

ADAPTING RESPECT, COMPLAINTS, DISCIPLINARY AND WELLBEING AND PROTECTION PROCESS FOR U18S

Netball Scotland has an established complaints and disciplinary process and recognises that there is need to adapt this when children and young people are involved.

The priority with any adaptation is to create a child centred approach and to ensure that children and young people are not put through a case management and disciplinary system that in itself causes harm. The process that they are involved in should reflect this and be based on the following key principles:

- Those who know the child/young person best should be the ones who discipline, mentor, guide and educate them as part of their development
- The disciplinary/complaint procedure should be simple, easy to understand and conducted more informally than the adult procedure
- The wellbeing of the child/young person is paramount and any arrangements around meetings should take into account their educational commitments and family life. Therefore meetings will be conducted locally and by those with experience in dealing with children/young people
- Sanctions and any suspensions should not normally be so severe as to discourage the child/young person from continuing within the sport and should be tiered in severity to their age, responsibility and culpability
- The right to appeal is a required part of the process and should be included when communicating any final outcomes

U13

Any disciplinary matter arising in clubs for participants aged 12 years or younger shall be dealt with in person by the athletes coach with input and advice of the club Wellbeing and Protection Officer. A child aged 12 or under should not appear at a disciplinary panel or meeting unless absolutely necessary. An alternative method should be adopted which could include:

1. The child's coach to talk to the child to warn them about their behaviour as a normal part of the coaching process. The coach may wish to discuss their approach with the Wellbeing & Protection Officer (WPO) and engage with the child's parents to address the behaviour

2. If the behaviour persists or is a significant breach of the players' code of conduct a meeting should be arranged to bring the parties together to talk through the issues. Normally the coach and the parents and, if required the WPO - for example, informal meeting

If points 1 and 2 do not resolve the issue then a more formal approach is required:

3. Private meeting between child and WPO to establish child's version of events (with parent/carer present) – WPO to make notes and provide summary to the disciplinary meeting, the WPO may also require to follow the same process if the behaviour involves other children

4. WPO to obtain written statement from child and any witnesses via their parents and the disciplinary meeting to proceed on paper basis only – the WPO may need to write the statement in conjunction with the child(ren) and parent/carer

GOOD PRACTICE IN RUNNING DISCIPLINARY/COMPLAINTS MEETINGS AND PANELS FOR U16S AND U18S

Best practice when dealing with U16s and U18s in this process is to follow the guidance established for adults, and to make reasonable adjustment to reflect the age and stage of the young people involved.

The overriding principles are that the process of attending and participating in a disciplinary meeting or panel should not expose a child or young person to intimidation, distress, a late start time or long travelling times/distance during the school week. All possible steps should be taken to assist the child/young person to understand and participate in the process.

U16

A child of 13, 14 or 15 years inclusive can attend a disciplinary MEETING, provided that:

- The process adopts the U16 provisions (from the guidance below)
- The child must be accompanied by a parent/carer, who acts as a support for their child and is not there to answer on the young person's behalf
- The young person understands it is their duty to tell the truth
- Their evidence is sufficiently important to justify it being heard
- There should be the option of carrying out this process via paper statements should the young person not wish to attend an in person meeting

U18

For 16 & 17 year olds the process is close to the adult procedure but you must consider the age and stage of the young person:

- Where a child is aged 16 or 17, consent of the parent should be obtained for the child to attend the disciplinary commission where possible/appropriate
- 16 & 17 year olds are still children and if they choose to have an adult present they should be allowed one
- There should be the option of carrying out this process via paper statements should the young person not wish to attend an in person meeting/panel

SERIOUS CASES

Escalating behaviour patterns where permanent exclusion is a potential outcome of the disciplinary process, cases that may require police investigation, racial abuse etc. should be referred to the Netball Scotland Wellbeing and Protection Officer who will provide advice on how to deal with the matter/refer it to external agencies.

