

**Introduction Guide to Investigations and Disciplinary Processes for Wellbeing and Protection in Sport**

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**Acknowledgements**

The [Case Management Support Service](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.children1st.org.uk%2Fhelp-for-families%2Fcase-management-support-service%2F&data=05%7C02%7Cashleigh.logue%40children1st.org.uk%7C8d05f9f0b91c406e5e0f08dc690a11fd%7C925f0a2058f847ab9c28aa2c0af68709%7C0%7C0%7C638500739171998816%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=bphCr%2FV5D%2BECZG4HbgY%2Bgjhdajc3oRJvRJczocDUlV8%3D&reserved=0) (CMSS) is a partnership between Children First and **sport**scotland, established to support Scottish governing bodies of sport (SGBs) to manage investigations and disciplinary processes around wellbeing and protection concerns for children and adults in sport. CMSS provide advice, training, guidance, templates, and consultancy in developing organisational practice to keep children and adults safe in sport.

This resource has been co-designed with the expertise of colleagues within Children First, informed by SGBs, and created alongside [Kyniska Advocacy](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.kyniskaadvocacy.com%2F&data=05%7C02%7Cashleigh.logue%40children1st.org.uk%7C8d05f9f0b91c406e5e0f08dc690a11fd%7C925f0a2058f847ab9c28aa2c0af68709%7C0%7C0%7C638500739172017522%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=62wajTG8XiyreZtyil3aA2yJS11%2F1oGW9Jz6OWSwN1Y%3D&reserved=0), where we are very grateful for everyone’s support, contributions and insight. We would also like to acknowledge the learning and resource templates gained from [ACAS](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.acas.org.uk%2F&data=05%7C02%7Cashleigh.logue%40children1st.org.uk%7C8d05f9f0b91c406e5e0f08dc690a11fd%7C925f0a2058f847ab9c28aa2c0af68709%7C0%7C0%7C638500739172033315%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=uBg7k9Uker4kji7Y77vtxh0jyeXiRvewBa2uyhuD4II%3D&reserved=0), [CIPD](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cipd.org%2Fen%2F&data=05%7C02%7Cashleigh.logue%40children1st.org.uk%7C8d05f9f0b91c406e5e0f08dc690a11fd%7C925f0a2058f847ab9c28aa2c0af68709%7C0%7C0%7C638500739172047701%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=VJjUKEJGsz1rofNGKI6Nla43ygJ6huRAjuAy75GZ3RM%3D&reserved=0) and the [Ann Craft Trust](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.anncrafttrust.org%2F&data=05%7C02%7Cashleigh.logue%40children1st.org.uk%7C8d05f9f0b91c406e5e0f08dc690a11fd%7C925f0a2058f847ab9c28aa2c0af68709%7C0%7C0%7C638500739172059464%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=93eZ%2BoZydjWNlv3cf57g5irBjQSecISEVtp89XKOIqA%3D&reserved=0).

Introduction

This guidance document has been created for Scottish governing bodies of sport (SGBs) to support existing wellbeing and protection in sport procedures in **Responding to a Concern about an Adult’s Conduct**. The guidance and associated templates will demonstrate best practice in preparation for any required investigation or disciplinary process.

In developing this guidance, the Case Management Support Service has benefited from a co-design approach with colleagues internal to [Children First](https://www.children1st.org.uk/) including expertise in children’s rights, data protection, information management, participation, HR and [Bairns Hoose](https://www.children1st.org.uk/help-for-families/bairns-hoose/), and externally with lived experience input from [Kyniska Advocacy](https://www.kyniskaadvocacy.com/). Other external support has included learning from and adoption of training and guidance from The Advisory, Conciliation and Arbitration Service (ACAS); a non-departmental public body of the Government of the United Kingdom whose purpose is to improve organisations and working life through the promotion and facilitation of strong industrial relations practice.

