

Dealing with conflict and disciplinary issues arising from safeguarding concerns

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Seminar aims

1. Describe the dangers of not responding to disciplinary issues relating to safeguarding
2. Enable participants to consider managing the impact of safeguarding concerns on children, parents and volunteers
3. Reflection on good practice in responding to concerns
4. Describe key messages from young people's experiences of sport – why procedures are important

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Disciplinary rules and procedures are necessary for promoting orderly working relations as well as fairness and consistency in the treatment of individuals. They enable the sport to influence the conduct of staff/ volunteers/athletes/parents and deal with problems of poor practice thereby assisting the sport to operate effectively. Rules set standards of conduct and performance at the club; procedures help ensure that the standards are adhered to and also provide a fair method of dealing with alleged failures to observe them.

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Where we started

- 1990s – first high profile cases in sport
- Criminal convictions of Olympic and other elite sports coaches for sexual and physical abuse of athletes
- Multiple victims
- Intense media attention
- Reputational damage to sports bodies and loss of sponsorship
- Initial responses geared to dealing with rogue individuals not systematic change

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Where we were pre Code of Ethics

- No clear value base and principles
- Children's voices ignored
- Denial, avoidance, hostility towards pioneers / whistleblowers
- Risk avoidance approach to high profile cases of abuse in sport
- Action in silos - not working together in sport or with statutory sector

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What sports bodies need to put in place

- Safe recruitment processes
- Effective management of staff & volunteers
- Reporting procedures
 - Complaints and disciplinary procedures
- Codes of conduct
- Sharing information
- General health and safety

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Core values and principles

- Children have the right to play sport in a safe environment
- The child's welfare is the paramount concern
- Fair, open and transparent processes safeguard everyone
- Confidentiality
- Information sharing
- Equity/anti-discriminatory practice
- No delay
- Independence in decision making

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Dealing with concerns

Concerns may include:

- Bullying from peers including 'hazing'
- Adult/s' behaviour towards a child in sport
- Possible harm to a child by parents/other adults in their family or community - identified in the sports context
- Historical allegations
- Risks identified through recruitment checks - content of criminal record disclosures
- Concerns about individuals identified in media reports

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Parental behaviour



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Safeguarding young officials – touchline behaviour



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Safeguarding our elite young athletes



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Safeguarding additionally vulnerable children in sport



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Safeguarding at sports events



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Dealing with concerns –emerging issues

