



CHILD PROTECTION POLICY

COMPLAINTS AND DISCIPLINARY PROCEDURE



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Introduction

English Lacrosse is committed to ensuring that all Children and Young Person's who participate in Lacrosse have a safe and positive experience.

This document which is supplementary to 'English Lacrosse - Child Protection Policy' sets out the procedures to be followed by English Lacrosse whenever any enquiry and/or investigation are undertaken in relation to any concerns regarding:

1. Child Welfare or Child Protection
2. Alleged breaches of conduct (English Lacrosse Coaches Code of Conduct/Code of Conduct for all Lacrosse Staff and Volunteers).

The procedures are intended to provide a comprehensive, fair and equitable process for the purpose of any enquiry into any concerns or complaints received and will apply to all individuals working or participating within Lacrosse whether in a paid or voluntary capacity.

So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any enquiries or investigations unless there is an overriding obligation in the interests of the safety or protection of children and of young people for such information to be shared with other interested parties. Any such information shared shall be on a need to know basis only.

Awareness of an individual's behaviour and practices should be an intrinsic part of standard supervisory process.

All matters relating to poor practices, emotional, physical, sexual abuse or neglect must be reported to the Club Welfare Officer and as soon as reasonably practicable thereafter to English Lacrosse Welfare Officer or his/her nominated deputy.

In the exercise of its duty of child welfare and protection, English Lacrosse will normally place the details (name, date of birth and address) of any individual who is temporarily suspended or permanently disqualified on English Lacrosse Executive Minutes. This is to be made available to Lacrosse Regional Officers and Club Welfare Officers and the relevant English Lacrosse playing committees for the purposes of enforcement and crime prevention.



English Lacrosse shall not be liable to any suspended or disqualified individual, club or organisations for any loss, howsoever caused, whether direct, indirect, economic or consequential (including without limitation loss of profits, savings or opportunity) arising out of or in connection with such suspension and/or disqualification or under the English Lacrosse Complaints and Discipline Procedures.



Child Welfare and Protection

As part of English Lacrosse on-going commitment to Child Welfare and Protection, it is a requirement of any 'relevant person' involved or participating in Lacrosse to complete a Criminal Records Bureau (CRB) check.

The individual concerned will be given 14 days to complete and return an English Lacrosse CRB form. Failure to complete a check satisfactorily may result in further action being initiated.

English Lacrosse requires that all English Lacrosse affiliated Clubs and leagues adopt and implement English Lacrosse – Child Protection Policy as amended from time to time.

All English Lacrosse Affiliated Clubs must nominate a Child Welfare Officer to advise and ensure that Child Welfare and protection is adhered to.

Subject to an inquiry in any individual case, it will be regarded as wrong and unacceptable for any person in a Position of Trust with a person under the age of 18, to form any personal relationship of any kind with such person. Any person in a Position of Trust must declare any relationship of whatever nature to their Club's Welfare Officer or Club Officer with sufficient details thereof.

Concerns in relation to children may fall within one of two categories as follows:

Child Welfare

Relate to concerns surrounding poor practice, bullying, grooming, and harassment or where there is Social Services and/or Police involvement. Where Social Services or the Police are not already involved and the concerns or matters raised are such as to warrant their involvement, English Lacrosse will notify them of the matters which have been brought to their attention. Upon such notification, the case file will be re-designed as a Child Protection Issue. The Club Welfare Officer or English Lacrosse Welfare Officer (whichever is applicable) should immediately be informed with regard to the concerns raised.



Child Protection

Relate to concerns involving physical abuse, sexual abuse or neglect. This category will also include any matters which are the subject of civil or criminal investigation or proceedings and for the avoidance of doubt, any matters which are the subject of Social Services or Police investigation even where such investigation remains to be completed. The matter should immediately be referred to the Club Welfare Officer who in turn should notify English Lacrosse Welfare Officer or his/her nominated deputy. In an emergency the Police or Social Services should be contacted directly and the Club Welfare Officer or English Lacrosse Welfare Officer informed of the contact as soon as reasonably practicable thereafter.

In respect of any matter, notified to English Lacrosse, which included concerns related to matters falling within either the Child Welfare or Child Protection category English Lacrosse will normally, in order to ensure the welfare and safety of the child, young person or other children and young people within lacrosse, impose a temporary suspension upon an individual in respect of whom the concerns have been raised, pending the outcome of further enquiries and/or investigations.