This guidance should be used alongside the [Guide for Undertaking Wellbeing and Protection Investigations](https://children1stscotland.sharepoint.com/teams/CaseManagementSupportService/Shared%20Documents/General/Learning%20and%20Development/Resources/Guides/Draft%2025%20Guide%20to%20Investigations%20review.docx) and the [Guide for Managing Disciplinary and Appeal Processes for Wellbeing and Protection in Sport](https://children1stscotland.sharepoint.com/teams/CaseManagementSupportService/Shared%20Documents/General/Learning%20and%20Development/Resources/Guides/Draft%2025%20Guide%20to%20Managing%20Disciplinary%20and%20Appeal%20Processes.docx). For consistency in language in all documents and for ease of reading, the following words will be used to cover the description of the text shown:

* Concern - any issue raised about an adult’s conduct or behaviour.
	+ Person raising the concern - a person who is raising the issue about actions of an adult towards them or other people.
	+ Investigator – the person appointed to carry out the investigation
	+ Person subject of the concern (PSOC) - the adult whose conduct is being questioned, challenged or reported against.
	+ Witness - any person of any age who is considered to have witnessed, observed or experienced the alleged concerning conduct.
	+ Disciplinary Manager - is the person within the SGB who agrees terms of reference with the WPO or Investigator, then takes formal disciplinary action when required.

**Flowchart**

Contact police or social work if someone is at **immediate** risk of harm or in need of protection.

**Wellbeing or protection concern reported to WPO.**

Initial assessment of concern against code of conduct.

**Take no action.**

Facts do not substantiate concern raised.

WPO records and updates person raising the concern that the issue is resolved.

Possible breach of code of conduct identified. WPO and Disciplinary Manager agree **Terms of Reference** for an investigation.

Take **advice** from police or social work on next steps to be taken by WPO.

Investigator or WPO completes **investigation** providing report to Disciplinary Manager.

**Take formal action.**

Investigation establishes facts of concern raised with potential serious poor practice, misconduct or gross misconduct by PSOC or informal/formal action unsuccessful.

Disciplinary Manager arranges **hearing.**

**Take informal action.**

Wherever possible and appropriate for poor practice or inappropriate behaviour.

Complete agreement with PSOC to record informal action taken and completed.

**Issue resolved:**

WPO update policies and procedures from any learning. Record low-level concern.

PSOC practice fails to improve sufficiently.

Hold hearing.

Adjourn hearing.

Decide disciplinary outcome.

Review low-level concerns to decide if threshold reached to require formal action.

Inform PSOC the outcome of hearing:

* No penalty
* First written warning
* Final written warning
* Action short of dismissal
* Dismissal /removal of membership

If agreed, hold hearing.

Adjourn hearing.

Decide any change to outcome and inform PSOC.

Provide opportunity to **appeal**.

PSOC conduct improves then **issue resolved**.

PSOC conduct fails to improve sufficiently.

If PSOC dismissed or removed, consider **referral to PVG** if criteria met.

Hold hearing.

Adjourn hearing.

Decide disciplinary action.

Initial Assessment

When a wellbeing or protection concern about an adult’s conduct has been shared with the SGB WPO, an initial assessment should be carried out. The initial assessment does not form part of the investigation and should not stray into undertaking an investigation. This should happen very quickly and by the end of the Initial Assessment a decision is made about whether to proceed to a full investigation. Every situation is unique so guidance cannot be prescriptive.

Determine the basic facts to decide the appropriate course of action:

* Gather detail of what is known so far.
* Establish who is involved in the concern raised.
* Consider any immediate measures that need to be taken:
* Report to police ([Appe](#_Appendix_1_–)ndix 1).
* Refer to social work, healthcare, advocacy, mental health support.
* Consider any vulnerabilities around age, disability etc to inform decision-making.
* Is it clear that a crime has been committed or suspected? If so, report to police.
* Have any previous concerns been raised about the conduct of the PSOC or recorded within low level concerns?
* Does the concern relate to expected behaviours or inappropriate conduct as contained within a relevant code of conduct?
* Is there a need for an investigation?
* What jurisdiction does the SGB have to consider the concern?

