

## **GUIDANCE NOTE ON SAFEGUARDING CHILDREN IN THE DISCIPLINARY PROCESS**

**This guidance note has been approved by The Association'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.**

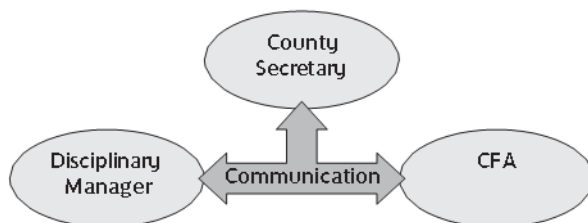
It forms part of a wider guidance note - Guidance Note on Managing Young People with Impairments such as ADHD and Tourette Syndrome in the Disciplinary System, amended January 2009.

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.

### **COMMUNICATION GUIDANCE FOR CFAS**



- The CFA Disciplinary/Governance staff and the CFA DSO 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**

- A child aged under 12 must not appear at a Disciplinary Commission as either a witness or the Participant Charged.
- Where a child aged under 12 would otherwise have been charged with a disciplinary offence, an alternative method should be adopted options should be considered to address the issues arising from any incident or behaviour. These which could include:
  - convening a meeting to bring the parties together to talk through the issues.
  - the Affiliated Association Welfare Officer talking to the child to warn them about their behaviour and/or requesting the child undertake an education programme which is deemed relevant to the incident or behaviour. A parent/carer should be present at any meeting.
- Where a child aged under 12 would otherwise have been a witness before a Disciplinary Commission, the following options should be considered:

- the Affiliated Association Welfare Officer obtaining a written statement from the child, with the Disciplinary Commission proceeding on the basis of written submissions. The Affiliated Association Welfare Officer may need to write the statement in conjunction with the child and parent/carer.
- convening a private meeting between the child and Affiliated Association Welfare Officer to establish the child's version of events, with the Affiliated Association Welfare Officer reporting verbally to Disciplinary Commission. The Affiliated Association Welfare Officer should make a contemporaneous note of the meeting and a parent/carer should be present throughout.
- A child between the ages of 12 and 18 years inclusive may attend a Disciplinary Commission provided that:
  - they understand it is their duty to speak the truth;
  - their 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;
- A child between the ages of 12 and 15 shall only give evidence via an electronic platform, or any method other than in person;
- A child between the ages of 16 or 17 shall be permitted to give evidence in person but a Disciplinary Commission may permit evidence to be given by another method if it is considered appropriate in the circumstances of the case.

#### Explanation/Rationale

To permit CFAs to deal with disciplinary matters by way of education where appropriate.

To clarify how young people can give evidence at Disciplinary Commissions.

It ensures:

- No child under 12 is to be charged and the matter should be dealt with in an alternative manner
- Young people aged 12-15 can only attend a hearing by video conference
- Young people aged 16 and 17 may attend in person but CFAs should also give consideration for attendance by video conference.