



BRITISH HORSERACING AUTHORITY
SAFEGUARDING POLICY

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CONTENTS

Section		Page no.
Chair's foreword		3
1	Key safeguarding terms	5
2	The BHA's key safeguarding principles	7
3	Who is covered by this Safeguarding Policy?	8
4	Harm and abuse, positions of trust, and poor practice	9
5	Becoming aware of, reporting, and responding to safeguarding concerns	13
6	The BHA's approach to information sharing	21
7	Safer recruitment practices, criminal records checks, and contracting for services	22
8	Useful contact details and further information	24



Chair's Foreword

The BHA's Vision is that *'Together, we're building a brighter future for our sport, our horses and our people'*.

That brighter future means (among other things) seeking to attract the interest and participation of Young People (i.e. those under the age of 18). It is therefore vital that Young People have a positive and fulfilling experience in racing, and that they are protected from all forms of abuse and harm in relation to racing and related activities. Similarly, it is important that Adults at Risk (i.e. adults who might be less able to protect themselves against significant harm or exploitation) also fully enjoy racing, and that they too are protected.

As the national governing body of racing, the BHA has a particular duty to protect Young People and Adults at Risk from harm that might arise from their participation in racing and related activities. However, this duty is not confined to the BHA. It is shared by everyone in racing.

This Safeguarding Policy, developed alongside key stakeholders, sets out how the BHA has (and will continue to) put in place practical measures, tailored to the needs of racing, that seek to minimise the risk of harm and enable the BHA to respond as appropriate to safeguarding concerns in connection with the sport whenever and wherever they might arise.

The BHA encourages all those involved in racing and related activities to consider their own safeguarding procedures and the risk of harm to Young People and/or Adults at Risk arising in the course of the racing and related activities for which they are responsible, particularly so where any individuals have direct, unsupervised access to Young People or Adults at Risk. Where such risk is identified, the BHA expects steps to be taken in order to reduce that risk as far as possible, and this Safeguarding Policy and its accompanying procedures should be seen as complementing, rather than replacing, such steps.

This Safeguarding Policy addresses the following:

1. Key safeguarding terms
2. The BHA's key safeguarding principles
3. Who is covered by this Safeguarding Policy?
4. Harm and abuse, positions of trust, and poor practice
5. Becoming aware of, reporting, and responding to safeguarding concerns
6. The BHA's approach to information sharing
7. Safer recruitment practices, criminal records checks, and contracting for services
8. Useful contact details and further information

This Safeguarding Policy and its underlying aims are supported by:

- the BHA Safeguarding Code of Conduct, which sets some fundamental behavioural standards across the sport;



- the BHA Safeguarding Regulations, which enable the BHA to support the aims of this Safeguarding Policy, including through seeking and obtaining appropriate risk management measures where necessary; and
- the BHA's Safeguarding Team producing guidance and facilitating training in relation to safeguarding issues.

Changes may be made to this Safeguarding Policy over time in order to reflect best practice and/or the specific needs of racing. To that end, this Safeguarding Policy will be reviewed at least every three years and may be reviewed earlier as and when that might be appropriate, e.g., if there are relevant changes in legislation or to reflect learnings from cases either inside or outside of the sport.

Let's keep racing enjoyable for all.

Annamarie Phelps CBE
Chair, British Horseracing Authority
24th February 2022



1. KEY SAFEGUARDING TERMS

The following key terms are used in this Safeguarding Policy.

'Adult at Risk'

For the purposes of this Safeguarding Policy 'Adults at Risk' shall be all persons engaged in racing and related activities aged 18 years or over who are, or may be, unable to take care of themselves or who are unable to protect themselves against significant harm or exploitation by reason of a mental health problem, a disability, a sensory impairment or some other form of illness or disease (or more than one of them). Any adult may at one time or another be an 'Adult at Risk' due to their personal circumstances – for example, because they are temporarily suffering from a mental health problem such as severe anxiety or depression.

'Child' and Young Person/People'

For the purposes of this Safeguarding Policy, a 'child' is any person under the age of 18. However, this Safeguarding Policy generally refers to 'Young People' rather than 'children' to reflect the fact that children involved in racing and related activities are usually aged 16 or over, and so generally able to make decisions for themselves in the context of the racing and related activities in which they are engaged. However, to be clear, this Safeguarding Policy extends to all children who might be involved in racing and related activities (regardless of their age).

'Child protection'

'Child protection' is activity that is undertaken to protect specific children who are suffering or are likely to suffer significant harm. Child protection is, of course, a critically important part of safeguarding (but it is only a part).

'Safeguarding'

'Safeguarding' concerns all activities that support wellbeing generally (so, in the context of children/Young People, it is a wider concept than 'child protection'). The BHA believes that best safeguarding practice in racing encompasses all efforts aimed at maintaining or improving the wellbeing of Young People and Adults at Risk in the context of racing and related activities.

'Harm'

The BHA considers 'harm' (in the context of this Safeguarding Policy) to be the consequence of any form of ill-treatment that adversely affects (1) physical or mental health, and/or (2) intellectual, emotional, social or behavioural development.

'Abuse'

'Abuse', in its broadest sense, is conduct that causes harm, i.e., in the sense that it impairs health or development, and the BHA adopts this broad definition of 'abuse' for the purposes of this Safeguarding Policy.

'Position of trust'

A person is in a 'position of trust' where (1) they have contact with a Young Person or Adult at Risk in the context of racing and/or related activities, (2) their role carries an expectation of trust,



and (3) they are in a position to exercise authority, power or control over the Young Person or Adult at Risk (as perceived by the Young Person or Adult at Risk).

