



WRU WHISTLE BLOWING

DON'T TACKLE IT ALONE



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WRU SAFEGUARDING - WHISTLEBLOWING AND CASE MANAGEMENT PROCEDURES

WHISTLEBLOWING

Safeguarding children, young people and adults requires everyone to be committed to the highest possible standards of openness, integrity and accountability.

The WRU have a dedicated Integrity Hotline and e-mail address for members of the public or staff to report any integrity concerns that they have, and this includes safeguarding, anti-doping and other integrity related matters. (See contact details on page 24)

'Whistle-blower' is a term commonly used to describe a person who alerts an authority to acts of wrongdoing, usually by someone within the authority's jurisdiction. Whistle-blowers are witnesses to malpractice and must not be penalised for any disclosure of information, in fact certain categories of whistle-blowers are protected by the law.

The WRU supports an environment where staff and volunteers, members and their parents, carers, guardians and the public are encouraged to raise safeguarding and child and adult protection concerns. Anyone who reports a legitimate concern to the organisation will be supported and all concerns will be taken seriously.

The WRU are committed to encouraging a culture of openness, as it is important to uphold the reputation of the organisation, maintain the confidence of participants and volunteers within the sport, and also ensure that the public have confidence in the organisation.

It is acknowledged that individuals are often very reluctant to report concerns through fear of negative reprisal. The WRU will take action against anyone who has harassed or victimised a whistle blower. The identity of individuals who wish to remain anonymous will not be disclosed without first taking time to explain the circumstances in which disclosure may be desirable.

In some instances, particularly those involving child and adult protection concerns, it may be necessary to refer the matter to other agencies i.e. the Police or Social Services. Any person who reports a genuine concern will not be disadvantaged or discriminated against in any way because of the disclosure. However, the WRU will take a serious view and act accordingly, including taking disciplinary action against appropriate parties, should it be found that the allegations are untrue or have been raised maliciously.

Individuals are encouraged not to report matters anonymously, and although allegations that are made anonymously may be investigated depending on the seriousness of the issues raised, the credibility of the concern, and it can be difficult to corroborate the allegation.

In the first instance, poor practice concerns that relate to a club should be referred to the Club Safeguarding Officer or a member of the Senior Management Committee except where:

- The whistle blower believes there would be a risk of victimisation, either to the whistle blower or child/children, or adult at risk, if the matter was raised internally within the club
- The whistle blower has already raised the matter internally and the matter was covered up or no action was taken and the situation remains unchanged

Allegations of Non Recent Abuse

Allegations of abuse may be made some time after the event (e.g. by an adult who claims to have been abused as a child by a member of staff who is still currently working with children).

Where such an allegation is made, the WRU will follow the procedures as detailed above and report the matter immediately to the Police and Social Services. This information may indicate a risk to other children or adults, either within or outside sport, so consideration may also need to be given to applying safeguarding measures such as an interim suspension.

However, statutory agencies will have primacy in conducting this type of investigation and these measures should be discussed as part of the strategy meeting or discussion, so that the investigation is not compromised.

If the WRU are aware of information through previous involvement with rugby, and new concerns come to light, the WRU can consider all of the information available in order to make an informed safeguarding decision.

All staff, members and volunteers are expected to ensure that information relating to a child or adult protection concern is reported to the WRU Safeguarding Team or CSO to enable appropriate action to be taken. It is essential that only those who need to know are informed.

The decision to share will be taken by the WRU Safeguarding Team, in consultation with statutory agencies and the WRU Safeguarding Panel, providing that this will not delay the referral. Confidential information will only be passed to agencies that require access for safeguarding purposes on a 'need to know' basis. A record will be maintained in the Case Management Safeguarding Log or other source outlining the reason for the disclosure, to whom it was shared and the details that were provided.

Decisions on who needs to be informed should be taken by the WRU after discussion with statutory agencies. The Data Protection Act is not a barrier to sharing information. If you require advice on this please contact the WRU Safeguarding Team.

Investigations

The WRU support clubs, hubs and regions in providing safe environments, but when conduct falls below the expected standards, we also have a responsibility to ensure these issues are appropriately addressed. There are a number of different policies, rules and regulations to ensure that there is accountability in these circumstances.

It is essential that the WRU has transparent, objective and formal safeguarding and disciplinary procedures which enable decisions to be made fairly and justifiably in order to protect children and adults.

Where disciplinary action is deemed appropriate, the civil standard of proof of the 'balance of probability' will be applied. Thus, the decision will rest on whether it is more likely than not that the allegation is true.

There are many different types of incidents or complaints that are reported to the WRU. The incidents or complaints can include matters of poor practice, on field discipline, Code of Conduct complaints or serious child or adult protection issues. The WRU work in partnership

with others in responding to these complaints, and these may be involved in the discussions as part of the initial assessment process.

The WRU Safeguarding Team will investigate these matters, and will conduct an initial safeguarding assessment. The concern will be referred to the WRU Safeguarding Panel, who will appoint an Independent Chair. The Panel will assess any safeguarding risks that are presented, and issue appropriate safeguarding measures.

The decisions made in any assessment will have the welfare of the child or the adult at the centre of any decision making.

Any safeguarding actions or measures will be proportionate to the risk presented. Information will only be shared on a legal basis and for a safeguarding purpose.

If there are any concerns that relate to WRU staff, members or volunteers, these will be taken very seriously. Where there is a suspicion that a child or adult has been abused by a WRU volunteer or employee, this will be reported through the appropriate process and an investigation conducted.

