RESPONDING TO CONCERNS ABOUT THE CONDUCT OF AN ADULT PROCEDURE

In all cases where there are concerns about the conduct of an adult towards a child, the best interests and wellbeing of the child will be the paramount consideration. These procedures aim to ensure that all concerns about the conduct of an adult are dealt with in a timely, appropriate and proportionate manner.

No member of staff and volunteer in receipt of information that causes concern about the conduct of an adult towards children shall keep that information to himself or herself, or attempt to deal with the matter on their own.

At any point in responding to concerns about the conduct of an adult, advice may be sought from the police or social work services.

1. Initial Reporting of Concerns

Any concerns for the wellbeing of a child arising from the conduct of an adult must be reported to the **Penicuik Athletic** Child Wellbeing and Protection Officer on the day the concern arises, as soon as practically possible.

Where the concern is about the Child Wellbeing and Protection Officer it must be reported to the Chairperson. In this situation, they will then take on the role and responsibilities as listed below of the Child Wellbeing and Protection Officer.

2. Recording and Reporting

Concerns must be recorded using the Concern Recording Form as soon as possible. Contact the Child Wellbeing and Protection Officer on **07850161122** to report the concern then email the completed form to garystein953@gmail.com as soon as possible after completion; do not delay by attempting to obtain information to complete all sections. Please do not keep any electronic, printed or written versions of this form. It is important to maintain confidentiality to delete or shred as soon as the information has been passed on.

All subsequent actions taken and reasons for decisions shall be recorded (in the order in which they happened). These records should be signed and dated by the Child Wellbeing and Protection Officer. Where **Penicuik Athletic** Disciplinary Procedures are invoked for members of staff or volunteers, a written record will be made of all actions and reasons for decision.

3. Establishing the Basic Facts

Once the concerns have been reported, the Child Wellbeing and Protection Officer will:

- Establish the basic facts.
- Conduct an initial assessment of the facts in order to determine the appropriate course of action.
- Consult external agencies such as the police and social work services for advice at any time. This is important because they may hold other important information which, when considered alongside the current concerns, builds a significant picture of concern.

4. Conducting the Initial Assessment

The Child Wellbeing and Protection Officer will conduct the initial assessment.

The purpose of the initial assessment is to clarify the nature and context of the concerns. It should determine if the adult's conduct was inappropriate behaviour, serious poor practice/misconduct or whether there is reasonable cause to suspect an adult's behaviour and conduct has been criminal. Every situation is unique so guidance cannot be prescriptive.

- Where the established facts support a concern of criminal behaviour, the initial assessment will not form part of the disciplinary investigation.
- Subject to the nature and seriousness of the situation, if it is not clear at this stage whether a criminal offence may have been committed, the member of staff and volunteer *may* be approached as part of the information gathering process.
- Where the nature and seriousness of the information suggests that a criminal offence *may* have been committed, or that to assess the facts may jeopardise evidence, advice will be sought from the police before the member of staff and volunteer is approached.
- An initial assessment of the basic facts may require the need to ask a child some basic, open-ended, non-leading questions *solely with a view to clarifying the basic facts*. It may also be necessary to ask similar basic questions of other children, or other appropriate individuals.
- Interviewing children about possible abuse and criminal offences is the sole remit of specially trained police officers and social workers. Questioning of children by those conducting an initial assessment should always be avoided as far as possible. If it is necessary to speak to the child in order to clarify the basic facts, best practice suggests that consent from the parent/carer be obtained.

Possible outcomes of initial assessment:

(i) No further action (facts do not substantiate complaint).
(ii) Situation is dealt with under **Penicuik Athletic** Disciplinary Procedures for members of staff and volunteers.
(iii) Child protection investigation (jointly by police and social work services).
(iv) Criminal investigation (by the police). The results of a criminal investigation may well influence the disciplinary investigation, but not in all cases.
(v) Civil proceedings (by the child/family who raised the concern).

5. Initial Assessment Supports Concerns about Poor Practice and/or Misconduct

The Child Wellbeing and Protection Officer will deal with the concern in line with Penicuik Athletic Disciplinary Procedures for members of staff and volunteers. In the event of an investigation into the conduct of a member of staff and volunteer all actions will be informed by the principles of natural justice:

- They will be made aware of the nature of concern.
- They will be given an opportunity to put forward their case.

- **Penicuik Athletic** will act in good faith, ensuring the matter is dealt with impartially and as quickly as possible in the circumstances.

Pending the outcome of any investigation, precautionary suspension will be considered in all cases where there is significant concern about the conduct of a member of staff and volunteer towards children. Any impact on a child's wellbeing caused by an adult's poor practice and/or misconduct will be passed on to the child's Named Person.

