

# Showjumping Ireland Code of Ethics: Complaints, Disciplinary, Appeals & Reporting Procedures



## Introduction:

- The Code of Conducts : - Youth & Vulnerable Persons / Officials, Volunteers, Staff, Coaches / Parents & Guardians outlines the standards of practice required of those participating in our Sport, regardless of what role they may play and in doing so, brings together the collective good practice experiences of our Association while also recognising legislative, organisational and statutory guidance that governs our work with young people and children
- The **Showjumping Ireland Association** is committed to creating and maintaining a safe and enjoyable environment for all your people and children who participate in our sport. In upholding this principle, our Association will continue to abide by and integrate child welfare legislation and statutory guidance into our work in all jurisdictions in which we operate
- The complaints and appeals procedure allows all athletes and the parents of young participants who are dissatisfied to register their complaint in a formal way and put an open process of investigation into action

## Complaints:

- **SHOWJUMPING IRELAND** WILL ATTEMPT TO RECTIFY ANY ISSUE INFORMALLY IF INDIVIDUALS ARE AGREEABLE.
- Complaints should be dealt with where possible verbally at source locally
  - When referred to the Children's Officer, and said Officer is of the view that the allegation of a breach of the Code of Conduct may be appropriately dealt with in an informal manner, he/she shall be responsible for dealing with the alleged breach informally and agreeing the procedure to be followed with the parties and hopefully resolving the matter amicably and by agreement
  - Where the Children's Officer is of the view that the allegation is serious (because of the gravity of the allegation or for some other reason) he/she shall refer the matter to the Chairman/**Safeguarding Complaints Committee**/ Designated Liaison Person or the Mandated Person in Horsesport Ireland (depending on the nature of the allegation)
- Complaints may be lodged by all athletes; the parents of young participants or Officials/Volunteers/Staff involved in an event under the control of **Showjumping Ireland**, They should be received in writing by **Showjumping Ireland** and should be responded to within 5 working days.
- The complaint should outline all relevant details about other parties involved.
- The Chairman may be required to convene a **Safeguarding Complaints Committee** .
- If the complaint involves abuse or possible criminal offence
  - ❖ The Children's Officer/Designated Safeguarding Children's Officer shall immediately
    - ❖ Inform the Statutory Authorities or
    - ❖ Inform the Mandated Person in Horsesport Ireland of the matter
  - ❖ **All internal investigation should stop until follow up with the authorities.** They should be contacted immediately by the children's officer or person involved.

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- The **Safeguarding Complaints Committee** should hear the case of all parties involved, review all paperwork and decide if a rule, regulation or the Code of Ethics has been infringed. They should, in writing, inform those involved of the sanctions to be imposed and the reason for the sanctions.
- Written notification should be given to parents if the complaint is against a young person.
- Written confidential records on all complaints should be kept safely and confidentially on file.

## Appeals:

If any party does not agree with the decision of The Complaints Committee,

- They can appeal the decision in writing to **Showjumping Ireland** Appeals Committee within a 10-day period.
- Their Appeal should be acknowledged within a 5 day period, with a date set for Appeal
- The Appeals Committee is convened;
  - **whose members will not have heard the original complaints committee.**
- The Appeals Committee should confirm or set aside or change any sanction imposed by the complaints committee.
  - The decision of the Appeals Committee should be communicated in writing to all parties
  - Written notification should be given to parents if the Appeal is against a young person

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## Allegations or Suspicions of Abuse Reporting Procedures:

**SHOWJUMPING IRELAND** accepts that organisations which include young people among its members may be vulnerable to the occurrence of child abuse. Below are the procedures for dealing with any welfare or protection issues that may arise. Within **SHOWJUMPING IRELAND** Child welfare and the protection of young people is the concern of all adults at all times, irrespective of their role within the organisation.

