



BWL Safeguarding Disciplinary Guidelines and Process

Overview

British Weight Lifting (BWL) has a responsibility to safeguard, protect and promote the welfare of children and young people under the Children Act 2004 and in accordance with “Working Together to Safeguard Children, 2020”.

BWL also has a responsibility to safeguard the welfare of all adults involved in the sport in accordance with the Care Act 2014.

In order to meet these responsibilities, BWL encourages high standards of behaviour and will take necessary action when members or volunteers breach the codes of conduct. The disciplinary procedure allows any inappropriate behaviour or alleged abuse to be addressed in a fair and consistent manner.

Disciplinary Principles

- This procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently.
- No disciplinary action will be taken until a matter has been fully investigated.
- The member/volunteer involved may be suspended from their role while an investigation is carried out. Suspension is not a form of disciplinary action. Notification of the suspension and the reasons will be conveyed in writing to the member/volunteer.
- At every stage of the disciplinary procedure the member/volunteer will have the opportunity to state his/her case at a disciplinary hearing. If so wished he/she will have the opportunity to be represented or accompanied at the hearings by a third party eg a friend.
- The member/volunteer has the right to appeal against any disciplinary action.

Use of External Organisations

Investigations

BWL reserves the right to appoint an external advisor or independent investigator to undertake an investigation in relation to any allegation under the terms of the safeguarding policies and codes of conducts.

Sport Integrity Service

BWL reserves the right to refer a matter to the Sport Integrity Service under the Rules of Procedure of that service. This may involve the commission of an independent investigation or disciplinary procedure into alleged grievances, or allegations of misconduct involving:

- i) athletes



- ii) athlete support personnel; or
- iii) BWL office holders, who are either members of the BWL World Class Programme; or funded through the UK Sport grant the following circumstances:
 - (i) where an individual is deemed a 'Relevant Person' under the terms of the Independent Disclosure and Complaints Service Pilot Regulations; and
 - (ii) they are a respondent to allegations of misconduct as defined as a 'Relevant Matter' under the same regulations.

In such circumstances they are required to cooperate with any investigation conducted by Sport Integrity, where the investigation is covered by terms of reference agreed by BWL.

Sport Resolutions

Arbitrations - BWL reserves the right to refer any dispute arising out of or in connection with safeguarding policies and codes of conducts to Sport Resolutions for final and binding arbitration in accordance with the Safeguarding Disciplinary Process which Rules are deemed to be incorporated by reference to this clause.

Appeal Arbitration - Any appeal shall be made within 14 days to the BWL Lead Safeguarding Officer. The Lead Safeguarding Officer will refer the appeal to Sport Resolutions to appoint an arbitrator or tribunal of arbitrator in accordance with the Safeguarding Disciplinary procedures which Rules are deemed to be incorporated by reference to this clause. The decision of the arbitrator or tribunal shall be final and binding on all concerned.

Guidelines for Disciplinary Issues

These guidelines are provided for managing a disciplinary procedure with an emphasis on cases of misconduct by a member/volunteer involving children or vulnerable adults. It outlines good practice but it is not intended as an exhaustive guide to all disciplinary matters.

When managing any concern regarding the conduct of a member/volunteer involving children or vulnerable adults it is important to follow the "BWL Guide for Reporting Concerns within the Sport".

Please note that the police or social work services can be contacted for advice with regard to any concern involving the alleged mistreatment of a child vulnerable adult. If the nature of the concern suggests a criminal offence has occurred, or that a child may have been abused, the police or social work services must be contacted for advice. If a child/vulnerable adult is at risk of immediate harm, you should contact the police.

Initial Assessment/Stage

The purpose of the initial assessment is to clarify the nature and context of the concern. It should determine whether there is reasonable cause to suspect or believe that a child/vulnerable adult has been abused or harmed, or is at risk of abuse or harm. It will involve asking some basic questions of appropriate individuals with the sole purpose of clarifying the basic facts. If the nature of the concern



suggests a criminal offence has occurred, or that a child may have been abused, then advice must be sought from the police before speaking to child witnesses or to the member/volunteer at the centre of the allegation.

