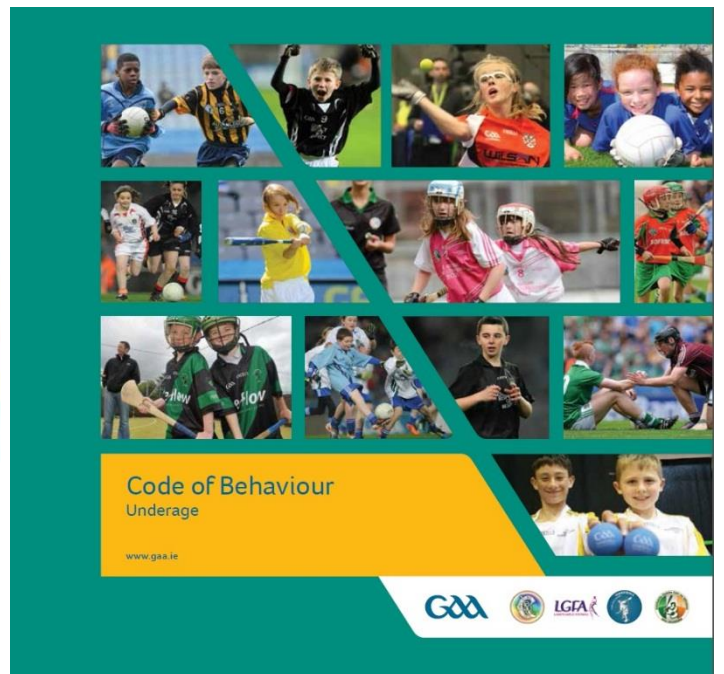


# Our Games Our Code

## Guidance on Dealing with Alleged Breaches of the Code of Best Practice in Youth Sport



Issued by the National Child Welfare and Protection Committee

# Q & A

## **1 Why do we have a new structures and procedures to deal with breaches of the Code of Best Practice in Youth Sport– Our Games Our Code?**

The first edition of the joint **Code of Best Practice in Youth Sport– Our Games Our Code** was launched in 2012 as a joint policy document between the GAA, Ladies Football, Camogie, Rounders and Handball Associations. The Code is widely recognised as being a major source of good practice guidance for our Clubs, Mentors, Parents and Players involved in the underage sections of our Associations. It includes guidance on recruitment, social media, trips away from home, inclusion and integration, promoting healthy clubs, player injury schemes and much more. It also includes the Code of Behaviour (Underage) which is seen by many as one of the primary guidance publications we have for those working with children and underage in our Associations.

In November 2014 a new Code of Behaviour (Underage), which is Section 3 of the overall Code of Best Practice, was agreed by all of the Gaelic Games Associations. Once this was launched it presented us with an opportunity to also adopt one approach when dealing with breaches of the Code. This new approach considered a review of previous practices at all levels and also took some legal advice into consideration when agreeing on these new procedures.

The introduction of the new revised Code coincided with the launch of a new joint Child Protection Awareness Programme (Workshop) for all persons who work with children and underage teams in our Association and the introduction of a joint Code of Best Practice Appeals Panel, to hear any appeals by persons who may have been sanctioned for breaching the Code.

## **2 Does the new structure now deal with breaches of the Code of Behaviour and breaches of the Code of Best Practice in Youth Sport– Our Games Our Code?**

Yes - it's the same Code. The Code of Behaviour (Underage) is Section 3 of the overall Code of Best Practice in Youth Sport. Formerly a GAA Code is had been amended and is now a joint Code between the GAA, LGFA, Camogie, Rounders and Handball. The Code is a mandatory part of our Associations' good child welfare practices and policy implementation.

### **3 How are breaches dealt with now at CLUB level?**

**Breaches may occur at Club level. They may be dealt with formally or informally depending on the nature or the level of the breach.**

First and foremost it is the Club Executive who will decide how an alleged breach of the Code shall be dealt with at Club level. When they receive a report that a breach of the Code may have occurred they shall decide as to how or who may deal with it.