In the case of Misconduct matters, such as allegations of unacceptable touchline behaviour or allegations of racist, sexist or homophobic behaviour these will be dealt with through the WRU Discipline Regulations. However if there is a safeguarding element to these investigations then the WRU Safeguarding Manager and WRU Discipline Manager will discuss, assess and determine what procedures apply.

Codes of Conduct

The WRU are committed to supporting clubs, hubs and regions, and our mission is to ensure that we develop safe environments in our game. The WRU Code of Conduct sets out the standards that are expected, to ensure that we protect our players, officials, volunteers, referees and also the reputation and values of our Game.

There are separate Codes of Conduct relating to:

Players; Coaches; Team Managers and Club officials; Match Officials; Referee Advisors; Spectators; and Social media and Communications each of which shall be applied accordingly.

For breaches of the Codes of Conduct, the WRU Safeguarding or Disciplinary Panel may impose such sanctions and penalties as it deems appropriate.

There are five different types of investigation that are conducted:

Category	Type of Investigation	Type of Concern	Lead Agency/ Process
1	Statutory Agency Investigation	Serious criminal offences (i.e. allegations of abuse)	Police/ Social Services (monitored by WRU)
2	WRU Safeguarding Investigation	Criminal offences that have not proceeded through the criminal justice process	WRU Safeguarding Panel (Independent Panel)
3	WRU Safeguarding Investigation or Club Investigation	Lower-level safeguarding, misconduct or poor practice	WRU Safeguarding Panel, Discipline Panel or Club Matter Gatekeeper will assess risk and refer accordingly
4	WRU Safeguarding Investigation	Safe Recruitment Concerns	WRU Safeguarding Manager (Gatekeeper) will refer to WRU Safeguarding Panel (Safeguarding Referral Group – Independent)
5	WRU Safeguarding Appeal	Appeal against Safeguarding or Discipline Decision	Independent Safeguarding or Discipline Appeal Panel

Poor Practice (Lower-Level Concerns)

Poor practice is when the behaviour of an individual in a position of responsibility falls below the expected standards, as described in the WRU Coaches Code of Practice and the WRU Codes of Conduct.

The behaviour may not be immediately dangerous or intentionally harmful to a child, but it is likely to set a poor example. Often a poor practice issue is seen as a lower-level concern but it still needs an appropriate response.

Lower-level concerns may include:

- inadvertent or thoughtless behaviour that can raise doubts about the person's motivation or skill to work with young people.
- behaviour that might be considered inappropriate depending on the circumstances.
- behaviour that does not meet the threshold for statutory investigation.

These issues should be reported to the WRU, but in many instances the matter will be referred back to the club to be addressed through the club discipline process or through other intervention such as training and education.

Clubs should aspire to create a safeguarding culture, so that staff and volunteers feel comfortable in reporting poor practice and more serious concerns.

Wales Safeguarding Procedures

The Wales Safeguarding Procedures set out arrangements for responding to safeguarding concerns about those who work, either in a paid or voluntary capacity, which brings them into contact with children or adults at risk. It also includes individuals who have caring responsibilities for children or adults in need of care and support and their employment or voluntary work brings them into contact with children or adults at risk

It is intended that these procedures support internal disciplinary procedures and provides guidance to deal appropriately with any concerns or allegations of professional abuse, neglect or harm, and to ensure that all allegations of abuse made against staff or volunteers working with children, young people and adults are dealt with in a fair, consistent and timely manner.

The main factor to consider when applying these procedures is whether the individual subject to the allegation or concern, occupies a position of trust; this is where a member of staff / volunteer is in a position of power or influence over a child or adult, by virtue of the work or nature of activity being undertaken.

Every Council has a duty to manage allegations and concerns about any person who works with children and young people and adults in their area. They should all have an identified senior manager responsible for safeguarding who is accountable and responsible for allegations against professionals and those in positions of trust.

Local Authority Designated Officer

Local Authority Designated Officer (LADO) has been an identified title associated with these responsibilities, however, this may be delegated to Officers within the local authority and known as Designated Officer for Safeguarding (DOS). The Designated Officer for Safeguarding is responsible for managing all allegations made against staff and volunteers who work with children and adults at risk within their area.

When considering the application of these procedures a number of factors should be considered. Some concerns could be considered as poor professional practice and may be more appropriate to be dealt with via agencies' own internal processes or through providing appropriate advice, guidance or training.

If agencies decide not to take any further action they must record their rationale for this decision via their internal recording mechanisms. It is critical that these records are retained in case there is further or repeated concern. If agencies are unclear about what action to take, they must seek appropriate advice from the Designated Officer for Safeguarding.

Managing cases under these procedures applies to a wider range of allegations than those in which there is reasonable cause to believe a child or adult at risk is suffering, or is likely to suffer harm. It also applies to concerns that might indicate that a person is unsuitable to continue to work with children or adults at risk in their present position or in any capacity. It

should be used in all cases in which it is alleged that a person who works with children or adults has:

- Behaved in a way that has harmed or may have harmed a child or adult.
- May have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult.
- Behaved towards a child, children or adult in a way that indicates they are unsuitable to work with both children and adults.