Where a temporary suspension is imposed this will be a suspension from participation in any and all lacrosse activities which will include but are not limited to the following activities:

- Coaching
- Umpiring/Refereeing/Officials
- Chairmanship
- Presidency
- Managing Teams/Captaining/Playing
- Secretarial Functions
- Treasurer
- Patron
- 1st Aiding
- Grounds Man
- Administrative Duties
- Child Welfare Officer
- General Volunteering

Any other activity relating to lacrosse where there is likely to be contact with children or young people.



If any individual is temporarily suspended and during the course of the suspension English Lacrosse is informed that a breach or abuse of the suspensions is or has taken place, the individual will be given a written warning. Failure to adhere to the terms of the written warning may result in a permanent disqualification from any and all lacrosse activities.

Precise details of English Lacrosse's suspension policy for child protection allegations can be obtained in document format from Head Office or English Lacrosse's Lead Child Protection Officer, or from a Club Welfare Officer or downloaded from English Lacrosse's Website www.englishlacrosse.co.uk.



Initial Action and Investigation

Upon receipt of any concerns or complaints an investigation into the incident/disclosure may be necessary. This may take the form of a criminal investigation carried out by the Police and/or Social Services and/or an independent investigation by English Lacrosse. If an English Lacrosse investigation reveals a potential or actual breach of law then the English Lacrosse investigation will cease and a referral will be made to Police and/or Social Services.

The investigative process may fall within one of two categories and any or all of the following actions may be instigated:

Child Welfare

The individual concerned will normally be temporarily suspended from any and all lacrosse activities under the auspices of English Lacrosse pending the outcome of any investigation where such a suspension is deemed by English Lacrosse to be warranted or necessary to ensure the welfare and safety of children and young people involved and/or other children and young people who come or may come into contact with the individual in question.

Any English Lacrosse membership and/or associated benefits may be temporarily suspended.

An up to date Criminal Records Bureau check may be required of the individual.

The matter may be referred to the Child Protection Group (CPG) for consideration (See Section 4).

Child Protection

The concerns will be referred to the Police and/or Social Services for consideration as to whether a criminal/civil investigation into the allegation will be actioned. In addition English Lacrosse reserves the right to action its own investigation.



The individual concerned will normally be temporarily suspended from any and all lacrosse activities under the auspices to English Lacrosse pending the outcome of any such English Lacrosse and/or Police and/or Social Services investigation where such a suspension is deemed by English Lacrosse to be warranted or necessary to ensure the welfare and safety of children and young people involved and/or other children and young people who come or may come into contact with the individual in question.



Child Welfare and Protection Investigations

If an investigation is deemed necessary by the CPG and/or the English Lacrosse Executive Committee the Child Protection Officer will write to the individual concerned asking them to contact English Lacrosse as soon as possible (this is to facilitate delivery of sensitive materials to an agreed address. Within 7 days, English Lacrosse shall write further to notify them of the intention to investigate, the nature of the investigation and the reasons for this. If a temporary suspension has been imposed by English Lacrosse in the interest of child safety the individual will also be informed of this. (Only if notification would not jeopardise any Police and/or Social Services investigations or place any young person or persons at risk).

The individual who is the subject of an investigation will normally be temporarily suspended from all and any lacrosse activities pending the outcome of an investigation if there is a need to ensure the welfare and safety of the young person or young persons involved or other young persons who come or may come into contact with the individual in question.

English Lacrosse will appoint an independent investigator, with the necessary skills, to carry out the investigations. They will operate impartially and independently of English Lacrosse.

Once appointed, the investigator shall contact the individual concerned directly to advise them of their appointment. This contact should be made no later than 7 days after English Lacrosse has written to the individual notifying them of the intention to investigate.

Any investigation will be conducted as promptly as possible. The individual concerned should however be aware that the length of the investigation will be dictated by the number and availability of persons to be interviewed or contacted.

During the investigation process there will be regular communication between English Lacrosse Welfare Officer and the independent investigator, as well as English Lacrosse Welfare Officer and the individual who is the subject of the investigation, as to the progress of the investigation.

The individual concerned should be updated in writing, as to the progress of the investigation as matter of course at least every 6 weeks.



The individual being investigated shall not approach, intimidate or influence any witness involved in the investigation.

The individual concerned will normally be interviewed at the end of the investigation.

Upon the conclusion of the investigation the investigator will present the findings to English Lacrosse in the form of a written report and a decision will be made by the CPG and/or English Lacrosse Executive Committee.