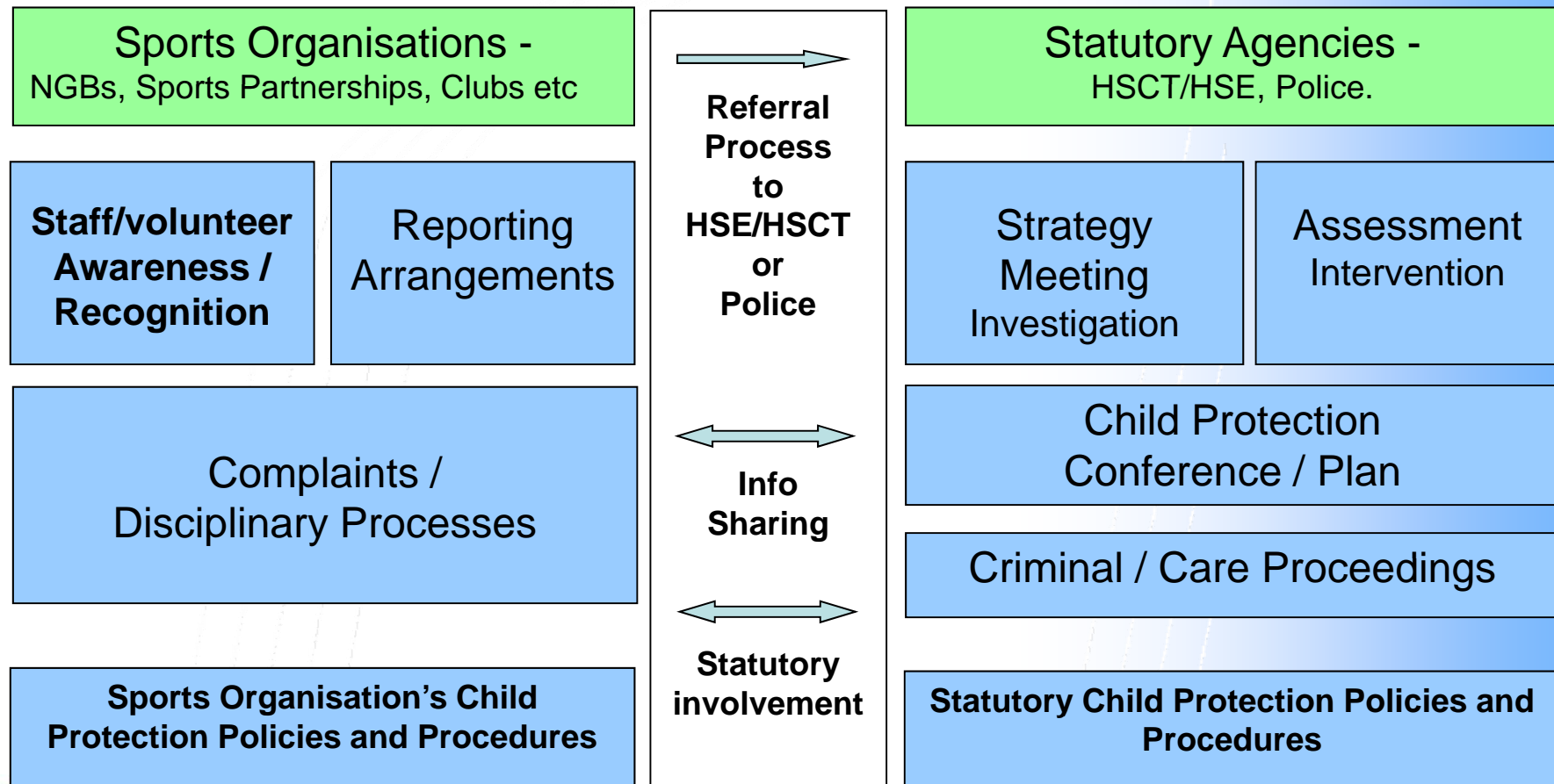
- Social media related issues – online bullying, sexting, access to online pornography for children and young people
- Self harm – significant increase in calls to Childline from children about bullying, self harm and suicidal feelings

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Roles and Responsibilities – Sports Organisations and Statutory Agencies



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Role of the national sports body

- Appoint National DSCO
- National policy/procedures
- Guidance to all – clubs, coaches, children, parents
- Manage child protection cases and repeat/serious cases of poor practice/bullying
- Manage contact with statutory bodies on CP cases
- Co-ordinate support for victims/alleged perpetrators with statutory bodies
- Support clubs through the process
- *Manage referrals of individuals in regulated activity for consideration for barring from the children's workforce*

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Role of the sports club/local activity provider

Initial response to concerns:

- Identify/listen to concern
- Follow national/organisational procedures
- Be aware of local statutory agency procedures and how the wrong action at the start can negatively affect statutory processes
- Record concerns and action taken
- Maintain confidentiality
- Refer urgent child protection cases to statutory agencies
- Manage low level concerns

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Role of the sports club/local activity provider

During investigation:

- Ensure roles and responsibilities are clear
- Never take action where it may compromise statutory investigations
- Maintain confidentiality and share information on strictly need to know basis
- Co-operate with statutory body/ national governing body investigations
- Institute club level suspensions where required

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Role of club/local activity provider

