

THE ASSOCIATION'S SAFEGUARDING CHILDREN POLICY

Every child or young person who plays or participates in football should be able to take part in an enjoyable and safe environment and be protected from abuse. This is the responsibility of every adult involved in football, thus every club is required to endorse and adhere to The Association's Safeguarding Children Policy.

The FA recognises its responsibility to safeguard the welfare of children and young people who play or participate in football by protecting them from abuse and harm. The FA is committed to working to provide a safe environment for all children and young people to participate in the sport to the best of their abilities for as long as they choose to do so.

The FA recognises that the terms '**child or young person**', '**abuse**' and '**harm**' are open to interpretation and challenge but for the purpose of this Safeguarding Children policy they are defined as follows:

A **child or young person** shall be defined as:

'anyone who has not yet reached their 18th birthday.'

Abuse shall be defined as:

'a violation of an individual's human or civil rights by any other person or persons and, for the purposes of safeguarding children, shall include physical abuse, emotional abuse, sexual abuse, neglect and bullying.'

Harm shall be defined as:

'ill treatment and forms of ill treatment (including sexual abuse and forms of ill-treatment which are not physical) and also the impairment of or an avoidable deterioration in physical or mental health and the impairment of physical, intellectual, emotional, social or behavioural development.'

'**Harm**' may be caused by acts of commission and acts of omission.

The Safeguarding Children Policy is supported by The FA's **Respect** programme to address verbal abuse and bullying of youngsters by parents and coaches on the sidelines. The Association's Safeguarding Children Policy principles are that:

- The child's welfare is, and must always be, the paramount consideration;
- All children and young people have a right to be protected from abuse regardless of their age, gender, disability, culture, language, race, faith, belief or sexual orientation;
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately; and
- Working in partnership with other organisations, children and young people and their parents and carers is essential.

The FA is committed to working in partnership with the Police, Children's Services Departments, Local Safeguarding Children's Boards (LSCB) and the Disclosure and Barring Service (DBS) in accordance with their procedures. This is essential to enable these organisations to carry out their statutory duties to investigate concerns and protect all children and young people.

The Association's Safeguarding Children Policy is in response to government legislation and guidance, developed to safeguard the welfare and development of children and young people.

Clubs and leagues with youth teams must appoint a Welfare Officer in line with FA affiliation requirements.

All League and Club Welfare Officers are expected to abide by the Code of Conduct for volunteer Welfare Officers.

A CODE OF CONDUCT FOR VOLUNTEER WELFARE OFFICERS

The role of the Welfare Officers is to:

1. Be clear about the club's/league's responsibilities when running activities for children and young people
2. Help those actively involved with children and young people understand what their duty of care means on a day to day basis

As a Welfare Officer they will act as a role model to others in accordance with the roles and responsibilities of their position, in line with FA Rules and Regulations, the Respect codes of conduct for officials and the laws of the game.

In fulfilling the role they accept that within the role of Welfare Officer they will:

- Be child centred at all times and promote a fun safe environment for children and young people
- Follow all of the FA's policies and in particular procedures for reporting safeguarding concerns including discrimination
- Act appropriately in all situations brought to their attention
- Champion Best Practice within their club/league
- Communicate and positively engage with the CFA WO on all poor practice/safeguarding matters brought to the attention of CFA /The FA
- Attend meetings as reasonably required by the club committee, youth league and CFA
- Manage and deal with poor practice issues in an appropriate and timely manner
- Ensure appropriate levels of confidentiality and data security are maintained at all times
- Implement and manage a responsible recruitment process in line with The FA's policy and procedures
- Attend continued personal development (CPD) opportunities as offered by their CFA and show a commitment to keeping their training up to date

If they do not follow the above code any/all of the following actions may be undertaken by their Club, League, County FA or The FA (This is not an exhaustive list):

- Required to meet with the club/league committee, YLWO or CFA WO
- Required to follow an action plan monitored by the YLWO/CFA WO
- Required to complete an FA education course
- Suspended by the Club/league
- Fined or suspended by the County FA
- Required to leave the Club/League they represent
- Removed from role by the Club/League/County FA/The FA

On appointment, all League and Club Welfare Officers agree to uphold the Code of Conduct for volunteer Welfare Officers and understand the actions that may be taken should they fail to act in accordance with the Code. In agreeing to fulfil the role they confirm that they meet the criteria outlined within The FAs Suitability Checklist for YLWO/CWOs.