**The Club Executive may appoint a small subcommittee of the Executive to carry out this function on their behalf, so as to ensure greater efficiency in responding to alleged breach of the Code and to avoid any concerns relating to confidentiality that may be perceived surrounding the process for dealing with an allegation at Club level.**

The Executive may:

- Refer the matter to the Club or County Code of Best Practice in Youth Sport Hearings Committee to be decided upon
- Refer the alleged breach to the National Child Welfare and Protection Committee to adjudicate upon in accordance with agreed procedures
- Deem the alleged breach to be of such a nature that it does not merit being forwarded to any other party for further action
- Refer the matter to the Club Children's Officer to be dealt with informally
- Deal with the matter in accordance with Association disciplinary rules

The choices above are clear but for the choices to exist the Club must have a Children's Officer in place and must also have appointed a 3 person Code of Best Practice in Youth Sport Hearings Committee as well.

### **4 How does a Club appoint their Code of Best Practice in Youth Sport Hearings Committee?**

The Club Executive shall appoint a 3 person Code of Best Practice in Youth Sport Hearings Committee to hear allegations of breaches of the Code at Club level.

- In appointing the Committee, consideration shall be given to the extent of integration in each club, i.e. does the Club have GAA, Camogie and LGFA teams (at underage level). If yes to any of these they should be represented on the 3 person Committee.
- The Club Code of Best Practice in Youth Sport Hearings Committee shall appoint, from within its membership a Chairperson and Secretary. The Committee shall be facilitated in its work by the Club Children's Officer.
- Where a conflict of interest is perceived to exist for any member of the Committee, when considering an allegation, they shall temporarily withdraw from such deliberations but shall resume their membership of the Committee once the matter has been decided upon in their absence. The Club Executive Committee may appoint a

temporary member to the Club Code of Best Practice in Youth Sport Hearings Committee to substitute for the temporary withdrawal of that member.

- The Club Code of Best Practice in Youth Sport Hearings Committee shall have the authority to determine if an allegation is deemed to be in breach of the Code of Best Practice in Youth Sport and shall determine what action or sanction may be passed against the individual or individuals as a result of the breach of the Code

## **5 How are breaches dealt with now at COUNTY level?**

**The process of dealing with breaches of the Code at County level is very similar to that at Club level.**

In the first instance we will expect that a nominee of each Association in the County to meet and agree how they will chose the membership of the Code of Best Practice in Youth Sport Determining Committee and the Code of Best Practice (County) Hearings Committee. It may be appropriate for the relevant Children's Officer in each Association to meet and commence this process.

All Counties shall appoint a 3 person Code of Best Practice in Youth Sport Determining Committee to determine if a complaint or alleged breach of the Code shall be dealt with in accordance with the Code or relevant Association disciplinary rules. Each Committee shall consist of three persons, thus including a nominee proposed by the relevant County Committee of the LGFA, the Camogie Association and the GAA. (This Committee effectively fulfils the same role as the Executive does at Club level).

Similar to the Club Executive the County Determining Committee decides as to who or how the alleged breach will be heard. Respective County Boards, e.g. GAA, LGFA, Camogie, may not hear alleged breaches of the Code or by pass the agreed structure to hear such cases.

**When the DETERMINING COMMITTEE receives an alleged breach of the Code of Code of Best Practice in Youth Sport– Our Games Our Code, they may:**

- Refer the matter to the County or Club Code of Best Practice in Youth Sport Hearings Committee to be decided upon
- Refer it to the relevant Association unit (LGFA, Camogie and GAA) to be heard under their disciplinary rules
- Deem the alleged breach to be of such a nature that the complaint does not merit it being forwarded to any other party for further action
- Refer the matter to the County Children's Officer to be dealt with informally
- Refer the alleged breach to the National Child Welfare and Protection Committee to adjudicate upon in accordance with agreed procedures

Obviously once again this indicates that the County must have a Children's Officer in place and must also have a County Code of Best Practice Hearings Committee in place as well - drawn from all of the Gaelic Games Associations operating at underage level in the County.