It can be difficult to determine what may fall into the category of "unsuitable to work with children or adults at risk". The employer should consider whether the subject of the allegation or concern has:

- Been the subject of criminal procedures that indicate a risk of harm to a child or adult.
- Caused harm or possible harm to a child or adult and there is a risk in the working, volunteering, or caring environment.
- Contravened or continued to contravene their agency's Safeguarding Policy and Procedures.
- Failed to understand or comply with the need for clear personal and professional boundaries in the work place.
- Behaved in a way in their personal life which could put children and adults at risk of harm.
- Behaved in a way that undermined the trust placed in them by virtue of their position.
- Children who are subject to Child Protection Procedures.
- Has caring responsibilities for an adult who is subject to Adult Protection Procedures.

Professional Strategy Meeting

The professional strategy meeting will be convened by the Designated Officer for Safeguarding when safeguarding allegations/concerns have been raised about a practitioner/person in positions of trust. This can either be in a personal or professional capacity, where the individual has wider contact with children or with adults.

The main functions of the strategy meeting are to:

- Ensure the proper co-ordination of child, adult protection, criminal and employment procedures.
- Share all relevant information about the allegation/concern in question.
- Consider what action may be required to protect the child or adult in question.
- Consider the likelihood of harm to other children or adults with whom the person has contact at work or other activities, and agree any actions that are required.
- Consider and evaluate the risk of harm to the subject's own children, and agree any actions that are required.
- Discuss any previous allegations or other concerns.
- Plan any enquiries needed and allocate tasks and set timescales.
- Decide who is to be interviewed and lead agency.
- Identify a lead contact manager within each agency.
- Decide what information can be shared with whom, when and who will do this.

- Agree timescales for actions and/or dates for further meetings.
- Consider whether the adult's suitability to continue working with children or adults in his or her current position has been called into question.
- Consider whether there are disciplinary issues to be followed up.
- Agree at what stage in the process the disciplinary issues should be followed up.
- Consider any other factors that may affect the management of the case e.g. consideration of the need for a media strategy where there is likely to be press interest.
- Confirm arrangements regarding who will communicate with the person about whom there are concerns and ensure appropriate support is provided.
- Ensure that the appropriate referrals are made to the Disclosure and Barring Service and registering bodies of the professional involved (this can be completed at any point throughout the process).
- More than one professional strategy meeting is likely to be required to coordinate, monitor and review the process.

Reporting and Evidence Gathering

The WRU recommend that if a safeguarding referral is made that the relevant information is supplied. This can be done via email or other methods to the WRU Integrity Mailbox. This should be reported to the WRU Safeguarding Team at the earliest opportunity. (Integrity Line and Mailbox) for the type of information required.

However, the WRU recognise that issues may be identified through other forms of reporting such as Discipline, Referees, Codes of Conduct, General Complaints or via e-mail.

We all have a responsibility, both on and off the field, to promote high standards of behaviour and uphold the values of the Game. Our strategic vision is to encourage everyone involved in Welsh Rugby to provide role model leadership.

Aide Memoir to Complete Witness Accounts

When completing an account of an incident that you have witnessed please set the scene and consider including the following information.

This aide memoir relates to incidents that may have occurred on the field of play, but also may apply to any other scenarios or circumstances. However irrespective of where this has taken place the same principles apply when writing your statement. If you have made notes regarding an incident retain them and use them to assist in compiling any written accounts that you provide. It is important to provide as much detail, as possible and following the 5WH principles when completing any written account or report.

5WH focuses upon open questions to gather the maximum amount of information:

WHO, WHAT, WHEN, WHERE, WHY AND HOW?

- Brief introduction about yourself
- Why were you present, in what capacity?
- When and where did this occur?
- Who was present?
- What did you see?
- Are there any specific incidents that you feel were relevant and describe them in as much detail as possible?
- How did you feel about what you witnessed?
- If you witness a specific incident please consider the following using the 5WH principles:
 - Amount of time did you have the incident under observation?
 - Distance - How far away were you?
 - What was the visibility like, were there any obstructions?
 - Do you know the people involved and in what capacity?
 - If you do not know the people involved can you describe them or provide any identifying features?
 - Did you make any notes and what was the time lapse between the incident and making those notes?
- Is there any special reason to remember a particular person