'Poor practice'

'Poor practice' refers to instances when the behaviour of an individual, though not abusive, falls below that which is acceptable in dealing with Young People or Adults at Risk, including in particular a failure to meet the standards set by the BHA Safeguarding Code of Conduct.



2. THE BHA'S KEY SAFEGUARDING PRINCIPLES

The welfare of Young People and Adults at Risk within racing is paramount, and all Young People and Adults at Risk within racing have the right to be protected from all forms of abuse and harm. The core aim of this Safeguarding Policy is to ensure the safety and welfare of Young People and Adults at Risk within racing, and the following key principles will guide the BHA's approach in seeking to fulfil that aim:

- Where a Young Person or Adult at Risk is being abused (or at risk of being abused), the most appropriate body to address such concerns will typically be the social care team at the relevant local authority (where the Young Person or Adult at Risk lives). In an emergency, or where it is believed that the Young Person or Adult at Risk might be in immediate danger, or if it is suspected a crime has been committed, the police will typically be the most appropriate body to which concerns should first be reported. However, in its capacity as the governing body of racing, the BHA also has an important role to play, and it too must have the ability to learn of safeguarding concerns (including instances of poor practice), respond to them, investigate them, and take such action as might be necessary to protect Young People and Adults at Risk in the sport.
- The BHA will work in partnership with local authority social care teams, the police, local safeguarding partners, the Disclosure and Barring Service, Disclosure Scotland, and any other appropriate authorities/bodies in accordance with their procedures, and in order to enable them to carry out their statutory or other duties to investigate concerns and protect Young People and Adults at Risk. The BHA Lead Safeguarding Manager will be the person with primary responsibility for reporting to and liaising with external authorities.
- The BHA will work in partnership with all stakeholders in racing to support them in the investigation of concerns and to protect Young People and Adults at Risk. The BHA will provide appropriate support to stakeholders in racing in improving their safeguarding policies and practices, with a view to achieving high safeguarding standards across racing.
- The BHA will take all allegations of abuse seriously and respond swiftly and appropriately.
- The BHA will challenge conduct within racing that is, or might be, harmful to Young People or Adults at Risk.
- The BHA will support all of those involved in safeguarding cases, in particular any affected Young People and Adults at Risk, their families, and those who report concerns to the BHA. The level of support will be appropriate to the circumstances of each individual case, and the circumstances of each affected individual.

Note: Whilst this Safeguarding Policy concerns Young People and Adults at Risk, the BHA is also committed to supporting any other adult who may suffer from abuse and/or harm in the context of racing and related activities (even if they do not fall within the definition of 'Adult at Risk' as set out in this Safeguarding Policy). The BHA will treat such cases brought to its attention as a participant welfare issue.



3. WHO IS COVERED BY THIS SAFEGUARDING POLICY?

3.1 This Safeguarding Policy is designed primarily to protect all participants under the age of 18 and Adults at Risk who are engaged in racing and/or related activities overseen by the BHA.

3.2 This Safeguarding Policy therefore applies to everyone engaged in racing and/or related activities that are overseen by the BHA, including (but not limited to) the following participants:

- Jockey Coaches
- Owners
- Riders
- Riders' Agents
- Stable Staff
- Trainers
- Valets
- BHA employees, officials, and volunteers
- Those who are not performing roles licensed or permitted by, or registered with, the BHA but who are otherwise involved in racing and/or related activities overseen by the BHA. Examples may include (but not be limited to) racecourse officials, and service providers such as veterinarians, medical staff, physiotherapists, nutritionists, farriers etc.
- Anyone else who has agreed to be covered by this Safeguarding Policy.

Note: This Safeguarding Policy is not intended to be exhaustive in relation to the safeguarding of Young People and Adults at Risk within racing, and the BHA encourages all stakeholders to take steps to review and/or implement their own approach to safeguarding/safeguarding procedures (which should be seen as complementing this Safeguarding Policy).



4. HARM AND ABUSE, POSITIONS OF TRUST, AND POOR PRACTICE

Harm and abuse

4.1 As above, the BHA considers 'harm' (in the context of this Safeguarding Policy) to be the consequence of any form of ill-treatment that adversely affects (1) physical or mental health, and/or (2) intellectual, emotional, social or behavioural development. More specifically, although not exclusively, 'harm' can result from 'abuse'.

4.2 There are a number of forms of abuse. The main forms of abuse are described below, along with non-exhaustive examples of how that form of abuse can manifest itself in racing (as it can in other sports).

- Sexual abuse

Sexual abuse occurs when a Young Person or Adult at Risk is forced, or inappropriately persuaded or encouraged, to take part in sexual activities. Such abuse does not have to involve physical contact and can take place online. A Young Person or Adult at Risk might not always understand that they are being sexually abused.

In racing, coaching techniques that involve physical contact can create situations where sexual abuse can be disguised. An abusive situation can also develop if a person in a position of trust misuses their position (see further below in relation to positions of trust).

Contacts made within racing and pursued through other routes, such as texting and social media, can be used to groom children for abuse. Sexual abusers can also groom protective adults (e.g., parents/carers) and organisations/establishments (e.g., yards) in order to create opportunities for abuse to take place.

- Physical abuse

Physical abuse is causing physical harm to a Young Person or Adult at Risk, including by causing injuries such as bruises, broken bones, burns or cuts.

In racing, physical abuse might occur if:

- the nature and intensity of training or competition exceeds the capacity of a Young Person or Adult at Risk;
- someone in a position of responsibility were to encourage the use of drugs or harmful substances (which might also, depending on the circumstances, give rise to a doping concern);
- a Young Person or Adult at Risk is required to engage in racing and/or related activities when injured or unwell; or
- any coaching or other practices involve inflicting pain.

