

**LISTEN
ENGAGE
REPRESENT**

Case Management

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Behaviour & Wellbeing

- **Respect others' views**
- **It's a sensitive issue – case scenarios**
If in doubt – sit it out
 - **Confidentiality**
- **Mic Off, Camera On – engage**
 - **Timings**
 - **PDF**
- **After the session**

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Introductions



Your Club and your role in your club...



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Here is the plan



- What is Safeguarding & Protection
- A little bit of legal stuff
- Reminder – Lower-Level Concerns
- Case Scenarios
- Police Investigations
- NGB Investigations
- Burden of Proof
- Adults making their own decisions
- Getting help and support



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What is 'Safeguarding' and 'Child/Adult Protection'?



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Safeguarding (the umbrella) – the proactive policies and procedures in place for the benefit of everyone.

Child/Adult Protection – one aspect of the safeguarding umbrella specific to those who are at risk of, or suffering, significant harm.



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Who is responsible for safeguarding in Welsh Athletics?



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Key Legislation

Protecting Children

- Children Act 1989 & 2004
- Social Services & Wellbeing (Wales) Act 2014
- Sexual Offences Act 2003

Safe Recruitment

- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

Protecting Adults

- Social Services & Wellbeing (Wales) Act 2014
- The Equality Act 2010
- The Mental Capacity Act 2005

Additional Considerations

- Wales Safeguarding Procedures 2019
- Human Rights Act
- UN Convention on the Rights of the Child

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Case Management Threshold



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What is a Low-Level Concern

A concern, worry or doubt that someone may have acted in a way that may have breached our expected behaviours, standards, Code of Conduct or our values.

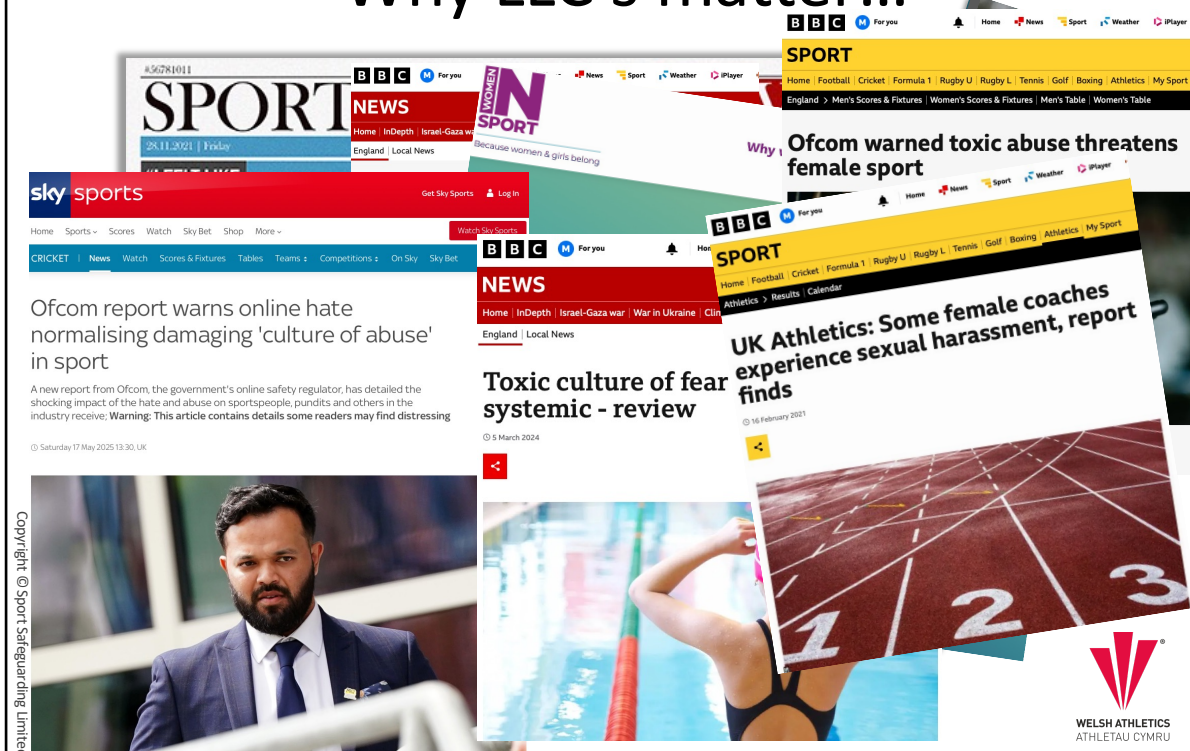
- Worries, anxieties or concerns may relate to something within athletics or outside of athletics
- A Low-Level Concern can relate to children or adults

