supporting the ACO.** Regular RAF personnel who support ACO activities at local ATC sqns, VGSs or AEFs on a part time basis will be required to have a criminal records check carried out to enhanced level and, where possible, such checks are to be initiated by the individual's parent unit in accordance with Reference B or by the appropriate Wing HQs. As these personnel are undertaking these duties on a voluntary basis, checks should be free of charge.
3. **Combined Cadet Force (CCF) personnel.** All applicants for CCF (RAF) uniformed service will be checked through the appropriate criminal records agency to enhanced level in accordance with the requirements of the relevant educational establishment or local education authority in the country concerned. TEST officers and SNCOs are to be cleared in accordance with instructions issued by Wg Cdr CCF.
4. **Managers or supervisors of personnel in regulated positions.** Line managers or supervisors of personnel who are subject to criminal records checks are themselves to undergo criminal records checks to enhanced level³. For civil servants, these checks are facilitated through the PPPA; regular RAF personnel should apply through their parent unit.
5. **Other ACO adult volunteer staff and cadets age 18 years and over.** All other ACO adult volunteer staff and cadets aged 18 and over in England, Wales and Northern Ireland are to be checked to enhanced level by CRB Liverpool (through DVA York (Disclosures Section)). Adult volunteer staff and cadets aged 18 and over living and working in Scotland are to be checked to

¹ Protection of Children Act 1999 (England and Wales)

Protection of Children (Scotland) Act 2003

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003

² Regulated activity is the statutory term used to describe specific activities which involve working or volunteering with children or vulnerable adults. It covers any such work, either paid or unpaid which is carried out on a frequent (once a week or more), intensive (4 days in any one month) or overnight (between 0200 and 0600 hrs) basis.

³ The Safeguarding of Vulnerable Groups Act 2006, The Protection of Vulnerable Groups (Scotland) Act 2007 and The Safeguarding of Vulnerable Groups (Northern Ireland) Order 2007.

enhanced level by Disclosure Scotland (through CRBS). See paragraph 13 below for further details.

6. **Pilots offering one-off (occasional) flights to cadets.** Only personnel in a regulated activity (or childcare positions in Scotland), ie where normal duties include caring for, training, supervising or being in sole charge of children require criminal records checks. The intention is to exclude the one-off work, which means that pilots offering one-off occasional flights to cadets would not require criminal records checks, but if these flights were to become a normal, regular, part of ACO training, then all pilots involved in the programme would be subject to criminal records checks under normal rules.

Initiation of CRB/Disclosure Scotland disclosure action

7. **Proof of identity.** The first and most important stage in the initiation of any check is verification of the subject's identity. It is the responsibility of the initiating authority (OC Sqn/OC Wg or Wg Ex O/OC VGS/OC AEF/CCF(RAF) Contingent Commander) to satisfy him/herself as to the identity of the applicant prior to initiating any procedure with the DVA (Disclosures Section) or CRBS. Identity is to be established by examination of the subject's passport, birth certificate or other authoritative document as required by the checking process. The initiating authority's signature on a completed CRB/Disclosure Scotland application form is deemed to be confirmation that satisfactory proof of identity has been obtained. This check of the applicant's identity and nationality also conforms with the initial stages of the Baseline Personnel Security Standard requirements in accordance with Reference C.

8. **CRB/Disclosure Scotland application process – Sqns and Wgs.** CRB/Disclosure Scotland and DVA (Disclosures Section) forms are to be obtained from Wg HQs (who are to order them from DVA (Disclosures Section) or CRBS/Disclosure Scotland). Potential members of adult staff and cadets over the age of 18 on ATC sqns in England, Wales and Northern Ireland are to return their completed forms to the OC Sqn who will verify the information and then pass to Wg HQ for onward transmission to DVA (Disclosures Section) York or CRBS as applicable. Applications for disclosure are not to be sent directly to CRB Liverpool or Disclosure Scotland.

9. **CRB/Disclosure Scotland application process – AEFs and VGSs.** Forms are to be ordered from DVA (Disclosures Section) or CRBS/Disclosure Scotland. After completion by prospective VGS/AEF personnel, the forms are to be verified for accuracy by the OC VGS or OC AEF, signed, and forwarded to DVA (Disclosures Section) or CRBS as applicable. Applications for disclosure are not to be sent directly to CRB Liverpool or Disclosure Scotland.

