

19. PROCEDURE FOR RUNNING AN INVESTIGATION AND DISCIPLINARY PANEL - STAFF/VOLUNTEERS

THE RCCC PROCEDURE FOR RESPONDING TO CONCERNS ABOUT THE CONDUCT OF A MEMBER OR A STAFF MEMBER OR VOLUNTEER

This section of the procedures should be read in conjunction with the RCCC Complaints, Performance Management and Disciplinary Procedures. Sections 6, 7 and 8 in the Child Protection Policy cover what to do if a child tells you about abuse. That guidance applies whether the information is about a member of staff or someone not connected in any way with the sport. The following section details the procedure to be followed where the concern **is** about a member of staff.

These procedures aim to ensure that all concerns about the conduct of a member of staff are dealt with in a timely, appropriate and proportionate manner. No member of staff of the RCCC in receipt of information that causes concern about the conduct of another member of staff towards children shall keep that information to himself or herself, or attempt to deal with the matter on their own.

In the event of an investigation into the conduct of a member of staff all actions will be informed by the principles of natural justice:

- employees will be made aware of the nature of concern or complaint
- where the concern is about possible child abuse, advice will firstly be taken from the police as to what can be said to the employee
- an employee will be given an opportunity to put forward their case
- the RCCC will act in good faith, ensure the matter is dealt with impartially and as quickly as possible in the circumstances

In all cases where there are concerns about the conduct of a member of staff towards children, the welfare of the child will be the paramount consideration.

At any point in the management of concerns about the conduct of a member of staff/volunteer, advice may be sought from the police or social work services.

1. Initial reporting of concerns

Any concerns for the welfare of a child arising from the conduct of a member of staff must be reported to the line manager/RCCC Welfare Officer on the day the concern arises, or as soon as practically possible.

Where the concern is about the line manager or the Welfare Officer it must be reported to the Chief Executive Officer/Chairman.

2. Recording

Concerns must be recorded using the Significant Incident Form (**see toolbox section 23b**) as soon as possible. Reporting the concerns to the line manager/RCCC Welfare Officer should not be delayed by gathering information to complete the form or until a written record has been made.

All subsequent actions taken and reasons for decisions shall be contemporaneously recorded on the Significant Incident Form, signed and dated by the line manager/RCCC Welfare Officer or the person appointed to manage the response to the concerns. Where Performance Management Procedures/ Disciplinary Procedures are invoked, a written record will be made of all actions and reasons for decision. Guidance on the storage, sharing and retention of such records is contained in the relevant procedure.

3. Establishing the basic facts

Once the concerns have been reported, the line manager/RCCC Welfare 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 line manager/RCCC Welfare 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 whether there is reasonable cause to suspect or believe that a child has been abused/harmed or is at risk of abuse or harm. Every situation is unique so guidance cannot be prescriptive.

- Where the established facts support a concern about possible abuse, 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 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 is approached
- An initial assessment of the basic facts may require the need to ask a child(ren) 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 be obtained

Possible outcomes of initial assessment:

- (i) No further action (facts do not substantiate complaint)
- (ii) Situation is dealt with under procedures to manage poor practice; and/or,
- (iii) Disciplinary investigation (by the RCCC)
- (iv) Child protection investigation (jointly by police and social work services)
- (v) Criminal investigation (by the police)

The results of a criminal investigation may well influence the disciplinary investigation, but not in all cases

- (vi) Civil proceedings (by the child/family who alleged abuse)

5. Initial assessment supports concerns about poor practice and/or misconduct (but not possible child abuse)

The line manager/RCCC Welfare Officer will deal with the situation in line with the RCCC Disciplinary Procedures.

Pending the outcome of any investigation conducted under Disciplinary Procedures, precautionary suspension will be considered in all cases where there is significant concern about the conduct of a member of staff towards children. The welfare of children will be the paramount concern in such circumstances.

Where the circumstances meet the referral criteria set out in the Protection of Children (Scotland) Act 2003, the RCCC has a duty to make a referral to Scottish Ministers.

6. Initial assessment supports concerns about possible child abuse

Where the initial assessment of information gives reasonable cause to suspect or believe possible child abuse the line manager/the RCCC Welfare Officer will refer the concerns to the police and/or social work services as soon as possible on the day the information is received.

The line manager/the RCCC Welfare Officer will make a written record of the name and designation of the social worker or 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/social work services will be confirmed in writing by the line manager/the RCCC Welfare Officer within 24 hours. A copy of the Significant Incident Form should be provided to the police/social work services on request.

Appropriate steps will be taken to ensure the safety of the child(ren) or who may be at risk. The parents of the child(ren) involved will be informed as soon as possible following advice from the police/social work services.

Advice will firstly be obtained from the police/social work services about informing the staff member involved about the concerns. If the advice is to inform the staff member, they will be told that information has been received which may suggest an allegation of abuse. As the matter will be sub judice 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 employee.

The RCCC will take all reasonable steps to support a member of staff against whom an allegation of abuse has been made.

7. Precautionary suspension

Suspension is not a form of disciplinary action. The staff member involved may be suspended whilst an investigation is carried out.

Suspension will be carried out in accordance with the RCCC Disciplinary Procedures. At the suspension interview the member of staff will be informed of the reason for suspension (within the confines of sharing information) and given the opportunity to make a statement should they wish to do so.

Notification of the suspension and the reasons will be conveyed in writing to the staff member in accordance with the RCCC Disciplinary Procedures.

8. Disciplinary investigation

Following advice from the police, cases that also involve a criminal investigation, will not preclude disciplinary action being taken provided sufficient information is available to enable the line manager/the RCCC Welfare Officer to make a decision and that to do so does not jeopardise the criminal investigation.

9. False or malicious allegations

In the very exceptional circumstances that an investigation establishes an allegation is false, unfounded or malicious:

- The staff member 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 will be destroyed
- The line manager/the RCCC Welfare Officer will take all reasonable steps to support the individual in this situation
- In these circumstances the RCCC will review the child's participation in curling
- 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.

Where the RCCC receives information that a staff member who holds a child care position has been fully listed on the Disqualified from Working with Children List, the staff member will be removed from any child care position.

11. Media

All media enquiries relating to the conduct of a member of staff will be referred to the RCCC Chief Executive Officer.