REMEMBER – Something that is potentially abusive should be managed by the police or social services

Why LLC's matter...

- Can be an early sign of more serious issues
- Can damage club reputation if left unchecked
- Can damage reputation of athletics or even sport if left unchecked

Why LLC's matter...



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Why LLC's matter...

- Can be an early sign of more serious issues
- Can damage club reputation if left unchecked
- Can damage reputation of athletics or even sport if left unchecked
- Encourages a poor culture
- May lead to escalation
- Creates a safer environment
- Never forget **FUN**damentals

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Threshold for Referral to UKA / WA?



Red Zone – If abuse, or harm
– refer to agencies – but
don't forget UKA / WA



Carl's Law...
"if in doubt, then call it out!"

Beneath that, ask yourself...

- Does this breach our Code of Conduct?
- What is the frequency and context?
- What is the impact on the recipient / others?
- Is there a Position of Trust (power dynamic)?

Bottom Line...

Support available from UKA / WA for green, amber or red

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POLICE INVESTIGATIONS

- **Arrest**
- **Investigation** – could you be a witness?
- **Child witnesses & special measures**

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POLICE INVESTIGATIONS

- Arrest
- Investigation – could you be a witness?
- Child witnesses & special measures
- Not enough to charge – Release / Police Bail
- Enough to charge – Bail with conditions / Bail without conditions / Remand

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Charging an offender

SURREY POLICE CHARGE (S) Form MG4

Surname: [REDACTED]		Custody No. GD 000603 2	
Forename: [REDACTED]		Arrest Date: 03/04/202_	
Address: [REDACTED]		Station: GUILDFORD	
Surrey		31 01 198_	
Post Code: [REDACTED]		Self Class: W1	
Name of interpreter			

You are charged with the offence(s) shown below. You do not have to say anything. But it may harm your defence if you do not mention now something which you may later rely on in court. Anything you do say may be given in evidence.

Consec. No.	Charge(s)
1	That you on 3 rd April 202_ near Guildford drove a motor vehicle, namely a motor car on a road, namely the A25 at Newland's Corner after consuming so much alcohol that the proportion of it in your breath, namely 56 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit. CONTRARY TO SECTION 5(1)(a) OF THE ROAD TRAFFIC ACT 1988 AND SCHEDULE 2 TO THE ROAD TRAFFIC OFFENDERS ACT 1988.
2	That you on 3 rd April 202_ near Guildford drove a motor vehicle, namely a motor car on a road, namely the A25 at Newland's Corner without due care and attention. CONTRARY TO SECTION 3 OF THE ROAD TRAFFIC ACT 1988 AND SCHEDULE 2 TO THE ROAD TRAFFIC OFFENDERS ACT 1988.
(End of offences)	

Continuation charges: Yes No X

Reply (if any):

Signed (person charged): [REDACTED]		Signed (appropriate adult):	
Officer charging Surname: WHEELER Rank: TC No. 889		Station: GUILDFORD	
Officer in case Surname: WHEELER Rank: TC No. 889		Station: GUILDFORD	
Charge accepted Surname: ATKINSON Rank: PS No. 107 Time: 23:20 HOURS		Date: 03.04.202_	
BAIL WITHOUT CONDITIONS (FOR BAIL WITH CONDITIONS - USE FROM MG4A)			
I understand that I am granted bail and must surrender to the custody of Guildford Magistrates' Court at (full address) The Law Courts, Mary Road, Guildford, GU1 4PS on 06.04.202_ time 09:45 hours			
I have been informed that if I fail to do so I may commit an offence and be fined, imprisoned or both.			
Signed (person bailed): [REDACTED]		Signed (appropriate adult):	
Officer Granting Surname: G. ATKINSON Rank: PS No. 107 Time: 23:45 hours		Date: 03.04.202_	