Should a conflict of interest emerge for any member of a Determining or Hearings Committees, when dealing with a case, they shall temporarily withdraw from such deliberations but shall resume their membership of the Committee once the matter has been decided upon in their absence. They may be replaced temporarily on the Committee by their nominating Association.

**6 Can the Children's Officer be a member of these Hearings Committee?**

No, not as a member. Their role is to facilitate the work of their relevant Committee whether this is at Club or County level. When the Committee is making their decision(s) the Children's Officer must absent themselves from this discussions and leave the room. Facilitation could include collating statements, outlining the Code of Best Practice, booking times for people to meet the Hearings Committee or indeed any reasonable task that the Committee may request of a Children's Officer.

**7 If for example a case was a Camogie related matter which of the Children Officers should 'facilitate' the Hearings Committee at Club or county level?**

If it's a Camogie related matter then the Camogie Children's Officer should facilitate the Hearings Committee. Similarly, if it's a GAA matter or an LGFA matter then their nominated Children's Officer will facilitate the process. The GAA Children's Officer may be called upon to facilitate a Rounders or Handball matter if these Associations have not nominated a Children's Officer. By agreement, Children's Officers may assist each other if so required.

**8 What if a Club is a GAA and LGFA Club and has no Camogie section or teams, how do they operate the Code at Club level?**

They still choose three people between them to sit on the Code of Best Practice Hearings Committee and deal with all alleged breaches as per normal.

**9 Do members of the Hearings Committees at Club and County level have to be members of either the GAA, LGFA, and Camogie, Handball or Rounders?**

It doesn't stipulate this but a sensible approach would be to choose members from within our own Associations if at all possible. However, if by agreement it was felt that a non-member of our Associations, known to your Club or County as a person most suitable to sit on any of these Committees due to their personal or professional background, then this decision may be made by agreement.

**10 What if one of the Gaelic Games Associations cannot find a person to sit on the relevant Hearings Committee?**

Go ahead and get three members from the Associations that have identified suitable candidates. If the Association identifies a suitable person at a later stage then they may co-opt that person, by agreement, on to the Hearings Committee to replace an existing member.

**11 If one of the Associations units e.g. a GAA, LGFA or Camogie Club, refuses to nominate a person to a Hearings Committee can they be permitted to have their own Committee?**

No. It's a joint Code and therefore we have a joint Committees and its one Committee only per Club and per County.

**12 Can one of the Associations agree not to be on the three persons Committee?**

Yes. By agreement one of the Associations may agree that they do not wish to nominate a person to a certain Hearings Committee. The Committee will still be formed by the other Associations and the decisions of the Committee will be binding on all Associations.

**13 Who looks after the nomination of either Handball or Rounders representatives on these Committees?**

Both Rounders and Handball are part of the GAA child welfare structures and as such it is the GAA who will, where appropriate, nominate a nominee of either Handball or Rounders on to any such Committee.

**14 What training will these Committees receive?**

The Child Welfare Training Committee (a joint Committee of the Gaelic Games Associations) is happy to meet with Club and County Committees and bring them through their roles and responsibilities if necessary. This can be arranged via the LGFA, Camogie or GAA County Children's Officer.

**15 Should you appoint a Hearings Committee every year?**

Yes. The same Committee may be re-appointed but yes it is an annual requirement. It is recommended that each Association's nominee should be appointed as a member of the Hearings Committee by their relevant Co Board (Committee) by 31 January each year.

**16 If a decision is reached to deal with an alleged breach of the Code under Rule, as a disciplinary matter, and not under the Code who deals with this?**

Each of our Associations have our own official Guides or Rule books that determine how a disciplinary matter may be pursued in accordance with their own rules.