The possible outcomes of the initial assessment are:

- No further action (facts do not substantiate complaint)
- Situation is dealt with under disciplinary procedures
- Child protection investigation - jointly by the police or social work services.
- Criminal investigation by the police.

Where a member/volunteer fails to meet the required standard of behaviour and the shortfall is of a minor nature, it may be appropriate to speak to the member/volunteer on an informal basis to avoid the need for formal disciplinary action. Following the initial assessment a period of precautionary suspension may be helpful or necessary while a concern is being further investigated.

Managing a Precautionary Suspension

Duration - the duration of the suspension will vary depending on the circumstances. Typically it should not exceed the time taken to conduct a satisfactory investigation.

Communication - at the outset the member/volunteer should be invited to a suspension interview. The member/volunteer will be informed of the reason for the suspension (within the confines of sharing information) and the duration of the suspension. The details of the suspension should also be confirmed in writing.

Extensions - an extension to the suspension period may be appropriate, if for example a disciplinary hearing uncovers further facts for investigation or it is advised by the police or social work services. The period of suspension should be kept under review and the member/volunteer informed in writing of extensions.

Status - at the conclusion of the investigation the member/volunteer should be invited to a disciplinary hearing. Consideration should be given to the suspension status of the member/volunteer at this time. It may be extended pending further investigation or terminated following the conclusion of the disciplinary hearing. The member/volunteer should receive confirmation in writing when the suspension is terminated.

It is important to recognise that the suspension of a member/volunteer may generate disruption within the organisation/club and consideration should be given to how to minimise this.

Managing a Disciplinary Procedure

Where the initial assessment of a reported concern identifies misconduct, but not abuse, by a member/volunteer, the formal disciplinary procedure should be followed.



If the nature of the concern suggests a criminal offence has occurred or that a child/vulnerable adult may have been abused then advice must be sought from the police before instigating the disciplinary procedure.

A disciplinary procedure should be based on the principles of natural justice which promote fair treatment:

- the member/volunteer will be made aware of the nature of concern or complaint
- the member/volunteer will be given an opportunity to put forward their case
- the organisation/club will act in good faith, ensure the matter is dealt with impartially and as quickly as possible in the circumstances
- the organisation/club will offer the member of staff/volunteer the opportunity to appeal a disciplinary decision.

Conducting a Disciplinary Investigation

The following are recommendations for conducting a disciplinary investigation:

Step 1 - Planning the Investigation

- Establish the precise details of the allegation
- Consider the parts of the code of conduct that have been breached
- List what further information/evidence is needed to establish the facts
- Define the resources and timelines for conducting the investigation

Step 2 - Establishing the Facts

- Identify who needs to be interviewed and the information required
- Plan the order of interviews. Interviewing the member/volunteer at the centre of the allegation first may save a lot of time, eg if he/she admits to the allegation.
- Ensure notice is provided to the interviewee and that it is at a convenient time and in a private location.
- It may be helpful to prepare questions or points to cover during the interview:
 - State clearly the purpose of the interview and what the information will be used for.
 - Open-ended questions (eg who, what, where, how and why) encourage people to talk and expand on the subject.
 - Close-ended questions which will only be answered by 'yes' or 'no' and should be used sparingly. They can be useful for confirming facts.
 - Record the key points of the interview and ask the interviewee to confirm that it reflects the content of the conversation.

Step 3 - Assessing the Facts

- Review all of the evidence to confirm whether there are any gaps in it.
- Assess the investigation findings and determine whether a disciplinary hearing is appropriate.



