

# **The Youth Sport Trust Safeguarding Concerns Referral Procedures**

## **About these procedures**

The Youth Sport Trust believes that everyone has the right to be engaged and inspired by sport. We also believe that everyone involved in sport should enjoy it safely, securely and protected from harm, especially children, young people and adults at risk. Therefore, we are committed to ensuring that anyone working, or volunteering on behalf of the Youth Sport Trust, understands their responsibilities and demonstrates best practice in safeguarding children, young people and adults at risk in their care. These procedures are mandatory and apply to all trustees, employees and workers individuals involved with the Youth Sport Trust activities and events.

These procedures provide the framework following a referral / concern being reported under the Youth Sport Trust safeguarding policies and procedures for children, young people and adults at risk.

The Youth Sport Trust Case Management Group (CMG) has overall responsibility for the effective operation of these procedures, and for reviewing the effectiveness of the actions taken to in response to referrals / concerns raised.

The Lead Safeguarding Officer (LSO) has day to day operational responsibility for these procedures. In the absence of the LSO the Deputy Lead Safeguarding Officer (DLSO) will assume responsibility. Any questions about these procedures should be raised to them in the first instance using the contact details on the website at [Safeguarding - Youth Sport Trust](#)

These procedures will be reviewed at least annually by the LSO and CMG.

## **What happens when a referral/concern is received**

All referrals where an allegation, incident, or concern of alleged abuse or harm, safeguarding, welfare, and poor practice is raised will be considered by the LSO or DLSO working together, as necessary, with the CMG. All assessments will be made on a case-by-case basis to determine the level of concern. Categories of concern are:

### **High and immediate risk concerns**

1. Child or adult safeguarding concern that meets the statutory threshold for referral to police, Children's Social Care, Adult Safeguarding Board, Multi-Agency Safeguarding Hub (MASH), Local Authority Designated Officer (LADO) or any other relevant home nation statutory agency. Referral to be made within 24 hours.
2. Serious breach of the Youth Sport Trust Code of Ethics and Conduct, or any other behaviour and conduct or information that raises concerns about the risk of harm to children, young people and adults at risk.
3. Allegations against adults in the charity who work with children and young people requiring referral to the Local Authority Designated Officer (LADO) or equivalent relevant home nation Statutory Agency.

Concerns will be managed by the LSO/ DLSO and CMG working together with statutory agencies, as required. Such cases may require but not be limited to a temporary suspension pending the outcome of any investigation, a risk assessment, action under the disciplinary procedures.



## Medium risk concerns

1. Moderate breaches of the Youth Sport Trust Code of Ethics and Conduct or any other behaviour or conduct that may identify a safeguarding issue.
2. One off breach of other Youth Sport Trust policies and procedures when working with children, young people and adults at risk that may identify a safeguarding issue.

The LSO/ DLSO and CMG will discuss the concerns within 24 hours and agree actions. This may include referral to a statutory agency, seeking statutory agency or other professional advice and guidance, and / or appropriate action plan to be identified by the LSO/DLSO and CMG.

## Lower risk concerns

1. Minor breach of the Code of Ethics and Conduct. Notification required to the LSO / DLSO. Likely to be managed at the time by the Line Manager, Event Lead, Event Safeguarding Lead or Event Triage Panel.
2. Minor breach of Youth Sport Trust policies, procedures, and guidance. Notification required to LSO or DLSO. Likely to be managed at the time by the Line Manager, Event Lead, Event Safeguarding Lead or Event Triage Panel.
3. Poor practice concerns.

Notification in all case to the LSO/DLSO within two working days. Actions could include, but not be limited to, education, training, supervision, and further monitoring.

## Lower risk general welfare and wellbeing concerns at events

1. Participants at events feeling anxious, homesick or any other reason that is impacting their enjoyment of the event.
2. Participant feeling unwell at an event or activity. Immediate referral in accordance with the medical provision for the event.
3. Breaches of the participant code of conduct for the event.
4. The Event Safeguarding Team to manage at the event by talking to the participant concerned, working with, and supporting them to resolve any issues to allow them to continue their participation.
5. Safeguarding concerns to be referred to the Event Safeguarding Lead who may form an Event Case Management Group to discuss the concerns and agree a plan of action. This could include, but not be limited to, reporting to a teacher or the Designated Safeguarding Lead at the school, contacting parents/carers, arranging for the participant to return home, agreeing adjustments, and providing support to allow them to continue their involvement.
6. Advice to be sought at any time from the Youth Sport Trust LSO or DLSO.