- Emotional abuse

Emotional abuse is the emotional mistreatment of a Young Person or Adult at Risk. It can also be considered as psychological abuse and can seriously damage mental



health and wellbeing. Emotional abuse can involve scaring or humiliating a Young Person or Adult at Risk, and bullying behaviour. It might also involve a Young Person or Adult at Risk seeing or hearing the abuse of another, or the exploitation or corruption of a Young Person or Adult at Risk.

In racing, emotional abuse might occur if:

- a Young Person or Adult at Risk is subjected to repeated criticism, sarcasm, or name-calling;
- a Young Person or Adult at Risk is ignored or excluded;
- a Young Person or Adult at Risk is put under pressure to perform to unrealistically high expectations; or
- a Young Person or Adult at Risk is made to feel like their value or worth is dependent on their sporting performance.

- Financial abuse

Financial abuse includes fraud, exploitation, pressure in connection with a Young Person or Adult at Risk's finances, or the misuse or misappropriation of property, possessions or benefits. In the racing context, the BHA is particularly concerned to ensure that Young People and Adults at Risk are not corrupted for gambling purposes (which may be considered a form of emotional or financial abuse and/or an integrity concern).

- Neglect

Neglect is the persistent failure to meet a Young Person or Adult at Risk's basic physical and/or psychological needs, likely to result in the impairment of their health or development e.g. by not meeting their essential needs for food, warmth and care, or failing to adequately supervise him/her.

In racing, examples of neglect could include an individual repeatedly:

- failing to ensure a Young Person or Adult at Risk is safe;
- exposing a Young Person or Adult at Risk to undue cold, heat or extreme weather conditions without ensuring adequate clothing or hydration;
- exposing a Young Person or Adult at Risk to unnecessary risk of injury by ignoring safe practice guidelines;
- failing to ensure the use of safety equipment; or
- requiring a Young Person or Adult at Risk to engage in racing and/or related activities when injured or unwell.

In respect of health and safety matters generally, reference can be made to the 'Guide to Health and Safety in the British Racing and Breeding Industry', commonly known as the "Red Book" (the purpose of which is to help the Racing and Breeding Industry meet the requirements of health and safety law and incorporate good practice and procedures).

- 4.3 Whilst all forms of abuse are to be taken very seriously no matter who is affected, the BHA will treat especially seriously abuse that is motivated by, or involves reference (explicit or implicit) to, ethnic origin, nationality, colour, race, religion or belief, gender, gender reassignment, sexual orientation or disability.
- 4.4 Set out below are some potential indicators of abuse in Young People and Adults at Risk:

Potential indicators of abuse

- Drinking alcohol frequently
- Secrecy and a reluctance to share information
- Talking of running away/engaging in escapism
- Challenging or disruptive behaviour
- Poor bonding or relationship with a parent/carer
- Acting out excessive violence
- Lacking social skills and having no (or few) friends
- No explanation for injuries or inconsistency with the account of what happened
- Injuries that are inconsistent with the person's lifestyle
- Bruising, cuts, welts, burns and/or marks on the body or loss of hair in clumps
- Frequent injuries
- Subdued or changed behaviour in the presence of a particular person
- The uncharacteristic use of explicit sexual language or significant changes in sexual behaviour or attitude
- Poor concentration, withdrawal, sleep disturbance
- Excessive fear/apprehension of, or withdrawal from, relationships
- Low self-esteem
- Uncooperative and aggressive behaviour
- Signs of distress: tearfulness, anger
- Substance abuse

Note: In the event a Young Person or Adult at Risk displays one or more of these indicators, it should not lead to an automatic conclusion that they are suffering from abuse. However, the display of one or more of these indicators and/or sudden changes in behaviour might – in the context of the circumstances relating to the individual - prompt concern that warrants further attention. The above list is not intended to be exhaustive.

Peer on peer abuse

- 4.5 Young People and Adults at Risk can abuse other Young People and Adults at Risk – this is known as 'peer on peer abuse'.
- 4.6 Peer on peer abuse might include such behaviours as bullying; abuse in intimate personal relationships between peers; physical abuse; sexual violence; sexual harassment (such as sexual comments, remarks, jokes and online sexual harassment); consensual and non-consensual sharing of nude and semi-nude images and/or videos; upskirting (which typically involves taking a picture under a person's clothing without their permission), and initiating/hazing type violence and rituals.
- 4.7 The BHA will address instances of peer on peer abuse according to their particular circumstances - the need to protect any Young Person or Adult at Risk who has



experienced abuse will be balanced with appropriate support for the Young Person or Adult at Risk who has displayed harmful behaviour.

Positions of trust

- 4.8 An adult in a position of trust must not enter into inappropriate sexual activity or an inappropriate sexual relationship with a Young Person or Adult at Risk in respect of whom they hold that position of trust. Whilst the circumstances might or might not constitute a criminal offence, if concerns of an inappropriate relationship are reported to the BHA, the BHA will treat such concerns very seriously. The circumstances may result in investigation and action under the BHA Safeguarding Regulations and, depending on the circumstances of the relationship, the BHA may have a legal duty to refer the matter to relevant authorities.

Poor practice

- 4.9 Poor practice might not be immediately dangerous or intentionally harmful to Young People or Adults at Risk, but it is likely to set a poor example. Moreover, poor practice can sometimes lead to an environment that is conducive to abuse, and it can also raise doubts about an individual's motivation, even if no harm is intended. Poor practice should therefore be avoided, and appropriate action taken to address instances of poor practice as and when they do arise.
- 4.10 A failure to meet the standards set by the BHA Safeguarding Code of Conduct (if such conduct falls short of abuse) will generally constitute poor practice. Examples of poor practice might include (not exhaustively) communicating electronically (email, text message, social media etc.) with a Young Person without their parent or carer's knowledge and approval, drinking alcohol and/or smoking in front of Young People in an inappropriate setting (e.g., if coaching or instructing Young People), inappropriate remarks and/or the use of foul language in front of Young People, the humiliation or unnecessary criticism of a Young Person or Adult at Risk, and instances of favouritism as between Young People.



