

## UK TAE KWON DO COMMISSION



## EQUITY POLICY STATEMENT

This is the adopted Equity Policy Statement of the UK Tae Kwon Do Commission and is to be implemented and adhered to in all member clubs and organisations.

## EQUITY POLICY STATEMENT

- **The UK Tae Kwon Do Commission** and its clubs are committed to ensuring that equity is incorporated across all aspects of its development. In doing so it acknowledges and adopts the following definition of sports equity:
  - Sports equity is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure it becomes equally accessible to everyone in society
- **The UK Tae Kwon Do Commission** and its member clubs respects the rights, dignity and worth of every person and will treat everyone equally within the context of their sport, regardless of age, ability, gender, race, ethnicity, religious belief, sexuality or social/economic status.
- **The UK Tae Kwon Do Commission** and its clubs are committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse.
- All members have a responsibility to oppose discriminatory behaviour and promote equality of opportunity.
- **The UK Tae Kwon Do Commission** and its clubs will deal with any incidence of discriminatory behaviour seriously, according to disciplinary procedures.
- **The UK Tae Kwon Do Commission** shall at all times promote its concerns for 'Open Access' and 'Equal Opportunities' through which it shall seek to overcome inequalities in relation to gender, age, race, religion or disability etc.

### EMPLOYMENT OF EX-OFFENDERS

- As an organisation using the Criminal Records Bureau (CRB/DBS) Disclosure service to assess applicants' suitability for positions of trust to achieve its requirement that all instructors/assistants hold enhanced CRB/DBS Disclosure, **The UK Tae Kwon Do Commission** complies fully with the CRB/DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
- **The UK Tae Kwon Do Commission** is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We have this written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.

- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within **The UK Tae Kwon Do Commission** and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows **The UK Tae Kwon Do Commission** to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in **The UK Tae Kwon Do Commission** who are involved in the recruitment 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 employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, 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 employment.
- We make every subject of a CRB/DBS Disclosure aware of the existence of the CRB/DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

## **SECURE STORAGE, HANDLING, USE, RETENTION & DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, UK Chung Do Kwan Taekwondo complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage,

retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

### Storage and access

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties

### Handling

Disclosure information In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it

### Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

### Acting as an Umbrella

Body Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will

handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

### Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention their conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

The Act is more likely to help people with few and/or minor convictions because of the way further convictions extend the rehabilitation period. People with many convictions, especially serious convictions, may not benefit from the Act unless the last convictions are very old.

### Rehabilitation Periods

The length of the rehabilitation period depends on the sentence given - not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2 1/2 years can never become spent.

The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation Period
	<b>People aged 18 or over when convicted</b>
Prison sentences of 6 months or less	7 years
Prison sentences of more than 6 months to 2 1/2 years	10 years
Borstal (abolished in 1983)	7 years
Detention centres (abolished in 1988)	3 years
Fines, probation, compensation, community service, combination action plan, curfew orders, drug treatment and testing, and reparation orders	5 years
Absolute discharge	6 months

1. Including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution.
2. Even if subsequently imprisoned for fine default.
3. For people convicted on or after 3 February 1995 (from which date the rehabilitation period for a probation order was changed under the terms of the Criminal Justice and Public Order Act 1994).

With some sentences the rehabilitation period varies

Sentence	Rehabilitation Period
Probation (1), supervision, care order, conditional discharge or bind-over	1 year or until the order expires. (Whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires. (Whichever is longer)
Referral Order	once the order expires

(1) For people convicted before 3 February 1995

### Disqualifications

The rehabilitation period for a disqualification is the length of the disqualification. If a person is disqualified at the same time as receiving another penalty, the longer rehabilitation period applies. (For example, if a motorist is banned from driving for seven years and fined - which takes five years to become spent - the rehabilitation period would be seven years, not five years.)

### Endorsements

An endorsement is not a 'disability, prohibition or other penalty' within the meaning of the Act, and therefore it cannot affect the rehabilitation period of a motoring conviction. So, for example, if a motorist is fined for drink driving and has his or her licence endorsed, the rehabilitation period would be five years (the length applicable to the fine) rather than 11 years (the length of time before a driver convicted of drink driving is entitled to a clean driving licence).

