

RESPONDING TO CONCERNS PROCEDURE



In all cases where there are concerns about a child or young person and/or the conduct of an adult which affects, or may affect, a child or young person, the **best interests and wellbeing of the child or young person will be the paramount consideration.**

The purpose of this Procedure is to safeguard and protect children and young people involved in Scottish football and to respond appropriately to any concerns ensuring they are dealt with in a timely, appropriate and proportionate manner. Following a set of published procedures when dealing with concerns helps:

Avoid those receiving information from engaging in subjective judgements

- Reassure those who report concerns that an appropriate course of action will ensue
- Support those charged with managing concerns by providing them with a step-by-step process to follow
- Safeguard the rights of those against whom complaints or allegations have been made

No member of staff or volunteer in receipt of information that causes concern about a child or young person or the conduct of an adult shall keep that information to themselves, or attempt to deal with the matter on their own. Instead in all cases this procedure must be followed regardless of whether the concerns arise through the adult or child or young person's involvement in football or from outside of football.

REMEMBER:

If you are concerned about the **immediate** safety of the child or young person:

1. Take whatever action is required to ensure the child's immediate safety.
2. Pass the information immediately to the police and seek their advice.
3. Report the concern to the Child Wellbeing and Protection Officer, advising that the matter has been reported to the police.

If you have a concern about the wellbeing of a child or young person, or think you may have a concern, you can contact the Child Wellbeing and Protection Officer for advice and support on **07791 789 753**.

1. EVERYONE'S RESPONSIBILITY

A concern may range from mild verbal bullying to physical or sexual abuse and occur either through football or outside of it, for example in the child's home. All concerns will be investigated by the Child Wellbeing and Protection Officer. **If a member of staff or volunteer has a concern it is not their responsibility to investigate but it is their responsibility to:**

- Reassure the person making the report that they have done the right thing in raising the concern
- Listen openly without judgement
- Record anything that is said
- Report the concern to the Child Wellbeing and Protection Officer
- If there is a concern about the immediate safety of the child or young person, take the necessary steps to ensure their safety and contact the police

Everyone has a responsibility to **recognise** a concern, to **record** the concern either on the Concern Recording Form or in email format, and report the concern to the Wellbeing and Protection Department.

2. RECOGNISE

Members of staff and volunteers may become aware of a concern in different ways.

For example:

- Directly from the child or young person
- Observation of the concern, such as a change in the behaviour, appearance, or nature of the child or young person, or the conduct of an adult
- Information that is shared from another individual or organisation e.g. an incident observed by another child or young person, or adult and reported to them

All concerns must be reported to the Child Wellbeing and Protection Officer on the day the concern arises, or as soon as practically possible thereafter.

WHAT TO DO IF A CHILD OR YOUNG PERSON DISCLOSES ABUSE	
DO: • Stay calm — ensure that the child or young person is safe and feels safe • Listen to the child or young person and take what they say seriously. Do not show disbelief. Show and tell them that you are taking what they say seriously • Reassure the child or young person that they are not to blame and were right to tell someone • Be aware of interpreting what a child or young person says, especially if they have learning or physical disabilities which affects their ability to communicate, or English is not their first language • Avoid projecting your own reactions onto the child or young person	DON'T: • Panic • Show shock or distaste • Probe for more information than is offered • Speculate or make assumptions • Make negative comments about the person against whom the allegation has been made • Approach the individual against whom the allegation has been made • Make promises or agree to keep secrets and give a guarantee of confidentiality • Rush into actions that may be inappropriate

• Do not assume that the experience was bad or painful — it may have been neutral or even pleasurable e.g. the child or young person may think that they are in a consenting relationship with the adult • Avoid asking any questions. If necessary only ask enough questions to gain basic information to establish the possibility that abuse may have occurred. Only use open-ended, non-leading questions e.g. What? When? Where? Who? • Do not introduce personal information from either your own experiences or those of other children	
--	--

3. **RECORD**

Record keeping is of critical importance and all information should be recorded in line with the following:

DO: • Make a written record of the information as soon as possible • Make the record factual, accurate and legible • If it is a disclosure from a child or young person, record using the child or young person's exact words, if possible	DON'T: • Give your personal opinion, unless it is backed up by substantial evidence • Use judgemental language • Write the record in a way that protects the reputation of the Association or the individual who
---	---

• Include dates, times, locations and contexts, if available, together with any other relevant information	the concern relates to — remain unbiased
--	---

Where the child or young person has made a direct disclosure, and when appropriate, it is important that the child or young person understands why we are recording their details. If a child/young person recognises that people can help and support, and that this is the purpose of their details being shared, they will be more included and informed of the processes.