5. BECOMING AWARE OF, REPORTING, AND RESPONDING TO SAFEGUARDING CONCERNS

General

- 5.1 Where there are concerns in relation to the safety and/or wellbeing of a Young Person or Adult at Risk, it is important that those concerns are reported to the relevant authorities in order that appropriate action may be taken to protect that Young Person or Adult at Risk. In emergencies or criminal/serious cases, this means reporting to the police or local authority social care teams.
- 5.2 The BHA's aims in relation to safeguarding, as the governing body of racing, include (1) seeking to prevent harm to Young People and Adults at Risk in racing, and (2) taking appropriate action against those who harm, or pose a risk of harm to, Young People and Adults at Risk within racing. It is for those reasons that the BHA itself wishes to receive – and in fact actively encourages the making of - reports of concerns relating to abuse or poor practice, and it is necessary that it receives such reports. Accordingly, the BHA expects to be made aware of concerns by individuals or organisations within the racing community where there are reasonable grounds to consider that an individual poses, or might pose, a risk of harm to Young People or Adults at risk within racing.
- 5.3 In all cases of concerns reported to the BHA, the BHA will consider how best to respond, but all concerns that warrant and/or require a referral to the police and/or a local authority social care team will be referred by the BHA accordingly and without delay (if not already reported directly to the police and/or local authority social care team). The BHA will then liaise with the police and/or local authority social care team in relation to any action the BHA might propose to take, and support the police and/or local authority social care team as might be necessary or appropriate.
- 5.4 If an individual has made a report about someone in racing to the police and/or local authority social care team, but does not wish to report it directly to the BHA for any reason, then the BHA should instead be informed on a 'no names' basis that a report has been made, and to which force/authority it has been made (the BHA can then liaise with that force/authority to determine whether any action by the BHA is appropriate).
- 5.5 A summary flowchart setting out how the BHA will handle reports of safeguarding concerns is set out at the end of this section 5.

Becoming aware of a concern

- 5.6 Concerns might be raised as a result of the following (this list is not intended to be exhaustive):
- something a Young Person or Adult at Risk has said;
 - signs or suspicions of abuse;
 - allegations made against an individual; and/or
 - an observation or perception of inappropriate behaviour.
- 5.7 Individuals who are told directly of another's concern (whether a Young Person, Adult at Risk, or someone else) should:



- stay calm and reassure the person who has made him/her aware of the concern;
- listen carefully to what they are told and carefully document it in writing, and then sign, date and securely keep any notes should they later be required for evidentiary purposes;
- not investigate, interrogate or decide if the Young Person, Adult at Risk or other person is telling the truth (let him/her explain in their own words what has happened but avoid asking leading questions – if necessary to obtain more information, ask open questions like “is there anything else that you would like to tell me?”);
- explain that they (i.e., the person being told) will need to report the concern to others, and explain who those others might be (no promises about confidentiality or keeping secrets should be made);
- not approach an alleged abuser in any manner (unless circumstances dictate otherwise e.g. the alleged abuser is an employee of the person who has become aware of the concern and it is necessary for the employer to approach the alleged abuser);
- maintain confidentiality beyond those who need to know of the concern (i.e., not discuss the concern with others, including friends, family and colleagues); and
- report the concern to the appropriate authorities and the BHA as a matter of urgency (dial 999 in an emergency).

5.8 In the event that a Young Person or Adult at Risk is injured (for example following an assault), medical attention should be obtained and the medical professionals should be informed if there is a safeguarding concern relating to the injury.

Reporting a concern

Reporting a concern directly to the BHA

- 5.9 The BHA wants to be presented with any information, from any source, where there is reason to believe that someone involved in or connected to racing has (1) harmed and/or presents a risk of harm to one or more Young Person or Adult at Risk (and the information relates thereto), or (2) engaged in poor practice. The BHA will support those who wish to make a report and provide any guidance that might be necessary or desirable in relation to the making of a report, whether the person making the report is someone who is reporting conduct that has directly affected them, conduct that has (or might have) affected or one or more others, or they are reporting a concern that someone presents a risk of harm (even if they are not aware of any specific conduct).
- 5.10 In the first instance all concerns should be reported directly to the BHA and any other appropriate bodies (for example the police if criminal activity is suspected or in an emergency). The BHA will also support any person in making a report to any other appropriate bodies.
- 5.11 Reports can be made to the BHA either:
- via email to safeguarding@britishhorseracing.com; or
 - by telephone to the BHA Safeguarding Team on 020 7152 0099; or



