****\*This document should be read in full before any action is taken\*

**Suggested Best Practice For Responding to Child Protection Issues, Complaints or Allegations Within a Sporting Setting.**

**1. There are four different types of investigation that are likely to be conducted:**

1. **Criminal** - conducted by the Police – until this is concluded the organisation or club should deter from any internal investigations but should consider interim suspension/s from all activities.
2. **Child Protection** - carried out under section 47 (1) of the Children Act 1989 by Social Services and the Police - until concluded the organisation or club should deter from any internal investigations but should consider interim suspension/s from all activities.
3. **Organisation /Club Internal Investigation** (Safeguarding or Disciplinary) - conducted by the organisation as a poor practice issue or on conclusion of statutory agency investigations.
4. **Club Internal Investigation** (Safeguarding and/or Disciplinary) – conducted by the club as a poor practice issue or disciplinary issue. Clubs may be supported in this process by the organisation, and the decisions made may be subject to scrutiny and review by the organisation.

Several factors are to be considered when determining whether an interim suspension is necessary and proportionate to the risk. However, it must be stressed that this is a temporary safeguarding measure and a neutral action and it is not an indication of guilt.

All Safeguarding and protecting children/adults at risk and DBS disclosures must be regarded as highly confidential and are not disclosed outside the case management panel.

These procedures shall not apply to the commission of Anti-Doping offences.

**2. The following factors should be considered before taking such action:**

* Are children or adults at risk?
* Does the person subject of complaint (PSC) need protection?
* Do the allegations amount to misconduct?
* Would there be a reputational risk to the organisation/club/PSC?
* Would the continued presence of the person subject of complaint (PSC) impede any enquiries/investigation?
* Any other relevant information that may increase the risk?

 (Any interim suspensions made during an investigation should not be publicly disclosed).

**3. Actions Flowchart**

The following procedures have been drawn up to provide assistance for managing complaints and allegations of poor practise. Throughout all investigations it is vital that all parties are treated fairly, and the investigation is conducted with transparency and integrity.

All parties are entitled to see a copy of this complaints procedure.

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| **Stages** | **Actions** |
| **COMPLAINT/****CONCERN/ ALLEGATION RECEIVED****VIA CLUB WELFARE OFFICER/CLUB/****ORGANISATION** | **POINT OF CONTACT**Appoint a Complaints Officer for the purposes of an investigation (for safeguarding concerns this is usually welfare officer, for Regulatory/Discipline matters another officer can be appointed, this person can be independent). Acknowledge receipt & point of contact (ensure no conflict of interest).Appointed Complaints Officer to arrange contact with complainant to establish facts to promptly establish full circumstances of the incident/allegation. Establish formal or informal complaint. (Identify the expectations of the complainant regarding the outcome they are seeking where applicable). |
|  | **Points to consider**:If this is a criminal matter, or potentially a criminal matter then statutory authorities should be informed without delay. Where statutory agencies take ownership further action/investigation by the organisation/Club should be placed on hold and not continue until statutory agencies have finalised their actions. Only once statutory agencies have concluded should the organisation/Club decide if internal procedures are required. (Advice should be sought if unsure).Notwithstanding the need for statutory agencies to take primacy, the organisation/Club may still want to consider whether the complaint is serious enough to warrant interim suspension during the investigation. If yes refer to management committee with recommendations for approval. Advise PSC of interim suspension if applicable.Contact the PSC to advise a formal complaint has been received. Request a written response to the concerns/allegations. You must consider redacted information to ensure the privacy of third parties when sharing details of the concern with the PSC. In the event of a face to face meeting, the PSC has the right to attend with the presence of a chosen ‘friend’ providing their chosen friend has not had any prior involvement with the case and no other conflict of interest is relevant. The friend is not permitted to provide evidence in the meeting.Ensure the response is approved as correct by the PSC(*Should a PSC fail to attend or notify any reasons of their inability to attend and cooperate with the complaints officer’s requests a conclusion will be reached in their absence)* (The investigator should at this stage consider witness statements to corroborate accounts if appropriate).Once all the statements and evidence has been collated by the appointed Complaints Officer the PSC should be provided with the opportunity to review all the evidence the panel will consider. (Agreed timescales should be set for any response) This will allow the management group to make an informed decision. The Complaints Officer once all the statements have been collated should write a summary of their findings and provide to the case/review management group all of the evidence/statements for consideration and outcome.  |
| **REVIEW PANELS** | Powers of a Review Panel:* Warning as to future conduct
* Interim Suspension
* Coaching under supervision
* Referred for Disciplinary hearing
* Order the person to undertake appropriate training i.e. Sport recognised Safeguarding Awareness Training or attend a sport related coaching course/CPD/First Aid