B WELFARE OFFICER PERSON SPECIFICATION AND SUITABILITY CHECKLIST**1. Person Specification**

Essential

- Experience of dealing or working with young people
- Knowledge and understanding of safeguarding children issues¹
- A good communicator in a variety of situations with people from diverse backgrounds
- Committed to and ability to abide by The FA Rules and Regulations and promote The FAs Respect programme and safeguarding children education
- Empathy when dealing with individuals, sometimes in demanding situations
- Ability to listen and assess situations fairly
- Ability to handle confidential information sensitively and with integrity
- Reasonable level of administration experience and how to deal with confidential documentation
- Willingness to attend any in-service training facilitated by either The FA or the local County FA

Desirable

- Knowledge and understanding of grassroots football
- Access to the internet
- Ability to use Emails

2. Suitability Checklist

Essential

- Willing and able to provide relevant current references
- Previous experience of dealing or working with children
- Knowledge of and positive attitudes to equal opportunities
- Commitment to treat all children as individuals and with equal concern
- Physical health – appropriate to carry out tasks
- Integrity and flexibility
- At least 18 years of age
- Completion of The Association's Criminal Records Checks (CRC) process and acceptance by The Association of the outcome
- Understanding of the need for confidentiality when dealing with issues
- Reasonable level of administration experience and how to deal with confidential documentation
- Completion of The FAs Safeguarding Children Workshop and Welfare Officer Workshop
- Willingness to update skills and knowledge and attend in-service training facilitated by The FA or the local County FA
- Has signed up to and agree to abide by the Code of Conduct for volunteer Welfare Officers

Desirable

- Knowledge of child protection issues
- Knowledge of safeguarding children legislation
- Relevant football knowledge/understanding

NB If anyone is known to be unsuitable to work with children his/her application should be refused by the Club/League. If in any doubt about an applicant contact your County FA Welfare Officer.

More Information and Footnote References

If you need any further advice or information please contact your County FA Welfare Officer who will be happy to help you. More information about the role of the Welfare Officer is available on www.thefa.com/football-rules-governance/safeguarding and clicking on Welfare Officer FAQs under the Welfare Officer section and also on the Respect pages under 'My Role' simply click on Welfare Officer.

- 1 This can be gained through The FA's Safeguarding Children Education Programme; see www.thefa.com/football-rules-governance/safeguarding for further information or speak to your County FA Welfare Officer.
- 2 The Association's Policy on CRCs has been amended in light of the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012. For more information please visit www.thefa.com/football-rules-governance/safeguarding/criminal-records-checks or e-mail FAchecks@thefa.com or call 0845 210 8080.
- 3 Some people with a history of offending can still be considered for roles in football that involve children. For more information please visit www.thefa.com/football-rules-governance/safeguarding/criminal-records-checks or e-mail FAchecks@thefa.com or call 0845 210 8080.

The Football Association reserves the right to refuse to accept any individual as a Welfare Officer where there is significant information held by The FA or County Association to suggest that they do not meet the suitability criteria provided.

THE ASSOCIATION'S SAFEGUARDING CHILDREN REGULATIONS

PREAMBLE

This Preamble is provided for guidance. If there is any inconsistency between the Preamble and the operative parts of the Safeguarding Children Regulations below, the operative parts shall prevail.

As set out in The Football Association's Safeguarding Children Policy, The Association is committed to safeguarding children within football and has Case Management procedures in place to assess the suitability of individuals to be involved with children in football.

In assessing that suitability, children's welfare is the paramount consideration.