**Please note the examples provided in this section are not intended to be exhaustive and all referrals will be assessed on a case-by-case basis.**



## The Youth Sport Trust Case Management Group (CMG)

The CMG is responsible for ensuring that all safeguarding matters arising in the charity are dealt with in accordance with the Youth Sport Trust policies and procedures and to ensure that, where issues arise, they are dealt with fairly and consistently.

The group will provide advice, guidance, and recommendations in relation to the management of safeguarding concerns, cases, and adverse criminal records check disclosures on a case-by-case basis across the charity. Analysing the safeguarding risk based on the information available and provide justified and proportionate risk management solutions.

Safeguarding concerns should initially be reported to the LSO or DLSO in accordance with the Youth Sport Trust safeguarding procedures and guidelines. The LSO or DSLO will consider the safeguarding concerns and refer the matter to the CMG if an investigation is required. On receiving a referral, the CMG will consider all the information available and may respond by recommending one or more of the following non-exhaustive possible actions:

1. No further action.
2. Referral to Police, Children's Social Care, Local Authority Designated Officer, Multi Agency Safeguarding Hub (MASH), Adult Safeguarding Boards and any other home nation statutory agency (as appropriate).
3. Referral of individuals dismissed, removed, or would have been removed from regulated activity in accordance with the charities duty to refer to the Disclosure and Barring Service and / or Disclosure Scotland.
4. Commission a more detailed investigation.
5. Impose a temporary suspension on the individual.
6. Request further information.
7. Reserve the right to direct a case for independent, legal or other professional case management services on behalf of the Youth Sport Trust.
8. Direct the matter to proceed under the Youth Sport Trust Safeguarding Disciplinary Procedures.
9. Require the individual to undergo training.
10. Impose a supervision and mentoring requirement on an individual.
11. Make any other decision which the CMG feels is appropriate having regard to all the circumstances of the case.

Where a referral is made under point 2 the CMG will:

1. Work together with statutory and other agencies providing relevant information, attendance at meetings and any other requirements appropriate to the case.
2. Comply with any directions or requirements made by the statutory and other agencies in relation to the case (as appropriate).
3. Determine in consultation with statutory and other agencies whether a temporary suspension or any other sanction is appropriate.
4. Consider any recommendations, reports, risk assessments or any other information from statutory agencies in relation to a case and determine whether any further actions are required of the charity at the conclusion of a case.
5. Give direction to the charity as to the level of risk a case presents and how the case will be managed (as appropriate).



The CMG will consider and act upon:

1. All adverse criminal records disclosure information.
2. Act In accordance with the Youth Sport Trust Recruitment and Selection Policy.
3. Understand and advise as necessary on the Youth Sport Trust's duty to refer individuals to the Disclosure and Barring Service and Disclosure Scotland as necessary.
4. Responsibility for referrals of any individuals whom the Youth Sport Trust has dismissed, removed or would have removed from regulated activity following harm or a risk of harm to a child or adult. Acting in accordance with the requirements of the Disclosure and Barring Service and Disclosure Scotland.

### **Temporary suspension from the Youth Sport Trust**

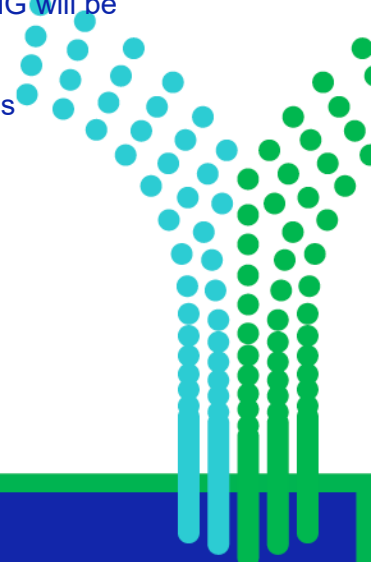
A temporary suspension is a neutral act with no pre-determined outcome and is intended to protect all parties whilst allegations are investigated.