Initial Assessment and Actions

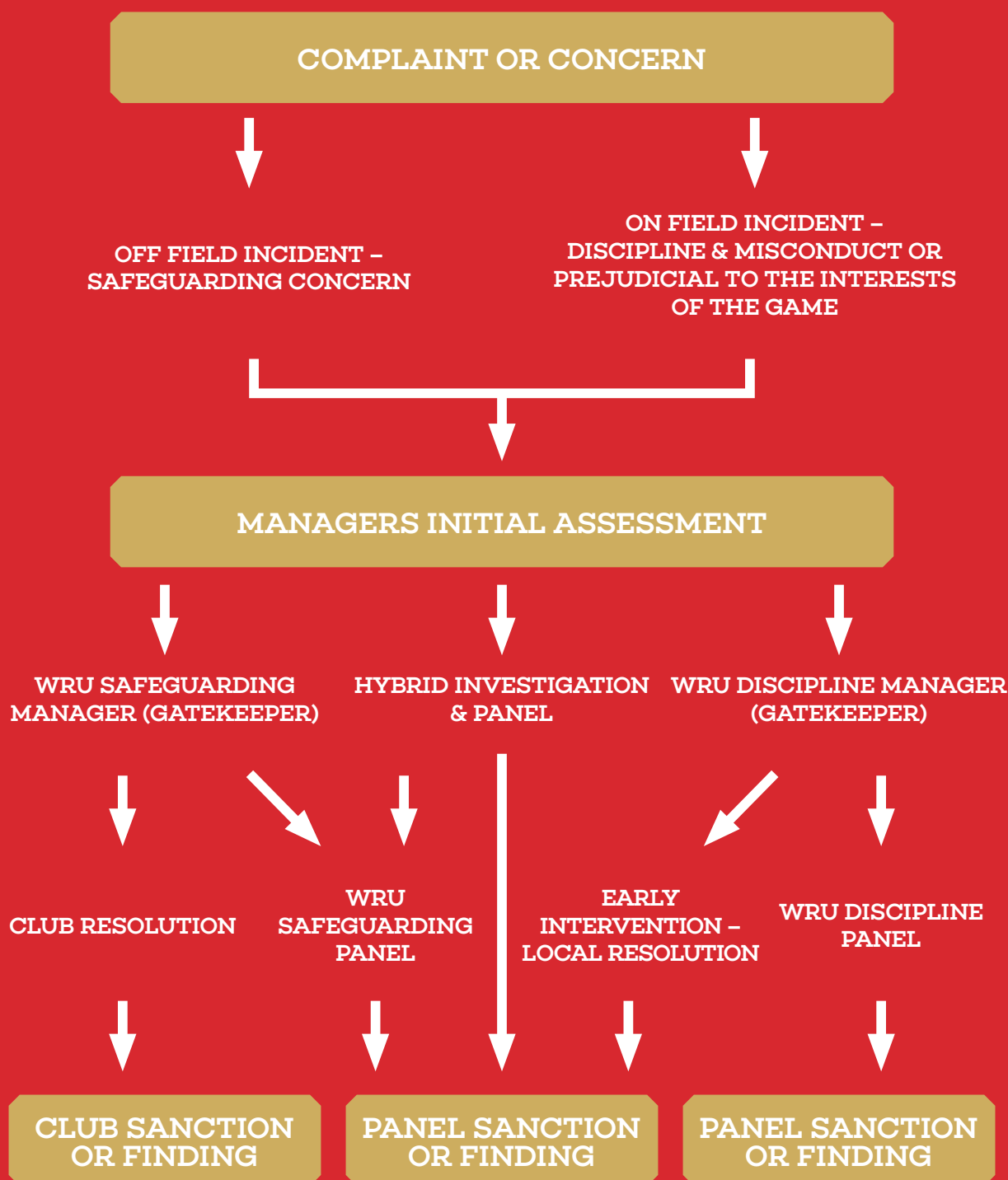
When an incident has been reported, dependent upon the severity and type of allegation, it could proceed in different ways

It may be referred to statutory agencies, and a core assessment will be conducted. The incident or allegation may be the subject of a child or adult protection enquiry and a strategy meeting may be convened as part of that process. This will be attended by a number of different agencies, and if the incident occurred in a rugby environment or there is a potential risk in a rugby environment, a member of the WRU Safeguarding Team will attend or contribute to this meeting.

Decisions will be made in relation to who has primacy to lead the investigation i.e. statutory agencies such as the Police or Social Services, or non-statutory agencies such as the WRU. If the matter is investigated by statutory agencies, the WRU Safeguarding Team will monitor the investigation and liaise with the agency to check on progress and timescales.

If the matter is referred as a Code of Conduct or Safeguarding Discipline issue the initial assessment will be conducted and a decision made as to how this matter should be investigated. It may be referred back to the club for internal disciplinary proceedings, or the WRU may investigate the matter as a safeguarding or discipline matter.

WRU INTEGRITY DECISION MAKING TREE



Information will continue to be gathered as part of the investigative process, and club members or other witnesses may be required to provide written accounts of what they saw.

The WRU Safeguarding Manager will consider any safeguarding issues as part of the initial assessment and screening process, and the initial actions that may be taken are :

- Assessment of whether the Person Subject of Concern (PSC) has access to children or adults at risk elsewhere and if so who needs to be informed.
- Assess the level of severity, grade it accordingly and refer to the appropriate Safeguarding Panel.
- Work closely with Social Services, Police and other agencies and attend strategy meetings as required.
- Provide appropriate support to children, parents, and members including, the complainant, and where appropriate, the PSC.

The WRU Safeguarding Team operate a clear referral process, and where there is a serious and immediate safeguarding risk presented, the matter will be referred to the WRU Safeguarding Panel for their consideration in applying safeguarding measures or other appropriate actions within the sport.

The WRU Safeguarding Panel will be fully briefed by a member of the WRU Safeguarding Team and required to decide on what safeguarding measures need to be issued to mitigate any risk that is presented. These can include temporary measures that can be issued to the person who is subject of concern (PSC), whilst the investigation is being conducted. There is a need to ensure that any measures are justified and proportionate to the risk that is presented.

In determining any measures the Panel will consider the following questions and factors –

- Is there a breach of the WRU Safeguarding Policy?
- Is there a breach of the WRU Codes of Conduct?
- Do the allegations indicate that the PSC poses a safeguarding risk to children and/ or adults at risk?
- Is the risk able to be mitigated and managed within the game?
- Does the PSC need to be protected and removed from the environment as a welfare concern?
- Is there a reputational risk for the WRU?
- Would the continued presence of the PSC impede any enquiries/investigation?

The factors listed above will be taken into consideration alongside the seriousness of the offence or allegation. Suspensions may also be necessary where a member is being investigated for other serious crimes or a breach of Codes of Conduct.

If it does not compromise the safety of the child or integrity of any investigation, the PSC will be notified at the earliest opportunity that they are subject to a safeguarding investigation.