### **In respect of allegations or suspicions of abuse, the standard reporting procedures as outlined Below will be adopted**

- Everyone involved in the promotion of our sport should be familiar with the signs and behaviours that may prompt a concern for the safety of the young person. There are four categories of abuse types, **neglect, emotional, physical and sexual**. For more detailed information on these categories, (including the possible signs and behaviours) please refer to Children's First (National Guidelines for the Protection and Welfare of Children (ROI) and Co-operating to Safeguard Children (NI).
- If there are grounds for concern about the safety or welfare of a young person in **SHOWJUMPING IRELAND**, you should discuss your concerns with the Children's Officer or Designated Liaison Person who will contact the Mandated Person in Horsesport Ireland or Duty Social Worker in the Tusla - Child and Family Agency (CFA) or Health and Social Care Trusts (HSCT) where they will receive advice. Grounds for concern include information from a child, a statement from a person who witnessed abuse or an illness, injury or behaviour consistent with abuse.
- A report may be made by any individual involved in **SHOWJUMPING IRELAND** activities and it should be passed on to the Designated Liaison Person/Children's Officer who may in turn have to pass the concern to the local Statutory Authorities. It is not the responsibility of anyone working within **SHOWJUMPING IRELAND** or Horse Sport Ireland, in a paid or voluntary capacity, to take responsibility or decide whether or not child abuse is taking place - that is the job of the local Statutory Authorities. However, there is a responsibility to protect children by assisting the appropriate agencies so that they can then make enquiries and take any necessary action to protect the young person.
- Everyone should follow both procedures outlined below, firstly the procedure for responding to a child disclosing a potential or actual abuse concern and secondly the procedure for reporting the concern.
- Anyone who has a concern about any child's welfare or safety outside of **Showjumping Ireland** or Horsesport Ireland can make a report directly to the local CFA/HSCT or Gardai/PSNI

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## Responding to a Disclosure

When a young person discloses information of actual or suspected abuse you should:

- Deal with any allegation of abuse in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened
- Stay calm and do not show any extreme reaction to what the child is saying. Listen compassionately and take what the child is saying seriously
- Understand that the child has decided to tell something very important and has taken a risk to do so. The experience of telling should be a positive one so that the child will not mind talking to those involved in the investigation
- Be honest with the child and tell them that it is not possible that keep information a secret, but that only those who need to know will be informed
- Make no judgmental statements against the person whom the allegation is made
- Not question the child unless the nature of what they are saying is unclear. Leading questions must be avoided. Open, nonspecific questions should be used such as “Can you explain to me what you mean by that”
- Check out the concerns with the parents/guardians before making a report unless doing so would endanger the child or compromise an investigation (advice from the Social Work Department can be sought by the Designated Person in relation to this)
- Give the child some indication of what will happen next, such as informing parents/guardians, CFA or Social Services. It should be kept in mind that the child may have been threatened and may feel vulnerable at this stage
- Carefully and accurately record the details
- Pass on this information to the Designated Liaison Person:
- Reassure the child that they have done the right thing in telling you

## Reporting Procedures

The following steps should be taken in reporting child abuse to the Statutory Authorities:

- Observe and note dates, times, locations and contexts in which the incident occurred or suspicion was aroused, together with any other relevant information
- Report the matter as soon as possible to the Designated Liaison Person with responsibility for reporting. If the Designated Liaison Person has reasonable grounds for believing that the child has been abused or is at risk of abuse, they will make a report to the CFA/HSCT who have statutory responsibility to investigate and assess suspected or actual child abuse. In cases of emergency where a child appears to be at immediate and serious risk and the Designated Liaison Person is unable to contact a Duty Social Worker, the Police Authorities should be contacted. Under no circumstances should a child be left in a dangerous situation pending intervention by the Statutory Authorities

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- If the Designated Liaison Person is unsure whether reasonable grounds for concern exist they can informally consult with the local CFA/HSCT. They will be advised whether or not the matter requires a formal report. This report will be made on a standard Reporting Form.
- The designated Liaison Person reporting suspected or actual child abuse to the Statutory Authorities will first inform the family of their intention to make such a report, unless doing so would endanger the child or undermine an investigation (advice from the Social Work Department should be sought in relation to this).
- In the ROI, the Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse 'reasonably and in good faith' to the CFA or the Gardai (See 5.11 pages 44/45– ISC. Code). The Act also covers the offence of 'false reporting'. The main provisions of the Act are:
  - a) The provision of immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers of CFA or any member of An Garda Síochána
  - b) The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal
  - c) The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities "knowing that statement to be false". This is a new criminal offence designed to protect innocent persons from malicious reports

This law does not exist in N.I. but an individual who reports concerns in 'good faith' is not deliberately attempting to slander another person's name. In N. I. there is legislation, the Criminal Law Act (NI) 1967, which places the responsibility on everyone to report offences or to forward information to the Police by emphasising the, 'duty of every other person, who knows or believes, (a) that the offence or some other arrest-able offences has been committed: and (b) that he has information which is likely to secure, or to be material assistance in securing, the apprehension, prosecution or conviction of any person for that offence'.