4. REPORT

The Child Wellbeing and Protection Officer can be contacted in a number of ways:

- By telephone on **07791 789 753**
- By email at **communearts@gmail.com**

How to report the concern:

- Report the concern as soon as possible. It is recommended that initial contact is made with the Child Wellbeing and Protection Officer by telephone
- Email the completed Concern Recording Form to if you are able to do this via secure email

Do not delay in reporting the concern:

- By attempting to obtain information to complete all sections of the Concern Recording Form
- By waiting until you return to the office to complete the Concern Recording Form, if you are working remotely
- If you have been unable to contact the Child Wellbeing and Protection Officer by telephone

If you are unable to access a Concern Recording Form, please contact the Child Wellbeing and Protection Officer by telephone or email the information, if you are able to do so securely, in order to report the concern.

If you are unsure whether the information you have should be a cause for concern, advice and support can be sought from the Child Wellbeing and Protection Officer.

This can be done in a confidential manner anonymising the details of the parties involved.

If the Child Wellbeing and Protection Officer is not available and an immediate response is required, the police and social work services must be contacted. They have a statutory responsibility for the protection of children and they may already hold other information about the child or young person. If the information is shared with the police or other agencies, record

what information is shared and any advice given and actions taken. At the earliest opportunity thereafter a member of the Wellbeing and Protection Department should be informed.

Confidentiality

To maintain confidentiality do not keep any electronic, printed or written versions of the information you have provided. The Concern Recording Form should be deleted or destroyed (by means of shredding) as soon as the information has been passed on. The Child Wellbeing and Protection Officer will maintain a copy of the information in a secure and confidential manner.

Support

AUFA recognises that voicing concerns, suspicions or allegations of poor practice, misconduct or abuse can cause great concern and stress — particularly if it relates to a colleague, volunteer or child/parent who is known to you. However, sharing information about the wellbeing of a child or young person is paramount in order to prevent the child or young person from suffering harm or further harm. Any member of staff or volunteer whom, in good faith, discloses information related to a concern will receive full support from AUFA.

Where the concern is about the Child Wellbeing and Protection Officer, it must be reported to the Head of Academy directly. In this situation, the Head of Academy will take on the role and responsibilities as listed below of the Child Wellbeing and Protection Officer.

5. RESPOND

The following sets out the steps which will be taken by the Child Wellbeing and Protection Officer after the concern has been reported.

(a) The process on receipt of a concern

Once the concern has been reported, the Child Wellbeing and Protection Officer will:

- Establish the basic facts and conduct an initial assessment of the facts in order to determine the appropriate course of action. The appropriate course of action may differ

depending on whether the concern is about the wellbeing of a child/young person or about the conduct of an adult

- Decide who should be informed of the concern, this may include the child or young person, their parent/carer, or external agencies
- Consult external agencies, such as the police and social work services, for advice at any time, if required. This is important because they may hold other important information which, when considered alongside the current concern, builds a significant picture of concern

All subsequent actions taken by the Child Wellbeing and Protection Officer shall be recorded, in the order in which they happen, and the records should be dated.

(b) Conducting the Initial Assessment

The purpose of the initial assessment is to clarify the nature and context of the concern. Every situation is unique so guidance cannot be prescriptive.

Where the concern relates to the conduct of an adult, pending the outcome of any investigation, precautionary suspension will be considered in all cases where there is significant concern about the conduct of a member of staff or volunteer towards a child and/or young person. For further information on precautionary suspensions see section 6 of this Procedure .

In all cases, the initial assessment may involve:

- Speaking to the member of staff or volunteer who raised the concern
- Speaking to other members of staff or volunteers who may have information related to the concern
- Speaking to the member of staff or volunteer whose conduct has been reported — this will be subject to the nature and seriousness of the situation and should not be done if the concern suggests that the conduct may be criminal behaviour
- If the concern involves a named child or young person it may be appropriate to speak to the child or young person. Further guidance on speaking to children and people is set out below
- Speaking to other children and/or young people and/or other individuals to establish the basic facts

Best practice advice

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/carer be obtained unless obtaining that consent may place the child at risk.

Speaking to children and young people

Children and young people have the right to say what they think in all matters affecting them and to have their views taken seriously (Article 12, UNCRC). This must be at the forefront of any concerns that are raised. The nature of the concern will impact on the decision as to whether it is appropriate to discuss the concern directly with the child or young person. The views of the child or young person must be considered based on their age and maturity.

An initial assessment of basic facts may require the need to ask a child or young person 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 and young people, or other appropriate individuals who may have information.