6. Initial Assessment Supports Concerns about Possible Criminal Behaviour

Where the initial assessment of information gives reasonable cause to suspect an adult's behaviour and conduct has been a criminal offence, the Child Wellbeing and Protection Officer will report the concerns to the police as soon as possible on the day the information is received. The Child Wellbeing and Protection Officer will make a written record of the name of the police officer to whom the concerns were passed together with the time and date of the call, in case any follow up is required.

Referrals to the police will be confirmed in writing by the Child Wellbeing and Protection Officer within 24 hours. A copy of the Concern Recording Form should be provided to the police on request. Appropriate steps will be taken to ensure the safety of the child(ren) or who may be at risk. The parents/carers of the child(ren) involved will be informed as soon as possible following advice from the police. Any impact on a child's wellbeing caused by an adult's possible criminal behaviour will be passed on to the child's Named Person.

Advice will firstly be obtained from the police about informing the member of staff and volunteer involved in the concerns. If the advice is to inform them, they will be told that information has been received which may suggest an allegation of abuse or possible criminal offence. As the matter will be *sub judice* (i.e. under judicial consideration) no details will be given unless advised by the police. All actions will ensure the best evidence is preserved for any criminal proceedings while at the same time safeguarding the rights of the member of staff and volunteer.

Penicuik Athletic will take all reasonable steps to support a member of staff and volunteer whom a concern has been raised.

7. Precautionary Suspension

Suspension is not a form of disciplinary action. The member of staff or volunteer involved may be suspended whilst an investigation is carried out. Suspension will be carried out in accordance with **Penicuik Athletic** Disciplinary Procedures. At the suspension interview the member of staff or volunteer will be informed of the reason for suspension (within the confines of sharing information) and given the opportunity to make a statement – which will be recorded – should they wish to do so.

Notification of the suspension and the reasons will be conveyed in writing to the member of staff or volunteer in accordance with **Penicuik Athletic** Disciplinary Procedures.

8. Disciplinary Investigation

An ongoing criminal investigation does not necessarily rule out disciplinary action. However, any action taken must not jeopardise the criminal investigation. Advice must be taken from the police on this. Sufficient information should be available to enable the Child Wellbeing and Protection Officer to make a decision whether to go ahead with disciplinary action.

9. False or Malicious Allegations

In exceptional circumstances where an investigation establishes an allegation or concern raised is false, unfounded or malicious:

- The member of staff and volunteer involved will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. They may wish to seek legal advice.
- All records pertaining to the circumstances and investigation shall be kept confidentially.
- The Child Wellbeing and Protection Officer will take all reasonable steps to support the individual in this situation.
- In these circumstances **Penicuik Athletic** will review the child's participation in football. It will be appropriate to have a discussion with the child (with parental/carer permission) in determining their views and opinions.
- Data collected for the investigation will be destroyed in accordance with the requirements of the Data Protection Act 1998.

10. Historical Allegations of Abuse

Allegations of abuse may be made some time after the event e.g. an adult who was abused as a child by someone who is still currently working with children. These procedures will be followed in the event of an allegation of historical abuse.

11. Protection of Vulnerable Groups (Scotland) Act 2007

a) **Penicuik Athletic** will refer to Disclosure Scotland the case of any member of staff or volunteer who (whether or not in the course of their role with **Penicuik Athletic** has:

- harmed a child
- placed a child at risk of harm
- engaged in inappropriate conduct involving pornography
- engaged in inappropriate conduct of a sexual nature involving a child, or
- given inappropriate medical treatment to a child.

AND as a result:

1. **Penicuik Athletic** has dismissed the member of staff or volunteer.

2. The member of staff or volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant.

3. **Penicuik Athletic** has transferred the member of staff or volunteer to a position in **Penicuik Athletic** which is <u>not</u> regulated work with children.

4. The member of staff or volunteer would have been dismissed or considered for dismissal where employment or volunteer role was not due to end at the expiry of a fixed term contract; or,