- through the BHA Safeguarding Incident Report Form, which can be located on the BHA's website at <http://britishhorseracing.wufoo.com/forms/safeguarding-incident-report-form/>; or
 - through RaceWise, the BHA's anonymous reporting service (operated by CrimeStoppers) on 08000 852 580 or through its online reporting form at <https://forms.theilane.co.uk/bha>.
- 5.12 In the event that the safeguarding concern relates to a member of the BHA Safeguarding Team, the report should be made to RaceWise and/or the BHA Director of Legal and Governance by emailing cbeloff@britishhorseracing.com
- 5.13 When reporting a concern to the BHA in respect of another person who has been abused/harmed (or might have suffered abuse/harm), the person making the report should:
- not seek to determine if a Young Person or Adult at Risk has been abused or is otherwise at risk of harm (it is not the responsibility of the person making the report to do so);
 - focus on the facts rather than opinion i.e., what exactly has been observed, seen, heard, or disclosed; and
 - distinguish clearly between what the person making the report knows first-hand, and what he or she has been told by others.
- 5.14 All reports received by the BHA will be treated in confidence and will be shared only with individuals within the BHA, or with those from whom the BHA may seek advice on confidential terms (such as lawyers and safeguarding professionals), on a strictly 'need to know' basis. The details of the report may also be shared with other bodies (again on a 'need to know' basis and to the extent appropriate) where that is in the interests of preventing harm to any Young Person(s) or adult(s) at risk. The BHA's approach to information sharing is set out in section 6 of this Safeguarding Policy.
- 5.15 The BHA will do everything it reasonably can in order to ensure that individuals can raise a matter of concern to the BHA without fear of victimisation, subsequent discrimination or other disadvantage. It is for that reason that, first, reports are treated in confidence and, secondly, it will be a disciplinary offence under the BHA's Disciplinary Policy and Procedure to disadvantage someone on the basis that he or she has raised, or is believed to have raised, a safeguarding concern with the BHA (unless that concern was manifestly motivated by malice).
- 5.16 Whilst the BHA will do its best to protect the identity of 'whistleblowers', the investigation process might reveal the source of the information and a witness statement might be required as part of the evidence in a case. In such instances, the BHA will give advance warning of this to the person who made the report, and discuss what this will mean and any consequences arising.

Reporting non-recent abuse

- 5.17 The BHA recognises that abuse might have taken place within racing that has previously gone unreported, and that the reporting of abuse could be delayed for a short or lengthy period for a wide variety of reasons, including (but not limited to) differing cultural mindsets of the past, a fear of reprisals, the degree of control exercised by an abuser,



and a sense of shame or fear.

5.18 The BHA encourages the reporting of non-recent abuse, which it considers to be important for a number of reasons that include:

- the alleged abuse might not have been an isolated incident (it might be ongoing and being committed by the same person or someone else);
- it might come to light that the non-recent abuse is part of a wider pattern of abuse;
- there is a likelihood that a person who abused in the past might still be abusing others;
- the abuser might still be working with or caring for Young People or Adults at Risk; and
- the intrinsic importance of making a report to the person who wishes to make it.

5.19 The BHA will treat any reports of non-recent abuse in the same way as any other report of abuse, taking into account the circumstances of any individual report.

Reporting concerns to parents/carers

5.20 Naturally, there is often concern that parents/carers should be informed of any safeguarding concerns relating to their family members, which is clearly an important consideration, not least because parents/carers generally play a crucial role in safeguarding Young People or Adults at Risk in their care. For that reason, it will generally be appropriate for parents/carers to be informed of safeguarding concerns.

5.21 However, in certain circumstances, informing parents/carers can place a Young Person or an Adult at Risk at additional risk. While not exhaustive, these circumstances include:

- *Fabricated and induced illness is suspected.* In such cases, there have been examples where parents/carers have increased the illness-inducing behaviours of concern.
- *Forced marriage.* In such cases, there is a tendency for the marriages to be brought forward or Young People being moved out of the country once parents/carers have been alerted that the authorities have been informed.
- *Sexual abuse.* In cases of sexual abuse, where a family member/member of the household is alleged to be the abuser, there is a tendency for victims of abuse to be pressured regarding their evidence, which means they may withdraw any allegations or support to an investigation or proceedings, and risk being abused further.

5.22 Therefore, before parents or carers are informed of safeguarding concerns, careful thought should be given as to whether doing so might increase the risk of harm to any relevant Young Person or Adult at Risk, and expert advice obtained if there is any such possibility.



The BHA's response to reports of safeguarding concerns

Who is responsible for responding to reports?

- 5.23 Members of the BHA's Safeguarding Team that may be involved in responding to a report of a safeguarding concern include:
- The Lead Safeguarding Manager who will review reports of concerns and determine the appropriate next steps.
 - The Safeguarding Officer, following an initial review of the concerns reported will be allocated cases and will carry out appropriate next steps, including making the necessary referrals and leading investigations.
 - The Head of Industry Training and Retention will be involved in case management processes when necessary.
- 5.24 Members of the BHA's Legal and Governance and/or Integrity and Regulation teams may also be involved in responding to a report of a safeguarding concern which will be determined by the seriousness and complexity of the allegation, usually when criminal activity has been alleged and where there are wider integrity concerns relating to breaches of the BHA Safeguarding Regulations and/or the Rules of Racing.

How will the BHA respond to a report?

- 5.25 The BHA's initial response to a safeguarding report will depend on the nature of the concern and its specific facts (but, as above, it will always include referral to the police and/or local authority social care team where that is warranted and/or required).
- 5.26 Where concerns are reported to the BHA by another organisation within racing in relation to an individual's role in racing, the BHA will liaise with that organisation to determine the most appropriate response. The BHA may, without prejudice to its own ability to later investigate the matter or issue any form of safeguarding or other proceedings, refer the matter to another organisation within racing (including the organisation that reported the matter to the BHA) if it is satisfied that that is appropriate in all the circumstances of the case - including, in particular, that (1) the BHA has confidence that the matter will be appropriately investigated/addressed by the other organisation, and (2) the other organisation can be relied upon to keep the BHA informed of the matter's progress.
- 5.27 All cases progressed by the BHA will be investigated in accordance with the BHA's Investigation Charter by the BHA and/or by an expert investigator appointed by the BHA, who may utilise the BHA's powers of investigations under the BHA Safeguarding Regulations (a copy of the BHA's Investigation Charter can be downloaded from the BHA's website). These powers include requiring participants in racing overseen by the BHA to:
- answer and provide information and/or answer questions by way of interview;
 - produce documents, information or other material in whatever form held;
 - undertake a risk assessment by a suitably qualified person; and/or
 - co-operate in any other manner that might be necessary or desirable for the purpose of the investigation.



