

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

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

This section should be read in conjunction with the Cricket Scotland Performance Management and Disciplinary procedures.

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

Any inappropriate conduct or child abuse will be dealt with under the organisation's disciplinary procedure. Action will be taken when members of staff/volunteers breach the Code of Conduct.

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

- Employees and volunteers 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 or volunteer.
- An employee or volunteer will be given an opportunity to put forward their case.
- Cricket Scotland will act in good faith, ensure the matter is dealt with impartially and as quickly as possible in the circumstances.

In all cases the welfare of the child/children involved will be the paramount consideration.

Initial Reporting of Concerns

Any concerns for the welfare of a child arising from the conduct of a member of staff/volunteer must be reported to the line manager/ Cricket Scotland CPO on the day the concern arises, as soon as practically possible.

Where the concern is about the line manager or the Child Protection Officer it must be reported to the Chief Executive Officer, Malcolm Cannon – malcolmcannon@cricketscotland.com or 0131 313 7420

Recording

Concerns must be recorded using the *Significant Incident Form* as soon as possible. Reporting the concerns to the line manager/ Cricket Scotland CPO 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 recorded (in the order in which they happened) on the *Significant Incident Form*. This should be signed and dated by the line manager/Cricket Scotland Child protection 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.

Establishing the Basic Facts

Once the concerns have been reported, the line manager/ Cricket Scotland CPO 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.

Conducting the Initial Assessment

The line manager/ Cricket Scotland CPO 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/volunteer *may* be approached as part of the information gathering process.
- Where the nature and seriousness of the information suggests that a criminal offence *may* have been committed, or that to assess the facts may jeopardise evidence, *advice will be sought from the police before the member of staff/volunteer 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 q
- 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 Cricket Scotland Disciplinary Procedures.
- (iii) Child protection investigation (jointly by police and social work services).
- (iv) Criminal investigation (by the police).
The results of a criminal investigation may well influence the disciplinary investigation, but not in all cases.
- (v) Civil proceedings (by the child/family who alleged abuse).

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

The line manager/Cricket Scotland CPO will deal with the situation in line with Cricket Scotland performance management procedures/disciplinary procedures.

Pending the outcome of any investigation conducted under performance management procedures or disciplinary procedures, precautionary suspension will be considered in all cases where there is significant concern about the conduct of a member of staff/volunteer towards children. The welfare of children will be the paramount concern in such circumstances.

Where it is necessary to involve specific children in the investigation and/or disciplinary process, the Children 1st guidelines on speaking to children in disciplinary procedures will be followed.



Where the circumstances meet the referral criteria set out in the Protection of Vulnerable Groups (Scotland) Act 2007, Cricket Scotland has a duty to make a referral to Disclosure Scotland.

Initial assessment supports concerns about possible child abuse

The line manager/ Cricket Scotland CPO 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/ Cricket Scotland CPO 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/ Cricket Scotland CPO 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/carers 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 or volunteer involved in the concerns. If the advice is to inform the staff member or volunteer, they will be told that information has been received which may suggest an allegation of abuse. As the matter will be under judicial consideration, no details will be given unless advised by the police. All actions will ensure the best evidence is preserved for any criminal proceedings while at the same time safeguarding the rights of the employee or volunteer.

Cricket Scotland will take reasonable steps to support a member of staff/volunteer against whom an allegation of abuse has been made.

Precautionary Suspension

Suspension is not a form of disciplinary action. The member of staff/volunteer involved may be suspended whilst an investigation is carried out. Suspension will be carried out in line with Cricket Scotland disciplinary procedures.

Disciplinary Investigation

An ongoing criminal investigation does not necessarily rule out disciplinary action. However, any action taken must not jeopardise the criminal investigation. Advice will be taken from the police on this. Disciplinary investigation and action will be carried out in line with Cricket Scotland disciplinary procedures.

Referral to Disclosure Scotland

Where Cricket Scotland takes disciplinary action to remove a member of staff/volunteer from regulated work as a result of harmful behaviour towards a child, then they have a duty to refer the member of staff/volunteer to Disclosure Scotland so that consideration can be given to whether that individual should be barred from any kind of regulated work with children.

The Protection of Vulnerable Groups (Scotland) Act 2007 stipulates that organisations must refer to Disclosure Scotland the case of any member of staff/volunteer who (whether or not in the course of their role within the organisation) has:

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

AND as a result:

1. Cricket Scotland has dismissed the member of staff/volunteer.
2. The member of staff/volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant.
3. Cricket Scotland has transferred the member of staff/volunteer to a position in Cricket Scotland that is not regulated work with children.
4. The member of staff/volunteer would have been dismissed or considered for dismissal where employment or volunteer role was not due to end at the expiry of a fixed term contract; or,
5. The member of staff/volunteer would have been dismissed or considered for dismissal had the contract not expired.

Cricket Scotland will also refer the case of a member of staff/volunteer where information becomes available after the member of staff/volunteer has:

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

If Disclosure Scotland notify Cricket Scotland that a member of staff/volunteer is considered for listing that individual will be suspended as a precaution until the outcome of the case is determined. Remember that suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension the welfare of children will be the paramount concern.

If Disclosure Scotland inform Cricket Scotland that an individual is barred, that member of staff/volunteer will be removed from regulated work with children immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007.

False or Malicious Allegations

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

- The staff member or volunteer involved will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. They may wish to seek legal advice.
- All records pertaining to the circumstances and investigation should be kept in accordance with Cricket Scotland Policy on the secure storage of information.
- The line manager/Cricket Scotland CPO will take all reasonable steps to support an individual in this situation.
- In these circumstances Cricket Scotland will review the child's participation in cricket. It may be appropriate to have a discussion with the child and parent/carer permission.
- Data collected for the investigation will be destroyed in accordance with the requirements of the Data Protection Act 1998.

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.



Media

All media enquiries relating to the conduct of a member of staff or volunteer will be referred to Cricket Scotland Chief Executive

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