All information gathered during this phase could form part of the investigation. It is important that best evidence (original source or as near to as possible) is secured and made available for any future investigation. When making an initial assessment the information provided should be checked. Initial disclosures should be recorded as accurately as possible and in the own words of the person making the complaint or disclosure. This is particularly pertinent when the concern is raised by a child or relates to serious sexual offences. There should be a clear evidential chain allowing for the identification of the source of such information.   Steps should also be considered that may be necessary to secure or prevent interference with any documentation or item that may later prove to be of significance. i.e. Laptop, mobile telephone, CCTV etc.

Taking No Action Following Initial Assessment

Where facts do not substantiate the concern raised, no further action will be taken towards investigation or disciplinary activity. The WPO should inform the person raising the concern of this and consider if there is a need to record the matter as a low-level concern. Unless any other concerns are raised, then this will be the issue resolved.

Taking Informal Action Following Initial Assessment

Informal action should only be used in response to a concern about poor practice or inappropriate behaviour, or a low-level concern, deemed as a misdemeanour. Where an initial assessment identifies an investigation is not required or an investigation indicates that formal action through a disciplinary process is not required, informal action can be taken.

The term ‘low-level’ concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult may have acted in a way that:

1. Is inconsistent with SGBs Code of Conduct,
2. Is not serious enough to merit a referral to the police or social work e.g. No crime is suspected or protection concern for an adult or child has been raised.

SGB’s should ensure they have a clear threshold around this which can be directly linked to Codes of Conduct to help guide best practice. Below is a diagram outlining this threshold and a flow chart for how this could link to informal and formal action.





Addressing poor practice, inappropriate behaviour and low-level concerns appropriately through this informal action process is a necessary step for protecting those in your sport. This can allow some issues to be addressed quickly and confidentially. A quiet word or confidential informal discussion can be arranged to bring any issues to the awareness of the PSOC when an investigation has not been identified as required. This should include reference to appropriate Code of Conduct, highlighting the expectations of behaviour and agreeing a timeframe for the behaviour to be improved or addressed. This two-way conversation should allow for the PSOC to give their perspective and raise any contributory considerations that may have affected their conduct.

Should the discussion highlight evidence that there is no problem to be addressed, reassure this with the individual and make this clear. If however improvements are identified from the discussion or outcome of the investigation, these should be agreed and recorded with a timescale for review. This could take the format of an agreement that could include further training, shadowing, unannounced visits or mentoring. Any agreement made at this stage must not include any disciplinary action or sanctions. These can only be applied through a formal disciplinary process.

If it becomes apparent during the discussion that the matters are more serious than originally understood, where practice that is unacceptable and could be considered as serious poor practice, misconduct or gross misconduct is suspected to have taken place, **stop the discussion**, then take necessary steps to follow a formal disciplinary process.

Risk Assessment for Precautionary Suspension/Temporary Redeployment

In line with child or adult wellbeing and protection procedures in responding to concerns, the PSOC, may need to be removed from their current duties whilst the investigation takes place. This is usually due to the potential risks surrounding the case and individual and can be to protect them and the organisation whilst the investigation is carried out.

The PSOC should be informed of the consequences for any deliberate interference with evidence or the investigation itself, including witness intimidation, either directly of indirectly and any actions or behaviours that could be considered as aggression, abuse or harassment. These protections should be extended to the investigator also and be stipulated in a code of conduct, membership conditions and/or contract of employment.