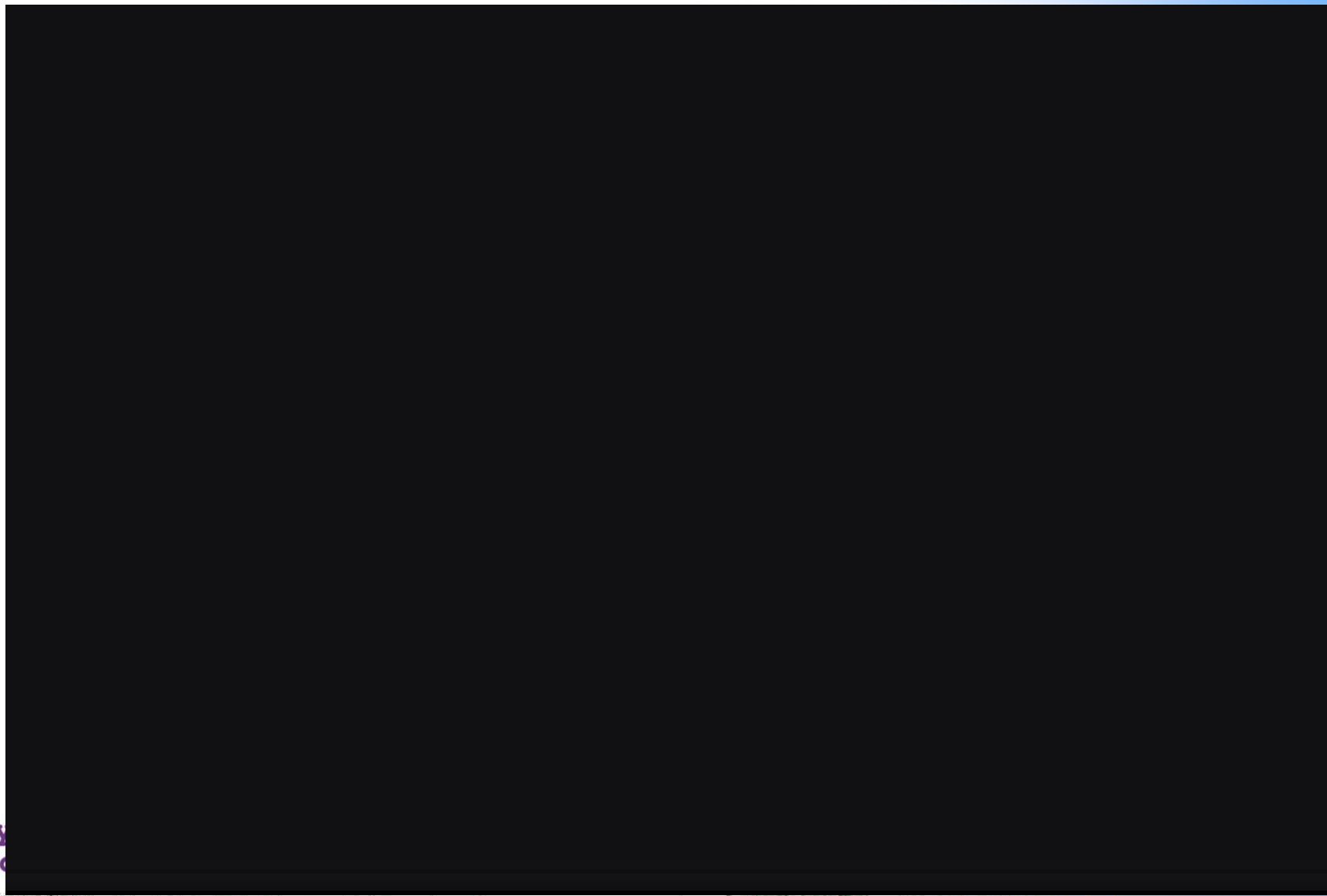
Aftermath

- Communicate outcome of investigation in line with governing/statutory body decisions/advice
- Agree plan to address any recommendations made by national body/statutory agencies as a result of investigation
- Be aware of the governing body media statement/ protocol where a case is in the public domain
- Work with the governing body/statutory agencies to ensure support is provided to all who may be affected

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Exercise

In roles and character as; a club committee, parent or young person consider;

- **How do you feel?**
- **What do you think should happen next?**
- **Agree to go through mediation – what will this mean for you and what do you need to put in place or should be in place for you?**

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Complaints processes National Governing Body Clubs

- Stage 1 – Informal resolution locally
- Stage 2 – Resolution through Designated Safeguarding Children Officer
- Stage 3 – Formal Investigation and/or dispute resolution at local level – with national oversight
- Stage 4 – National level investigation – grievance/disciplinary proceedings
- Stage 5 – Appeal

NB Requirements of statutory agency child protection investigations will take precedence over sports body processes

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Start point

- Ensure everyone knows about your complaints procedure- (informal - comments box)
- Provide this in different formats for children, parents and volunteers
- Tell people about it when then join the club
- Ensure everyone knows who to contact if they are worried
- Deal with issues quickly

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Stage 1 – Informal local resolution

- Assess if initial report can be dealt with at this level or needs immediate referral up the organisation/out to statutory bodies
- If minor concern deal with it immediately – preferably in consultation with club DSCO
- Clarify complainant's issue and desired outcome
- Address concern with relevant parties
- Maintain confidentiality – but inform parents if complaint is from a child
- If not resolved/more than minor - escalate to Stage 2 with DSCO