10. **Payment for criminal records checks – England and Wales.** Unpaid volunteers are entitled to free criminal records checks in England and Wales as long as the 'position applied for' on disclosure applications adheres to the following chart:

| Position Applied For: | <i>Includes:</i> |
|------------------------------------|---|
| “ACO - RAFVR(T) Officer” | <i>Sqn OCs Sqn officers CCF(RAF) officers not CRB checked by schools HQ Air Cadets, Region and Wing staff/project officers</i> |
| “ACO - WO/SNCO(ATC)” | <i>Region, Wing and Sqn staff</i> |
| “ACO – Unremunerated Staff” | <i>Civilian Instructors Civilian Gliding Instructors (CGI) Civilian Committee members Honorary Chaplains Service Helpers/Regular Service Instructors Part time CGIs (who are full time members of the RAF) AEF pilots (who may be full time members of the RAF)</i> |
| “ACO – Staff Cadet” | <i>All cadets aged 18 years and over</i> |

11. **Payment for criminal records checks – Scotland.** All adult volunteers are entitled to free criminal records checks by Disclosure Scotland as long as they are submitted through CRBS.

12. **Certificates of Suitability.** Under current legislation⁴, all potential members of adult staff must have a valid Certificate of Suitability to work with children and young people who are members of the ACO issued by DVA (Disclosures Section) for England, Wales and Northern Ireland (via the CPO HQ Air Cadets), Wg Ex Os in Scotland or by Wg Cdr Admin HQ Air Cadets, after completion of CRB/Disclosure Scotland checks to enhanced level. Adult members of staff who do not renew their criminal records check by the due date are to be suspended until confirmation of clearance has been received from HQ Air Cadets. Cadets who are remaining in the Corps past their 18th birthday who have not received a criminal records check by their 18th birthday are to be suspended until clearance is received from HQ Air Cadets.

Clearance criteria and requirements

13. **Validity of Certificate of Suitability.** Although a criminal records check is only valid on the day it was issued, MOD policy states that Certificates of Suitability for working with children are valid for 5 years or until a break in service of 6 months or more occurs. A reminder will therefore be sent out 6 months before the expiry of a clearance alerting Wg Ex Os/unit cdrs when a new CRB/Disclosure Scotland clearance is required. Adult members of the CCF (RAF) will be responsible for obtaining disclosure renewals as and when required by the employing educational establishment. Sqn Cdrs are responsible for initiating criminal records checks for their cadets on reaching 17½ years of age, including those flight staff cadets who are attached to a VGS or AEF. In addition, HQ Air Cadets retains the right to insist, at any time, that an adult volunteer or cadet aged 18 or over undertakes a new criminal records check if there are ever any child protection concerns. Failure to comply with this HQ request will result in the adult volunteer or cadet aged over 18 being immediately denied access to cadets under the age of 18 and ACO facilities and appropriate administrative action will be taken against the individual.

14. **Procedure on extension of service or change of status.** Providing an individual is in possession of a current criminal records check (valid for 5 years), a new CRB/Disclosure Scotland check is not required on extension of service, transfer from CI to SNCO or from CI or SNCO to RAFVR(T), or vice versa, provided service does not have a break of 6 months or more. A change in status after more than 6 months has elapsed will require a new CRB/Disclosure Scotland check to be carried out. An individual who is returning to duty after a period of non-effective service exceeding 6 months is to be subject to a new criminal records check. Although according to the provisions of Reference D, Staff Cadets are not to be charged with overall accountability for the conduct of an activity (that is always to rest with an adult staff member), ACO policy is that all cadets aged 18 years of age and over are to undergo a criminal records check to enhanced level in accordance with paragraph 13 above. Providing a cadet is in possession of a current criminal records check, a change of status from cadet service to adult staff will not require a fresh CRB/Disclosure Scotland check to be completed.

15. **Portability of criminal records checks.** Disclosures are normally portable within the MOD unless otherwise stated. Criminal record checks made outside the MOD are not portable into the MOD. CRB checks carried out in England, Wales and Northern Ireland are not portable to Scotland. Reference A states that disclosures for personnel who are or will be employed in Scotland must be obtained from Disclosure Scotland (through CRBS). This affects anyone who is working in Scotland in a regulated/childcare position, or about to be, and who has not already been checked through Disclosure Scotland irrespective of whether they have been checked previously through CRB Liverpool. Disclosure Scotland checks are, however, portable to England, Wales and Northern Ireland. Personnel who work on a regular basis in Scotland, even though they may be based in England and Wales should also have a check in place from Disclosure Scotland. However, when personnel travel from one country to another within the UK, for a camp or AEF/VGS

⁴ Criminal Justice and Court Services Act 2000 and Protection of Children (Scotland) Act 2003

flying detachment, for example, as long as adult members of staff have been the subject of a criminal records check by at least one UK agency, further criminal records checks are not required provided the visit is temporary.