This can be in the form of a precautionary suspension or a temporary redeployment to another role for either an employee or volunteer. **This is not a form of disciplinary action.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Assessment** | **Assessment** | **Date** | **Completed by** |
| **Reason for consideration** |  |  |  |
| **What potential risks have been identified?***Examples-* Relationships have broken downEvidence could be tampered with or interference with the investigation in generalRisks or threats to other people including witnessesA risk to the individual while remaining in their roleIf criminal proceedings underway, the individual may be prohibited from their role/tasks during process | Low | Medium | High |  |  |
|  |  |  |
| **Are there alternative roles or tasks?** |  |
| **Conclusion** |

The individual will be informed in writing of the reason for the precautionary suspension/temporary redeployment ([Appendix 2](#_Appendix_3_-)). However, it is good practice to verbally inform the person before confirming in writing. An individual who is precautionarily suspended/temporary redeployed will be kept regularly updated about the process and will be supported during this time by a named contact. It should be made clear that this decision is without prejudice and not a form of disciplinary action.

Support for those going through the investigation and disciplinary process

## **Person raising the concern**

The person raising the concern should be supported throughout this process. Examples include:

* Allocation of a SGB contact for support. This should be a separate person from the investigator and disciplinary manager to reduce bias. This role is to offer the following:
	+ signposting to access other relevant support services.
	+ updating them with the basic progress of the investigation and disciplinary hearing process. This should be guided by the individual circumstance and led by the person raising the concern’s needs.
* Specific consideration for attendance at disciplinary hearing (when required) such as:
	+ 1 – submit evidence via video link
	+ 2 – only answer questions outside of hearing to the hearing chair
	+ 3 – no contact with PSOC
	+ 4 – accompaniment by support person
	+ 5 – offered opportunity to provide evidence in advance e.g. via written submission

## **Person subject of the concern**

Allocation of an SGB contact for support. This should be a separate person from the investigator and disciplinary manager to reduce bias. This role is to offer the following:

* signposting to access other relevant support services.
* updating them with the basic progress of the investigation and disciplinary hearing process.

This should be guided by the individual circumstance and led by the PSOC’s needs. There should also be support for specific consideration for attending a disciplinary hearing if necessary.

## **Witnesses**

* Children under 12 should never be asked to attend a disciplinary hearing either in person or online to provide evidence. Any evidence they may provide should be gathered in advance during the investigation process. Given their age and stage it would be highly inappropriate to involve them in any hearing.
* Children between 12 and 15 years may consider giving evidence at a disciplinary hearing, however this should only be in essential circumstances. You should first consider:
	+ A) is this necessary to achieve a fair hearing
	+ B) if yes has been answered to A, then what reasonable adjustments can be made:
		- 1 – submit evidence via video link
		- 2 – only answer questions outside of hearing to the hearing chair
		- 3 – no contact with PSOC
		- 4 – accompaniment be parent or carer and consent from parent or carer
		- 5 – offered opportunity to provide evidence in advance e.g. via written submission
* For young people aged 16 and 17 years, they may be more able to provide evidence to a hearing but should not be treated the same as adults.
* The reasonable adjustments offered to under 16s should be considered and offered.
* For adult witnesses, their views should be taken into consideration and reasonable adjustments should also be offered to allow their evidence to be safely and fairly heard.

## **Investigator / Disciplinary Manager**

* Children First’s CMSS can support SGBs with this process. We recognise this can be a challenge for all involved and recommend getting in contact for direct support and guidance.
* Email: cmss@childrenfirst.org,uk
* Number: *03003731080*

Appendix 1 – Reporting Crime Responsibility

## **Child Concerns**

Every adult in sport has a responsibility to keep children and young people safe. Anyone could receive information about or become aware of information about a child wellbeing or protection concern. This could be:

* directly from the child or young person themselves,
* from a third-party disclosure, or
* because of known circumstances giving cause for concern.

It is important to know what to do and who to contact. More information can be found within the [National Guidance for Child Protection in Scotland 2021](https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021-updated-2023/documents/).

**Receiving a concern**

Should a child or young person make a direct disclosure of abuse or harm or there is information to support they have been or are at risk of abuse or harm, the matter should be brought to the attention of the Child Wellbeing and Protection Officer (CWPO) who will contact the police that day to report the matter. If the CWPO or second named person is not available, then the person in receipt of the information should contact the police if the nature of the concerns needs an immediate response.