### Further Convictions

If a rehabilitation period is still running and the person concerned commits a minor offence (a 'summary' offence that can only be tried in a magistrates' court), the minor offence will not affect the rehabilitation period still running. The rehabilitation period for each offence will expire separately. (For example, if someone had received a two year probation order, then one year later was fined for a minor offence, the probation order would become spent before the fine. Therefore once the probation order was spent, only the fine would need to be disclosed until it became spent.)

However, if the further offence is one that could be tried in the Crown Court, then neither conviction (even if the first one is for a minor offence) will become spent until the rehabilitation periods for both offences are over. (For example, if someone had received a two year probation order, then one year later was fined for a serious offence, both convictions would have to be disclosed until the fine became spent.) If the further conviction leads to a prison sentence of more than 2 1/2 years, neither conviction will ever become spent.

Once a conviction becomes spent, it remains spent, even if a person is convicted of other offences later.

### Concurrent and consecutive sentences

If an offender receives two or more prison sentences in the course of the same proceedings, the rehabilitation period will depend on whether they run concurrently or consecutively. For example two 6 month terms ordered to run consecutively are treated as a single term of 12 months, giving a rehabilitation period of 10 years. But two such sentences ordered to take effect concurrently are treated as one sentence of 6 months, giving a rehabilitation period of 7 years.

Prison sentences ordered to run consecutively to sentences already being served are not affected by this rule.

### Criminal Records

A person's offence will still remain on the Police National Computer even after it has become spent - it will not be deleted. Broadly, according to the guidelines from the Association of Chief Police Officers, records of 'recordable' offences (i.e. offences which can be tried in the Crown Court, whether or not they are) should be deleted after 10 years, unless they show that the offender has 3 or more convictions for recordable offences (in which case the record will be kept for 20 years); has been given custodial sentences (in which case the record will be kept for life); has been convicted of indecency, sexual offences, violence, possession of Class A drugs, or trafficking in, importing of or supply of any drug (in which case the record will be kept for life); been found unfit to plead by reason of insanity, or has been sentenced under the Mental Health Acts (in which case the record will be kept for life); been convicted of an offence involving a child or vulnerable adult where the MO indicates that the person deliberately targets such people ( in which case the record will be kept for life).

Individual Chief Constables are not bound by the ACPO guidelines so policy and practice will vary between police forces.

Criminal records are generally kept confidential. Broadly, vetting is limited to protecting vulnerable people; to ensuring the probity of the administration of justice; and to matters of national security. This means, for example, that private employers will not usually have access to criminal records. However this is due to change in July 2002 when any employer will be able to obtain details of unspent convictions.

Applicants for taxi, heavy goods vehicle and passenger service vehicle licences should also be vetted. (See 'Criminal Record Checks' by NACRO)

## Cautions

Cautions, reprimands and final warnings are not criminal convictions and so are not dealt with by the Act. So if people with cautions, reprimands or final warnings only are asked whether they have any 'criminal convictions' they can answer 'no'. Sometimes people are asked if they have a 'criminal record'. This is a less precise term, but it is usually understood to mean convictions. So people who are asked if they have a 'criminal record' may also answer 'no' if they have no convictions.

However, people who are specifically asked if they have cautions, reprimands or final warnings should disclose them until they are deleted from police records. Records of cautions should be deleted after five years if there are no convictions on the record. (In practice, some police forces may retain records of cautions for much longer than this or indefinitely.)

## BENEFITS OF THE ACT

### Applying For Jobs

Applicants with a criminal record who are asked on an application form or at an interview whether they have any previous convictions can answer 'no' if the convictions are spent and the job applied for is not excepted from the Act. Under the terms of the Act, a spent conviction shall not be proper grounds for not employing - or for sacking - someone. (If on the other hand, job applicants do not disclose unspent convictions, if asked to do so, they may be found out, dismissed on the grounds of having deceived the employer - and possibly prosecuted.)

The Act does not provide any means of enforcing a person's right not to be refused employment (or entry into a profession) on the grounds of a spent conviction. If, however, an employee can prove that they have been dismissed for a spent conviction and they have been in employment a year or more, they may be able to claim unfair dismissal under employment legislation.