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WELSH ATHLETICS
ATHLETAU CYMRU

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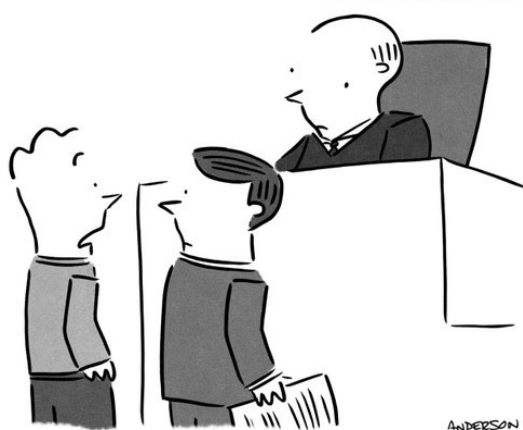
POLICE INVESTIGATIONS

- **Arrest**
- **Investigation** – could you be a witness?
- **Child witnesses & special measures**
- **Not enough to charge** – Release / Police Bail
- **Enough to charge** – Bail with conditions / Bail without conditions / Remand
- **Court** – Magistrates / Crown
- **Threshold** – Beyond all reasonable doubt.

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"I wouldn't say I'm guilty, but I do feel a little bad."

Balance of
Probabilities

v

Beyond all
reasonable doubt



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POLICE INVESTIGATIONS

- **Arrest**
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- **Court** – Magistrates / Crown
- **Threshold** – Beyond all reasonable doubt.
- **Outcome** – Guilty / Not-Guilty, sentence?

POLICE ENQUIRIES TAKE PRIORITY – only when done can sport do its thing!

Principles of Natural Justice

The Principles of Natural Justice come from a combination of Common Law, historical legal cases and later statute and case law developments (sometimes called 'Stated Cases').

In summary, they are longstanding rules that Courts have recognised for centuries to ensure there is fairness in any and all decision-making processes.

Principles of Natural Justice

- **The right to a fair hearing (audi alteram partem)** – the person affected should have a proper opportunity to know the full detailed case against them and to be able to fairly respond.
- **The rule against bias (nemo judex in causa sua)** – the decision-makers must be impartial, not have a conflict of interest, have had no prior involvement in the process, be visible (known).
- **The need for a reasoned decision (speaking order)** – clarity on how decisions have been reached should be provided. That the outcomes are proportionate, justified and linked to the evidence before the decision makers.

NGB INVESTIGATIONS

- Suspension from 'any and all' activity within the sport
- NGB Investigation, sometimes internal, sometimes Sport Resolutions or other external specialist
- Discipline Procedures / Safeguarding Procedures / Independent Panel
- Right of Appeal
- Balance of Probabilities
- Outcomes – depends on discipline or safeguarding

POLICE ENQUIRIES TAKE PRIORITY – only when done can sport do its thing!

Giving a Statement

Police Statement

- Criminal offences only
- Evidential statement (rules of evidence)
- Exhibits
- May need to give evidence in Magistrates or Crown Court
- Court is public, so chance of publicity
- Fully disclosable to defence
- May be useable in later NGB process

NGB Statement

- Non-criminal – disciplinary or safeguarding
- ‘Civil’ statement (opinion, hearsay)
- Exhibits
- Could be asked to attend disciplinary or safeguarding panel
- Generally private hearings
- Fully disclosable to defence
- Could become criminal (unlikely)

Ask for support from Welsh Athletics if you need it



Mental Capacity Act 2005

- Share if you know the adult doesn't have capacity.
- Share if other people may be at risk
- Share if you believe the adult at risk is subject to pressure or coercion, or there is a known risk of serious harm.
- Share if other people might need to get involved to help make the situation safe
- Share if it is necessary to prevent crime or if a serious crime may have been committed.
- **There is a difference between confidentiality & secrecy!**

What if someone does not want me to share my concerns?