- 5.28 Where (in a particular case) it is considered by the BHA (whether as the result of a report or otherwise) that an individual poses or might pose a risk of harm to one or more Young Person or Adult at Risk, the matter will proceed in accordance with the BHA Safeguarding Regulations. This may result in one or more of the following:
- a provisional suspension in respect of the individual's participation in racing and/or related activities until the matter is determined (which is a neutral act that is not indicative of a person's guilt);
 - proceedings before an independent hearing panel to determine whether or not an individual has harmed one or more Young Person or Adult at Risk or poses a risk of such harm; and
 - the imposition of appropriate risk management measures, which might include (among other things) an order to undertake specified training, an order requiring an individual to be monitored, a period of suspension and, in the most serious of cases, a lifetime ban from racing.
- 5.29 Where (in a particular case) it is determined by the BHA that an individual does not pose a foreseeable risk of harm to one or more Young Person or Adult at Risk but an understandable concern was nonetheless raised and/or there has been an instance of poor practice, it might be the case that the BHA or others give guidance to that individual in relation to their future conduct (for example for less serious or inadvertent breaches of the BHA Safeguarding Code of Conduct).
- 5.30 The amount of contact required between the maker of a report and those investigating the report will vary depending on the nature of the concern and its specific facts and whether further information or clarification is required.
- 5.31 It is unlikely that it will be possible in any case to determine exact timescales for when cases will be resolved. However, the BHA will seek to respond to any report as quickly as the circumstances require, and in any event within **2** working days of its receipt of the report. The BHA will always try to ensure that all parties know what procedure will be followed and what the expected timescales are, as well as any changes to those timescales and why. Wherever possible, the BHA will also seek to agree to provide regular updates to the report maker and any other appropriate person(s), at such frequency and in such manner as requested by the report maker and any other appropriate person.
- 5.32 Whilst the welfare of Young People and Adults at Risk is paramount, the BHA recognises it also has a duty to those accused of harming Young People or Adults at Risk and/or who are suspected of posing a risk of such harm. Consideration will therefore be given in each case as to what level of support should be provided to the accused in each case, which may include such things as being provided with a dedicated point of contact at the BHA (not directly involved with any relevant investigation), access to support services, and access to pro bono legal advice.

Review of the BHA Safeguarding Team's handing of reports of safeguarding concerns

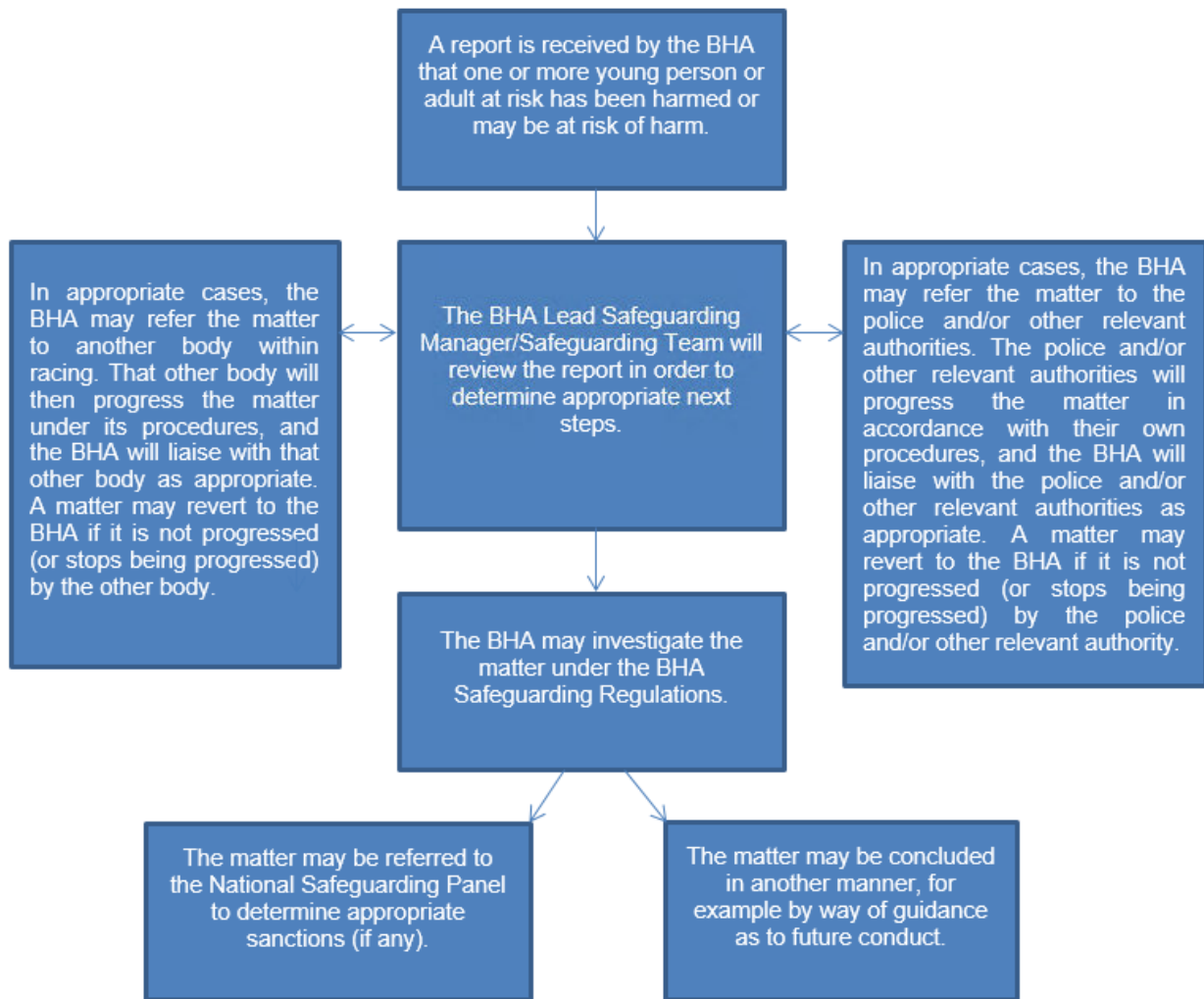
- 5.33 At least once every six months from the effective date of this Safeguarding Policy, the BHA Lead Safeguarding Manager will report to an independent safeguarding expert in respect of the progress of (1) all 'live' safeguarding concerns received by the BHA, and (2) all concerns that the BHA's Safeguarding Team has concluded since the previous report. The BHA Lead Safeguarding Manager will also provide such other information to the independent safeguarding expert as the expert may request from time to time for



