

# **COERVER COACHING CHILD SAFEGUARDING COMPLAINTS AND DISCIPLINARY PROCEDURE, INCORPORATING CASE MANAGEMENT ARRANGEMENTS**

## **INTRODUCTION**

The procedures are intended to provide a comprehensive, fair and equitable process for the purpose of any enquiry into issues, concerns or complaints received and will apply to all individuals working or participating in Coerver Coaching, whether in a paid or voluntary capacity.

So far as is practically possible, confidentiality will be maintained at all times in respect of those involved in any enquiry or investigation, unless there is an overriding obligation in the interests of the safety or protection of children for such information to be shared with other interested parties. Any such information shared will be on a 'need to know' basis.

All matters relating to poor practice, emotional, physical, sexual abuse or neglect must be reported to the Welfare Officer in the respective territory as soon as reasonably practicable, and thereafter to the Coerver Coaching Lead Safeguarding Officer or their nominated deputy, through the reporting process outlined in the Coerver Coaching *'Safeguarding Children and Young People Policy and Procedures'*.

Whilst the management of safeguarding issues and concerns is the responsibility of individual Licensees, Sportsmethod Ltd have established a Safeguarding Advisory Group to support Licensees in dealing with issues, concerns and the management of safeguarding cases.

## **ESTABLISHMENT OF A SAFEGUARDING CASE MANAGEMENT GROUP (CMG)**

A key requirement of any safeguarding system is the need for sports organisations to have procedures and systems in place to effectively manage concerns and complaints related to the welfare of children and young people.

In order to achieve this Sportsmethod Ltd requires each Licensee to establish their own Safeguarding Case Management Group (CMG).

### **Composition of the Licensee's CMG**

- The CMG should be made up of the Licensee or their nominated Welfare Officer and ideally a minimum of three independent members with safeguarding experience and expertise.
- These could include (but are not limited to) experts drawn from a mix of legal, medical, social work, policing, offender management, teaching or sport backgrounds.
- Ideally the group should have a good mix of complementary skills, together with male and female representation.
- Further information about the operation of the CMG is contained in Section Three below.

### **Roles and Responsibilities the CMG:**

- Offer advice, guidance and direction in relation to the management of safeguarding concerns and cases.
- Provide independent and informed opinion and should be empowered by the Licensee to make recommendations and make decisions as to the most appropriate route for dealing with concerns about the welfare of a child.

## **CASE MANAGEMENT PROCESS**

As for the case management process there are some general principles that need to be applied.

### **General Principles of Case Management**

1. Where an issue arises in relation to child protection and safeguarding, the welfare of children and young people shall be the paramount consideration.
2. Any investigation or inquiry should proceed on the basis that the primary consideration will be a determination of the risk posed to children and young people.
3. Unless the determination finds no, or an insignificant risk, effective steps must be taken to manage or reduce the risk.
4. Individuals about whom there are concerns should be treated fairly and honestly and should be provided with support throughout the process

### **Investigation**

5. Any investigation or inquiry must be sensitive to the welfare of the children and young people and hold central the need to keep the interests of children and young people paramount at all times.
6. Where issues other than risk to children and young people are under consideration in any investigation or inquiry, such issues must remain subordinate to the requirement to determine the risk posed to children and young people.

### **Risk Assessment**

7. The assessment of risk involves consideration of the actual or potential harm that an individual poses to children and young people in sport.
8. The assessment of risk does not involve making a finding based upon either the criminal or civil standards of proof (i.e. "beyond all reasonable doubt" or "the balance of probabilities"). The assessment requires a defensible decision that a risk does or does not exist and, where it does, a determination of the extent of such risk.
9. Save in exceptional cases, the assessment will not require the production of a formal risk assessment report.