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Stage 2 – Resolution through DSCO

- Minor poor practice, bullying behaviour and club rule infringements
- Timescale – short – e.g. one week
- Aim – resolution to child, young person or parent's satisfaction
- Record outcome and decisions – communicate to all
- DSCO and/or other staff/volunteer may be involved in mediation

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Mediation process

- Mediator meet with each party to explain process and hear their issues and what each wants from this – voluntary participation
- Meeting held to:
 - Hear and explore the issues
 - Parties come up with potential options to address the issues now and how they will work with each other in future
- Written agreement
- Conclude process or escalate if not resolved
- Ensure confidentiality

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When is mediation appropriate or not?

Appropriate for:

- Resolving inter-personal conflict – relationship breakdown, personality clashes where parties have failed to resolve themselves
- Resolving bullying/harassment

Not appropriate for:

- Disciplinary offences
- Investigation required/requested
- Resolution outside powers/rules

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Stage 3 – Investigation and/or dispute resolution

- **Clear breach of code of conduct requiring investigation**
- **Referral to/oversight by higher organisational/NGB level**
- **Witness statements/evidence may need to be gathered**
- **Formal process for the sports body to conclude**
 - **What are the facts of the situation?**
 - **What level of seriousness?**
 - **Do club disciplinary processes need to be instituted?**

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Stage 4 – National/organisational level

- **Serious/persistent poor practice, bullying or abuse**
- **National/organisational grievance/disciplinary proceedings**
- **Cases referred back from statutory bodies for NGB action**
- **Unresolved disputes**
- **Referrals for consideration for barring**
- **Should conclude within 3 -6 months but may be affected by statutory body investigations/criminal proceedings**

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Stage 5 - Appeal

- **Need for written grounds for appeal beyond not liking the outcome**
- **Appeal needs fixed timescale**
- **Must involve independence from original panel/decision makers**

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Potential pitfalls

- Initial panic reactions – from denial, avoidance, blaming of whistle-blowers to over-reaction, pre-judging guilt and rumour-mongering
- Volunteers working outside role boundaries e.g. conducting own investigations/witness interviews, compromising statutory processes/criminal proceedings
- Children's needs being lost in adult pre-occupations

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Potential pitfalls cont.

- Lack of transparency of processes - including clear communication to all parties about the boundaries/limitations of different levels of complaints/procedures
- Breaches of confidentiality – damaging investigations, reputations and further traumatising victims
- Undue delays in resolution – especially for children

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Research into young Peoples Experience of sport

Overall, participating in organised sport is a positive experience for most children and young people. However a negative sporting culture exists, is accepted as “the norm” and is perpetuated by peers, coaches and other adults.

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Headline findings

- Young people in the study reported widespread emotionally harmful treatment (75%) and unacceptable levels of sexual harassment (29%).
- Clothing and body image are key issues within sport contexts particularly around puberty and warrant further attention.
- Self-harm was reported equally by both boys and girls (10%).
- Reports of sexual harm featured at a low level (3%)

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Headline findings

Peers were the most common perpetrators of all forms of harm reported in the research, with coaches sometimes failing to challenge it effectively. Coaches were the second most common perpetrators of harm with their role in harm increasing as young athletes advanced through the competitive ranks.

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Experiences of various types of harm

	All	Male	Female
Emotional harm	75%	77%	74%
Self harm	10%	9%	10%
Sexual harassment	29%	17%	34%
Sexual harm	3%	5%	2%
Physical harm	24%	26%	23%
Total	100%	100%	100%
Total (n)	6060	1634	4426

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General messages

- Sport should focus on a children's rights approach to sport participation; and attention should be paid to creating a positive sporting ethos where children and young people are respected, and where their voices are heard and used to shape sporting experience, welfare and performance
- Sport should build on what children and young people value about sport participation. This includes the social aspects of sport such as making friends and being part of a team

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General messages

- Sport should take steps to promote a positive sporting and coaching ethos, at all levels of participation and in all sports
- Sports bodies should put in place policies, procedures, training and practice which enable sport practitioners to systematically tackle harm occurring between peers
- Sports bodies should use the findings and messages from the research to shape an examination of the culture in their own sport and address short-comings.

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