A temporary suspension may be imposed by the CMG under the following circumstances:

1. It is necessary to ensure the welfare and safety of any children or adults involved.
2. Notification that an individual is alleged to have committed a criminal offence and is subject to an investigation by the Police.
3. Notification from Police, Children's or Adult Services, LADO or any other statutory or non-statutory agency where it is alleged that an individual has:
  - a. Behaved in a way that has harmed or may have harmed a child, young person or an adult.
  - b. Behaved in a way that indicates they may pose a risk of harm to children, young people or an adult.
  - c. Behaved or may have behaved in a way that indicates they may be unsuitable to work with children, young people or adults at risk.
4. Notification that an individual has been barred from working in regulated activity with children or adults.
5. Notification that an individual has been charged, cautioned or convicted of a criminal offence against children or adults.
6. Alleged non-compliance with any Youth Sport Trust policies or procedures.
7. To protect the individual from the risk of any further allegations.
8. Where there is a risk of reputation to the Youth Sport Trust.
9. Where there is a risk to any internal investigation or investigation by external organisations.

A decision to suspend will be authorised by the LSO (who may in their discretion consult one or more members of the CMG). In the event the Youth Sport Trust has received instructions from any statutory agency to suspend the individual no authorisation by the CMG will be required.

The CMG will keep the temporary suspension of the individual under continuous review.



## **Event Case Management Group (ECMG)**

The role of the ECMG is to manage the initial response to reported concerns about children, young people and adults at risk at the event and determine how to respond appropriately to that concern. This could include, but not be limited to:

1. Discussion and agreement on how a concern will be dealt with.
2. Discuss whether the concerns should be discussed with the LSO or DLSO.
3. Act in accordance with the LSO or DLSO recommendations or directions (if applicable).
4. Agreeing who will take responsibility for dealing with the concerns at an event.
5. Monitoring progress on all concerns raised.
6. Reporting and recording all actions taken to resolve a concern.

At all residential, one day and virtual events an ECMG is required and is made up of three people. It will include the Event Safeguarding Lead supported by the onsite Event Lead/Director and an onsite or offsite nominated Safeguarding Officer.

## **The Youth Sport Trust safeguarding investigations, disciplinary and appeals procedure**

These procedures set out the framework for the Youth Sport Trust to investigate and decide upon safeguarding allegations, incidents and /or concerns and the actions that may be taken.

The procedures apply to all individuals who come within the scope of the Youth Sport Trust activities and events this includes all trustees, employees and workers.

The procedures are not contractual and may be varied at the Youth Sport Trusts absolute discretion.

As far as reasonably practical, all matters dealt with under these procedures will be confidential and on a strictly need to know basis.

If a conflict arises between the requirements of this procedure and the requirements of any other Youth Sport Trust policy or procedures, the provisions set out in these procedures will take precedence.

A safeguarding concern is anything that might impact on the safety and/or welfare of a young person or adults at risk, cause them harm or put them at risk of harm. This procedure does not apply to allegations of inappropriate behaviour that do not involve young persons or adults at risk (if it did, this would fall under the definition of a safeguarding concern) and instead these should be addressed via the Disciplinary Policy and Procedures or the Youth Sport Trust Whistleblowing Policy (as applicable).



## Investigation process

Once a safeguarding concern has been raised the Youth Sport Trust will carry out an initial assessment to determine the scope of any investigation, in accordance with these procedures. Individuals may be required to attend additional meetings in order to provide further information.

In some cases, the Youth Sport Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for changes to Youth Sport Trust policy, procedures, guidance or any other working practices to minimise the risk of future wrongdoing.

The need for confidentiality may prevent the Youth Sport Trust providing individuals with any specific details of the investigation, an outcome or any disciplinary action taken as a result. Individuals should treat any information about the investigation as confidential

The Youth Sport Trust will appoint a HR point of contact for the individual concerned. Unless it is considered to prejudice an investigation, they will contact the individual in writing to:

1. Introduce themselves as the point of contact and provide their contact details.
2. Identify and explain details of the allegation, incident or concern.
3. Explain the decision of the CMG and provide a copy of these procedures.
4. Explain what will happen next.

The decision whether to inform the individual will be made balancing the need to investigate the matter and the rights of the individual under natural justice. If a concern is to be investigated by a statutory agency the Youth Sport Trust will advise the individual in accordance with any directions or recommendations made by the statutory agency in this regard. Notification will not be necessary if it is considered that this may prejudice any statutory agency investigation and / or the Youth Sport Trust internal investigation and / or may place a child or adult at risk of harm.

The investigation process may include but not be limited to:

1. A requirement on the individual to submit documentation / further information.
2. A requirement to undertake a new criminal records check.
3. Arrangements for interview of the individual, witnesses and anyone else who may be able to assist in the investigation process.
4. Referral to a statutory agency.
5. Referring the case for independent, legal or other professional case management services on behalf of the Youth Sport Trust.