In relation to the Code of Best Practice in Youth Sport– Our Games Our Code, it may be that a Club Executive or a County Determining Committee could decide that an allegation of a breach of the Code is more appropriately dealt with under Rule as a disciplinary matter. Once this has been decided the Association’s disciplinary rules procedures come into effect and the issue is dealt with in the same manner as any other disciplinary matter.

**17 If a person makes an allegation that the Code has been breached should they be informed as to the outcome of the hearings etc.?**

Yes, once the decision has been made and communicated to the person against whom the allegation has been made it would be appropriate to inform the person who made the allegation as to the outcome of the Hearings Committee’s deliberations. This is the only information that may be shared and it would be appropriate to seek that certain boundaries of a confidential nature apply when sharing this information.

It may be appropriate for the Children’s Officer to convey this decision as Hearings Committee members may not necessarily know, in some circumstances, the name of the person who made the complaint.

**18 Provincial/National level**

Breaches of the Code of Best Practice in Youth Sport, alleged to have occurred at Provincial or National games, events or activities held under the auspices of any of the Associations who have adopted the Code shall be forwarded to the National Child Welfare and Protection Committee to be adjudicated upon, in the first instance, at that forum and in accordance with agreed procedures.

**19 National Child Welfare and Protection Committee**

The National Child Welfare and Protection Committee may receive allegations of alleged breaches of the Code from members or units of the GAA, LGFA or the Camogie Association, from Children’s Officers or members of the public and subsequently adjudicate upon such allegations or if deemed appropriate refer any such allegations to another Unit or Committee in accordance with agreed procedures.

**20 APPEALS**

Following a hearing of the alleged breach of the Code, and where a sanction has been imposed against an individual or a unit, whether at Club, County or National level, the individual or unit shall have the right to appeal this decision to the Code of Best Practice & Code of Conduct Appeals Panel. There is but one Appeals Panel and that is at national level. All appeals go to this panel. Appeals are not heard at Club, County or Provincial level.

## **References to Child Welfare Rules**

### **GAA Official Guide**

#### **Rule 1.13 Safeguarding of Children/Young People (Under 18 Years of Age)**

- (a) The Association shall safeguard and promote the interests and wellbeing of all those under 18 years of age who are involved in its games and related activities.
- (b) The Association shall take all practical steps to protect them from all discernible forms of abuse, from harm, discrimination or degrading treatment, and shall respect their rights, wishes and feelings.
- (c) Central Council shall have in place a Code of Best Practice in Youth Sport for the protection and safeguarding of children/young people under 18 years of age (including the disciplinary and other procedures to be applied in the event of the breach of that Code) and shall be entitled to amend or revoke any provision of the Code from time to time. That Code shall provide for the manner in which it is determined whether the procedures under the Code or the provisions of Rule 7 shall be invoked

### **LGFA Official Guide**

#### **Rule 93 Code of Ethics**

Central Council shall have in place a Code of Best Practice in Youth Sport for the protection and safeguarding of children/young people under 18 years of age (including the disciplinary and other procedures to be applied in the event of the breach of that Code) and shall be entitled to amend or revoke any provision of the Code from time to time. That Code shall provide for the manner in which it is determined whether the procedures under the Code or the provisions of any other Rule shall be invoked in any particular case.

The Code of Best Practice in Youth Sport shall specify the disciplinary procedures to be applied for breaches of the Code.

### **CAMOGIE Official Guide**

#### **Rule 25.3 (Part of Section 25 – Safeguarding of Children/Young People (under 18 years))**

Members of the Association must comply with the binding Code of Best Practice in Youth Sport When Working with Underage Players, Our Games Our Code, (including the disciplinary and other procedures to be applied in the event of a breach of that Code). Ard Chomhairle is entitled to amend or revoke any provisions of that Code from time to time.

That Code will provide for the manner in which it is determined whether the procedures under the Code, or the Association's mandatory investigative and disciplinary procedures are invoked in any particular case. The Code will specify the disciplinary procedures to be applied for breaches of the Code.

This rule constitutes authority for carrying out all functions and actions in accordance with the Code.