Child Protection Group (CPG)

Upon receipt of the investigators report and/or any enquiry findings, English Lacrosse Lead Child Protection Officer will convene a meeting of the CPG and/or English Lacrosse Executive Committee to consider the report and other information relevant to the individual. The individual will be offered an opportunity to make a written submission to the CPG and/or English Lacrosse Executive Committee.

English Lacrosse Welfare Officer will ensure that the CPG and/or English Lacrosse Executive Committee are presented with the findings of the investigation and/or enquiry and any written submission from the individual to allow the CPG and/or English Lacrosse Executive Committee to consider the case presented to them.

The individual will be provided with a copy of the investigator's written report and any other information which is to be put before the CPG and/or English Lacrosse Executive Committee unless to do so, in the view of the English Lacrosse Child Welfare Officer, would be prejudicial to the welfare and safety of the young person or young persons involved or other young persons who come or may come into contact with the individual in question. The individual will be given the opportunity to comment in writing on matters of fact and accuracy. Written submissions should be received no later than 7 days prior to the CPG and/or English Lacrosse Executive Committee meeting.

In respect of those cases which fall within either the **Child Welfare** or the **Child Protection** category or where the CPG/English Lacrosse Executive Committee believe that there is sufficient concern or comment in the investigators report to suggest that the individual poses a potential or actual risk if they were to work or come in contact with children or young people in lacrosse then the CPG and/or English Lacrosse Executive Committee may reach any one or more or combination of the following decisions:

- No further action is to be taken
- A more detailed investigation is required to be carried out
- A referral is to be made to Police and/or Social Services
- A risk assessment is to be carried out on the individual concerned, at their own expense, by a suitably qualified person. In this instance the CPG and/or English Lacrosse Executive Committee will consider if a temporary suspension is appropriate



pending the outcome of any such investigation or may extend an existing suspension until the risk assessment is carried out. A time limit for compliance with any risk assessment should be agreed by the CPG and/or English Lacrosse Executive Committee.

- Recommend disqualification from participation in lacrosse activities in part or in whole either indefinitely or for a specific period of time. If the disqualification is for a specific period of time the individual will be subject to review by the CPG and/or English Lacrosse Executive Committee at the end of the period of disqualification.
- Permanently disqualify the individual from all or any lacrosse activities where the individual's name is placed on the Sex Offenders Register by a Statutory Agency and/or Court.
- Provide a written conditional warning outlining the areas of concern or improvements that are required.
- Require the individual to undergo further training (a refresher coaching course – sports coach UK Good Practice, Child Protection Course, How to Coach Disabled People in Sport and Equity in your Coaching Course)
- Require the individual to be supervised and/or work with a mentor permanently or for a period agreed by the CPG and/or English Lacrosse Executive Committee.
- Suspend or revoke the individual's Lacrosse Coaching Certificate/Umpiring or Refereeing Certificate and membership either indefinitely or for a specific period of time.
- Refer the individual to English Lacrosse Employees' Disciplinary Procedure or English Lacrosse Disciplinary Committee.
- Extend the period of any temporary suspension until such time as the individual concerned has complied with any training, supervision or mentoring that they are required to undergo
- Require the individual concerned to undergo or complete a probationary period.



- Refer the individual to the appropriate statutory agency including, and not limited to, the Protection of Children Act 1999 List.
- Reach any other decision which the CPG and/or English Lacrosse Executive Committee feel is appropriate having regard to the circumstances of the case.

Upon the conclusion of the CPG meeting the agreed decision for the CPG (with supporting reason) will be communicated in writing within seven days to the individual and their Club Welfare Officer. The individual will also be advised of their right to appeal against any decision made and the time limits for doing so, namely within fourteen days from the date of notification of the CPG decision.

If the individual fails to comply with decisions of the CPG further action may be instigated.

If the individual fails to comply with decisions of the CPG further action may be instigated.

All affiliated Lacrosse Clubs and/or relevant leagues, shall comply with the terms of any decisions reached by the CPG and/or English Lacrosse. This may include a temporary suspension or permanent disqualification. If any Club and/or League fail to adhere to the terms of such disciplinary action then English Lacrosse reserves the right to take appropriate action. This may include without limitation, suspension or removal of that Club and/or Leagues affiliated to English Lacrosse and/or Clubmark status and any other financial benefits and/or incentives provided therein.

Where the matter disclosed/referred to relates to any Club or League that body shall be responsible for implementing the decision of the CPG and any other applicable sanctions.



