

## Appendix 13: Adapting the complaints and disciplinary process for U18s

Scottish and British Cycling 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 for this adaptation is to create a child centred approach to ensure that disciplinary systems designed for adults are avoided as this may be harmful for the young person. The process involved should reflect this and be based on the following key principles:

- Only those who have the appropriate knowledge and experience and who know the young person well should 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. Any arrangements around meetings should consider their educational commitments and family life. Meetings should 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 participant's coach with input and advice from the club Wellbeing and Protection Officer. If either of these people are involved or implicated in the matter, suitable alternatives will be required following guidance from Scottish Cycling.

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:

- A relevant person should speak to the child and 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 and engage with the child's parents to address the behaviour.
- If the behaviour persists or is a significant breach of the code of conduct a meeting should be arranged to bring the parties together to talk through the issues. Normally the coach, the parents, and the Wellbeing and Protection Officer, would attend. A notification of this action should be sent to the Scottish Cycling Wellbeing and Protection Team.

If the above points do not resolve the issue; then a more formal approach is required:

- Private meeting between child and Wellbeing and Protection Officer to establish child's version of events. A parent/carer should be present for this meeting.
  - The Wellbeing and Protection Officer should take meeting notes and provide a summary to Scottish Cycling.
  - This process should be repeated if the behaviour issues involve other children
- The Wellbeing and Protection Officer should obtain a written statement from the child(ren) and any witnesses, via their parents and all further communication should be recorded and minute-ed formally.

## Good Practice in running disciplinary/complaints meetings for U16s and U18s

Best practice when dealing with U16s and U18s in these circumstances is to follow the guidance established for adults, and to make reasonable adjustments 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 a meeting in person.

### U18s

For 16 & 17 year olds the process is close to the adult procedure but must be considered appropriate for the age and stage of the young person:

- Where a child is aged 16 & 17, consent of the parent/carer should be obtained for the child to attend the disciplinary meeting.

- 16 & 17 year old is still a child and if they choose to have an adult present this should be allowed.
- There should be the option of carrying out this process via paper statements should the young person not wish to attend a meeting in person.

## Serious Cases

For 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 Scottish Cycling 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 matter, a precautionary suspension may be given. This is a precautionary step to limit the risk of further incidents occurring. It is important to consider the following when 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 cycling activities in any capacity – total suspension

## Meeting Preparation

There should always be a pre disciplinary meeting with the people running the process. This should include an agreement on the procedures to be used and how the meeting should be conducted – in person or on paper. The following should also be considered:

- Consent of the parent/carer will always be required.
- The disciplinary meeting should be at a location and time that is convenient to the child/young person.
- Restrict attendance at the disciplinary meeting to necessary personnel.
  - A disciplinary meeting for young people is often made up of 2 and no more than 3 individuals.
- Before the meeting, 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.
- The Wellbeing and Protection Officer should be available at the disciplinary meeting to advise/support the child/young person **or** to support the disciplinary meeting members; they **cannot 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 eg 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 disciplinary meeting, members should introduce themselves and those present in the room.
- The Wellbeing and Protection Officer should lead the meeting and briefly explain the role of each person.
- Minutes are not normally taken, but the outcome should be recorded.
- Any written statements from the child/young person should be taken to ensure that their position is clearly recorded.
- Meeting members should make notes for their own recollection.
- If the disciplinary meeting is lengthy, regular breaks should be taken.
- Proceedings should be inquisitorial rather than adversarial.
- Questions should be in plain English and at a level the child/ young person can understand considering their age, maturity and intellectual and emotional development.
- Disciplinary meeting 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 Wellbeing and Protection Officer.
- The Wellbeing and Protection Officer 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 meeting, the Wellbeing and Protection Officer should make it clear that the parent/carer 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 of the meeting.

## Do's

- Address child by their 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.
- Rephrase a question to simplify it, if the child/young person is finding it difficult to answer.
- Remain seated throughout proceedings.

### Don'ts

- Address the child/young person using their title and surname. E.g. Miss Smith
- Use closed questions (those that allow a yes or no answer) or legal jargon.

## Communicating Outcomes

- Communication regarding 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 Wellbeing and Protection Officer or child/young person's coach.
- The outcome should also be communicated in writing and include the right to appeal.
- Advise on the format of the communications can be requested from the Scottish Cycling Wellbeing and Protection Team.