5. The member of staff or volunteer would have been dismissed or considered for dismissal had the contract not expired.

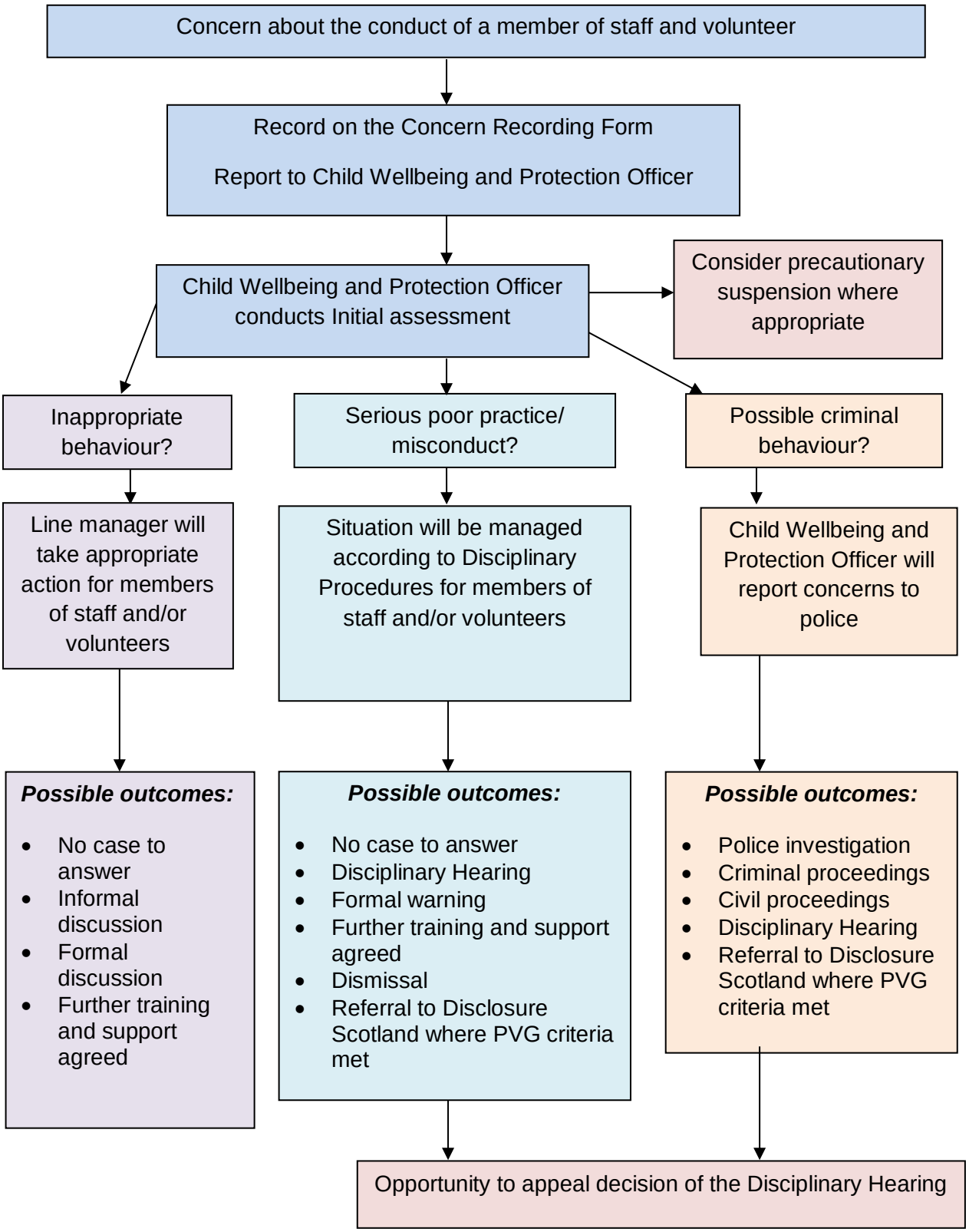
Penicuik Athletic will also refer the case of a member of staff or volunteer where information becomes available after the member of staff or volunteer has:

- been dismissed by **Penicuik Athletic**,
- resigned, retired or been made redundant,
- been transferred to another position in **Penicuik Athletic** which is not regulated work with children; and,
- where **Penicuik Athletic** receives information that a member of staff or volunteer who holds a position of regulated work has been listed on the Children's List, the member of staff or volunteer will be removed from the regulated work with children post.

b) If Disclosure Scotland notifies **Penicuik Athletic** that a member of staff or volunteer is considered for listing that individual will be suspended as a precaution until the outcome of the case is determined. Precautionary suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension the best interests and wellbeing of children will be the paramount consideration.

c) If Disclosure Scotland informs **Penicuik Athletic** that an individual is barred, that member of staff or volunteer will be removed from regulated work with children immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007.

12. Media

All media enquiries relating to the conduct of a member of staff and volunteer will be referred to **Neil Gordon (Club Secretary) at neil@johnmckayinsurance.co.uk**

RESPONDING TO CONCERNS ABOUT THE CONDUCT OF AN ADULT PROCEDURE FLOWCHART