Towards this, The Association has the power under the Safeguarding Children Regulations to issue an order where any one or more of the following applies:

- (i) The individual fails to comply with any part of The Association's Criminal Records Check (CRC) process;
- (ii) The individual has been barred by the Independent Safeguarding Authority (ISA) or the Disclosure and Barring Service (DBS) from engaging in regulated activity relating to children;
- (iii) The individual has been disqualified from working with children under the Criminal Justice and Court Services Act 2000;
- (iv) The individual is subject to any other restriction on their involvement with children not within (ii) or (iii) made pursuant to statute;
- (v) The individual has been convicted of, or made the subject of a caution for, an "Offence" defined in Regulation 1.1; or
- (vi) Following a risk assessment, The Association is satisfied that the individual poses or may pose a risk of harm to children.

GENERAL

- 1.1 In these Regulations the expression "Offence" shall mean any one or more of the offences contained in the Schedules of the Criminal Justice and Court Services Act 2000 and any other criminal offence which reasonably causes The Association to believe that the person accused of the offence poses or may pose a risk of harm to a child or children.
- 1.2 The Safeguarding Review Panel shall determine its own procedures save that in making findings of fact the test that the Safeguarding Review Panel shall apply shall be the civil standard of the balance of probability. Where a case is referred to the Safeguarding Review Panel pursuant to these Regulations it shall have the discretion to depart from the procedures set out in these Regulations where it considers it appropriate to do so.
- 1.3 The actions that may be taken under these Regulations by a Case Manager may also be taken by the Case Manager's nominee.
- 1.4 The Association may notify other parties of the terms of any order imposed under these Regulations where the Case Manager considers that such notification is appropriate in order to give effect to the terms of the order.
- 1.5 Where urgent cases arise under these Regulations the Chairman of the Safeguarding Review Panel may exercise the functions and powers of the Safeguarding Review Panel, as provided for by these Regulations, on an interim basis. An interim decision taken by the Chairman of the Safeguarding Review Panel shall not be final until such time as it has been ratified by the Safeguarding Review Panel, which shall have the right to ratify, modify or make any other order as it considers appropriate in relation to the decision taken by the Chairman of the Safeguarding Review Panel.

THE ASSOCIATION'S SAFEGUARDING PROCESS

2. All "eligible persons" applying for or currently in such positions that The Association considers relevant must comply with the requirements of The Association's Safeguarding process.

Eligible persons include :

- (i) Those in "Regulated Activity" as defined in Part V of the Protection of Freedoms Act 2012. An individual will fall within the definition where:
- a) his/her duties include teaching, training, instructing, caring for, supervising or providing guidance or advice on wellbeing to Children or driving a vehicle (on behalf of an organisation) only for Children; and
 - b) such duties happen frequently (e.g. once a week or more often) or intensively (e.g. on 4 or more days in a 30 day period, or overnight); and
 - c) The individual carrying out any of the duties described in (a) and (b) above is unsupervised.
- Any person falling within this Regulation 2(i) shall be referred to as a "Regulated Activity Person"; and
- (ii) Those who would otherwise fall within the definition of a Regulated Activity Person but for the fact that their duties are supervised (a "Supervised Person").

The requirements of The Association's Safeguarding Process are:

- 2.1 (a) In respect of a Regulated Activity Person, to obtain and provide to The Association a DBS Enhanced Criminal Records Check with Children's Barred List
- 2.1 (b) In respect of a Supervised Person, to obtain and provide to The Association a DBS Enhanced Criminal Records Check
- 2.2 To provide any such further detail, explanation or clarification of any part of the matters disclosed pursuant to Regulation 2.1 (a) or (b) above, as may be required by The Association;
- 2.3 To comply with any other request or requirement which may assist The Association in progressing or completing its' assessment;
- 2.4 Where required, to provide at least two references that attest to their suitability to be involved in youth football. The spouse or partner of the person subject to this requirement cannot act as a referee for this purpose. Any reference provided by a spouse or partner will not be accepted; and
- 2.5 To comply with each of the requirements set out in Regulations 2.1 – 2.4 within any such time limit as The Association may stipulate.

Any person who fails to comply with any of the requirements set out in Regulation 2 shall be subject to an immediate suspension from football activity, on such terms and for such period as The Association may stipulate.