### **Risk Management**

10. The steps taken to address any perceived risk to children and young people must have regard to the nature and extent of the risk as well as to any particular and relevant aspects of the Coerver Coaching environment and, in the light of this, must seek to ensure that such steps will be effective.
11. In cases where the perceived risk is low, and no criminal or disciplinary charge could be made out, it may be nonetheless necessary to impose stringent restrictions on an individual or remove his/her ability to participate in Coerver Coaching activities.

## **SECTION ONE – KEY PRINCIPLES**

1. As part of Coerver Coaching's ongoing commitment to safeguard children it is a requirement for any person involved or participating in Coerver Coaching sessions to complete a criminal background vetting check.
2. All Licensees, staff, volunteers and anyone that represents Coerver Coaching must adopt and implement the "*Safeguarding Children and Young People Policy and Procedures*" as amended from time to time on [www.coerver.eu/safeguarding](http://www.coerver.eu/safeguarding) .
3. Coerver Coaching Licensees must appoint a Welfare Officer for their Territory to advise and ensure that best practice in relation to safeguarding children is adhered to. This should be someone that is not involved in the direct delivery of coaching or related to someone who is involved in the direct delivery of coaching.
4. Concerns in relation to safeguarding children may include:
  - (a) Concerns surrounding poor practice, bullying, grooming, harassment or emotional abuse, or where there is Children's Social Care(or equivalent in the respective Territory)and/or Police involvement.

In such cases the Welfare Officer should be informed immediately with regard to the concerns raised. Where Children's Social Care and/or the Police are not already involved and the concerns or matters raised are deemed to warrant their involvement, the Welfare Officer should notify them of the matters which have been brought to their attention.

(b) Concerns involving physical abuse, sexual abuse or neglect. This will also include any matters which are the subject of civil or criminal investigation or proceedings and for the avoidance of doubt, any matters which are the subject of a Children's Social Care or Police investigation, even where such investigation is yet to be completed.

In such cases the matter should be referred to the Welfare Officer immediately.

In an emergency the Police or Children's Social Care should be contacted directly and the Welfare Officer should be informed at the earliest opportunity.

The Coerver Coaching Lead Safeguarding Officer or their deputy should also be notified as soon as reasonably practicable thereafter.

## **SECTION TWO - INITIAL ACTION**

1. Upon receipt of any concerns or complaints an investigation into the incident/disclosure may be necessary. This may take the form of a criminal investigation carried out by Police and/or Children's Social Care and/or an investigation by the Licensee or their nominated Welfare Officer (hereinafter both are referred to as the Licensee). If a Licensee investigation reveals a potential or actual breach of the law in their Territory then this investigation will cease and a referral will be made to Police and/or Children's Social Care.
2. Any safeguarding matter which is notified to the Licensee should be put to the Case Management Group (see Section Three) who may, in order to ensure the welfare and safety of children, impose a temporary suspension upon an individual in respect of whom the concerns have been raised, pending the outcome of further enquiries and/or an investigation.

It is however important to remember that suspension is a neutral act and should not be viewed as a sanction or penalty. A decision to suspend is also not open to appeal.

Where a temporary suspension is imposed this will be a suspension from participation in all Coerver Coaching activities, which will include (but is not) limited to: coaching, officiating, managing teams and any other activity where there is likely to be contact with children.

If any individual is temporarily suspended and during the course of the suspension the Licensee is informed that a breach or abuse of the suspension has taken place, the individual will be issued with a written warning requiring immediate compliance with the terms of his suspension. Failure to adhere to the terms of the written warning will also be brought to the attention of the CMG and may result in a permanent disqualification from all Coerver Coaching activities.

3. The investigative process may include any of the following actions:
  - (a) The individual concerned may be temporarily suspended from all Coerver Coaching activities pending the outcome of an investigation where such a suspension is deemed to be warranted or necessary to ensure the safety and/or welfare of the child involved and/or other children who come or may come into contact with the individual in question.
  - (b) The individual's salary or other benefits may be temporarily suspended.
  - (c) A further vetting check may be required.
  - (d) The matter may be referred to the CMG for their consideration (See Section 5).
  - (e) The concerns may be referred to the Police and/or Children's Social Care for their consideration as to whether a criminal/civil investigation into the allegation will be actioned.