**Reporting**

Police can be contacted on 101 or 999 in emergency situations. Advice should be sought from Police in respect of disclosure to parents or carers if the disclosure is about them or if further disclosure is likely to place the child or young person in danger. A plan should also be agreed with Police when considering precautionary suspension/temporary redeployment or paid suspension. Police will want to know what threat the person subject of the concern may pose at that time.

**Police should be made aware in all circumstances if the concern is criminal, or a crime is suspected. Advice should be sought as to what action should be taken by the SGB at that time.**

Referral can also be made to Social Work Services (SWS) when there is a concern in respect of a child or young person’s wellbeing that might not amount to a criminal act. Details for all local authority contacts for making child wellbeing and protection referrals can be found [here](https://www.childprotection.scot/useful-links/council-social-work/).

## **Adults at Risk Concerns**

Whilst all adults have the right to participate in sport free from harm or threat of harm, the [Adult Support and Protection (Scotland) 2007](https://www.legislation.gov.uk/asp/2007/10/contents)defines “Adults at Risk” and outlines everyone’s responsibility to ensure that they are safe, included and respected. The act describes the responsibilities of authorities to receive and respond to concerns raised.

**Response to Concern**

Should there be a concern for an adult at risk the WPO should be alerted. If a crime is known or suspected to have happened police should be informed, and referral made to SWS.

If it is unclear or the concerns is thought not to be criminal referral should still be raised with SWS. The person being referred should be informed and included in the process unless informing them would potentially place them in a vulnerable situation.

Each local authority website will outline its own method or referral. In urgent cases Police should be contacted on 999 or in any other case 101. Other support can be found through the [Mental Health Commission for Scotland](https://www.mwcscot.org.uk/law-and-rights/adult-support-and-protection-act).

Please refer to **Adult Wellbeing and Protection in Sport Policies and Procedures** document for further information and guidance in respect of adult concerns.

## Appendix 2 - Letter Precautionary Suspension/Temporary

**Redeployment**

Date ..........................

Dear ..................................................

I am writing to inform you that a wellbeing and protection concern has been raised about your conduct. The areas of the Code of Conduct that the concern(s) relate to are:

* + ……
	+ ……

After consideration and risk assessment, it has been decided to place a precautionary suspension/ temporary redeployment\* during the time that an investigation will be carried out into the concern made. This decision is without prejudice and is not a form of disciplinary action. The reasons for this decision are……………………………..

\*The arrangements for temporary redeployment are………….

An investigator has been appointed and will soon be in touch to arrange an interview, giving you the opportunity to better understand the concern(s) that have been raised and share your experiences in relation to these. The initial timeframe for the investigation to be completed is expected to be: ............

Should you want to discuss this letter and any of the details, please contact me on………….. There is also a range of support that we can make available at this time which can be shared over a phone call or email. Your named contact support is…….and can be contacted…….

If there are any delays or changes to all of the above, we will keep in regular communication so that you are aware and informed.

Yours sincerely

Signed ..................................................

Note: \* The wording should be amended as appropriate

Appendix 3 – Risk Assessment: Initial Assessment, Precautionary Suspension and Investigation

