

THE ASSOCIATION'S SAFEGUARDING CHILDREN POLICY

Every child or young person, defined as any person under the age of 18, 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 all children and young people by protecting them from physical, sexual or emotional harm and from neglect or bullying. 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 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, racial origin, faith or sexual orientation
- all suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- 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, and Local Safeguarding Children's Boards (LSCB) 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.

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 a suspension where any one or more of the following applies:-

1. The individual fails to comply with any part of The Association's Criminal Records Bureau (CRB) Process;
2. The individual has been barred by the Independent Safeguarding Authority (ISA) from engaging in regulated activity relating to children;
3. The individual has been disqualified from working with children under the Criminal Justice and Court Services Act 2000;
4. The individual is subject to any other restriction to their involvement with children due to an order made pursuant to statute;
5. The individual has been convicted of, or made the subject of a caution for, an "Offence" defined in paragraph 1 of the Regulations;
6. Following a risk assessment, The Association is satisfied on the balance of probabilities that the individual poses or may pose a risk of harm to children.

General

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.

The Association's CRB Process

2. All persons applying for or currently in such positions that The Association deems relevant whose normal duties include caring for, training, supervising or being in charge of children, must comply with the requirements of The Association's CRB process. These requirements are:-
 - (i) To obtain an FA Enhanced CRB Disclosure; and
 - (ii) To provide any such further detail, explanation or clarification of any or all part or parts of that Enhanced Disclosure, or any matter revealed by it, as may be required by The Association; and
 - (iii) 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
 - (iv) To comply with each of the requirements set out in regulations (i) – (iii) above within any such time limit as The Association may stipulate.

Any person who fails to comply with any of the requirements set out in sub-paragraphs (i) – (iv) above shall be subject to an immediate suspension from football activity, on such terms and for such period as The Association may stipulate.

Interim Suspension Orders

3. Upon receipt by The Association of:
 - 3.1 Notification that an individual has been charged with an Offence; or
 - 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 order that the individual be suspended from all or any specific football activity for such a period and on such terms and conditions as it deems appropriate. Such suspensions will be issued by the Case Manager or his/her nominee. The initial notification of any such suspension sent to an individual shall set out the right of appeal contained in Regulation 6 below.

4. In determining whether an order under regulation 3 should be made, the Case Manager or his/her nominee shall give consideration, inter alia, to the following factors:-
 - 4.1 Whether a child is or children are or may be at risk of harm;
 - 4.2 Whether the matters are of a serious nature;
 - 4.3 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.

All such suspension orders will be reviewed at the next meeting of The Association's Safeguarding Review Panel. The Panel may ratify, modify or remove any such suspension, or make any other order in relation to that suspension as it deems appropriate .

5. The total period of an order referred to in Regulation 3 above shall not last beyond the final determination of any related case under the Rules of The Association.
6. Any individual subject to a suspension order under Regulation 3 may appeal against it once the period of three months from the imposition of the suspension order by the Case Manager/nominee has elapsed.
7. Such appeals shall be considered by the Safeguarding Review Panel. At least one member of any Panel considering an appeal shall not have been a member of any Panel which conducted the initial review, under Regulation 4 above, of the suspension order being appealed.
8. To bring an appeal under Regulation 6, the individual must give notice in writing to the Case Manager/nominee, requesting such an 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. Any such appeal shall be by a review of written material only. No party shall have the right to attend to address a Safeguarding Review Panel considering an appeal. The Safeguarding Review Panel shall consider all written material submitted by the individual requesting the appeal and in support of that appeal. The Case Manager/nominee may also submit any written material for consideration by the Panel.
10. On considering an appeal, the Safeguarding Review Panel shall have the power to make any order in relation to the interim suspension order as it deems appropriate, including ratifying, modifying or removing it. The Panel shall also have power to make any order in relation to the conduct of the appeal proceedings as it deems appropriate , including requiring more information from either the individual or the Case Manager/nominee.
11. Any appeal under Regulation 6 shall be heard 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.

12. Where an 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.

Suspension Following ISA Bar or Disqualification from Working with Children

13. Where any individual is -
- (i) Barred from regulated activity relating to children in accordance with section 3 of the Safeguarding Vulnerable Groups Act 2006; and / or
 - (ii) Disqualified from working with children in accordance with section 35 of the Criminal Justice and Court Services Act 2000,

The Association shall have the power to order that the individual be suspended immediately from all or any specific football activity for such a period and on such terms and conditions as it sees fit. Any such suspension order shall be issued by the Case Manager or his/her nominee. All such suspension orders shall be reviewed at the next meeting of The Association's Safeguarding Review Panel. The Panel may ratify modify or remove any such suspension, or make any other order in relation to that suspension as it deems appropriate.

Order Following Conviction or Caution

14. The Association's Safeguarding Review Panel shall have the power to make any order in respect of any person 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 (including indefinitely) and on such terms and conditions as it thinks fit. Before making any order under this Regulation, the Panel shall consider all information gathered in respect of a Participant pursuant to The Association's CRB process under Regulation 2 above.