Managing a Disciplinary Hearing

Where the investigation findings provide sufficient evidence to instigate a disciplinary hearing the disciplinary procedure must be followed. The following are good practice guidelines:

Invitation to Disciplinary Hearing - This should be in the form of a letter to the member/volunteer at the centre of the allegation and include:

- Confirmation of the date, time and venue of the proposed hearing
- Confirmation that there is a requirement to attend
- Reasonable detail of the allegations which will be presented
- A copy of any documentary evidence that may be used at the hearing
- Confirmation that the alleged misconduct may, if proven, require a disciplinary penalty to be imposed.
- Clarification that no judgement will be made in advance of the disciplinary hearing
- Confirmation that there will be the opportunity to answer the allegations

Conducting the Disciplinary Hearing - The following practices are recommended when conducting a disciplinary hearing:

- The allegations and evidence will be put clearly to the member/volunteer
- The member/volunteer will be asked to comment on the evidence and the allegations
- If matters come to light at the disciplinary hearing that warrant further investigation, consideration will be given to adjourning the hearing while those matters are investigated. The results of any further investigation will be reported to the member/volunteer who will be given an opportunity to comment.
- Once the issues have been put to the member/volunteer and discussed, the respective positions of both sides will be summarised at the end of the hearing
- The member/volunteer is told that all that they have said will be considered and that they will be written to with the Panel's decision.
- The Panel will consider its decision before contacting the member of staff/volunteer.

The Disciplinary Panel should avoid the following behaviours during the course of the disciplinary hearing:

- Using humour
- Being apologetic or debating the evidence
- Defending, arguing, justifying
- Making promises that cannot be kept.

Speaking to Children during the process

In establishing the facts of any concern or complaint, it may be necessary to speak to a child or children who were involved in the alleged incident. In some circumstances, it would not be appropriate for the person conducting the investigation to speak to a child involved in the incident. In particular, if the nature of the concerns suggests a criminal offence has occurred or that a child may have been abused, then it is the job of specially trained and competent people, eg police officers and social workers to interview the child.



If there is any doubt as to whether it is appropriate to speak to a child, advice should firstly always be sought from the police or social work services.

In cases where the nature of the complaint or concern is such that the police or social work services are not involved, careful consideration should still be given before approaching children to give information as part of the initial investigation process or as part of a disciplinary hearing. To minimise distress or anxiety for the child it is a good idea to give some thought as to how to approach them. Some things to consider are:

- The age, gender and background of the child ie will they require an interpreter?
- Whether the child has any learning or physical disability which might affect their ability to communicate with others
- The child's emotional state
- Timing and location of interview
- What you will do if the child becomes upset
- Obtaining consent from the parents/ carer

Parties should decide whether it is absolutely necessary for the child to be involved in a disciplinary hearing. If the child is to be involved consideration should be given to the following:

- Allowing the child to be accompanied by a relative or other responsible adult (preferably someone who is not involved in the case)
- The environment or room layout - how intimidating it could appear to a child
- The number of people present - ensure only those who need to be there are present whilst the child gives evidence
- The age of the child
- The nature of the evidence the child may be giving
- The nature of the relationship between the child and the subject of the hearing
- The tone and style of questioning ie clear, non-threatening with sufficient opportunity for the child to consider the questions and answer them.

Deciding on the Disciplinary Penalty

Where the Disciplinary Panel believes that a case of misconduct is proven, a decision must be reached on the appropriate disciplinary penalty. The following should be considered:

- The nature and seriousness of the misconduct
- Previous disciplinary record
- The likelihood of repeating the misconduct

The penalty should be appropriate to the severity of the misconduct. Once the penalty has been agreed the member/volunteer should be written to with confirmation of the penalty and the brief reasons.



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The Appeals Process

In line with the principles of natural justice a member/volunteer should have the right to appeal a disciplinary penalty decision. The person(s) hearing the appeal should not have been involved in the procedure leading up to the penalty decision. The appeal hearing should be arranged with advance notice of date, time and venue and should be confirmed in writing to the member/volunteer.

Prior to the appeal hearing, the member/volunteer should be asked to confirm any grounds on which they are appealing and why they believe the penalty decision was incorrectly made. Once any issues have been discussed at the appeal hearing the matter should be adjourned and the member /volunteer told that a decision will be made and confirmed in writing.

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