**Risk Assessment**

|  |  |  |  |
| --- | --- | --- | --- |
| **Stage** | **Risk** | **Control** | **Action** |
| Wellbeing or protection concern shared with WPO. | Timely action is not taken when a concern identifies harm or risk of harm from the concern recording form where a child or vulnerable adult could need protection. | - WPO understands what details or information in relation to child abuse must be immediately shared with police or social work.- WPO understands what details or information in relation to abuse of a vulnerable adult must be immediately shared with police or social work. |  |
| Wellbeing concern for a child or adult is not taken seriously, with the risk of ongoing impact for people if concern is not addressed or responded to. | - WPO recognises the range of possible wellbeing concern and uses relevant code of conduct to identify if any alleged behaviour or conduct is not complying with or meeting expectations. |  |
| Confidentiality for person/people raising concern is not maintained. | - WPO only shares information with appropriate person and/or case management group during and at the end of the initial assessment process. |  |
| Confidentiality for individual that the concern has been raised against is not maintained. | - WPO only shares information with appropriate person and/or case management group during and at the end of the initial assessment process. |  |
| Basic facts from concern identified through the initial assessment identifies there is no need to investigate.  | When informing the person/people who have raised the concern that no further action will be taken, they disagree or challenge the decision-making. | - WPO has documented and detailed the reasons why no further action will be taken and is able to give clear explanation as to why the concern does not meet the need of an investigation, offering the opportunity for a discussion to share this understanding.- SGB can provide another point of contact for the person/people raising the concern to speak to in being able to demonstrate accountability and responsible decision-making.- WPO considers any further steps needed to support the person/people to re-establish positive connections within their sporting environment. |  |
| When informing the individual that the concern has been raised against that no further action will be taken, they are negatively impacted to learn that a concern had been raised against them. Person may not need to be informed of concern if not investigated.  | - WPO offers support and/or opportunity for a discussion to ensure the individual understands what information was shared with the concern and why the initial assessment has reached the decision of no further action.- WPO considers any further steps needed to support the individual to re-establish positive connections within their sporting environment. |  |
| Basic facts from concern identified through the initial assessment requires the need for an investigation. | Decision-making of applying or not applying a precautionary suspension/temporary redeployment to the individual that the concern has been raised against is not clear. | - WPO considers the nature of allegations within the concern against a relevant code of conduct/best practice- WPO considers the risks to the individual raising the concern and the person the concern is against in relation to them remaining in the workplace/volunteer environment.- WPO considers the risk of evidence being removed or altered by the person remaining in the workplace/volunteer environment. - WPO considers any further relevant information previously known or understood about the individual.- WPO documents the decision-making and reasons for applying or not applying precautionary suspension. |  |
| When informing the complainant that an investigation is going ahead, however precautionary suspension/temporary redeployment will not be applied to the individual, they disagree or challenge the decision-making. | - WPO uses the documented decision-making to explain why a precautionary suspension/temporary redeployment has not been applied in this case.- Depending on nature of role of the individual and their responsibilities, WPO can move the individual to another role until the investigation is complete. The documented decision-making would provide the scope as to why this would still be deemed safe. |  |
| When informing the individual that the concern has been raised against them, that an investigation is being carried out, they are negatively impacted to learn that a concern had been raised against them. | - WPO offers support and/or opportunity for a discussion to ensure the individual understands what information was shared with the concern and why the initial assessment has reached the decision to investigate.- WPO determines if further support is required, gaining assistance from SGB for any external signposting for support. |  |
| Communication at the beginning of and during the investigation. | Each of the parties involved in the process do(es) not know what to expect with the investigation or the anticipated timescales. | - WPO identifies methods and ongoing timeframes of when each party will be contacted and what information will be appropriately shared. |  |
| The anticipated timescales of the investigation are delayed. | - WPO documents the reasons for the delay and shares these in a timely way with each of the parties involved. |  |
| Where the original status of the case did not require information to be shared with the police or social work, further details gathered in the investigation now demonstrate the need to do so. | - WPO contacts the police and/or social work providing the information gathered from the point of the concern being shared and up until the decision has now been reached to contact them.- WPO informs the individual that the concern has been raised against that this action has been taken.- In response to any advice given by the police and/or social work to pause or stop the investigation to allow criminal proceedings to take place, WPO informs both parties. |  |

Appendix 4 – Information for people involved in processes

1. **letters breaking down process for PSOC**

Date ..........................

Dear ..................................................