### Applying For Insurance

If the proposal form asks whether the applicant has any previous convictions, the answer can be 'no' if the convictions are spent. This is the case even if the conviction is relevant to the risk which the insurers will underwrite. (For example, spent motoring convictions are not required on a proposal form for motor insurance.)  
Civil Proceedings

In civil proceedings, no-one should be asked questions which might lead to disclosure of spent convictions. If such questions are asked, they need not be answered. This rule does not apply:

<b>1</b>	in civil proceedings relating to children (adoption, guardianship, wardship, marriage, custody, care and control, schooling);
<b>2</b>	when the court is satisfied that justice cannot be done unless evidence of spent convictions is admitted (NB anyone who has spent convictions can always consent to evidence being given about them);
<b>3</b>	if the proceedings involve a matter excepted from the Act

The rule on civil proceedings applies not only to ordinary courts, but also to arbitration proceedings, disciplinary proceedings before an administrative tribunal, and to a club committee which has powers to affect anyone's rights, privileges, obligations, or liabilities.

### Criminal Proceedings

Previous convictions can be cited in criminal proceedings, even if they are spent. The Lord Chief Justice and the Home Office have, however, advised the courts that spent convictions should not be mentioned except in very special circumstances.

### Confidential Information

The Act makes it an offence for anyone with access to criminal records to disclose spent convictions unless authorised to do so. The Act makes it a more serious offence to obtain such information by means of fraud, dishonesty or bribe. The Data Protection Act 1984, as amended by the Criminal Justice and Public Order Act 1994, also makes it an offence to procure or supply confidential computer data.

It might be possible for a person with spent convictions to sue for libel anyone making allegations about spent convictions, if he or she can prove that the allegation was made with malice.

### Exceptions to the Act

There are some situations in which people will be expected to declare their convictions, even if they are spent. Some of the principal ones are:

<b>1</b>	Appointment to any post providing accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training to people aged under 18. Such posts include teachers, school caretakers, youth and social workers, child minders.
<b>2</b>	Employment involving providing social services to elderly people, mentally or physically disabled people, alcohol or drug misusers or the chronically sick.
<b>3</b>	Appointment to any office or employment involving the administration of justice, including police officers, probation officers, traffic wardens.
<b>4</b>	Admission to certain professions which have legal protection (including lawyers, doctors, dentists, nurses, chemists, and accountants).
<b>5</b>	Appointment to jobs where national security may be at risk (for example, certain posts in the civil service, defence contractors).

Application forms for posts which are excepted from the Act should always make this clear, although some employers claim posts are excepted when they are not. If in doubt, seek advice.

### Going Abroad

The Act only covers Britain. Other countries have their own rules about those they will give visas and work permits to. Embassies or overseas employment agencies should have information about this

## Section 124 of the Police Act - Offences: disclosure.

124(1) A member, officer or employee of a body registered under section 120 commits an offence if he discloses information provided following an application under section 113 or 115 unless he discloses it, in the course of his duties,-

- (a) to another member, officer or employee of the registered body,
- (b) to a member, officer or employee of a body at the request of which the registered body countersigned the application, or
- (c) to an individual at whose request the registered body countersigned the relevant application.

124(2) Where information is provided under section 113 or 115 following an application countersigned at the request of a body which is not registered under section 120, a member, officer or employee of the body commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another member, officer or employee of that body.

124(3) Where information is provided under section 113 or 115 following an application countersigned by or at the request of an individual-

- (a) the individual commits an offence if he discloses the information unless he discloses it to an employee of his for the purpose of the employee's duties, and
- (b) an employee of the individual commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another employee of the individual.

124(4) Where information provided under section 113 or 115 is disclosed to a person and the disclosure-

- (a) is an offence under this section, or
- (b) would be an offence under this section but for subsection (5) or (6)(a), (d), (e) or (f), the person to whom the information is disclosed commits an offence (subject to subsections (5) and (6)) if he discloses it to any other person.

124(5) Subsections (1) to (4) do not apply to a disclosure of information provided in accordance with section 115(8) which is made with the written consent of the chief officer who provided the information.

124(6) Subsections (1) to (4) do not apply to a disclosure of information contained in a certificate under section 113 or 115 which is made-

- (a) with the written consent of the applicant for the certificate, or
- (b) to a government department, or

- (c) to a person appointed to an office by virtue of any enactment, or
- (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
- (e) for the purposes of answering an exempted question (within the meaning of section 113) of a kind specified in regulations made by the Secretary of State, or
- (f) for some other purpose specified in regulations made by the Secretary of State.

124(7) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale, or to both.