The Youth Sport Trust will endeavour to support those under investigation and keep them informed of developments and progress of the matter.

A conviction of a criminal offence against an individual will be sufficient factual proof of the circumstances and findings that led to their conviction. The Youth Sport Trust will not re-investigate or consider any facts relating to a case against an individual which has already been decided in a court of law.

Should any investigation involve meeting with the individual the Youth Sport Trust will appoint a minute taker. All minutes will be agreed and signed by all parties to the meeting as a true record.





Following the conclusion of the investigation the CMG will assess all the available information and in accordance with recommendations made by statutory agencies (if applicable).

The CMG may recommend one or more of the following outcomes:

1. No further action.
2. Require the individual to undergo training.
3. Require the individual to be supervised or mentored in their role for a specified term.
4. Provide a written warning outlining the areas of concern and improvements required with appropriate timescales.
5. Refer the matter to the Chair of the Safeguarding Disciplinary Group and instruct the matter to be considered under the Disciplinary Procedures.
6. Impose or extend a temporary suspension.
7. Referral to Police, Children's Social Care, Local Authority Designated Officer, Multi Agency Safeguarding Hub (MASH), Adult Safeguarding Boards and any other home nation statutory agency (as appropriate).
8. Reach any other decision the CMG feels is appropriate having consideration for all the circumstances of the case.

### **Decision of the CMG**

The HR point of contact will write to the individual detailing the outcome and decision of the investigation process.

If the CMG has instructed the matter to proceed under the Safeguarding Disciplinary Procedures the individual will be advised and provided with a copy of the Disciplinary Procedures.

### **The Youth Sport Trust safeguarding disciplinary procedures**

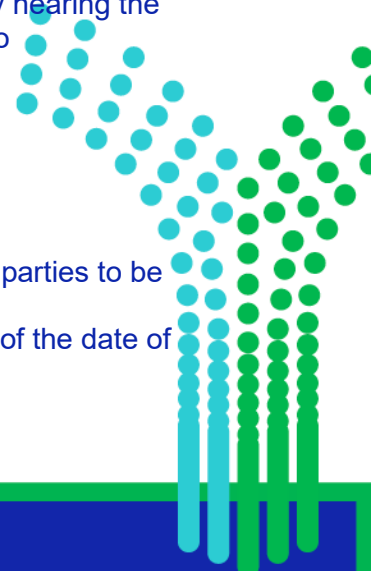
The Youth Sport Trust reserves the right to modify this process in any way (e.g. miss a step, delay matters etc.) if an internal process may be impacted by a parallel process that is addressing matters of the same or similar nature as the safeguarding concern, for example, if there is a police investigation into an allegation and the police have requested that no action is taken pending the outcome of their investigation. In no way will any deviation from this process prevent the Youth Sport Trust from following its standard Disciplinary process.

### **Pre-hearing procedure**

Within seven (7) working days of the CMG referring the matter for a disciplinary hearing the Chair of the Safeguarding Disciplinary Group will appoint a Panel Chair and two Panel members to hear the matter.

Within seven (7) working days of appointment the Disciplinary Panel Chair will contact in writing all parties and the Youth Sport Trust LSO / DLSO to:

1. Identify themselves and other members of the Disciplinary Panel.
2. Set a provisional date, time and location for the disciplinary hearing. All parties to be provided at least thirty (30) days notice for the hearing.
3. Invite parties to confirm their availability to attend within seven (7) days of the date of the letter.



4. Ask any parties whether they require any reasonable adjustments to be made for the hearing.
5. Inform the individual that they are entitled to be accompanied by an individual in accordance with section 10 of the Employment Relations Act 1999, i.e. a work colleague or trade union representative. For the avoidance of doubt, an individual is permitted to be accompanied by a legal professional. Any cost of such representation will be at the individuals own expense, irrespective of the outcome of the hearing.
6. The LSO or DLSO may nominate a deputy or legal professional to present the case on behalf of the Youth Sport Trust.
7. All parties to confirm the name and contact details of their chosen representative (if applicable) within seven (7) days of the date of the letter.
8. All reasonable attempts will be made to secure a convenient time and location for the hearing for all parties.
9. Invite the parties to provide any evidence they wish to rely on and identify any witnesses they intend to call upon before the hearing to the Disciplinary Panel no later than ten (10) working days before the hearing.
10. Evidence to be provided to the Disciplinary Panel Chair.
11. If witnesses are to be called written statements of their evidence must be provided to the Disciplinary Panel no later than ten (10) days before the hearing.
12. Advise all parties that they will not be permitted to submit further evidence they intend to rely on outside this timetable without the written permission of the Chair of the Disciplinary Panel.