[insert SGB] take all concerns about wellbeing and protection brought to our attention seriously. We follow a clear process to ensure we can reach a fair, safe and appropriate conclusion. A concern has been raised about you and resultantly, we are following this process. We recognise this will likely be a challenging time for you and therefore want to provide you with as much support and information as possible to ensure you have trust and confidence in our process.

Below is a flow chart breaking down the steps of [insert SGB’s] process to help you better understand this:

Insert flowchart

At points during this process, you may be contacted for further information. These steps are likely to be:

During an investigation:

* we will organise an interview to ensure you are able to respond to the concern raised against you
* If the matter has warranted police or children/adult work service investigations, we will likely have to pause our internal investigation until this is completed.
* Precautionary temporary suspension may be necessary to safeguard yourself and other’s during any investigation.
* If the investigation concludes that there is no case to answer, or the issue can be addressed informally.
* If the investigation concludes that there is a case to answer, you will be given a fair hearing
* We will endeavour to support you in whatever reasonable way we can during this process, including bringing a support person, conducting the interview online or any other reasonable adjustment you may need.

During a hearing:

* If a disciplinary hearing is necessary, you will be invited to attend
* we will endeavour to support you in whatever reasonable way we can in order to do this, including bringing a support person, conducting the hearing online or any other reasonable adjustment you may need.

Following [insert SGB name] reaching a decision.

* you will be contacted to inform you of the outcome of the investigation/hearing.
* we will endeavour to support you in whatever reasonable way we can following this decision,

We have allocated a specific point of contact for you in the SGB who is independent of the process to support you during this process.

They can offer you:

* updates on the process
* signpost to wider support if needed
* Please note we will only be available – (insert capacity here e.g. once a week)
* If you need wider support contact – support numbers?

Yours sincerely

Signed ..................................................

1. **letters breaking down process for person raising the concern**

Date ..........................

Dear ..................................................

[insert SGB] take all concerns about wellbeing and protection brought to our attention seriously. We follow a clear process to ensure we can reach a fair, safe and appropriate conclusion. We appreciate you bringing the concern to our attention and we are following this process to ensure a satisfactory conclusion. We recognise this will likely be a challenging time for you and therefore want to provide you with as much support and information as possible to ensure you have trust and confidence in our process.

Below is a flow chart breaking down the steps of [insert SGB’s] process to help you better understand this:

At points during this process, you may be contacted for further information these steps are likely to be:

During investigation:

* organisation of an interview to ensure all appropriate evidence is gathered in regard to the concern
* we will endeavour to support you in whatever we can in order to do this, including bring a support person, conducting the interview online or any other reasonable adjustment you may need.

During the hearing:

* In some instances, if a disciplinary hearing is needed for the person subject of the concern, you may be invited to give further evidence at a disciplinary hearing.
* We will endeavour to support you in whatever way we can in order to do this, including bring a support person, conducting the interview online or any other reasonable adjustment you may need.

Following [insert SGB name] reaching a decision

* you will be contacted to inform you of the outcome of the hearing
* we will endeavour to support you in whatever way we can following this decision,

We have allocated a specific point of contact for you in the SGB who is independent of the process to support you during this process.

They can offer:

* updates
* signpost to wider support if needed
* Availability if relevant
* Wider support numbers etc

Yours sincerely

Signed ..................................................

Appendix 5 – Data Sharing and Storage

**Frequently asked questions:**

Utilising the data we hold and allowing it to be shared appropriately is essential to a strong wellbeing and protection process. Therefore, throughout the investigation and disciplinary process, data sharing and storage needs to be an essential consideration. The following will not provide holistic guidance around data sharing and storage issues but looks to answer some of the frequently asked questions in this space.

1. **I’m worried about a child, who can I share my concerns with?**

In all actions concerning children, the best interests of the child shall be a primary consideration.

It’s important to remember that if you’ve spotted things that don’t seem right, others will have too. Speaking up can make sure that child gets help as soon as possible. The sooner you contact your local children’s social work duty team, the quicker they can act. They’re available 24 hours a day, and you can make an anonymous report if that feels safer.