Once a decision has been reached the review panel are responsible for all communications to the complainant and the PSC the decisions/outcomes of the investigation. A letter must be sent detailing the outcome and include a summary of the evidence considered by the panel. If the PSC does not agree with the outcome, they have the right of appeal which should be lodged within 14 days of the date of the outcome notification.  |
| **DISCIPLINARY PANELS** | In the event of an outcome by a review panel is for a disciplinary panel to hear the case the management committee should convene a panel of three members who have not had any previous involvement/knowledge of the case. Additionally, consideration of the knowledge and expertise individuals can bring to the panel:* The management group shall write to the individual/s advising that the disciplinary procedure has been invoked. The letter will include details of the charge and a summary of the evidence. Include details of disciplinary regulations.
* The respondent/s will have 7 days to respond in writing to answer the charge. If no response is received within the timescales and no reasonable response has been received as by way of an explanation, then a suspension will be placed on the individual/s from all activities until a response has been received.
* Once a reply has been received by the Complaints Officer, the Complaints Officer will advise the Chair of the Disciplinary Panel and schedule a date for the hearing. At least 21 days’ notice must be given for the date, time and venue for the hearing
* The disciplinary hearing shall be conducted in private with no access to the public or press.
* The respondent has the right to legal representation which shall be at their own cost and of their own choice. They may also appoint a representative to speak on their behalf.
* If the charge relates to a person under 18 then all communications and representation will be sent to the parents/guardians, who have full responsibility for appraising the child of the details. Wherever possible disciplinary proceedings against a person under 18 should be avoided. When this is necessary specialist safeguarding advice should be sought.
* Great care should be taken where an attendee (witness, alleged victim/offender) is under the age of 18 years, or an Adult at Risk (as defined in the Social Services and Well-being Act (Wales) 2014). All proceedings must pay due consideration to safeguarding the welfare of the individual with no part of the process being oppressive or intimidating for them.
* Where an Adult at Risk or child is attending, the panel should consider appointing an individual to support them as ‘Welfare Chaperone’, ideally this is likely to be a qualified sports Welfare Officer. This appointment discussed and agreed in consultation with the Adult at Risk or the child’s parents.
* The Welfare Chaperone should have no other role in the process - their involvement is purely in regard to the welfare of the child. The Welfare Chaperone should liaise with the Adult at Risk or child and family throughout, making sure the Adult at Risk or child is kept fully informed. The chaperone can act for more than one child at the same hearing if this is thought appropriate.
* No child or Adult at Risk should be compelled to attend.
* If, when attending the Panel, the child or Adult at Risk is to be questioned regarding their behaviour or what they have witnessed, all involved should bear in mind the age and potential vulnerability in such a setting. Questioning should be conducted in a considerate manner, and must not be oppressive, persistent, lengthy or demeaning. The Welfare Chaperone should ask the Chair of the panel to suspend proceedings immediately if they have any concerns about the manner or duration of questioning.
* Where a child is found to have committed a disciplinary offence requiring potential sanction, consideration should be given to the child’s age and understanding, as well as their experience of life and of the sport, before any sanctions are issued.
* Where it is necessary for a report to be circulated following the hearing (within the organisation or even to the press), any individual under 18 years of age or anyone considered to be an Adult at Risk must not have their details published.
* The PSC should confirm they have no conflict of interest with any panel member.
* The PSC should confirm they understand the process and confirm whether they accept or deny the allegations.
* Panel members must declare any conflicts of interest.
* The Complaints Officer or alternative designated person should present the evidence to the panel and should make clear the preliminary points for the hearing.
* The standard of proof shall be the civil standard, i.e.; the balance of probability.
* The PSC shall have the right to appropriately cross examine witnesses called by the Organisation/club.
* When the respondent has concluded their case, the designated person shall make concluding remarks relating to the charge. The respondent shall also be offered the opportunity to make concluding remarks.
* The panel will then retire to consider their verdict in private.
* If the Disciplinary Panel find the charge is proved they will return to hear from the PSC in support of mitigation before retiring to consider any sanction.
* If the panel decides the charge has not been proved it will return to announce the decision and will within 5 days provide a short, written statement setting out the reasons for its decision.
* The decision of the panel must be by majority and no minority decision will be included in the written statement.
* The decision of the Disciplinary Panel will be communicated to all parties within 5 days of the conclusion. This will include detailed reasons and findings.
* The Disciplinary Panel shall have the powers to regulate its own procedure and also have the power to:
	+ - Adjourn proceeding to consider further evidence for submission
		- To ask questions directly of any party or witness to any proceeding before the panel
		- To admit or exclude any evidence which they do not consider relevant or comply with directions
* Where at any time it is considered that during the course of disciplinary proceedings there has been a breach of procedures or failure to follow directions this shall not invalidate the hearing unless the breaches are considered too serious and immediately prejudice the position of any party.
* The Disciplinary Panel shall not be obliged to follow any strict rules of evidence and may admit evidence as it sees appropriate and may accord such evidence weight as it sees fit. Where the allegation has been the subject of the findings of guilt in previous criminal proceedings or any other judicial proceeding the results of these proceedings and the facts and matters shall be presumed correct and true. This will also be deemed correct if the respondent has been placed on the statutory barring list or restriction in place for working with children and young persons.
* The Disciplinary Panel may impose one or a combination of sanctions;
	+ - Referral to statutory agencies if appropriate
		- Sanctions
		- Permanent expulsion
		- Risk assessment
		- Any additional training
		- Any other sanction the panel agree is appropriate
* Where the panel imposes a suspension the commencement date shall be from the date the decision was made. The panel will take into consideration any interim suspension already served.
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| **PROCEDURES****FOR APPEALS** | The PSC may submit an appeal on the decision of the review/disciplinary panel within 21 days from the date the communication was issued by the complaints officer on the following grounds only;* the review panel/disciplinary panel misdirected itself in its conduct or conclusion; or
* that the panel reached a conclusion that no panel having heard the evidence could have reached in the circumstances; or
* that a procedure error was fundamental to the decision reached by the panel.