### **General considerations for a disciplinary hearing**

The disciplinary hearing will take place in private, the public and press may not attend. All information relating to the hearing is strictly private and confidential and shall not be shared by the parties with anyone who is not a party to the matter. Should a party wish to share information with any other third party they must seek the written permission of the Disciplinary Panel Chair.

A minute taker will be present at the hearing, and it may also be recorded with the agreement of all parties.

In all cases the Disciplinary Panel Chair must be informed of the name and contact details of the nominated representative in accordance with the Pre-hearing timetable procedures.

The Disciplinary Panel may in the interests of ensuring a fair hearing amend the pre-hearing timetable procedures. In addition, at the request of a party or by decision of the Disciplinary Panel they may adjourn a hearing at any stage of the process.

### **Considerations for children and / or adults at risk**

Any individual under the age of 18 (a child) or an adult at risk who is a party and / or has been called as witness shall be accompanied by a parent/carer or a suitable adult of their choosing.

These considerations will also be followed by the Appeal Panel Chair in the event of an appeal.





The Disciplinary Panel Chair will consider the following:

1. A young person or adult at risk provides a written statement for consideration at the hearing rather than attend in person.
2. No child will be expected to provide evidence in person.
3. For children who wish to attend a hearing in person or via video link the Chair will ensure that parents/carers have provided their consent and will be in attendance with their child.
4. Providing a separate waiting area for children and adults at risk to minimise any risk of contact with other parties and witnesses to the matter.
5. Ensuring any questions are delivered in an appropriate manner for the child or adult at risk. This could include providing the questions prior to the hearing.
6. Ensuring any other identified reasonable adjustments are met.
7. Ensuring any young person and/or adults at risk are only present at a hearing for the necessary elements of the case.

### **Disciplinary hearing order of proceedings**

Unless the Chair of the Disciplinary Panel directs otherwise the order of the proceedings will be:

1. Opening statements by or on behalf of the Youth Sport Trust and the individual.
2. Calling of Youth Sport Trust witnesses and cross examination of those witnesses by or on behalf of the individual.
3. Calling of witnesses by the individual and cross examination of those witnesses by or on behalf of the Youth Sport Trust.
4. Closing statements of both sides.
5. The Disciplinary Panel may ask questions to the parties and / or their witnesses at any time during the hearing.
6. The Disciplinary Panel retires to consider its decision in private.

The Disciplinary Panel may provide a decision on the day verbally to all parties at the hearing. A verbal decision will be followed up in writing to all parties. If the Disciplinary Panel requires more time to consider its decision they will provide that decision in writing at a later date.

The Disciplinary Panel must make its decision by majority and no Panel members can abstain from voting on the suggested outcome(s).

All parties to the disciplinary process will be advised of their rights of appeal in the written letter providing the decision of the Disciplinary Panel.

### **Disciplinary Panel find the matter proven and/or that the individual presents a risk of harm to others**

The Disciplinary Panel will consider one or more of the following sanctions:

#### **In respect of Youth Sport Trust employees:**

- A written warning
- A final written warning
- Dismissal with notice
- Dismissal without notice



## **In respect of Youth Sport Trust employees, workers and trustees:**

- No action to be taken.
- Requirement on the individual to undertake specific training.
- Require the individual to be supervised or mentored in their role for a specified term.
- Temporary or permanent exclusion from any or all activities under the jurisdiction of the Youth Sport Trust.
- Referral of the matter to the Disclosure and Barring Service, Disclosure Scotland or Access NI.

The Disciplinary Panel may postpone their decision to refer the matter for a risk assessment by a suitably qualified professional.

### **Disciplinary Panel find the matter not proven**

In most cases no further action will be directed if the matter is unproven. However, if the matter is found unproven but on the balance of probabilities the panel has concerns about the individual, they may postpone their decision to refer the matter for a risk assessment or further investigation by a suitably qualified professional.

### **Malicious allegations**

The Disciplinary Panel may on its own volition or at the invitation of a party make a finding that the allegation, incident or concern was made maliciously or in bad faith. In such cases the Disciplinary Panel will consider what actions, including disciplinary procedures are appropriate and make recommendations to the Youth Sport Trust. The CMG will consider the findings and recommendations of the Disciplinary Panel and act accordingly.