Tools & Resources

Support is available at all levels.

UK Athletics Safeguarding Portal

Welsh Athletics Safeguarding Hub

Sport Wales – safeguarding templates and guidance

NSPCC – Child Protection in Sport Unit

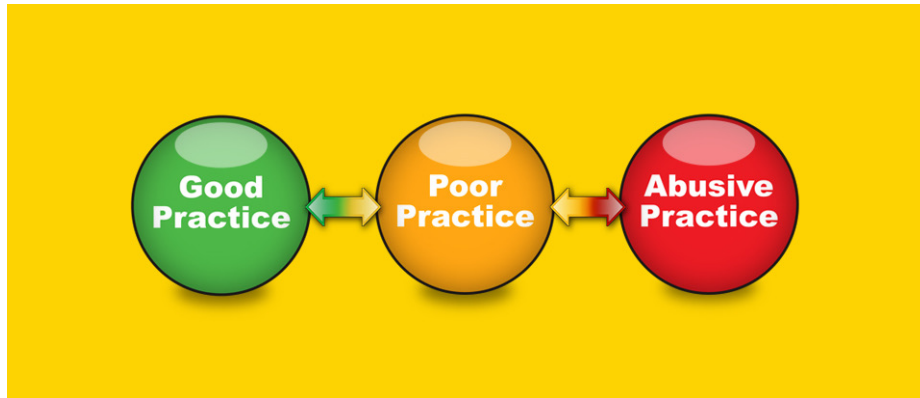
NSPCC – helpline 0808 800 5000

Ann Craft Trust – Adult Safeguarding in Sport

Police / Social Care



Support



Support is available at all levels.

- Good practice – what we seek to achieve (the umbrella/stick of rock)
- Poor Practice (LLC's) – can likely be dealt with at club level
- Statutory (Police/Social Care) – UKA/WA will manage the concern

Bottom Line...

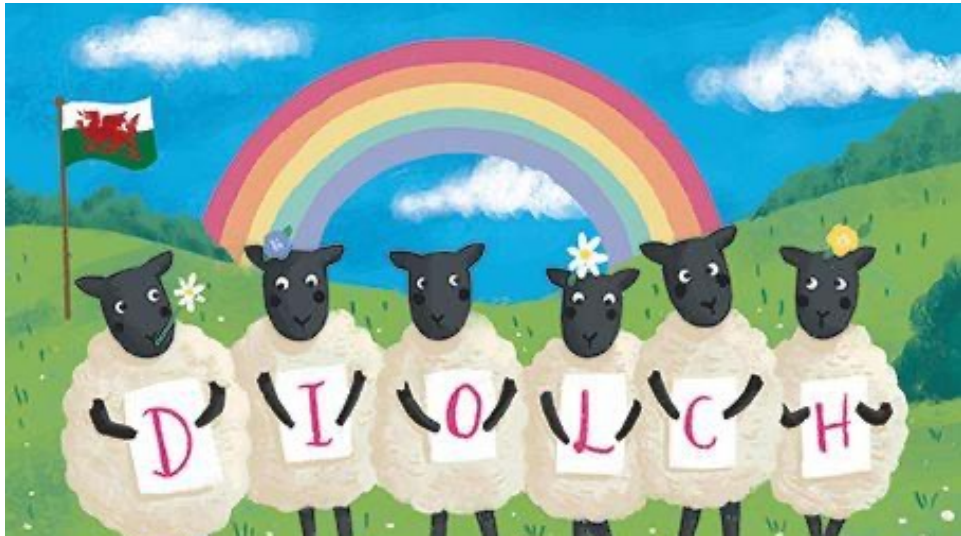
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Safeguarding



Safeguarding should run through every club like words through a stick of rock.

Call out and challenge those who step outside of the Code of Conduct.



Remember Carl's Law...
If in doubt – call it out!