### Allegations Against Adults

The following procedures should be followed in cases of alleged child abuse against Coaches/Officials. If such an allegation is made against those named working within Horse Sport Ireland, two procedures should be followed

- The reporting procedure in respect of suspected child abuse (reported by the Designated Liaison Person/Children's Officer),
- The procedure for dealing with the individual within CFA (carried out by the Designated Liaison Person and the referrals committee.)

The safety of the child making the allegation should be considered and the safety of any other children who may be at risk. **Showjumping Ireland** should take any necessary steps to protect children in its care. The issue of confidentiality is important. Information should only be shared on a "need to know" basis and the individual should be treated with respect and fairness

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## The Reporting Procedure

If the Designated Liaison Person has reasonable grounds for concern, the matter should be reported to Horsesport Ireland Mandated Person following the standard reporting procedure. While the Designated Liaison Person makes the report to Horsesport Ireland Mandated Person, the Designated Liaison Person should also deal with the individual in question.

- The Designated Liaison Person should privately inform the individual that (a) an allegation has been made against them and (b) the nature of the allegation. The individual should be afforded an opportunity to respond and their response should be noted. If concern meets specified criteria matter is passed on to the Mandated Person in Horsesport Ireland
- The individual should be asked to step aside pending the outcome of the investigation. When a person is asked to step aside it should be made clear that it is only a precautionary measure and will not prejudice any later disciplinary proceedings.
- **If a complaint has been referred to statutory authorities, internal investigation should stop until statutory investigation is completed.**

## The Showjumping Ireland Safeguarding Disciplinary committee

The Safeguarding Disciplinary Committee can consider disciplinary action against the individual but should ensure that this does not interfere with the investigation of the Statutory Authorities. The Designated Liaison Person should maintain links with the Horsesport Ireland Mandated Person / Statutory Authorities while any investigation is ongoing. It is important that **Showjumping Ireland** considers the outcome of the investigation and any implications it might have. The fact that the alleged abuser has not been prosecuted or been found guilty does not mean that they are appropriate to work with young people in the future.

## DISCLOSURE AND BARRING SERVICE RESPONSIBILITY

In Northern Ireland, **Showjumping Ireland and Horsesport Ireland** are aware of their duty under the Safeguarding Vulnerable Groups (NI) 2007 Order to refer information to the Disclosure and Barring Service (DBS) in certain circumstances. In all cases there are two conditions, both must be met to trigger a referral to the DBS by a regulated activity provider like Horsesport Ireland

- permission is withdrawn for an individual to engage in regulated activity, or it would have been had that individual not resigned, retired, been made redundant or been transferred to a position which is not regulated activity; because
- **Horsesport Ireland/Showjumping Ireland** think that the individual has:
  - engaged in relevant conduct;
  - satisfied the Harm Test; or
  - Received a caution or conviction for a relevant offence.

If both conditions have been met the information must be referred to the DBS. The referral should be made to the DBS when Horsesport Ireland has gathered sufficient evidence as part of their investigations to support their reasons for withdrawing permission to engage in regulated activity and, in following good practice, consulted with their local statutory authorities if appropriate.

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### Confidentiality

Confidentiality should be maintained in respect of all issues and people involved in cases of abuse, welfare or bad practice. It is important that the rights of both the child and the person about whom the complaint has been made are protected. The following points should be kept in mind:

- A guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the child will supersede all other considerations
- All information should be treated in a careful and sensitive manner and should be discussed only with those who need to know
- Information should be conveyed to the parents/guardians of the child in a sensitive way. Discussion with the Statutory Authorities should take place in relation to information sharing with all parties when ongoing investigations are taking place
- Giving information to others on a “need to know” basis for the protection of a child is not a breach of confidentiality
- All persons involved in a child protection process (the child, their parents/ guardians, Coaches, the alleged offender and their family) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure
- Information should be stored in a secure place, with limited access only by designated people
- The requirements of the Data Protection laws should be adhered to
- Breach of confidentiality is a serious matter

### ANONYMOUS COMPLAINTS

Anonymous complaints can be difficult to deal with but should not be ignored. In all cases the safety and welfare of the child/children is paramount. Any such complaints relating to possible child protection concerns should be brought to the attention of the Designated Liaison Person. The information should be checked out and handled in a confidential manner.