Any requirement under this Regulation 2, or any suspension arising from any failure to comply with any of the requirements of this Regulation, shall apply whether or not a person at any time withdraws their application or ceases to hold the relevant position.

INTERIM ORDERS

3. Upon receipt by The Association of:
 - 3.1 Notification that an individual has been charged with an Offence;
 - 3.2 Notification that an individual is the subject of an investigation by the Police, Children's Services or any other authority relating to an Offence; or

- 3.3 Any other information which causes The Association reasonably to believe that a person poses or may pose a risk of harm to a child or children,
The Association shall have the power to make any interim order including, but not limited to, issuing an interim suspension order suspending the individual from all or any specific football activity for such a period and on such terms and conditions as it considers appropriate. Interim orders shall be issued by the Case Manager, who shall provide the individual with written notification of the interim order, the reason(s) for its imposition and of the right of appeal pursuant to Regulation 6.
- 4.1 In determining whether an order under Regulation 3 should be made, the Case Manager shall give consideration, inter alia, to the following factors:
- 4.1.1 Whether a child is or children are or may be at risk of harm;
 - 4.1.2 Whether the matters are of a serious nature; and/or
 - 4.1.3 Whether an order is necessary or desirable to allow the conduct of any investigation by The Association or any other authority or body to proceed unimpeded having regard to the need for any suspension order to be proportionate.
- 4.2 An interim order may be issued without prior notice to the individual where, having given consideration to the factors set out in Regulation 4.1, the Case Manager considers that an interim order should be imposed immediately.
- 4.3 All interim orders will be reviewed at the next meeting of the Safeguarding Review Panel. The Panel may ratify, modify or remove any interim order, or make any other order as it considers appropriate.
5. The total period of an interim order under Regulation 3 shall not last beyond the final determination of any related case under the Rules of The Association. An interim order will be reviewed by the Panel at the first opportunity following the expiry of 6 months from the date of the order being imposed, and at the same interval thereafter.
6. Any individual subject to an interim order under Regulation 3 may appeal against it as follows:
- 6.1 In the event that the interim order was imposed without notice pursuant to Regulation 4.2, the individual shall have an immediate right of appeal; or
 - 6.2 In the event that the interim order was imposed following the individual having been given an opportunity to make written representations as to why the order should not be imposed, the individual shall have a right of appeal once the period of three months from the imposition of the interim order by the Case Manager has elapsed. The opportunity to make written representations shall be in accordance with the deadline set by the Case Manager for such written representations to be made.
7. Appeals under Regulation 6 shall be considered by the Safeguarding Review Panel. None of the members of the Safeguarding Review Panel hearing the appeal shall have been a member of the Safeguarding Review Panel which conducted the initial review under Regulation 4.3.
8. To bring an appeal under Regulation 6, the individual must give notice in writing to the Case Manager requesting an appeal and stating the grounds for that appeal. The individual may submit any written material in support of the appeal. Such material must be submitted within 14 days of giving such notice or it may not be considered by the Safeguarding Review Panel.
9. The Safeguarding Review Panel shall determine all procedural matters for the conduct of the appeal, including requiring more information from either the individual or the Case Manager. Unless the Safeguarding Review Panel in its discretion exceptionally allows the individual and the Case Manager to address it in person, the Safeguarding Review Panel

- shall only consider the written material submitted by the individual in support of the appeal, together with any written material submitted by the Case Manager.
10. In determining an appeal, the Safeguarding Review Panel shall have the power to make any order in relation to the interim order as it considers appropriate, including ratifying, modifying or removing it.
 11. Any appeal under Regulation 6 shall be determined by the Safeguarding Review Panel at the earliest opportunity, following the receipt of notice in writing and any written material in support of the appeal from the individual and written material submitted by the Case Manager.
 12. Where an interim order is imposed on an individual under Regulation 3 above, The Association shall bring and conclude any proceedings under the Rules of The Association against the person relating to the matters as soon as reasonably practicable.