Order Following any Order Made Pursuant to Statute Restricting Involvement with Children

15. The Association's Safeguarding Review Panel shall have the power to make any order in respect of any person made the subject of an order issued pursuant to statute restricting their involvement with children. The Panel's powers shall include but not be limited to a suspension from all or any specific football activity for such period (including indefinitely) and on such terms and conditions as it deems appropriate.

Order Following Risk Assessment

16. In addition to The Association's powers under Regulations 3, 13, 14 and 15 The Association's Safeguarding Review Panel shall have the power to make any order that it deems 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, where it is satisfied on the balance of probabilities that the individual poses or may pose a risk of harm to a child or children.
17. Cases may be referred to the Safeguarding Review Panel in order to seek an order under Regulation 16 above by the Case Manager or his/her nominee where the Case Manager/nominee decides that there is reasonable cause to suspect grounds for concern about an individual's continued participation in football activity involving a child or children.
18. The Case Manager/nominee 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, including the Case Manager/nominee, as the Case Manager/nominee, at his/her absolute discretion, considers appropriate.
19. Before a referral is made under Regulation 17 above, 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/nominee intends to rely on when seeking the order, save for any exceptional material dealt with under Regulation 24 below.
20. 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 16 above.
 21. 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/nominee may
 - (a) Decide that no further action is currently required as there are no longer grounds for a referral under Regulation 17;
 - (b) Make any such further inquiries as he or she thinks fit in light of any matters raised by the individual in response to the written notification;
 - (c) Refer the case to the Safeguarding Review Panel under Regulation 17 above.
 22. Where further inquiries are made by the Case Manager/nominee, any written material arising from those inquiries may only be relied on by the Case Manager/nominee in applying for any order under Regulation 16 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 below. If the written material is relied upon, any response by the individual must also be considered by the Safeguarding Review Panel.
 23. Where a case is referred to the Safeguarding Review Panel under Regulation 17, it shall be considered on the basis of written material only. No party shall be permitted to attend to address the Safeguarding Review Panel.
 Except as provided for in Regulation 24 below, this written material shall consist of only:–
 - (i) The written notification and all written material provided with it by the Case Manager/nominee to the individual; and
 - (ii) The reply, if any, and all other written material submitted by the individual in response to the written notification; and
 - (iii) Any further written material provided by the Case Manager/nominee to the individual subsequently to the written notification; and
 - (iv) Any response from the individual to such further written material and all other written material submitted with that response.

Exceptional Material

24. 24.1 In considering whether or not to make any order under Regulation 16, as a general rule, the Safeguarding Review Panel may not consider any material provided by either the Case Manager/nominee or the individual which the other party has not seen and had a reasonable opportunity to reply to.
- 24.2 Exceptionally, the Case Manager/nominee may make an application to the Safeguarding Review Panel for the Panel, as part of its consideration of whether or not to make an order under Regulation 16, to consider material ("exceptional material") that has not been sent to the individual, where the Case Manager/nominee considers, at his/her absolute discretion, that the exceptional material concerned cannot be sent to the individual for any one or more of the following reasons:–
 - (a) it is confidential, and/or
 - (b) revealing it to the individual may create a risk of harm to any person or persons, and/or
 - (c) revealing it to the individual may amount to a criminal offence.

- 24.3 Where the Case Manager/nominee intends to make an application to the Safeguarding Review Panel for the Panel to consider exceptional material under Regulation 24.2 above,
- (i) The Case Manager/nominee shall in all cases give notice in writing to the Safeguarding Review Panel of this and the reason for it at least seven days before the Safeguarding Review Panel considers the case.
 - (ii) The Case Manager/nominee shall also give notice of the application to the individual in writing at least fourteen days before the Safeguarding Review Panel considers the case, unless the Case Manager/nominee considers, at his/her absolute discretion, that such written notice cannot be given, as to give such notice may in itself
 - (a) breach confidentiality; and/or
 - (b) create a risk of harm to any individual or individuals; and/or
 - (c) amount to a criminal offence.
 - (iii) Any reply by an individual to a notice referred to at Regulation 24.3(ii) must also be passed to the Safeguarding Review Panel for consideration where any exceptional material to which the reply relates is to be considered by the Safeguarding Review Panel
- 24.4 The Safeguarding Review Panel may, at its absolute discretion, decline to consider any or all of the exceptional material submitted for the Panel's consideration.

Orders available following risk assessment

25. Following a referral under Regulation 17, the Safeguarding Review Panel may make an order under Regulation 16, or any other order that it deems appropriate in the circumstances.

Right of appeal

26. A Participant or The Football Association may appeal any decision of the Safeguarding Review Panel made under Regulation 14, 15 or 16. 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 are final and binding.

Written Material

27. For the purposes of these regulations, "written material" may include photographic, video and/or audio evidence.