16. **Probationary periods in England and Wales.** Probationary periods in England and Wales for adult members of staff can commence on the date that the OC Sqn/OC VGS/OC AEF signs the CRB Disclosure Application Form and forwards it to Wg HQ or to DVA (Disclosures Section) as applicable. The date of confirmation of appointment will be on completion of the mandatory period of probation. This period will include time spent under supervision at an ATC sqn or VGS/AEF whilst awaiting the arrival of the Certificate of Suitability from HQ Air Cadets (CPO). Until a Certificate of Suitability has been received, probationary staff are **not** to be allowed unsupervised access to cadets.

17. **Probationary periods in Scotland and Northern Ireland.** Prospective members of adult staff in Scotland and Northern Ireland are not permitted to start their period of probation, nor attend any sqn activity, until the Sqn OC receives confirmation of clearance to work with children from their respective Wg HQs or from HQ Air Cadets (CPO).

Notification of disclosures

18. **“Green” notifications.** A “Green” notification confirms that a criminal records check has been completed to enhanced level and there is no known reason why an individual cannot work with children. In England, Wales and Northern Ireland, DVA (Disclosures Section) will issue a Certificate of Suitability to HQ Air Cadets (CPO). CPO will record the details on the individual’s personnel record and then inform the Wg Ex O, OC VGS or OC AEF accordingly to enable the initial application to be processed. Following confirmation of suitability for working with children from CRBS, Wg Ex Os in Scotland will forward a letter of suitability to HQ Air Cadets (Personnel Department) together with the application to join.

19. **“Amber” notifications.** All “Amber” notifications (ie those containing details of convictions, cautions, reprimands, warnings or any other relevant information revealed by police authorities) will be sent by DVA (Disclosures Section) or Wg Ex Os in Scotland to HQ Air Cadets (CPO), where a decision will be made by Wg Cdr Admin on the applicant’s suitability, or otherwise, for working with children taking into account any information revealed on the Disclosure Notification and following any necessary discussion between HQ Air Cadets and the appropriate Wg Ex Os/Wg COs/OCs VGS/AEF. In accordance with Section 124 of the Police Act 1997, disclosure information is only to be passed to those who are authorised to receive it in the course of their duties. Once an appointing decision has been made, all hard copies of consultation correspondence are to be destroyed by secure means and electronic copies are to be deleted.

20. **“Red” notifications.** All “Red” notifications, where an applicant is disqualified from working with children and may be committing a criminal offence by applying, are to be referred to HQ Air Cadets (CPO).

Annex:

A. ACO Policy Statement on the appointment of ex-offenders.

ACO POLICY STATEMENT ON THE APPOINTMENT OF EX-OFFENDERS

Introduction

1. It is a requirement of both the Criminal Records Bureau (CRB) and Disclosure Scotland Codes of Practice that all registered bodies must treat disclosure applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. This policy statement is to be given to disclosure applicants at the outset of the application process.

Policy Statement

2. As an organisation using the CRB/Disclosure Scotland disclosure service to assess applicants' suitability for positions of trust, the ACO complies fully with the CRB/Disclosure Scotland Codes of Practice and undertakes to treat all applicants for volunteer positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

3. The ACO is committed to the fair treatment of its volunteers and potential volunteers, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

4. We actively promote equality of opportunity for all with the right mix of talent, skills, potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for volunteer service based on their skills, qualifications and experience.

5. All volunteers in the ACO are subject to disclosure and this is made clear to applicants from the outset. We encourage all applicants to provide details of their criminal record under separate cover as part of the verification of identity and application process and we guarantee that this information will only be seen by those who need to see it as part of the appointment process.

6. We ensure that all those in the ACO who are involved in the appointment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the appointment of ex-offenders, eg the Rehabilitation of Offenders Act 1974.

7. We ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of appointment.

8. We make every subject of a criminal records disclosure aware of the existence of the CRB and Disclosure Scotland Codes of Practice and make copies available on request.

Having a criminal record will not necessarily bar you from volunteering with the ACO. This will depend on the circumstances and background of your offences or the information revealed to us. However, HQ Air Cadets retains the absolute right for appointing and retaining individuals to volunteer positions within the organisation and is not required to give a reason when an applicant is not appointed or retained.