DETERMINATION FOLLOWING ANY ORDER MADE PURSUANT TO STATUTE BARRING OR RESTRICTING INVOLVEMENT WITH CHILDREN

- 13.1 Where any individual is:
 - 13.1.1 Barred from regulated activity relating to children in accordance with section 3 of the Safeguarding Vulnerable Groups Act 2006 (as may be amended);
 - 13.1.2 Disqualified from working with children in accordance with section 35 of the Criminal Justice and Court Services Act 2000; and/or
 - 13.1.3 Subject to any other order, not within Regulations 13.1.1 or 13.1.2, issued pursuant to statute restricting their involvement with children,

The Association shall have the power to make any order, including but not limited to an order that any individual be suspended from all or any specific football activity for such period and on such terms and conditions as it considers appropriate. Any such order shall be issued by the Case Manager.
- 13.2 The Case Manager shall notify the individual in writing of the order and shall invite the individual to make any written representations within 14 days as to why the order should not be ratified by the Safeguarding Review Panel.
- 13.3 All such orders shall be reviewed at the next meeting of the Safeguarding Review Panel. In reviewing the order the Safeguarding Review Panel shall consider any written material submitted by the individual in accordance with Regulation 13.2, together with all written material submitted by the Case Manager. The Safeguarding Review Panel may ratify, modify or remove any such order, or make any other order as it considers appropriate.

ORDER FOLLOWING CONVICTION OR CAUTION

- 14.1 The Association's Safeguarding Review Panel shall have the power to make any order in respect of any individual convicted of, or made the subject of a caution in respect of, an Offence, including but not limited to a suspension from all or any specific football activity for such period and on such terms and conditions as it considers appropriate.
- 14.2 Where a case is to be considered by the Safeguarding Review Panel under Regulation 14.1, the Case Manager shall notify the individual in writing and shall invite the individual to make any written representations within 14 days.
- 14.3 Before making any order under Regulation 14.1, the Panel shall consider all information gathered in respect of an individual including, where applicable, information gathered pursuant to The Association's CRC process under Regulation 2, any written representations made by the individual under Regulation 14.2, together with all written material submitted by the Case Manager.

ORDER FOLLOWING RISK ASSESSMENT

15. In addition to The Association's powers under Regulations 3, 13 and 14 the Safeguarding Review Panel shall have the power to make any order that it considers appropriate, including but not limited to an order that any individual be suspended from all or any specific football activity for such period and on such terms and conditions as it considers appropriate, if it is satisfied that the individual poses or may pose a risk of harm to a child or children.
16. Cases may be referred to the Safeguarding Review Panel in order to seek an order under Regulation 15 by the Case Manager where the Case Manager has reasonable cause to suspect that there are grounds for concern about an individual's continued participation in football activity involving a child or children.
17. The Case Manager shall reach this decision on the basis of a risk assessment of that individual's suitability for such participation. This risk assessment may be in such form and prepared by any person, as the Case Manager, at his/her discretion, considers appropriate.
18. Before a referral is made under Regulation 16, the individual must be notified in writing. Such written notification must explain the order sought and the reason for it, and include a copy of the risk assessment and all other written material that the Case Manager intends to rely upon in seeking the order, save for any exceptional material dealt with under Regulation 24.
19. The individual shall have 14 days to reply to this notification and to provide any written material that he/she wishes the Safeguarding Review Panel to take into account in considering whether or not to impose any order under Regulation 15.
20. Following the receipt of the reply and/or other written material from the individual, or the expiry of the 14 day period if no reply is received, the Case Manager may:
 - 20.1 Decide that no further action is currently required as there are no longer grounds for a referral under Regulation 16;
 - 20.2 Make any such further inquiries as he or she considers appropriate in light of any matters raised by the individual in response to the written notification; or
 - 20.3 Refer the case to the Safeguarding Review Panel under Regulation 16.
21. Where further inquiries are made by the Case Manager, any written material arising from those inquiries may only be relied on by the Case Manager in applying for any order under Regulation 15 if that written material has been sent to the individual and he or she has had 14 days to reply to it, save for any exceptional material dealt with under Regulation 24. If the written material is relied upon, any response by the individual must also be considered by the Safeguarding Review Panel.
22. The Safeguarding Review Panel shall determine all procedural matters for the conduct of a case referred to it under Regulation 16. Unless the Safeguarding Review Panel in its discretion exceptionally allows the individual and the Case Manager to address it in person, the case shall be considered on the basis of the following written material only:
 - 22.1 The written notification and all written material provided with it by the Case Manager to the individual;
 - 22.2 The reply, if any, and all other written material submitted by the individual in response to the written notification;
 - 22.3 Any further written material provided by the Case Manager to the individual subsequently to the written notification; and
 - 22.4 Any response from the individual to such further written material and all other written material submitted with that response.
23. In exercising its discretion as to whether exceptionally to allow the individual and the Case Manager to address it in person, whether that be as a result of an application made by either party or otherwise, the Safeguarding Review Panel shall give consideration, inter alia, to the following factors:

- 23.1 Whether the terms of any order under consideration would affect the individual's paid employment within football;
- 23.2 Whether exceptional material is to be put before the Safeguarding Review Panel; and/or
- 23.3 Whether an oral hearing has previously been conducted pursuant to Regulation 9 in relation to the same matter.

EXCEPTIONAL MATERIAL

- 24.1 In considering an interim order under Regulation 4.3, an appeal against an interim order under Regulation 6 or whether or not to make any order under Regulation 15, as a general rule the Safeguarding Review Panel may not consider any material provided by either the Case Manager or the individual which the other party has not seen and had a reasonable opportunity to reply to.
- 24.2 Exceptionally, in respect of any of the matters set out at Regulation 24.1, the Case Manager may make an application to an Exceptional Material Panel for permission to submit material to the Safeguarding Review Panel that has not been sent to the individual ("exceptional material"), where the Case Manager considers that the exceptional material concerned should not be sent to the individual for any one or more of the following reasons:–
 - 24.2.1 Revealing it to the individual may create a risk of harm to any person or persons, and/or
 - 24.2.2 Revealing it to the individual may amount to a criminal offence or otherwise be unlawful.
- 24.3 Where the Case Manager makes an application to an Exceptional Material Panel for permission to submit exceptional material to the Safeguarding Review Panel under Regulation 24.2 above, the Case Manager shall give notice of the application to the individual in writing at least fourteen days before the Exceptional Material Panel considers the application, unless the Case Manager considers that such written notice should not be given, as to give such notice may in itself:
 - 24.3.1 Create a risk of harm to any person or persons; and/or
 - 24.3.2 Amount to a criminal offence or otherwise be unlawful.
- 24.4 Any reply by an individual to a notice referred to in Regulation 24.3 must be passed to the Exceptional Material Panel for consideration.
- 24.5 The Exceptional Material Panel may, at its discretion, allow or reject the application in whole or in part.
- 24.6 In the event that the Exceptional Material Panel grants an order allowing the exceptional material to be submitted to the Safeguarding Review Panel, the Exceptional Material Panel shall give consideration as to whether either or both of the following may be provided to the individual:
 - 24.6.1 A redacted version of the exceptional material; and/or
 - 24.6.2 A summary of the exceptional material.
- 24.7 An Exceptional Material Panel shall be made up of one or more of the members of the Safeguarding Review Panel. A person that sits on an Exceptional Material Panel determining an application under Regulation 24.2 in relation to a particular individual may not be a member of the Safeguarding Review Panel that will have conduct of the case referred under Regulation 16 in relation to that individual.

OTHER ORDERS AVAILABLE FOLLOWING RISK ASSESSMENT

- 25. Following a referral under Regulation 16, in addition to its ability to make an order under Regulation 15, the Safeguarding Review Panel may make any other order consistent

with the aims of the Safeguarding Children Policy that it considers appropriate in the circumstances.