Appeals and Hearings

All individuals have a right to appeal the decision of the CPG by giving written notification with reasons to English Lacrosse within fourteen days of receiving notification of the CPG decision.

All appeal hearings will follow the procedures set out in Appendix Two to these rules.



Appendix 1

Child Protection Group (CPG)

The CPG will operate alongside the Executive Committee. However, individual members of the CPG may not be members of the Executive Committee.

Meetings may be held by telephone or decisions taken by a written resolution, signed by at least three members. A quorum of persons for decision-making purposes with regard to any action initiated is three. Where necessary, the Chairperson of the CPG shall have a casting vote in decision making.

English Lacrosse Chief Executive Officer may appoint an alternative member of the CPG who may be a member of the Executive Committee, including himself, who will act as a temporary member for the purposes of a meeting, if insufficient members are able to attend a meeting for quorum purposes but a case needs to be considered for the purposes of child protection.

A member of CPG may resign having given written notice to the English Lacrosse Chief Executive Officer. This will have immediate effect.

The CEO may give written notice to a member of the CPG removing them with immediate effect. A member shall be removed from the CPG if they have been found to have committed a Child Welfare or Child Protection offence.

Purpose

Empowered by English Lacrosse Executive Committee to develop, monitor and review the Association's approach and plans for safeguarding children and young people.

Ensure ownership of the safeguarding plan throughout the organisation.

Membership

Key representatives from:

- National Child Protection Officer
- Education/training representative
- Parents representative
- External child protection 'advisor/practitioner'



Groups Remit from the Executive

In conjunction with English Lacrosse's Executive Committee and or other relevant sub committees:

- Develop, monitor and review 'safeguarding (implementation) plan' for children and young people in line with the 'Standards for Safeguarding and Protecting Children in Sport' CPSU 2003.
- Ensure that English Lacrosse has a child welfare/protection policy and procedures in place, which are regularly reviewed and revised as necessary.
- Ensure all necessary related policies and procedures are in place and implemented throughout the governing body.
 - Equity
 - Complaints and grievance
 - Disciplinary
 - Health & Safety policy and procedures
 - Recording and data storage
 - Recruitment and selection
 - Codes of Conduct, ethics and good practice
 - Images of children – photography/web etc.
 - Media
 - Supervision, training and support
 - Whistle blowing
- Development, monitoring and review of an education/training strategy
- Advise/act on the child welfare/protection implications of any organisational projects/development.



Appendix 2

Child Protection Appeals Panel

The following rules shall govern the procedure for the hearing of any appeal under English Lacrosse Child Protection Complaints and Disciplinary Procedure which forms part of the these rules.

The Tribunal and Jurisdiction

Any dispute submitted to English Lacrosse Appeals Panel shall be decided by a Panel of not less than three individuals (Panel Members) who shall be drawn by the Executive Committee.

The Panel may decide by majority on its own jurisdiction and in the event of an appeal being decided by majority in favour of the Applicant, the Panel shall restore eligibility at such time and subject to such conditions and/or impose such penalty as it considers appropriate.

The Appeal shall be conducted in accordance with natural justice and be subject to these Rules and governed by English Law.

Request for an Appeal

If any party wishes to instigate an appeal pursuant to English Lacrosse Procedure, that party (the Applicant) must submit to the CEO of English Lacrosse a written request for an appeal containing the following details:

- The name and address of the Applicant (and of any representative); and
- A brief statement describing the grounds that the Applicant wishes to use to appeal his/her sanction imposed by English Lacrosse

This request for appeal must be submitted within fourteen (14) days of the notification of the original decision that is being appealed.

Within no later than three (3) days from receipt of the request for appeal English Lacrosse will notify the applicant of the identity of the Panel members appointed by the Executive Committee.

If any party intends to challenge the appointment of a Panel Member that party shall, within (7) days of notification by the Executive Committee of the



appointment of the Panel Members, submit in writing to the Executive Committee the reasons why that party is challenging the appointment of any particular Panel Member. Unless the challenged Panel Member withdraws or the other party agrees to the challenge, the Chairman of the Panel (unless it is the appointment of the Chairman that is challenged in which case the Executive Committee shall decide), shall decide on the challenge and shall if necessary request the Executive Committee to appoint a replacement Panel Member.

If any Panel Member, after appointment to the Panel dies, refuses or in the opinion of the Chairman becomes unable or unfit to act, the Chairman shall request the Executive Committee to appoint another Panel Member in his/her place.

Communications

The parties shall communicate through English Lacrosse Head Office. Multiple copies of all correspondence and documents should be sent at the same time for the Panel Members and the other party to the appeal.

