

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

### **Concerns about the Conduct of a Member of Staff/Volunteer**

This section of the procedure should be read in conjunction with Scottish Fencing Disciplinary Procedure. The following section details the procedure to be followed where the concern is about a member of staff/volunteer.

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.

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.
- Scottish Fencing 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/volunteer towards children, the welfare of the child will be the paramount consideration.

***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.***

### **1 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/ Scottish Fencing Child Protection Officer 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 President of Scottish Fencing.

### **2 Recording**

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

### **3            *Establishing the Basic Facts***

Once the concerns have been reported, the line manager/ Scottish Fencing Child Protection 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/ Scottish Fencing Child Protection 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/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 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 Scottish Fencing 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).
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## **5 Initial assessment supports concerns about poor practice and/or misconduct (but not possible child abuse)**

The line manager/ Scottish Fencing Child Protection Officer will deal with the situation in line with Scottish Fencing 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/volunteer towards children (*see section 7*). 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 Vulnerable Groups (Scotland) Act 2007, Scottish Fencing has a duty to make a referral to Disclosure Scotland (*see section 11*).

## **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/ Scottish Fencing Child Protection 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/ Scottish Fencing Child Protection 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/ Scottish Fencing Child Protection 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/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 *sub judice* (i.e. 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.

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

## **7 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 by the President of Scottish Fencing in accordance with Scottish Fencing Disciplinary Procedures. At the suspension interview the member of staff or volunteer will be informed of the reason for suspension (within the confines of sharing

information) and given the opportunity to make a statement – which will be recorded – should they wish to do so.

Notification of the suspension and the reasons will be conveyed in writing to the staff member or volunteer in accordance with Scottish Fencing Disciplinary Procedures.

## **8 *Disciplinary Investigation***

An ongoing criminal investigation does not necessarily rule out disciplinary action. However, any action taken must not jeopardise the criminal investigation. Advice must be taken from the police on this. Sufficient information should be available to enable the line manager/Scottish Fencing Child Protection Officer to make a decision whether to go ahead with disciplinary action.

## **9 *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 Scottish Fencing Policy on the Secure Storage of Information.
- The line manager/Scottish Fencing Child Protection Officer will take all reasonable steps to support the individual in this situation.
- In these circumstances Scottish Fencing will review the child's participation in fencing. It may be appropriate to have a discussion with the child (with parental/carer permission).
- 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.

## **11 *Protection of Vulnerable Groups (Scotland) Act 2007***

**a)** Scottish Fencing will 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. Scottish Fencing has dismissed the member of staff or volunteer.
2. The member of staff or volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant.

3. Scottish Fencing has transferred the member of staff/volunteer to a position in Scottish Fencing which is not regulated work with children.

4. The member of staff or 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 or volunteer would have been dismissed or considered for dismissal had the contract not expired.

Scottish Fencing will also refer the case of a staff member or volunteer where information becomes available after the member of staff or volunteer has:

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

**b)** If Disclosure Scotland notify Scottish Fencing 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.

**c)** If Disclosure Scotland inform Scottish Fencing 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.

## ***12 Media***

All media enquiries relating to the conduct of a member of staff or volunteer will be referred to President of Scottish Fencing and/or the Child Protection Officer.