SUPERVISION ORDERS

26. Unless otherwise discharged, a Supervision Order will last for the length of time ordered by the Panel. Before its expiry, The Association may apply for an extension, or further extensions, for a period not exceeding 3 years from the date of the first order

RIGHT OF APPEAL

- 27.1 A Participant or The Association may appeal to an Appeal Board any decision of the Safeguarding Review Panel made under Regulations 13.1.3, 14 or 15. Subject to Regulation 26.2, such appeals shall be conducted in accordance with the Regulations for Football Association Appeals. Subject to this right of appeal, decisions of the Safeguarding Review Panel shall be final and binding.
- 27.2 Notwithstanding paragraph 2.5 of the Regulations for Football Association Appeals, an Appeal Board convened to hear an appeal pursuant to Regulation 26.1 may in exceptional circumstances order that the appeal takes place as a full rehearing of the case. In exercising this discretion the Appeal Board shall give consideration, inter alia, to the following factors:
- 26.2.1 Whether the terms of any order imposed affect the individual's paid employment within football;
 - 26.2.2 Whether exceptional material was put before the Safeguarding Review Panel; and/or
 - 26.2.3 Whether an oral hearing was conducted by the Safeguarding Review Panel in making its decision.
- 26.3 The decision of the Appeal Board as to whether to grant a full rehearing of the case shall be final and binding.

WRITTEN MATERIAL

28. For the purposes of these Regulations, "written material" may include photographic, video, electronic and/or audio evidence.

GUIDANCE NOTE ON SAFEGUARDING CHILDREN IN THE DISCIPLINARY PROCESS

This paper has been approved by The FA's Football Regulatory Authority. Enquiries or clarification with regards to this guidance note should be directed to the Football Regulation Department in the first instance.

It forms part of a wider paper - Guidance Note on Managing Young People with Impairments such as ADHD and Tourette Syndrome in the Disciplinary System, amended January 2009.

The football authorities must seek to ensure that, consistent with their policy of Safeguarding Children, they do not put in place case management and disciplinary systems that of themselves cause harm to the very children that are intended to be safeguarded. The same principles apply to County and national associations, although it is obvious that the vast majority of Under 18s football will come under County jurisdiction. Remember they are children first, participants second.

ISSUES

- Difficulties in children giving evidence, as recognised by the Criminal and Civil courts – the process is intrinsically upsetting for many adults and children will be less likely to be emotionally equipped to cope.
- Seldom in child's best interests to be directly involved in disciplinary commissions.
- Child's evidence can often be necessary for proper determination of proceedings.
- Cross examination can be damaging to child.

CHILDREN UNDER THE AGE OF 14

A child aged 13 or under should not appear at a disciplinary commission. An alternative method should be adopted which could include:

- A meeting - bring the parties together to talk through the issues.
- County Football Association (CFA) Welfare Officer (CFA WO) to talk to the child to warn them about their behaviour. A parent/carer should be present at any meeting.
- CFA WO to obtain written statement from child and disciplinary commission to then proceed on paper basis only – the CFA WO may need to write the statement in conjunction with the child and parent/carer.
- Private meeting between child and CFA WO to establish child's version of events, CFA WO to report verbally to disciplinary commission. A parent/carer should be present throughout the meeting.

CHILDREN AGED 14 THROUGH 16 YEARS

A child between the ages of 14 and 16 years inclusive can attend a disciplinary commission provided that:

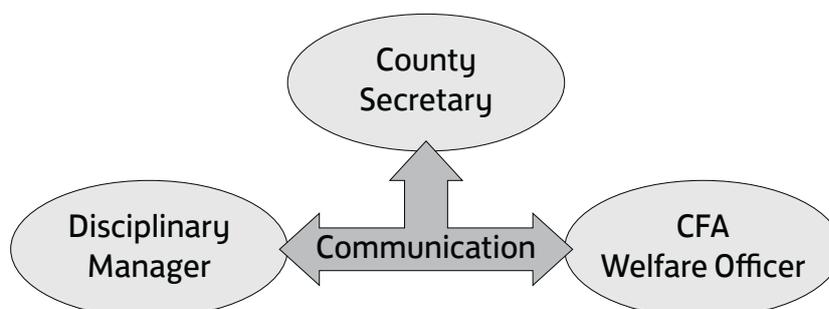
- he / she understands it is his / her duty to speak the truth.
- his / her evidence is sufficiently important to justify it being heard.
- the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer.