In addition to the above Sportsmethod Ltd reserves the right to proceed with its own investigation, to be run concurrently with any criminal or civil investigation.

### **SECTION THREE – LICENSEE’S CASE MANAGEMENT GROUP (CMG)**

1. The Licensee shall appoint the members of their CMG. However, they shall only appoint an individual if they consider the appointee is suitably qualified and experienced. Ideally there should be three or four people in the CMG that are all full time Coerver employees.
2. The CMG will operate independently of the Licensee’s Board or Management Team. Individual members of the CMG may however be members of the Licensee’s Board or Management Team.
3. Ideally there should be four people on the CMG with a minimum of three required for decision making purposes.
4. The Licensee may appoint an alternate member to their CMG. This may be a member of the Licensee’s Board or Management Team or an external expert. Once appointed they will be able to act as a temporary member of the CMG to cover for members who are unable to attend a meeting for quorum purposes but where a case needs to be considered for the purposes of safeguarding children.
5. A member of the CMG may resign by giving written notice to the respective Licensee. Any such notice will be effective immediately.
6. Licensees may give written notice to a member of the CMG and remove them from the group immediately.
7. A member shall also be removed from the CMG if they have been found to have committed a Child Safeguarding offence.

#### **SECTION FOUR - CHILD SAFEGUARDING INVESTIGATIONS**

1. The Licensee shall advise and notify the individual in writing of their intention to investigate, the nature of the investigation and the reasons for this. If a temporary suspension has been imposed by the CMG in the interests of child safety the individual will also be informed of this but only if the notification is not going to jeopardise any Police and/or Children's Social Care investigation or place any child at risk.
2. The Licensee will carry out any investigation. The Licensee also reserves the right to appoint an independent child protection consultant or an external investigator to conduct or assist in the conduct of any investigation.
3. Any investigation will be conducted as promptly as possible. The individual concerned should however be aware that the length of the investigation will be dictated by a number of factors, including the number and availability of persons to be interviewed or contacted, the involvement of statutory agencies, and their own co-operation. In the circumstances, the investigation process may be lengthy and could span several months.
4. As part of the investigation process the individual being investigated may be interviewed on more than one occasion.
5. During the investigation process periodic updates, at no more than four-week intervals will be provided by the Licensee or their representative (as appropriate) to the individual.
6. The individual being investigated shall not approach, intimidate or influence any witness involved in the investigation.
7. Following the conclusion of the investigation the Licensee will present any relevant case papers to the CMG for a decision to be made in accordance with Section 5.

## **SECTION FIVE - REFERRAL TO THE CASE MANAGEMENT GROUP**

1. Upon receipt of the case papers, the Licensee will convene a meeting of the CMG to consider the case.

The individual will also be offered an opportunity to make written representations to the CMG in the form of an e-mail, letter and/or report.

The CMG's function is to consider whether an individual poses a potential or actual risk to children within a Coerver Coaching setting.

It is not for the CMG to prove beyond reasonable doubt that a person is a risk, but to assess if on the balance of probabilities, the individual may pose a risk towards children.

A further function of the CMG is to impose relevant sanctions, where appropriate, which serve to either eliminate the risk to children or bring it within manageable levels.

Appointment to, membership of, and/or removal from the CMG is governed by the Licensee. However, it is recommended that the CMG is made up of no fewer than four members and a minimum of three members is required for the meeting to be quorate.

2. The Licensee will ensure that the CMG is presented with the information gathered during the investigation and/or enquiry together with any written submissions from the individual.
3. The individual will also be provided with a copy of the case papers and any other information which is to be put before the CMG, unless in the view of the Licensee this would be prejudicial to the safety or welfare of the child involved or any other children who come or may come into contact with the individual in question.