Children First also offer the Child Wellbeing and Protection in Sport service to support with and wellbeing and protection concerns in sport and can help guide you on taking next steps.

**If a child is in immediate danger, please call the police straight away by dialling 999.**

1. **I’m worried about an adult, who can I share my concerns with?**

Where possible you should always speak to someone about a concern you have. However, in certain circumstances this may not be appropriate and may increase risk.

While it is always good to work with the knowledge and understanding of those involved, or even their agreement, it is important to remember that the lawful basis of consent is not required for sharing information in a safeguarding context. And the withholding of consent will not affect your ability to share for a legitimate safeguarding purpose.

Children First also offer the Case Management Support Service to support with adult wellbeing and protection concerns in sport and can help guide you on taking next steps.

**If an adult is in immediate danger, please call the police straight away by dialling 999.**

1. **I have a low-level concern, can I record this?**

Informal wellbeing and protection decisions should be stored in line with your organisations low-level concern policy. It is recommended these concerns are stored in a central low-level concerns file with the other wellbeing and protection records. The rationale for storing such records on a central file, rather than in personnel files, is that it makes it easier to address possible issues such a situation may indicate e.g.:

• The Code of Conduct is not clear.

• The briefing and/or training has not been satisfactory.

• The Low-Level Concerns policy is not clear enough.

It also allows for review of the file and recognition of any potential patterns of inappropriate, problematic, or concerning behaviour. In this instance, repeat low-level concerns may warrant formal action being taken to address them. Central recording also reassures those involved with the sport, encouraging them to share low-level concerns.

1. **A person wants to remain anonymous in the investigation and/or disciplinary process, how can I transparently manage their data in a disciplinary process?**

It is not uncommon for a person(s) raising the concern or witness to seek anonymity when raising or providing information regarding a concern. There is however an extent to which anonymity can be given and why it cannot be guaranteed in all circumstances.

When witnesses or person(s) raising the concern are known but have asked to have their identity kept from the process, this can be offered and guaranteed during the course of an investigation and disciplinary hearing. This is up to the organisation and should be best practice if there are concerns that sharing the information:

* could lead to harm to the person(s) raising the concern or witness.
* without anonymity the witness person(s) raising concern would be unwilling to share information.
* is in regard to children (under 18) or vulnerable adults.

However, in the case that a decision is taken to employment tribunal, ACAS outline that “if the matter becomes subject to legal proceedings, and it is necessary in the interests of fairness, an employer may be required to disclose the names of any anonymous witnesses.”

Even if the individual has a genuine fear of reprisals, and the investigator has done all that is possible to mitigate any unfairness to the person subject of concern, there may still be instances where the investigator has to disclose documents in their possession which would trump the concerns of anonymity.

1. **Who can see the investigation report?**

Investigation reports need to be shared with key decision makers e.g. the disciplinary manager and panel. It must not be shared more widely. Some of the report will be shared with the PSOC in the event a disciplinary hearing is required in order for them to prepare a response. Under data protection laws they are entitled to see the parts of the report or witness statements that contain their personal data. That means sharing the parts of the report or witness statements that contain their name along with the context in which their name appears. The PSOC must not be given any part of the report that contains the personal data of any third party (eg a volunteer) without that third party’s consent. In practice, this means you would need to redact parts of the report or witness statements that contain third party personal data before sharing them.

1. **Who can be informed about a disciplinary hearing decision?**

The disciplinary outcome and details must remain confidential. However, where appropriate, it is important to contact any individuals who were directly involved with the disciplinary procedure. Usually this would be to let them know that the process is finished and to tell them about any changes that will be introduced as a result of the process. It is also important to remind them about the confidentiality of the process. This can help to reduce bad feeling and gossip which can happen following formal procedures.

Keeping a record, no matter what the outcome, is essential. In line with data protection law, records should only be kept for as long as necessary e.g. duration of the individuals time with the organisation. Refer to your organisations retention procedure.