The PSC will be provided with the opportunity to submit a written account/ statement of the incident or the opportunity to be interviewed by a member of the WRU Safeguarding Team. This would be conducted at the conclusion of any statutory agency investigation.

If the PSC is interviewed, they will have the opportunity to have a representative present, if they so wish, but they should notify the WRU in advance of this. The interview can be conducted either in person or online.

The PSC will also have the opportunity to provide references, that should be presented to the WRU Safeguarding Panel, along with other relevant information.

The WRU will liaise with the CSO when dealing with such cases, but will only share information when there is a safeguarding need.

The welfare of the child or adult at risk will always be the paramount consideration, and the WRU will assess the element of risk and base decisions on the balance of probability.

Temporary Safeguarding Measures

The WRU Case Management Panel may decide to issue temporary safeguarding measures whilst the external or internal investigation is being conducted.

If a decision is made to temporarily exclude or suspend a person from rugby regulated activity, any action taken pending the outcome of any investigation and disciplinary process, should not be publicly disclosed and any disclosure should only be made in accordance with WRU Policy and Procedures.

In relation to sharing information such as this, a decision will be made by the WRU Safeguarding Manager on who needs to be informed to ensure that appropriate safeguards are applied and monitored.

Several factors are considered when determining whether a temporary safeguarding measure is necessary and proportionate to the risk. However it must be stressed that this is a neutral act, and not an indication of guilt.

The WRU will specify if the TSO is from all rugby related activity, or only from specific groups i.e. Children (under 18 rugby), Women and Girls rugby, Adults at Risk, or Mixed Ability rugby.

The following are examples of temporary safeguarding measures that can be issued -

Temporary Suspension Order (TSO)

If the WRU Safeguarding Panel decide that safeguarding measures should be imposed, and there is justification they can issue a TSO to a volunteer or staff member within the sport. The Panel must be satisfied that the person presents a risk that cannot be managed without a TSO being issued, and that this is a proportionate response.

If a TSO is issued this will either be reviewed periodically or if the WRU are notified that there are a change in circumstances. If a PSC wishes to appeal a decision to issue a TSO, there must be justification to do so, and the matter will be referred to an independent WRU Safeguarding Review Panel.

Temporary Conditional Suspension Order (TCSO)

If the WRU Safeguarding Panel decide that safeguarding measures should be imposed, and there is no justification to issue a TSO, then they can consider issuing a TCSO to a volunteer or staff member within the sport. The Panel must be satisfied that the person presents a risk that can be managed by the WRU and or the club. The TCSO is issued and the conditions have to be complied with.

There may be conditions that are imposed for action to be taken within a particular timescale i.e. a coach may be issued with a TCSO with the condition that a DBS check or coaching qualification is completed within a specified timescale.

Temporary Exclusion Order (TEO)

If the WRU decide that safeguarding measures should be imposed, and there is justification they can issue a TEO to a volunteer or staff member who is due to take up a role within the sport.

An example of this is where a person expresses an interest in coaching children or adults at risk, but refuses to complete a DBS check, or there is information to question his/ her suitability for the role, based on a safeguarding concern.

The prospective coach is not in post so cannot be suspended, but could be excluded if the WRU decide that there is a current safeguarding risk presented.

The Panel must be satisfied that the person presents a risk that cannot be managed without a TEO being issued, and that this is a proportionate response to the risk.

If a TEO is issued this will either be reviewed periodically or if the WRU are notified that there are a change in circumstances. If a PSC wishes to appeal a decision to issue a TEO, there must be justification to do so, and the matter will be referred to an independent WRU Safeguarding Review Panel.

WRU Safeguarding Panels

The WRU Safeguarding Team manage the reporting and investigation process, and assess each case on the basis of risk. The welfare of the child or adult will always be the paramount consideration. The matter may have been fully investigated by statutory agencies, and their views will be taken into consideration. However irrespective of the findings of any external investigations, the WRU will assess all individual cases to decide whether action should be taken internally by the WRU as a safeguarding concern.

The WRU Safeguarding Panel are appointed and convened by the WRU Safeguarding Manager to consider such matters. All panel members receive training and have the relevant skills and safeguarding experience to deal with such matters.

The purpose of the WRU Safeguarding Panel is to ensure that all safeguarding concerns referred are dealt with in a fair, consistent, efficient, and effective manner and with a victim centred approach, to ensure that any risks presented are appropriately managed.

The WRU Safeguarding Panel have an appointed Independent Chair, and all decisions are made by the independent three person panel as a collective. If there is not a unanimous decision then the majority decision will be accepted.

This provides an element of independency from the investigation either conducted by statutory agencies and/ or the WRU Safeguarding Team.

The WRU Safeguarding Panel have responsibility to undertake an effective review and analysis of all relevant information and evidence that has been gathered as part of the safeguarding investigation process, and decide if any safeguarding measures need to be implemented. There are a range of actions that are outlined later in this section, that can be taken.

The PSC will be notified by e-mail that the matter will be referred to the WRU Safeguarding Panel, and offered the opportunity to submit written representations to the panel. The PSC will be entitled to bring a representative to the hearing with them if they require support or guidance, and or any witnesses to support their case.

The role of the WRU Safeguarding Manager is to assist and advise the WRU Safeguarding Panel and present the evidence gathered for a safeguarding decision to be made based on the balance of probabilities.

If the panel decide that safeguarding measures should be issued, then this would be communicated to the Person Subject of Concern, who if requested will be provided with written reasons for the decision.