CHAPTER 8

THE INDEPENDENT SAFEGUARDING AUTHORITY (ISA) (APPLICABLE TO ENGLAND, WALES AND NORTHERN IRELAND ONLY)

BACKGROUND

1. The Safeguarding Vulnerable Groups (SVG) Act 2006 was introduced in the House of Lords on 28 Feb 06 and received Royal Assent on 8 Nov 06. The Safeguarding Vulnerable Groups (NI) Order 2007 was laid at the Privy Council meeting on 2 May 07 and was made on the 9 May 07. The full text of the Safeguarding Vulnerable Groups Act 2006, the Safeguarding Vulnerable Groups (NI) Order 2007 and explanatory notes are available on the Office of Public Sector Information website, www.opsi.gov.uk.

2. Under the terms of the SVG Act, a new scheme for England and Wales covering those who work or volunteer, or seek to work or volunteer, with children or vulnerable adults has been introduced. Certain provisions of the Act extend to Northern Ireland. The Safeguarding Vulnerable Groups (NI) Order 2007 replicates those provisions which do not extend to Northern Ireland.

3 The Scheme will operate across England, Wales and Northern Ireland. Certain provisions of the Act are devolved responsibility for the Welsh Assembly Government and may be applied differently (<http://new.wales.gov.uk/topics/health/socialcare/vulnerableadults/vetting/?lang=en>) The Scottish Government is introducing its own parallel Protection of Vulnerable Groups (PVG) Scheme to deliver on the provisions outlined in the Protection of Vulnerable Groups (Scotland) Act 2007 and further details are available via the following link: <http://www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation>.

4. Once the scheme is fully implemented, if an individual is considered unsuitable by the Independent Safeguarding Authority (ISA) they are barred from working with children and vulnerable adults in a regulated activity (see definition at paragraph 5 below). Individuals will be barred either automatically – if they are convicted or cautioned for certain offences – or following a decision by the ISA taking into account other offences, cautions or any other relevant information. New robust information sharing processes have been introduced and the ISA will continually review new relevant information about individuals in a regulated activity.

5. The Home Office announced on 15 Jun 10 that the requirement for individuals to register with the ISA was the subject of a new Governmental review and, consequently, the registration process relating to the Vetting and Barring Scheme has been put on hold until the outcome of the review is known.

REGULATED ACTIVITY

6. **Scope.** Regulated activity covers anyone working closely with children or vulnerable adults, either paid or unpaid, not part of a family or personal arrangement, on a frequent, intensive or overnight basis. Frequent means once a week or more; intensive means on 4 days or more in a single month; overnight is between 0200 - 0600 hours. All ACO adult volunteers, instructor/staff cadets (over 18 years of age) and some permanent members of staff are deemed to be working in a regulated activity. Civilian committee members who meet the frequent or intensive criteria or who drive cadets on a voluntary basis in similar circumstances are also in a regulated activity. Activity that regularly involves day-to-day management or supervision of a person carrying out the activities above is also regulated activity (this includes Comdt ACO, COS ACO and Rgnl Comdts). Regulated activity does not cover transport arrangements made between families and friends on a personal basis.

7. **Regulated activity provider.** The ACO (HQ Air Cadets) is a regulated activity provider that is responsible for the management or control of regulated activity and makes arrangements for members to be appointed in that activity.

DUTY TO REFER TO THE ISA

8. There is a duty on the regulated activity provider (HQ Air Cadets) to refer individuals to the ISA for consideration for barring in relevant circumstances and to provide information to the ISA upon request. The duty to refer applies when permission is withdrawn for an adult member of staff or instructor cadet to perform a regulated activity or if an individual has left while under investigation, on the grounds either that they had caused harm or that they posed a risk of harm to a child. In particular, HQ Air Cadets must refer the case to the ISA if they think that the individual has committed an offence that would lead them to be automatically included on a barred list under the automatic barring provisions. Failure to provide information to the ISA is a criminal offence.

9. A panel of officers at HQ Air Cadets will consider cases for referral to the ISA and the Safeguarding (Child Protection) Officer is responsible for staffing the referral in accordance with the ISA Referral Guidance document. The duty to provide information to the ISA will override any obligation to withhold information on the grounds of confidentiality.

NOTIFICATION OF BARRING DECISIONS

10. When the ISA notifies HQ Air Cadets that it has barred a member of staff or instructor cadet, the individual will be removed immediately from regulated activity. In order to remove a barred individual they will be suspended, without prejudice, and adult members of staff will be placed in the ACO non-effective pool, until formal dismissal action can be taken (after taking professional human resources and/or legal advice). In many cases, HQ Air Cadets can instigate termination of service or dismissal action as soon as it becomes aware of the conduct that led to the bar (ie before receiving notification of the bar from the ISA) for gross misconduct or a conviction of a criminal offence or, where applicable, failure by an individual to notify HQ Air Cadets of the conduct.