### **The Youth Sport Trust safeguarding appeals procedure**

An individual subject to a matter dealt with under the Youth Sport Trust safeguarding disciplinary procedure may submit a notice of appeal (as set out below) against the finding and any sanction(s) of the Disciplinary Panel. The grounds for appeal are:

1. There was an error of fact or procedural mistake at the disciplinary hearing.
2. The Disciplinary Panel findings were not reasonable when faced with the evidence presented.
3. Significant and relevant new information has become available after the disciplinary hearing. This information had it been available for consideration by the Disciplinary Panel may have affected the panel's decision.
4. The sanction recommended by the Disciplinary Panel is considered disproportionate or unduly lenient to the facts of the case.

A notice of appeal is made in writing to the Chair of the Youth Sport Trust Appeals Group. A notice of appeal must be made ten (10) days from the written decision of the Disciplinary Panel. The notice of appeal must set out the grounds for the appeal and any supporting information and / or new evidence which the party intend to rely on. A party submitting a notice of appeal will be known as the appellant and the party responding to the appeal will be known as the respondent.

### **Pre-hearing procedure**

Following the Chair of the Appeals Group receiving the notice of appeal they will appoint a Panel Chair and two Panel members to hear the appeal.



Following the appointment of the Appeal Panel, the Chair will contact in writing the appellant and all respondents to:

1. Identify themselves and other members of the Appeal Panel.
2. Explain the procedure for an appeal hearing.
3. Provide the notice of appeal and any supporting information to the respondent.
4. Invite the respondent to provide a written response to the notice of appeal within fourteen (14) working days from the date of the letter.
5. Set a provisional date, time and location for the appeal hearing. All parties to be provided at least thirty (30) days' notice for the hearing.
6. Invite parties to confirm their availability to attend within seven (7) days of the date of the letter.
7. Ask all parties whether they require any reasonable adjustments to be made for the hearing.
8. Inform the appellant and respondent to the hearing that they are entitled to be represented by an individual of their choosing. For example, a work colleague or trade union. Any cost of such representation will be at the individuals own expense, irrespective of the outcome of the hearing.
9. The appellant and respondent to confirm the name and contact details of their chosen representative (if applicable) within seven (7) days of the date of the letter.
10. All reasonable attempts will be made to secure a convenient time and location for the hearing for all parties.

### **General considerations for an appeal hearing**

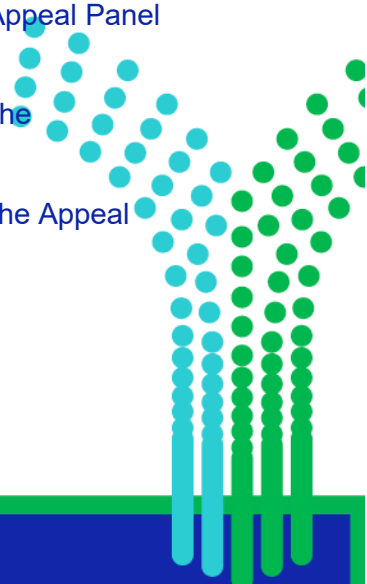
The appeal hearing will not be a re-hearing of the disciplinary hearing. The Appeal Panel will review all evidence presented at the disciplinary hearing that is relevant to the ground(s) of Appeal.

The Appeal Panel Chair will decide whether significant and relevant new evidence will be allowed to be heard. The appellant must provide in their notice of appeal the new evidence and explain why it was not available for the disciplinary panel hearing and why it would be reasonable for the Appeals Group to consider the evidence as part of the Appeal. In addition, the appellant must explain how had it been available it would have supported their case and affected the decision of the Disciplinary Panel. Witness attendance for the purposes of an appeal of this nature will only be necessary if the witness attending is pertinent to consideration of the new evidence by the Appeals Panel.

The appeal hearing will take place in private, the public and press may not attend. All information relating to the hearing is strictly private and confidential and shall not be shared by the parties with anyone who is not a party to the matter. Should a party wish to share information with any other third party they must seek written permission of the Appeal Panel Chair.

A minute taker will be present at the hearing, and it may also be recorded with the agreement of all parties.

The appellant and respondent may be represented at the hearing. In all cases the Appeal Panel Chair must be informed of the name and contact details of the nominated representative in accordance with the pre-hearing timetable procedures.