The outcome should be reached by examining the evidence to decide on a finding of fact, based on the balance of probabilities.

WRU Safeguarding Panel Outcomes

When an investigation has been completed and the matter heard by the appropriate panel there are a number of potential outcomes -

No Further Action

The WRU decide that NFA needs to be taken as there is no evidence of a risk presented by the individual.

Written Warning

This sanction would be issued if there was evidence of poor practice, and the WRU decide that action should be taken.

The PSC should be issued with a written warning to remind them of their responsibilities, and the consequences of not complying with the Codes of Conduct and/ or the Safeguarding Policy.

Final Warning

This sanction would be issued if there was evidence of poor practice, and the WRU decide that action should be taken.

This may be a secondary sanction (i.e. written warning issued previously) and the person should be issued with a final warning to remind them of their responsibilities, and the consequences of not complying with the Codes of Conduct and/ or the Safeguarding Policy. (A final warning can be issued without a previous written warning being issued)

Educational and Learning Interventions

This type of intervention would be applied where there is evidence that a person presents a risk, but the WRU Safeguarding Panel decide that the risk can be mitigated and addressed through an appropriate education intervention.

There may be an indication of a lack of competence, or it may be a minor ethical behaviour issue, that could be addressed through appropriate training, raising awareness or advice and guidance.

In the first instance a learning intervention sanction may be applied to deal with these so that guidance can be provided in relation to correct methods (i.e. coaching style etc.) or to encourage them to modify their behaviour in line with the Codes of Conduct, and the Safeguarding Policy.

An example of some of the learning interventions that may be imposed are attending a coaching course, safeguarding awareness training, safeguarding and protecting children training or integrity training.

This training may be delivered as part of a group with others or in a one to one situation with a member of the WRU Safeguarding Team or Coach Development Team.

If the PSC fails to engage with the WRU within 21 days of notification, then the matter would be referred back to the Panel to consider alternative sanctions, which may be more restrictive, such as a suspension.

Deferred Conditional Suspension Order (DCSO)

This sanction would be applied where there is evidence of a specific risk that can be managed appropriately without a suspension being issued (see above)

The PSC is required to comply with conditions that are imposed. The suspension is deferred, and if the conditions are not complied with, in line within the required timescale, it will remain in place until those conditions are complied with. If the PSC does not comply within the timescale, then the matter will be referred to the WRU Safeguarding Panel to consider alternative measures such as a Permanent Suspension.

An example of some of the conditions that could be applied are attending a coaching course, completing a Safe Recruitment Risk Assessment, monitoring or supervision order. The WRU

Safeguarding Panel has the discretion to issue whatever measures they consider proportionate and justified.

Permanent Suspension Order (PSO)

This sanction would be applied where on the balance of probabilities, there is evidence that the person presents a risk to children or adults at risk within the sport, and the WRU Safeguarding Panel decide that action should be taken, and the person should therefore be permanently suspended from the sport.

Permanent Exclusion Order (PEO)

If the WRU decide that safeguarding measures should be imposed, and there is justification they can issue a PEO to a volunteer or staff member who is due to take up a role within the sport.

An example of this is where a person expresses an interest in coaching children or adults at risk, but refuses to complete a DBS check, or there is information to question his/ her suitability for the role, based on a safeguarding concern.

The prospective coach is not in post so cannot be suspended, but could be excluded from that position, if the WRU decide that there is a safeguarding risk presented.

The Panel must be satisfied that the person presents a risk that cannot be managed without a PEO being issued, and that this is a proportionate response to the risk.

The WRU will specify if the suspension is from all rugby related activity, or only from specific groups i.e. Children (under 18 rugby), Women and Girls rugby, Adults at Risk, or Mixed Ability rugby.

Monitoring and Supervision Order (MSO)

If the WRU Safeguarding Panel decide that there should be a period of monitoring and supervision up to three months attached to any orders as a safeguarding measure, then the PSC will be notified of this.

The monitoring or supervision may be conducted by a specified individual i.e. WRU staff member, Club Safeguarding Officer or other appropriate person either in the club or nominated by the WRU.

The monitoring or supervision would be for a period of time decided by the panel, up to a maximum of three months.

Other Safeguarding related sanctions

The WRU Safeguarding Panel also have the authority to issue any other safeguarding measures or sanctions that they feel is appropriate. However these decisions have to be justified and

proportionate to the risk presented, again with the welfare of the child the paramount consideration.

Misconduct Cases

These are matters that are investigated as a result of a Code of Conduct complaint. Safeguarding investigations may result in a breach of the Codes of Conduct and if it is felt appropriate, the matter can be dealt with by the WRU Safeguarding Panel or a Discipline Panel with safeguarding panel members appointed.

An example of this may be the involvement of an individual involved in rugby who is not in a Position of Trust. However they may have breached the Codes of Conduct through their role and responsibilities, and would therefore be dealt with through the safeguarding procedures as a misconduct matter.

Disclosure and Barring Service

The WRU have a responsibility as a sport national governing body to consider whether an individual who has received a PSO should be barred from working with children or adults at risk. This will be discussed with other agencies if there is a multi-agency investigation, and the WRU may have the responsibility to submit the referral as the employer, if the subject is a volunteer or member of staff.

Where the concern has been raised outside of the sport, if that person is employed by another agency i.e. education, health etc. then that agency may be required to complete the DBS referral.

If the concern has been raised within the sport, and the person is a volunteer or staff member then the responsibility will be with the WRU to make the referral.