All communications shall be delivered or sent by first class post, fax or e-mail to the parties at the addresses notified to English Lacrosse.

Conduct of the Proceedings

The Panel shall conduct the proceedings of the appeal in such a manner as it considers fit in accordance with English Lacrosse's procedures and may follow any procedure agreed by those attending (the parties) if it is in the Panel's opinion fair and practicable to do.

Unless otherwise agreed or decided by the Panel under its discretion as set out above, the parties shall make written submissions to the Panel as follows:

- The Applicant shall, within fourteen (14) days of receipt of notification from the Executive Committee of the appointment of the Panel, file a Statement of Claim with English Lacrosse setting out in as full detail as possible, any facts, law or rules on which the Applicant is relying, and the relief it claims;
- English Lacrosse may, within fourteen (14) days of receipt of the Statement of Claim file a response stating in as full detail as possible any facts, law or rules in the Statement of Claim which the Respondent admit or denies, on what grounds and in what



other facts, law or rules it relies. The Response will be served on the Applicant by the Executive Committee.

- Within seven (7) days of receipt of any Response, the Applicant may file with English Lacrosse a reply to the Response.

The time limits set out above may be extended or reduced by agreement between the parties and the Panel. In the absence of agreement, the Panel may on the application of one party in an emergency situation, direct that the time limits set out herein may be reduced and a hearing held forthwith or may be extended.

Each party must submit at the same time as submission of the Statement of Claim, Response or Reply copies of all documents on which the party concerned relies unless the document has been previously submitted by any party.

The Panel may proceed with the appeal and make the decision and/or award even if the Respondent has failed to serve a Response or if the Applicant fails to serve a Reply.

The Panel shall first consider written submissions by or on behalf of the Applicant and shall, where possible, render its decision based on written on those submissions. If the Panel is not minded to allow an appeal based on written submission or if requested by either party the Panel shall request the parties to appear in person and/or be represented before it.

Hearings

The Panel shall fix the date, time and place of any hearings in the appeal and shall give the parties as much notice as practicable of the date, time and place of any hearings and all such hearings shall be in private unless the parties agree otherwise. The minimum notice of such a hearing will be twenty one (21) days unless there is express agreement between the parties to reduce this notification time period.

All written submissions must be with the Panel Members at least seven (7) days before the hearing.

The individual concerned is entitled to be supported at the Hearing by a colleague. There is no right to legal representation but the Panel would ordinarily permit the individual concerned to be legally represented. English Lacrosse must be notified of the intention to have legal representation present no later than seven (7) days prior to the hearing. The attendance or



otherwise of the legal representative will not generally be accepted as a reason to fix a date by reference to the availability of legal representatives and/or postpone a hearing.

The appeal will be heard de novo.

Witnesses

The parties must notify the Panel and other parties as soon as practicable and within any time limits set by the Panel of the identity of any witnesses they wish to call, and if the Panel requires it each party shall disclose the subject matter and content of the evidence on which each such witness will be relying and how that evidence relates to the points at issue.

The Panel may question a witness at any stage and shall control the questioning of a witness by the other parties at all times in accordance with applicable rules fairness and natural justice.

Experts

The Panel may, provided it shall have notified the parties, appoint one or more experts to report to the Panel on specific issues and may require a party to give such an expert any relevant information or to produce or to provide access to any relevant documents, goods or property for inspection by the expert(s).

The Panel may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Panel or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

Decisions and Awards

The Panel shall decide on any issue by a majority and if the Panel fails to reach a majority decision on any issue, the Chairman of the Panel shall have a casting vote. The decision and/or award shall be in writing and shall be dated and signed by the Panel, and shall unless otherwise agreed by the parties be accompanied by brief summarised reasons on which it is based. The decision of the Panel shall be final and binding on the parties.



The Panel may confirm any decision made by the CPG, alter it, reverse it, increase it or reach any such other decision as it feels is appropriate in all the circumstances.

The Panel will notify the parties of the decision and/or award of the Panel within seven (7) days of any hearing (or in the event of there being no hearing within fourteen (14) days of receipt of all pleadings) and the Panel will at the same time provide the parties with a copy of the written decision.

Costs

Each party will bear its own costs for the appeal preparation which includes attendance for any hearing so required.

General Rules

If a party proceeds with an appeal notwithstanding the fact that a provision of, or requirement under, these Rules has not been complied with without promptly stating its objection that party shall have waived its right to object.