The Appeal Panel may in the interest of ensuring a fair hearing amend the pre-hearing timetable procedures. In addition, at the request of a party or by decision of the Appeal Panel they may adjourn a hearing at any stage of the process.

Considerations for children and / or adults at risk will be in accordance with the procedures contained in the disciplinary hearing procedures.

### **Appeal hearing order of proceedings**

Unless the Chair of the Appeal Panel directs otherwise the order of the proceedings will be:

1. Opening statement by or on behalf of the appellant and the respondent.
2. Evidence and cross examination of any witnesses called by the appellant if the grounds for appeal are due to significant and relevant new information becoming available.
3. Evidence and cross examination of those witnesses called by the respondent if the grounds for appeal are due to significant and relevant new information becoming available.
4. Closing statements of both the appellant and respondent.
5. The Appeal Panel may ask questions to the parties and / or their witnesses at any time during the hearing.
6. The Appeal Panel retires to consider its decision in private.

The Appeal Panel may provide a decision on the day verbally to the appellant and respondent. A verbal decision will be followed up in writing to all parties. If the Appeal Panel requires more time to consider its decision they will provide that decision in writing at a later date.

The Appeal Panel must make its decision by majority no Panel members can abstain.

### **Appeal Panel determination**

The Appeal Panel shall have the power to:

- Dismiss the Appeal
- Vary the decision of the Disciplinary Panel as to whether the matter was proven or otherwise.
- Vary or quash the sanction of the Disciplinary Panel.

The Appeal Panel decision is final and there is no further right of appeal.

All records and actions under the Youth Sport Trust disciplinary and appeal procedures shall be kept under the Youth Sport Trust Retention and Disposal Policy.

### **Disciplinary and appeals procedures further provisions**

1. Any communication with the press in respect of actions taken under the disciplinary or appeals procedure shall be taken by the Youth Sport Trust communications team.
2. Failure to comply with these procedures, including talking to the press, will be considered a disciplinary issue in its own right under the Youth Sport Trust's Disciplinary Policy and Procedure.



3. The Disciplinary and / or Appeal Panel Chair have the power to continue, suspend or discontinue proceedings if any party is unwilling or unable to participate in these procedures.
4. The Disciplinary Panel Chair and / or Appeals Panel Chair have the power to determine what reasonable adjustments can be made to hear a matter due to non-attendance by any party.
5. All parties must take reasonable steps to comply with any Disciplinary Panel findings and / or sanctions. Failure to do so may constitute grounds for further action under the disciplinary procedures.
6. The Youth Sport Trust CMG shall have responsibility for any referrals of individuals whom the Youth Sport Trust has dismissed, sanctioned, removed or would have removed from regulated activity following harm or a risk of harm to a child or an adult. Such actions will be taken in accordance with the Disclosure and Barring Service and Disclosure Scotland legal Duty to Refer procedures.
7. To the extent permitted by law the Youth Sport Trust shall not be liable to any individual for any loss, however caused, arising out of the operation of these procedures.



## **Appendix 1: Safeguarding Disciplinary Group and Disciplinary Panel**

The Safeguarding Disciplinary Group membership consists of:

1. Members of the Youth Sport Trust Senior Leadership Team
2. Members of HR and / or Safeguarding Strategy Group
3. Independent persons with safeguarding experience and expertise
4. Independent legal professionals
5. External safeguarding practitioners for example the NSPCC Child Protection in Sport Unit, Ann Craft Trust or sport and activity sector safeguarding professionals.

The Youth Sport Trust shall appoint a Chair of the Safeguarding Disciplinary Group. The current membership of the Safeguarding Disciplinary Group is available on request from the Youth Sport Trust LSO.

The Chair of the Safeguarding Disciplinary Group has responsibility for the selection of a minimum of three (3) members to form a Disciplinary Panel to conduct the disciplinary procedures. They can choose to sit as the Disciplinary Panel Chair themselves or appoint a Panel Chair.

The Chair will not select any members from the Safeguarding Disciplinary Group who has had prior involvement with the matter or presents any conflict of interest.





## **Appendix 2: Safeguarding Appeals Group and Panel**

The Safeguarding Appeals Group membership consists of:

1. Members of the Youth Sport Trust Senior Leadership Team
2. The Chief Executive Officer
3. The Youth Sport Trust Board Safety and Welfare Champion
4. Members of HR and / or Safeguarding Strategy Group
5. Independent persons with safeguarding experience and expertise
6. Independent legal professionals
7. External safeguarding practitioners for example the NSPCC Child Protection in Sport Unit, Ann Craft Trust or sport and activity sector safeguarding professionals.