In relation to cases that are resolved through the WRU Safeguarding Panel, the relevant panel will make the decision of whether to refer an individual, in conjunction with the WRU Safeguarding Team.

Notification of Sanctions Issued

The WRU will verbally notify the Person Subject of Concern of the outcome of a panel decision within seven days, and if required they will receive written notification within twenty eight days.

The CSO will also receive verbal notification of the panel decision within seven days, and if required receive written notification by letter within twenty eight days.

Written notification of the decision and sanction issued will be provided to the PSC. However written reasons will only be supplied if these are requested by the PSC within twenty eight days.

Appeal Process

There is a right of appeal against decisions made by the WRU Safeguarding Panel.

Appeals against Safe Recruitment or low level concerns are heard by the WRU Appeal Panel. Appeals against a WRU Safeguarding Panel decision will be heard by an Independent Appeal Panel.

If the PSC wishes to appeal a decision then they must notify the WRU Safeguarding Team in writing within fourteen days of the date of receiving the written notification regarding the WRU Safeguarding Panel decision. The appeal should outline the grounds for their appeal in writing and a summary of the evidence on which they will rely at the hearing.

The responsibility to appoint and convene the Appeal Panel sits with the WRU Safeguarding Team. The hearing will take place within twenty eight days of the appeal notification being received. However if there are exceptional circumstances then the hearing date can be heard outside of that timeframe. This decision will be made by the Appeal Panel in conjunction with the WRU Head of Policy and Integrity.

The PSC will be notified by e-mail or letter of the time, date, venue and procedures, and offered the opportunity to have a personal hearing or submit written representation to the Appeal Panel. The PSC will be entitled to bring a representative to the hearing with them if they require support or guidance, and or any witnesses to support their case.

The WRU will be represented at the meeting, and will present the case to the panel, and the PSC will have the opportunity to present their case and challenge any of the previous decisions made.

The PSC will be notified of the outcome of the panel hearing verbally within seven days and if a written decision is requested, they will be notified with the written reasons within twenty eight days.

Media Interest

Incidents of child or adult abuse can generate significant media interest. When a strategy meeting is convened this will very often be one of the issues discussed, and a lead agency will be identified to manage this process, particularly in high profile cases.

Anyone who is approached by the media should refrain from providing any information and should follow the below guidance:

- Do not make any initial comment until advice is sought
- Take a note of the journalist's name and contact details and whom they represent
- Establish exactly what information the journalist requires
- Establish whether the journalist is working to any deadlines and inform them that the matter will be referred to the WRU to discuss a response
- Inform the appropriate Club Safeguarding Officer or person in charge who must refer the matter to the WRU Safeguarding Team, who will assist in formulating an appropriate response in consultation with the WRU Communications Dept.
- A copy of the response will be sent to the journalist and other relevant individuals

Data Protection

When a WRU safeguarding investigation is conducted, the WRU will collect and share various pieces of personal data, which may include 'special category' personal data, belonging to both adults and children.

The reasons for doing so are to safeguard children and individuals at risk, and to ensure compliance with other legal obligations and requirements concerning working with children or adults at risk. As a national governing body, we have a legitimate interest in ensuring that children can participate in rugby within a safe environment, and that is our legal basis for collecting the information.

Where possible, the WRU will follow clear principles of confidentiality in relation to information obtained during a safeguarding investigation. However, it is a legal requirement that agencies and professionals work together around safeguarding issues, and there will be occasions when it is appropriate to share information in order to protect the best interests of a child. Therefore, we can never give assurance of absolute confidentiality. Information will only be shared on a 'need to know' basis and when it is in the best interests of a child or individual.

Where possible, we will seek informed consent before sharing information, however if this is not possible it may be necessary to override this requirement – especially if an individual is at risk. The Data Protection Act 2018 allows organisations to share sensitive information about individuals without their consent in some limited circumstances. They are:

- To protect the vital interests of an individual – the vital interests condition also extends to any other individual who might be impacted by abuse.
- Where the individual lacks capacity to give meaningful consent.
- Where the use of information is for the provision of social care, treatment, system and services.

The WRU takes its obligations in relation to the handling and storage of personal information extremely seriously. More information about this can be found in the WRU Group's Privacy Policy, which can be found at <https://www.wru.wales/legal/legal-and-privacy/>

Support Services

Both the victim of abuse and anyone who is investigated for allegations of abuse may benefit from information about support services. It is also useful to provide this information for anyone else who has been affected by an incident of abuse, including family members, those involved in responding to the incident, and sometimes parents, guardians, carers or club members.

Anyone who has made a disclosure of abuse, has been the subject of an allegation, or has been indirectly affected by an incident will be offered information on support services.

Anyone within the organisation who is the subject of an abuse allegation will also be provided with contact details for support services they may require.

If these services are required please contact the WRU Safeguarding Team who will assist in facilitating this process.

Support for Clubs

Clubs must adopt the principles of the WRU Safeguarding Policy and work closely with the WRU Safeguarding Team. Clubs should also be aware of their responsibilities in terms of safeguarding throughout the club. There needs to be an inclusive approach to adults at risk, and a child centred approach to ensure that everyone has a positive experience from rugby.

Culture is the underlying thread that sets the tone and feeling of a community rugby club. Your standards are set by the committee and leadership of the club, and should encompass shared beliefs, customs, traditions and be underpinned by the values of the WRU.

The club culture should ensure that your club is an inclusive and welcoming environment so that people in your community develop a sense of belonging for the club, with a people first philosophy.