In relation to the case papers the individual will also be given the opportunity to comment (in writing) on matters of fact and accuracy.

Written submissions should be received no later than 7 days prior to the CMG meeting.

4. In its decision making, the CMG will consider the following factors:
  - (a) Whether the conviction or other matters revealed is/are relevant to the position in question.
  - (b) The seriousness of any offence or other matter revealed.
  - (c) The length of time since the offence or other matter occurred.
  - (d) Whether the individual has a pattern of offending behaviour or other relevant matters.
  - (e) Whether the individual's circumstances have changed since the offending behaviour or the other relevant matters.
  - (f) The circumstances surrounding the offence and the explanations offered by the individual concerned.

N.B. The list is not intended to be exhaustive. It does however provide examples of some of the factors which could be considered.

## **SECTION SIX - CASE MANAGEMENT GROUP DECISION MAKING PROCESS**

1. Where the CMG believes that an individual poses a potential or actual risk of harm to children in a Coerver Coaching environment then the CMG may reach any one or a combination of the following decisions:
  - (a) A more detailed investigation is required to be carried out.
  - (b) A referral is to be made to Police and/or Children's Social Care.
  - (c) A risk assessment be carried out on the individual concerned, at their own expense, by a suitably qualified person. In this instance the CMG will consider if a temporary suspension is appropriate pending the outcome of any such investigation. A time limit for compliance with any risk assessment should be agreed by the CMG.
  - (d) Disqualification from participation in Coerver Coaching activities in part or in whole, either indefinitely or for a specific period of time. If the disqualification is for a specific period of time the individual should be subject to a review by the CMG at the end of the period of disqualification.
  - (e) Where the individual's name is placed on a list of persons disqualified from working with children, permanently disqualify them from all Coerver Coaching activities.
  - (f) Provide a written conditional warning outlining the areas of concern and/or the improvements required.
  - (g) Require the individual to undergo further training e.g. a refresher coaching course or a Safeguarding and Protecting Children workshop.
  - (h) Require the individual to be supervised and/or work with a mentor permanently or for a period agreed by the CMG.
  - (i) Contact the respective National Governing Body or Coaches Association and ask them to consider suspending or revoking the individual's membership, either indefinitely or for a specific period of time.
  - (j) Refer the individual to the National Governing Body Disciplinary Procedure.
  - (k) Extend the period of any temporary suspension until such time as the individual concerned has complied with any training, mentoring or supervision requirements.
  - (l) Require the individual concerned to undergo or complete a probationary period or an extended probationary period.
  - (m) Refer the individual to the Disclosure and Barring Service or equivalent
  - (n) Reach any other decision which the CMG feel is appropriate having regard to the circumstances of the case.
2. If the individual fails to comply with decisions of the CMG further action may be instigated.
3. Sportsmethod Ltd also reserves the right to notify Lead Safeguarding Officers in other territories or sporting organisations of the CMG's decision.
4. Following the conclusion of the CMG meeting, the agreed decision, together with supporting reasons, will be communicated to the individual (in writing) within seven days.
5. The individual will also be advised of their right of appeal against any decision made and the time limits for doing so, namely within fourteen days from the date of notification.

## **SECTION SIX - APPEALS AND APPEAL HEARINGS**

1. All individuals have a right to appeal a respective CMG decision by giving written notice, with reasons, to the Licensee within fourteen days of receiving the notification.
2. An appeals panel should be established by the Licensee that is similar to, but separate from the CMG.
3. The appeals panel shall adopt a recognised process for dealing with an appeal.
4. The appeals panel should meet to consider an appeal within fourteen days of receipt of the appeal and return the verdict no later than seven days after the date of the meeting.
5. Sportsmethod Ltd should be kept fully informed of any appeals, the appeal process and the result of the appeals.