This should never been done in cases where there is a suggestion of criminal conduct without first seeking the advice of the police. If the information indicates that a criminal offence has been committed against the child or young person it would not be appropriate to ask the child or young person questions about the incident or speak to them directly about the incident(s), unless questioning for clarification during the initial disclosure made directly from the child. Interviewing children and young people about possible abuse or criminal offences is the sole remit of specially trained police officers and social workers.

If it is appropriate to speak to the child or young person all questions should be basic, open-ended, non-leading and asked solely with a view to clarifying the basic facts. When speaking to a child or young person another adult should always be present. It is recommended that this other adult is known to the child or young person and the meeting is pre-arranged so the child or young person will be aware that you are going to speak to them about a concern.

Where the concern about a child's wellbeing suggests they are in need of protection, the information must be passed on with or without their consent for the purposes of their protection. Allegations of abuse must always be taken seriously. *No member of AUFA staff shall investigate allegations of abuse or decide whether or not a child has been abused without reporting the information to statutory authorities and taking advice in the first instance.*

False allegations are very rare. If a child says or indicates they are being abused or information is obtained which gives concern that a child is being abused, the information must be responded to on the same day in line with this procedure.

Fairness and natural justice

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

- The member of staff or volunteer will be made aware of the nature of concern
- The member of staff or volunteer will be given an opportunity to put forward their case
- AUFA will act in good faith, ensuring the matter is dealt with impartially and as quickly as possible in the circumstances.

(C) Concluding the Initial Assessment

Decisions reached on conclusion of the Initial Assessment may differ depending on whether the concern relates to the wellbeing of a child or young person or to the conduct of an adult. The concern may relate to both the wellbeing of a child and the conduct of an adult in which case two sets of conclusions should be reached.

A concern about the wellbeing of a child/young person

At the end of the initial assessment one of the following conclusions should be reached:

- The facts do not substantiate the concern and therefore no further action will be taken
- The concern has been successfully addressed by the child or young person, their parent/carer and/or AUFA staff or Volunteer and therefore no further action is needed
- The concern has not been successfully addressed and further support is needed for the child or young person
- Information should be shared with statutory services, for example Police Scotland or the Social Work Department due to the gravity of the concern
- Information should be shared with the child's Named Person, if applicable, for consideration

In all cases consideration should be given as to what support, if any, is required for the child or young person and whether there is a need to share information with the Scottish FA terms of a Data Sharing Agreement.

Sharing Concerns with Parents/Carers

AUFA is committed to working in partnership with parents/carers whenever there are concerns about a child or young person. Parents/carers have the primary responsibility for the safety and wellbeing of their children. Where concerns are raised about a child or young person this will be considered in line with the wellbeing indicators and may be discussed with parents/carers. For example, if a child seems withdrawn, he/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement. Common sense is advised in these situations and the best interests of the child will be considered as to what is the best support them. Children and young people will be asked who should be informed and, if appropriate, consent gained from the child or young person before their parents/carers are notified.

Where there are concerns that the parents/carers may be responsible for or have knowledge of the abuse, sharing concerns with the parents/carers may place the child or young person at further risk. In such cases advice must always firstly be sought from the police/social work services or Named Person as to who informs the parents/carers.

Sharing Information with Police and statutory agencies

Where the concern about a child or young person's wellbeing suggests that they are in need of protection or that a criminal offence has been committed against them, the concern must be reported to the police and/or social work services. The police and local authority have a statutory duty of care for all children.

With the consent of the child or young person, where applicable, and their parent or carer, appropriate and proportionate information may be shared with the child's Named Person or named school teacher.

A concern about the conduct of an adult

At the end of the initial assessment one of the following conclusions should be reached:

- The facts do not substantiate the concern and therefore no further action will be taken
- Information supports concern about poor practice
- Information supports concern about serious poor practice and/or misconduct
- Information supports concern about possible criminal behaviour

Initial Assessment supports concern about poor practice

If the initial assessment supports a concern that the conduct of an adult amounts to poor practice, the Child Wellbeing and Protection Officer will share the findings of the initial assessment with the relevant member of staff at AUFA who has responsibility for the staff member or volunteer whose conduct has amounted to poor practice, who will respond in line with AUFA procedures.

The Child Wellbeing and Protection Officer will carry out any further investigation as necessary and take appropriate action depending on the nature and seriousness of the conduct.

Possible outcomes:

- No further action required e.g. the adult has recognised that their conduct was inappropriate and has already taken steps to ensure it does not occur again
- Informal discussion
- Formal discussion, with a record being retained on the individual's file
- Further training and support required, with a record being retained on the individual's file

Initial Assessment supports concern about serious poor practice and/or misconduct

If the concern relates to the conduct of a member of staff or volunteer, the Child Wellbeing and Protection Officer will liaise with relevant member of staff in the HR department, if applicable, who will deal with the concern in line with AUFA's Disciplinary Procedures.