the purpose of reviewing the BHA Safeguarding Team's handling of safeguarding concerns.

- 5.34 In conducting their review, the independent safeguarding expert will consider whether each case has been handled appropriately and may recommend any action that they consider should be taken in respect of individual cases, or learnings that should be applied more generally to cases in future. In reviewing cases and making recommendations, the independent safeguarding expert may seek advice from other independent safeguarding experts in respect of matters that fall outside of their own individual expertise.
- 5.35 Any independent expert appointed for the purposes of reviewing the BHA Safeguarding Team's handling or reports of safeguarding concerns shall have (1) at least eight years' experience drawn from a legal, investigative, social care, and/or offender management background, and (2) practical experience of racing, sport and/or sports administration.

Summary flowchart outlining the progress of reports received by the BHA



Note:

The BHA wants to be presented with any information, from any source, where there is reason to believe that someone in the racing community has harmed or presents a risk of harm to one or more Young Persons or Adults at Risk. This does not require there to be an identifiable ‘victim’ (the risk of harm is enough).

Where a Young Person or Adult at Risk is being abused (or at risk of being abused), the most appropriate body to first address such concerns will typically be the social care team at the relevant local authority. In an emergency, or if it is suspected a crime has been committed, the police will typically be the most appropriate body to which concerns should first be reported. Any reports to the BHA in such cases should be made after reporting the concern to the local authority/police (unless the local authority/police specifically advise against reporting the matter to the BHA for any reason).

In all cases, the BHA will support those who wish to make a report, and provide any guidance that may be necessary in relation to the making of a report.

In an emergency, or if it is suspected a crime has been committed, the police will typically be the most appropriate body to which concerns should first be reported, i.e., call 999.



6. THE BHA'S APPROACH TO INFORMATION SHARING

- 6.1 The BHA recognises that information sharing is vital to safeguarding and promoting the welfare of Young People and Adults at Risk. The BHA also recognises that decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives.
- 6.2 The BHA adopts the following principles of information sharing in relation to safeguarding (adapted from the 'Golden Rules' concerning information sharing, contained within the 'Advice for practitioners providing safeguarding services to children, Young People, parents and carers' government advice document, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf):
- Data protection legislation, human rights law and the law relating to confidentiality are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
 - The BHA will be open and honest with individuals (and/or their families where appropriate) from the outset about why, what, how and with whom information will, or could, be shared and seek their agreement, unless it is unsafe or inappropriate to do so.
 - Where there is any doubt as to the appropriateness of information sharing, the BHA will provide guidance to those who wish to provide information to it, and where necessary seek advice from other practitioners and experts in relation to information sharing (in each case without disclosing concerned individuals' identities if possible).
 - The BHA will share information to the extent it is necessary, proportionate, and relevant, and will do so in a manner that is adequate, accurate, timely and secure.
 - The BHA will keep an adequate record of its decision-making in relation to information sharing.
- 6.3 The BHA processes personal data received in reports and otherwise collected as part of its safeguarding investigations in accordance with applicable data protection law, for the purposes of meeting its safeguarding responsibilities as set out in this policy. More information on the BHA's processing of personal data can be found in the BHA's privacy notices. These can be located on the BHA's website at www.britishhorseracing.com/about/data-protection/.



7. SAFER RECRUITMENT PRACTICES, CRIMINAL RECORDS CHECKS, AND CONTRACTING FOR SERVICES

7.1 In the course of employing, engaging or instructing any individual in work in racing or related activities that involves working with or alongside any one or more Young Person or Adult at Risk, the BHA recommends that appropriate steps should be undertaken to seek to ensure that the person to be employed, engaged or instructed is suitable for such work, i.e., that they do not present a known or foreseeable risk of harm to Young People or Adults at Risk.

Safer recruitment practices

7.2 In the context of seeking to protect Young People and Adults at Risk, this should include such recruitment steps as:

- obtaining written references, particularly from people who are in a position to comment on the individual's previous work with Young People and/or Adults at Risk, which are then followed up by way of phone call;
- exploring the individual's attitudes towards, and ability to communicate with, Young People and/or Adults at Risk;
- ensuring that the individual is aware of this BHA Safeguarding Policy, the BHA Safeguarding Code of Conduct, the BHA Safeguarding Regulations, and any relevant guidance, as well as any relevant policies and procedures of the employer/engager/instructor (similarly, safeguarding training may also be appropriate);
- seeking voluntary disclosure of criminal records, by way of a formal, signed document in which the individual to be recruited answers questions as to whether they have ever been (1) considered by any local authority as being a risk or potential risk to Young People and/or Adults at Risk, and/or (2) the subject of any disciplinary investigation and/or sanction by any organisation due to concerns about their behaviour towards children and/or adults; and
- undertaking criminal record checks, subject to eligibility requirements.