The Youth Sport Trust shall appoint a Chair of the Safeguarding Appeals Group. The current membership of the Safeguarding Appeals Group is available on request from the Youth Sport Trust LSO.

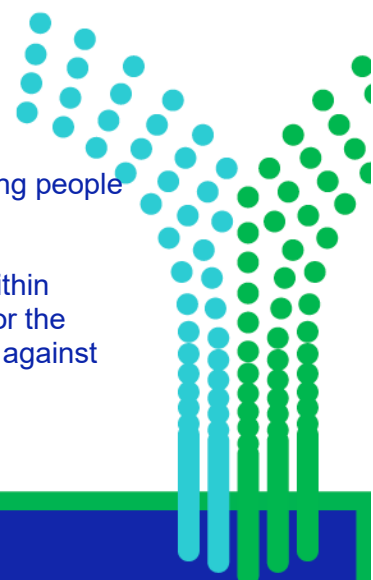
The Chair of the Appeals Group has responsibility for the selection of a minimum of three (3) members to form an Appeal Panel to conduct the appeal procedures. They can choose to sit as the Appeal Panel Chair themselves or appoint a Panel Chair.

The Chair will not select any members from the Appeal Group who has had prior involvement with the matter or presents any conflict of interest.



### Appendix 3: Definitions

Access NI	Criminal records checking and referral service for Northern Ireland
Adult	A person aged eighteen years or over.
Adult at risk	A person aged eighteen or over are those who are at an increased risk of abuse or neglect as they are unable to protect themselves against significant harm or exploitation.
Appeal Group	A group of individuals from which an Appeal Panel may be drawn.
Appeal Panel	A group of three or more individuals appointed to hear appeals
Appellant	Individual who lodges an appeal
Balance of probabilities	The legal term for the standard of proof the Youth Sport Trust apply in these procedures. It means that on the balance of probabilities it is proven “more likely than not” to have happened.
Board Safety and Welfare Champion	A person appointed to the Youth Sport Trust Board to lead and inform safeguarding discussion and planning within Board meetings, to ensure the Board prioritise these discussions and resource safeguarding across the Youth Sport Trust appropriately.
Case Management Group/CMG	The group responsible for ensuring all safeguarding matters arising at the Youth Sport Trust are dealt with fairly and consistently in accordance with Youth Sport Trust policies and procedures.
Child or children	A person under the age of eighteen.
Disciplinary Panel	A group of three or more individuals appointed to hear a disciplinary case.
Disclosure and Barring Service	Criminal records checking and referral service for England and Wales
Disclosure Scotland	Criminal records checking and referral service for Scotland.
Lead Safeguarding Officer	Person responsible for promoting the safeguarding and welfare of children, young people and adults across the Youth Sport Trust.
Local Authority Designated Officer	In England and Wales the LADO works within children’s social care and is responsible for the management and oversight of allegations against individuals who hold a position of trust.



Natural justice	“Fairness in all aspects” Disciplinary procedures/rules must be fair, clear, transparent and consistent in the way they are set up and in their application.
Notice of appeal	Notification in writing from any person wishing to appeal against any disciplinary procedure findings and / or sanction/s.
Position of Trust	A legal term that refers to certain roles and settings where an adult has regular and direct contact with children.
Regulated activity	In England, Wales and Northern Ireland regulated activity is work that a barred person must not do. It is defined by the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA). In Scotland, the term used to determine the level of Disclosure Scotland criminal record check or the type of Protection of Vulnerable Groups (PVG) membership. Legislation in Scotland is based around the Protection of Vulnerable Groups (Scotland) Act 2007 plus the statutory instruments and applicable amendments.
Respondent	A person who responds to an appeal.
Safeguarding Disciplinary Group	A group of individuals from which a disciplinary panel may be drawn.
Safeguarding Strategy Group	Group responsible for overseeing the safeguarding and protection of all children, young people and adults in Youth Sport Trust activities and events.
Statutory Agency	Statutory agencies include (but not limited) to the police, Children’s Social Care, Adult Safeguarding Board, Local Authority Designated Officers and Multi-Agency Safeguarding Hubs (MASH).
Young people / person	A person aged under the age of eighteen.