Possible outcomes:

- Further training and support
- Formal warning
- Dismissal
- Referral to Disclosure Scotland, where the adult was in regulated work with children and young people and the legal criteria for referral is met

Initial Assessment supports concern about possible criminal behaviour

Where the initial assessment gives reasonable cause to suspect an adult's behaviour has been a criminal offence, the member of the Child Wellbeing and Protection Officer dealing with the concern will:

- report the concern to the police as soon as possible on the day the information is received, along with supporting information
- make a written record of the name of the police officer to whom the concerns were passed to together with the crime reference number, time and date of the call, in case any follow up is required
- on request, provide the police with a copy of the Concern Recording Form
- following the advice of the police, inform the parents/carers of the child involved as soon as possible unless the police advise is not to do this
- if appropriate, share the information with the child's Named Person if there is any impact on a child's wellbeing caused by an adult's possible criminal behaviour, unless the police advise not to do this

Advice will first be obtained from the police about informing the member of staff or volunteer involved in the concerns. If the advice is to inform them, they will be told that information has been received which may suggest an allegation of a criminal offence. As the matter will be *sub judice* (i.e. under judicial consideration) no details will be given unless advised to do so 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 member of staff or volunteer

AUFA will take all reasonable steps to support a member of staff or volunteer whom a concern has been raised about, as well as others who may be involved as witnesses.

Possible outcomes include one or more of the following:

- Police investigation — may involve a child protection investigation jointly by police and social work services
- Criminal proceedings
- Civil proceedings (by the child/family who raised the concern)

- Disciplinary Hearing
- Referral to Disclosure Scotland, where the adult was in regulated work with children and young people and the legal criteria for referral is met

Referral to Disclosure Scotland under Protection of Vulnerable Groups (Scotland) Act 2007

Depending on the nature of the concern and the action taken by AUFA, there may be a requirement, in law, to notify Disclosure Scotland. The following will apply where the member of staff or volunteer is in regulated work with AUFA and a member of the PVG scheme.

Referring to Disclosure Scotland

AUFA will refer to Disclosure Scotland the case of any member of staff or volunteer who (whether or not in the course of their role with AUFA) 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 AUFA has taken or would have taken one of the following options:

1. AUFA has dismissed the member of staff or volunteer; or
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; or
3. AUFA has transferred the member of staff or volunteer to a position in AUFA which is not regulated work with children; or
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.

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

- been dismissed by AUFA; or
- resigned, retired or been made redundant; or
- been transferred to another position in AUFA which is not regulated work with children.

Information from Disclosure Scotland

If Disclosure Scotland notifies AUFA that a member of staff or volunteer is being considered for listing that individual will be suspended as a precaution until the outcome of the case is determined. Precautionary suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension, the best interests and wellbeing of children and young people will be the paramount consideration.

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

6. PRECAUTIONARY SUSPENSION

Any member of staff or volunteer may be suspended on a precautionary basis whilst an investigation is carried out. Suspension is not a form of disciplinary action but may be carried out where, for example, the concern indicates criminal behaviour or serious poor practice.

For members of staff or volunteers, suspension will be carried out in accordance with AUFA's Disciplinary Procedures, including written notification of the suspension to the member of staff.

7. CRIMINAL PROCEEDINGS

An ongoing criminal investigation does not necessarily rule out disciplinary action by AUFA or investigation by the Child Wellbeing and Officer. 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 AUFA to make a decision whether to go ahead with disciplinary action or to respond under this procedure.

In any event, once criminal proceedings have concluded AUFA will consider the matter and the outcomes in line with this procedure.

8. FALSE OR MALICIOUS ALLEGATIONS

In exceptional circumstances where an investigation establishes an allegation or concern raised is false or malicious:

- The member of staff 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 shall be kept confidentially
- The Child Wellbeing and Protection Officer will take all reasonable steps to support the individual in this situation
- In these circumstances AUFA will review the participation or continued involvement in AUFA activities of the individual who made the false or malicious allegation. If the false or malicious allegation has been made by a child or young person, it will only be appropriate to have a discussion with the child or young person to determine their views and opinions with parental/carer permission
- Data collected for the investigation will be destroyed in accordance with the requirements of current data protection legislation

9. ALLEGATIONS OF NON-RECENT ABUSE

AUFA recognises that sharing personal experience of abuse can be difficult, challenging and sensitive. Therefore 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 non-recent abuse, including AUFA's responsibility to refer to Disclosure Scotland.

10. MEDIA

All media enquiries relating to concerns under this procedure must be referred to David White, Head of Academy.