Criminal records checks

7.3 For those who work closely with Young People and/or Adults at Risk, a criminal record check will be appropriate as a condition of an individual's employment, engagement or instruction. Brief information about criminal record checks is set out below. The BHA will publish separate guidance in respect of criminal record checks, which will be made available on the safeguarding section of the BHA's website.

England and Wales

7.4 In England and Wales, the criminal record checking process is overseen by the Disclosure and Barring Service (see <https://www.gov.uk/government/organisations/disclosure-and-barring-service>).

7.5 Various levels of criminal records check are available, subject to the role an individual will undertake and eligibility requirements. The DBS has published guidance in respect of eligibility for different levels of criminal records checks (see <https://www.gov.uk/government/collections/dbs-eligibility-guidance>), and a useful DBS eligibility tool is available (see <https://www.gov.uk/find-out-dbs-check>).



Scotland

- 7.6 In Scotland criminal records checks are overseen by Disclosure Scotland (see <https://www.mygov.scot/organisations/disclosure-scotland>), which operates a similar system in relation to 'regulated work' - the Protecting Vulnerable Groups (PVG) Scheme. Those undertaking 'regulated work' must apply for membership of the PVG scheme and obtain a PVG Scheme Record. There is not a definitive list of what roles will or will not be covered under 'regulated work', which will require consideration of the role that the relevant person will undertake (see further information available at <https://www.mygov.scot/pvg-for-employers>).

Contracting for services

- 7.7 When contracting for services with third parties that may involve any individual working closely with, or coming into close contact with, Young People and/or Adults at Risk, the BHA recommends that comfort is obtained that such individuals will not pose a foreseeable risk of harm to Young People or Adults at Risk. This may include taking such steps as obtaining the relevant third party's child protection/safeguarding policies, obtaining confirmation that no individual will be left unsupervised with Young People and/or Adults at Risk, and/or that individuals involved in the provision of services have been subject to (and passed) appropriate screening processes (e.g., criminal record checks).



8. USEFUL CONTACT DETAILS AND FURTHER INFORMATION

Police and local authorities

As per the BHA's key safeguarding principles, where a Young Person or an Adult at Risk is being abused or at risk of being abused, the most appropriate body to address such concerns will typically be the social team at the relevant local authority. The relevant local authority can be identified using <https://www.gov.uk/find-local-council>.

In an emergency, or if it is suspected a crime has been committed, the police will typically be the most appropriate body to which concerns should first be reported, i.e., 999. The relevant local police force can be identified using <https://www.police.uk/forces/>.

The BHA Safeguarding Team

Email: safeguarding@britishhorseracing.com

Tel: 020 7152 0099

Industry bodies

Racing Welfare

24 Hour Helpline – 0800 6300 443

Text – 0786 0079 043

www.support.racingwelfare.co.uk/app/ask

www.support.racingwelfare.co.uk/app/chat/chat_launch

British Racing School

Lawrie Gillespie, Senior Designated Professional for Safeguarding

Tel: 01638 665103 Email: lawrie.gillespie@brs.org.uk

National Horseracing College

Joanne Ellis, Designated Person for Learner Protection

Tel: 01302 861020 Email: j.ellis@thenhc.co.uk

External and statutory bodies

NSPCC Helpline

Tel: 0808 800 5000

Email: help@nspcc.org.uk

Child Protection in Sport Unit

Email: cpsu@nspcc.org.uk



Childline

Freephone: 0800 1111

www.childline.org.uk/get-support/1-2-1-counsellor-chat/

Ann Craft Trust

Tel: 0115 9515400

Email: ann-craft-trust@nottingham.ac.uk

Legislation and guidance

The information below identifies some of the key legislation and guidance in respect of child protection and safeguarding applicable in Britain. Further information can be found on the NSPCC's website, at <https://learning.nspcc.org.uk/child-protection-system>.

England and Wales

The Children Act 1989 provides the legislative framework for child protection in England and Wales. Key principles established by the Act include: (1) the paramount nature of the child's welfare; and (2) the expectations and requirements around duties of care to children.

The Children Act 1989 was strengthened by the Children Act 2004, which encourages partnerships between agencies and creates more accountability, by (1) placing a duty on local authorities to appoint children's services members who are ultimately accountable for the delivery of services, and (2) placing a duty on local authorities and their partners to co-operate in safeguarding and promoting the wellbeing of children and young people.

Both of these Acts are amended by the Children and Social Work Act 2017, which (among other things) reformed child protection and safeguarding arrangements at the local level.

The primary government guidance relating to child protection and safeguarding in England is 'Working together to safeguard children' (Department for Education, 2018), and in Wales it is 'Working together to safeguard people' (Welsh Government, 2019).

Scotland

The Children (Scotland) Act 1995 outlines the legislative framework for Scotland's child protection system covering parental responsibilities and rights and the duties and powers local public authorities have for supporting and promoting the safety and welfare of children. This is amended by the Children and Young People (Scotland) Act 2014, which focuses on children and young people in planning services to make sure their rights are respected across the public sector.

Government guidance relating to child protection and safeguarding in Scotland includes 'Getting it right for every child' (Scottish Government, 2018) and 'National guidance for child protection in Scotland' (Scottish Government, 2014).