PRECAUTIONARY SUSPENSION

Depending on the nature of the complaint/disciplinary issue, a precautionary suspension may be given. This is a precautionary step as it means no further allegations or incidents can happen. It is important to consider the following when considering and issuing a precautionary suspension:

- Is a precautionary suspension required in this case?
 - Can management measures be put in place to facilitate continued participation while the matter is investigated?
 - What will the suspension cover?
 - Partial suspension – some activities?
 - All Netball activities in any role – total suspension?

MEETING/PANEL PREPARATION

There should always be a predisciplinary meeting/panel liaison by the members running the process when it involves U18s. This should include an agreement on the process to be used, procedures to be adopted and how the case should be heard – in person or on paper:

- Consent of the parent/carer will always be required
- The young person should be accompanied at the disciplinary commission by an appropriate adult who could be a parent, carer, grandparent, social/care worker or Club official properly in loco parentis or it could be a friend of the family etc.
- The disciplinary meeting/panel should be at a location and time that is convenient to the child/young person
- Restrict attendance at the disciplinary meeting/panel to as small a number of people as possible
 - A disciplinary meeting for 13-15 year olds is often made up of 2 and no more than 3 individuals
 - A disciplinary panel is made up of 3 members, and may on occasion based on the needs of the young person drop down to 2 members
- Before the disciplinary commission, it may be appropriate to allow the child or young person to visit the room so that they can familiarise themselves with the layout
- Make sure the young person is aware of the format and process they are about to be engaged in
- Netball Scotland's WPO should be available at the disciplinary meeting/panel to advise/support the child/young person or the disciplinary meeting/panel members; they can not do both. It must be clear to all which function they are fulfilling
- Physical layout of room can affect the process and play a role in the effective engagement with the child/young person – try to remove physical barriers e.g. arrange chairs in two semi circles facing inward, avoid sitting behind tables etc.
- The members of the disciplinary meeting/panel should sit at the same level as other parties to encourage eye contact
- Provision should be made for parents/carers to be able to sit next to their child/young person
- If the child/young person is formally or legally represented, they should be seated in a place that allows easy communication with their representative

THE DISCIPLINARY PROCESS

- At the beginning of the case, disciplinary meeting/panel members should introduce themselves and those present in the room
- The Chair should briefly explain the role of each person
- Minutes are not normally taken, but the outcome will be recorded
- Written statement from the child/young person will also be taken to ensure that their position is clearly recorded
- Meeting/Panel members will make notes for their own recollection
- Address child by first name
- Be aware of the impact body language can have e.g. - folded arms and peering over spectacles = negative - occasional nod/leaning forward = positive
- Remain seated throughout proceedings
- If the disciplinary meeting/panel is lengthy, regular breaks should be taken
- Proceedings should be inquisitorial rather than adversarial
- Closed questions (those that allow a yes or no answer) and legal jargon should be avoided
- Rephrase a question to simplify it, if the child/young person is finding it difficult to answer
- Questions should be in plain English and at a level the child/young person can understand taking into account their age, maturity and intellectual and emotional development
- Disciplinary meeting/panel members should consider what information they are trying to obtain and how it is relevant to the case
- The nature and extent of the questioning of any witness is under the control of the Chair
- The Chair can and should intervene to prevent the child/young person being questioned in a hostile way
- If a parent/carer has accompanied the child/young to the disciplinary commission, the Chair should make clear that the parent is there in a supporting role only and should not conduct the proceedings on behalf of the child/young person
- A timeline for outcome communication should be given at the end

COMMUNICATING OUTCOMES

- Should not be unreasonably delayed or go beyond stated timescales without notification
- If the case is proven, someone should talk directly to the child encouraging them to confront their behaviour, taking responsibility for it and its consequences. As this is a sensitive area it is recommended that someone with the appropriate training should undertake this e.g. the WPO or child/young person's coach
- The outcome should be communicated in writing and include the right to appeal