CHILDREN AGED 17 YEARS

- Best practice when dealing with a disciplinary commission involving those aged 17 years would be to follow the guidance established for adults, except in cases where the individual has special needs. Special needs should be treated in a manner consistent with their mental capacity. If the suggestion is that the participant has the cognitive reasoning of a child of a particular age, follow that guidance.

- Where a child is aged 17, consent of the parent should be obtained for the child to attend the disciplinary commission where possible / appropriate.
- By law a 17 year old is still a child and if they choose to have adult representation this should be allowed.

COMMUNICATION GUIDANCE FOR CFAS



- The CFA Disciplinary/Governance staff and the CFA WO should always liaise with regards to cases involving minors. This should include meeting to agree procedures to be adopted on how the case should be heard.
- County Secretary/Chief Executive Officer should be kept up to date.

GENERAL BEST PRACTICE PRINCIPLES AT DISCIPLINARY COMMISSION INVOLVING CHILDREN AGED 14 - 16 YEARS INCLUSIVE

Overriding principles are that the process of appearing in a disciplinary commission should not expose a child to intimidation, distress, a late disciplinary commission or long travelling times during the school week. All possible steps should be taken to assist the child to understand and participate in the proceedings.

PREPARATION FOR A DISCIPLINARY COMMISSION

- Consent of the parent/carer will always be required.
- He/she should be accompanied at the disciplinary commission by an appropriate adult who could be a parent, carer, grandparent, social /care worker or Club official properly in loco parentis. This could be a friend of the family, Club Welfare Officer etc.
- The disciplinary commission should be at a location and time that is convenient to the child.
- Restrict attendance at the disciplinary commission to as small a number of people as possible. This should be restricted to those who need to be present or have the right to be present only.
- Before the disciplinary commission, it may be appropriate to allow the child or young person to visit the room so that they can familiarise themselves with the layout.
- Make sure the young person is aware of the format and process they are about to be engaged in.
- CFA WO should be available at the disciplinary commission to advise/support the child or the disciplinary commission members. They can not support both the child and the commission and their role must be limited to one of them. It must be clear which function they are fulfilling at the disciplinary commission.
- Physical layout of room can affect the proceedings and play a role in the effective engagement with the child – you could arrange chairs in two semi circles facing inward, avoid sitting behind tables.

- The members of the disciplinary commission should sit at the same level as other parties to encourage eye contact.
- Provision should be made for parents/carers to be able to sit next to their children.
- If the child is legally represented, they should be seated in a place that allows easy communication with their representative.

THE DISCIPLINARY COMMISSION

- At the beginning of the case, disciplinary commission members should introduce themselves and those present in the room.
- The Chair should briefly explain the role of each person.
- Address child by first name.
- Be aware of the impact body language can have e.g.
 - folded arms and peering over spectacles = negative
 - occasional nod / leaning forward = positive
- Remain seated throughout proceedings.
- If the disciplinary commission is lengthy, regular breaks should be taken.
- Proceedings should be inquisitorial rather than adversarial.
- Closed questions (those that allow a yes or no answer) and legal jargon should be avoided.
- Rephrase a question to simplify it, if the young person is finding it difficult to answer.
- Questions should be in plain English and at a level the child or young person can understand taking into account their age, maturity and intellectual and emotional development.
- Disciplinary commission members should consider what information they are trying to obtain and how it is relevant to the case.
- The nature and extent of the questioning of any witness is under the control of the Chair.
- The Chair can and should intervene to prevent the child being questioned in a hostile way.
- The Chair should ensure that questions are short, simple and phrased in a language that the child can understand.
- The Chair should also ensure that anyone else present in the room conducts themselves appropriately.
- If a parent/carer has accompanied the child to the disciplinary commission, the Chair should make clear that the parent is there in a supporting role only and should not conduct the proceedings on behalf of the child.
- If the case is proven someone should talk directly to the child, encouraging him / her to confront their behaviour, taking responsibility for it and its consequences. As this is a sensitive area it is recommended that someone with the appropriate training should undertake this e.g. the CFA WO.

FA Equality and Child Protection Dept
FA Football Regulation Dept
FA Disciplinary Dept

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