Culture is everyone's responsibility and great leadership challenges poor behaviour. Don't be a Bystander.

Clubs must have the following in place to provide support to anyone who wants to report a concern :

- Safeguarding Policy (WRU Policy or a specific Club Policy).
- Club Safeguarding Officer.
- Appropriate vetting procedures (Safe Recruitment).
- Club Operations Manager (Promoting Positive Behaviour and Match Day Protocols).
- CSO Poster in the club with CSO contact details and circulation of this to key groups within the club.
- Promoting Safe and Inclusive Environments internally and externally (social media) – WRU Safeguarding Policy, Codes of Conduct, Coaches Code of Practice and Match Day Protocols.

Everyone must promote the benefits of safeguarding and promoting positive behaviour in the game.

The WRU will provide safeguarding and positive behaviour support through the following -

- WRU Policy and Integrity (Safeguarding, Player Welfare, Anti-Doping, Discipline and Misconduct).
- WRU Coach Development.
- WRU Club Development.
- WRU Discipline Committee.
- WRU Community Rugby Departments.

Club Procedures for Managing Cases - Club Mediation and Dispute Framework

There may be occasions where a poor practice, behavioural issue or a misconduct matter is identified in a club, and the matter is dealt with internally by the club without referral to the WRU.

The Club is responsible for establishing a robust, disciplinary framework in the event that a dispute and/or complaint arises between its Members. Members should be defined as being

any Member of the Club – Coaches, Officials, Team Managers, Players, Support Personnel, Club Employees and extended to its Spectators and (where appropriate), Parents.

The Club shall ensure that there is in force at their Club a fair and effective disciplinary policy applicable to its Members and shall ensure that it is applied fairly, consistently and objectively when dealing with a complaint and/or dispute arising from its Members.

For the avoidance of doubt, if the Club Safeguarding Officer, Club Integrity Officer or the Club Management Committee feel that the complaint or concern raised is a safeguarding matter, then they should consult with the WRU Safeguarding Team, who will consider the initial report and decide whether this is a case which can be dealt with by the Club or whether it should be dealt with by the WRU.

Best Practice Guide:

The person against whom the complaint has been made:

1. Must be informed of the nature of the complaint in writing.
2. Must be provided with a copy of any report or other information which will be considered by the Panel.
3. Must be invited to attend the meeting which should be held at a convenient time for them.
4. Must receive sufficient notice of the hearing.
5. Must be given the opportunity to provide a verbal or written account and call witnesses.
6. Must be allowed to hear or see evidence supporting the complaint; however minors should not be required to give evidence in person and can provide evidence in writing.
7. Must be allowed to have representation at the meeting.

There may also be information which is confidential to the complainant or where the source has requested anonymity for fear of retribution;

Best Practice – Arranging the Disciplinary Hearing

A Disciplinary Panel should be convened which should consist of three members:

1. None of whom should have been involved in reporting the case or have a conflict of interest (i.e. a close friend of the individual who is subject to allegations).
2. At least one of whom should be a Senior Management member from the Club.
3. If the complaint relates to a coaching matter, it is recommended that one member should have coaching experience.
4. If there is an independent person who can assist and be appointed as a panel member this will provide increased independency and transparency in the process.
5. If there is an independent legally qualified person available to assist and be appointed as a panel member, then this should also be considered.
6. The WRU may be able to recommend and/or provide a WRU judicial officer to sit on the Club's disciplinary Panel.

Best Practice - The Written Decision

A written record should be kept of any meeting or hearing, setting out who attended, a brief outline of the proceedings, and the reasons for the decisions taken, including any sanction applied.

The reasons given should be sufficiently detailed to enable the Member to understand the rationale for the decision and for any sanction applied.

It is not normally necessary to make an oral recording or full transcript of the meeting or hearing, but it may be helpful to do so, particularly where the case is complex, or there is a significant factual dispute. It is important to seek consent prior to the hearing taking place.

Safeguarding Support and Resources

There are a number of other resources available that can assist clubs and affiliated bodies develop safe and inclusive environments to deliver great rugby experiences:

- WRU Safeguarding Kit Bag
- Coaches Code of Practice
- Cydweithio - Working Together in Welsh Rugby. A Guide for Coaches and Club Safeguarding Officers working with Children and Young People
- Rhieni yn Rygbi Cymru– A Guide for Parents in Welsh Rugby
- WRU Equality, Diversity and Inclusion (EDI) Policy
- WRU Codes of Conduct

S.A.F.E.G.U.A.R.D.I.N.G... IN WELSH RUGBY

Safe Environments	Awareness Be Vigilant	Fairness and Equality	Education Never Stop Learning
Guide and Support Players and Coaches	Understand your Role as a CSO	Action Don't be a Bystander	Recruitment Safe Recruitment Policy
Duty to Care	Integrity	Never Stop Listening	Groundwork Build a Safeguarding Culture

Safeguarding Contacts

Contact Details	Telephone Number	Email
Welsh Rugby Union Integrity Line	02920 822200	integrity@wru.wales
NSPCC National Centre	0808 800 5000	help@nspcc.org.uk
Childline UK	0800 1111	
Ann Craft Trust	0115 951 5400	



DON'T BE A BYSTANDER

If you have any concerns please contact
the WRU Safeguarding Team

Integrity Line
02920 822 200

Safeguarding Mailbox E-mail
safeguarding@wru.wales

DON'T TACKLE IT ALONE