### RUMOURS

Rumours should not be allowed to hang in the air. Any rumours relating to possible child protection concerns should be brought to the attention of the Designated Liaison Person, and checked out without delay. For details of Child and Family Agency (CFA) and Health and Social Care Trusts (HSCT) contacts, please refer to appendix in this document.

## Legislation & Policy

## APPENDIX 1

### Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection. Below is list of the legislation that is applicable in the area of Safeguarding and Child Protection:

#### Child Care Act 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

[Child Care Act 1991](#)

#### Protections for Persons Reporting Child Abuse Act 1998

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency ([www.tusla.ie](http://www.tusla.ie) and [www.hse.ie](http://www.hse.ie)).

[Protections for Persons Reporting Child Abuse Act 1998](#)

#### Criminal Justice Act 2006

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

[Criminal Justice Act 2006](#)

#### Criminal Justice (Withholding of Information on Offences Against Children & Vulnerable Persons) ACT 2012

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the Withholding legislation are **in addition** to any reporting requirements under the Children First Act 2015.

[Criminal Justice \(Withholding of Information on Offences Against Children and Vulnerable Persons\) Act 2012](#)

#### National Vetting Bureau (Children & Vulnerable Persons) Acts 2012–2016

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

[National Vetting Bureau \(Children & Vulnerable Persons\) Act 2012–2016](#)

#### Children First Act 2015

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

[Children First Act 2015](#)



### **Criminal Law (Sexual Offences) Act 2017**

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

[Criminal Law \(Sexual Offences\) Act 2017](#)

### **Child protection in Northern Ireland Legislation, policy and guidance**

The Northern Ireland Executive government is responsible for child protection in Northern Ireland. They set out policy, legislation and statutory guidance on how the child protection system should work.

The Safeguarding Board for Northern Ireland (SBNI) coordinates, and ensures the effectiveness of, work to protect and promote the welfare of children. The board includes representatives from health, social care, the police, the probation board, youth justice, education, district councils and the NSPCC. The SBNI is responsible for developing policies and procedures to improve how different agencies work together.

[Child protection in Northern Ireland Legislation, policy and guidance](#)

**and also see**

[Access NI Code of Practice \(NI\)](#)

[Children \(NI\) Order 1995 \(NI\) Children's Services Co-operation Act \(Northern Ireland\) 2015 \(NI\)](#)

[Club Framework for Safeguarding Standards In Sport Co-operating to Safeguard Children and Young People 2017](#)

[Criminal Law Act \(Northern Ireland\) 1967 \(NI\)](#)

[General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#)

[Part V of the Police Act 1997 \(NI\)](#)

[Protection of Freedoms Act 2012 \(NI\)](#)

[Rehabilitation of Offenders \(Exceptions\) \(Northern Ireland\) Order 1979 \(as amended 2013\) \(NI\)](#)

[Safeguarding Board Act \(Northern Ireland\) 2011 \(NI\)](#)

[Safeguarding Vulnerable Groups \(NI\) Order 2007 \(NI\)](#)

[Sexual Offences \(NI\) Order 2008](#)

### **General Data Protection Regulation (GDPR)**

As a regulation, does not generally require transposition into Irish law (regulations have 'direct effect'), so organisations involved in data processing of any sort need to be aware the regulation addresses them directly in terms of the obligations it imposes. The GDPR emphasises transparency, security and accountability by data controllers and processors, while at the same time standardising and strengthening the right of European citizens to data privacy.

Raising awareness among organisations and the public of the new law will be a combined effort of the Data Protection Commission (DPC), the Government, practitioners, and industry and professional representative bodies. The DPC has been proactively undertaking a wide range of initiatives to build awareness of the GDPR, in particular providing guidance to help organisations prepare for the new law which is in force as of 25th May 2018.

[General Data Protection Regulation \(GDPR\)](#)

**It is not the responsibility of anyone working in a paid or voluntary capacity, or those working in affiliated organisations, to take responsibility or to decide whether or not child abuse is taking place. However there is a responsibility to protect children in order that appropriate agencies can then make enquiries and take any necessary action to protect the young person.**