An appeal must be received in writing.* The management committee shall appoint an appeals panel of no less than 3 members who have not had any prior involvement with the case and have no financial gain, knowledge or relevant interest in the proceedings or the outcome.
* The appeals panel between themselves will agree a chairperson.
* The chairperson will notify the respondent the date the appeal will be heard 14 days beforehand
* The appeals panel will consider all the relevant evidence/documentation and may wish to recall witnesses who have submitted evidence. The appeals panel have the right to submit new evidence and decide on an adjournment to submit/consider new evidence
* The appeals panel may wish to uphold the initial decision, amend it or cancel it. The decision of the appeals panel is final with no right of further appeal.
* The panel will provide a short, written version of their decision, stating their reasons for reaching their conclusion. This shall be conveyed to all parties within 7 days of their final decision.
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| **INFORMAL COMPLAINTS** | Should it be established by the Complaints Officer the complainant does not wish to make a formal complaint and is seeking help to resolve the concerns amicably, the Complaints Officer agrees a course of action with the complainant which can include;* Speak to the person/s about who the concerns relate to, allow a response. Highlighting expected behaviours that support upholding codes of conduct if appropriate. Behaviour contracts can be considered for a specified time period. Behaviour contract should include agreed interactions and follow ups.
* Consider talking to all parties together to ascertain if there are any concerns or problems you should be aware of that is affecting a relationship between them
* Speak to coaches/ relevant club personnel to see if they have any knowledge that would support the concerns raised
* Keep a watchful eye and address any concerns

Organisations and Clubs retain the right to refer investigations to external panels if they deem appropriate.All referrals to statutory agencies by clubs **must** be reported to the lead organisation e.g. NGB. |
| **WHISTLE****BLOWING** | It is acknowledged that individuals are often very reluctant to report concerns through fear of negative reprisal.The lead organisation will take action against anyone who has harassed or victimised a whistle blower. The identity of individuals who wish to remain anonymous will not be disclosed without first taking time to explain the circumstances in which disclosure may be desirable.In some instances, particularly those involving child protection issues, it may be necessary to refer the matter to other agencies i.e. the Police or Social Services. Any person who reports a genuine concern will not be disadvantaged or discriminated against in any way because of the disclosure.However, the organisation will take a serious view and act accordingly, including taking disciplinary action against appropriate parties, should it be found that the allegations are untrue or have been raised maliciously.Individuals are encouraged not to report matters anonymously, and allegations that are made anonymously may be investigated depending on the seriousness of the issues raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.In the first instance, poor practice concerns that relate to a club should be referred to the Club Safeguarding Officer or a member of the Senior Management Committee except where:* The whistle blower believes there would be a risk of victimisation, either to the whistle blower or child/children, if the matter was raised internally within the club
* The whistle blower has already raised the matter internally and the matter was covered up or no action was taken and the situation remains unchanged
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| **MEDIA****INTEREST** | Incidents of child abuse can generate significant media interest. When a strategy meeting is convened this will very often be one of the issues discussed, and a lead agency will be identified to manage this process, particularly in high profile cases.Anyone who is approached by the media should refrain from providing any information and should follow the below guidance:* Do not make any initial comment until advice is sought
* Take a note of the journalist's name and contact details and whom they represent
* Establish exactly what information the journalist requires
* Establish whether the journalist is working to any deadlines and inform them that the matter will be referred to the organisation to discuss a response
* Inform the appropriate Safeguarding Officer or person in charge who must refer the matter to the organisation’s Safeguarding Advisor who will assist in formulating an appropriate response in consultation with the organisation’s Communications Dept.
* A copy of the response will be sent to the journalist and other relevant individuals
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| **SUPPORT****SERVICES** | Both the victim of abuse and anyone who is investigated for allegations of abuse may benefit from information about support services.The organisation/Club may consider it appropriate to identify a single point of contact for the PSC to provide updates and support. Ideally this should be an individual not connected with the complaint or investigationIt is also useful to provide this information for anyone else who hasbeen affected by an incident of abuse, including family members, those involved in responding to the incident, and sometimes other children, parents or club members. |
| **FOR FURTHER CONSIDERATION WHEN CONDUCTING AN INVESTIGATION** | The provision for a generic email will support removing the denunciation of any named person for communications throughout any investigation. The generic email will reflect the decisions/outcomes are those of a panel therefore all correspondence once the Complaints Officer provides to the panel all findings/statements |