



CASE MANAGEMENT PROCESS

INTRODUCTION

The principal role of the Case Management Group (CMG) is to inform referring clubs and related rugby organisations of the approach they should take in **all** cases relating to the welfare and protection of players. Principally this will relate to the 'route' a case should take within rugby and/or via external referral to statutory agencies.

Concern(s) raised by individual(s) about Players & or those working with Age-Grade / vulnerable adults players

Club Welfare Officer Spirit of Rugby Officer (Branch Welfare Officer) and/or National Disability & Inclusion Officer completes 'Incident Report Form'

https://forms.office.com/FormsPro/Pages/ResponsePage.aspx?id=JRvazqodokKeM_5ulrGDeIERA

Case Management Assessment

IRFU case management panel assess 'incident form' to decide if

- 1 Report to Statutory Authorities or
- 2 Carry out a case management panel meeting or
- 3 Clubs implement the Safeguarding Disciplinary Process in their club
- 4 Not a safeguarding concern

For example, minor poor practice would be referred back to a club complaints/disciplinary procedure using Appendix 1. Suspected abuse of a child/ or vulnerable adult would be dealt with by Statutory agencies and may involve IRFU through Mandated Person. Where there is a concern that persistent poor practice exists, disciplinary cases will be heard by selected members of the case management panel on behalf of a club or Branch.

WHAT IS MEANT BY 'CASES'

- Reported concerns about coaching behaviours in relation to age-grade players / vulnerable adults and/or their parents/guardians
- Concerns about parental/guardian behaviour at matches, during training or related rugby activities towards age-grade/vulnerable adult players and/or their coaches / volunteers
- Concerns that may demonstrate persistent poor practice towards age-grade/vulnerable adult players over a period of time
- Reported concerns of suspected abuse of children/ vulnerable adult outside the rugby environment i.e. in a child's or vulnerable adults family or community

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- Reported concerns about suspected abuse of children/ vulnerable adults within rugby by adults or other young people
- Reported concerns about historical abuse allegations

FUNCTION/ROLE OF THE CASE MANAGEMENT GROUP

- Risk identification, **primarily** in relation to age-grade/ vulnerable adult players but also reputational risk to the club, Branch/Union and related rugby activities
- Support IRFU in maintaining compliance with relevant legislation and standards
- Provide consistency and fairness in decision making
- Promote co-operation and confidence in decision making regarding safeguarding
- Provide information and advice to partner organisations
- Record evidence of how decisions were made and decide the necessary information to be passed to the related personnel. Not all communication is shared with all parties
- Monitor and review cases. This may involve providing case summaries (anonymised) with outcomes to the Spirit Committee
- Provide updates to Spirit Committee that may inform practice and policy development and/or highlight practice which may deviate from guidance on IRFU Spirit of Rugby policies
- Monitor consistency of vetting assessments made
- Support the Mandated Person in carrying out their role and responsibilities in referring cases to Statutory Authorities
- To oversee an annual audit of the cases and outcomes

The CMG will not:

- Replace the role and responsibility of the statutory agencies. The group will work to complement and co-ordinate within rugby any action that is being taken by the statutory agencies investigating concerns about the welfare of a young person / vulnerable adult
- Investigate cases referred to statutory authorities – however some management of returned statutory referrals may be necessary
- Remove or relieve club, Branch/Union and/or partner organisations of their disciplinary role. It is intended to create a link between safeguarding complaints processes and existing disciplinary processes and to ensure compliance with safeguarding legislation and policies. For example, a coach may be disciplined by the club or Branch for sideline behaviour and if this case involves actions towards an Age-grade / vulnerable adult player the Club Welfare Officer or Spirit of Rugby Officer (Branch Welfare Officer) and/or National Disability & Inclusion Officer should be involved.

PRINCIPLES

- The welfare of the child / vulnerable adult is paramount – this principle is enshrined in the Children Act(s) of both jurisdictions and safeguarding vulnerable persons at risk of abuse policy (HSE) and adult safeguarding prevention and protection policy (HSC Trust). In any decision taken by the group, the welfare of the child / vulnerable adult is the paramount concern and takes precedence over those of any adult where there is a perceived conflict of interest.
- Independence - the group will work with child / vulnerable adult safeguarding experts that will make decisions and recommendations without influence or prejudice
- Confidentiality - all safeguarding matters must be regarded as highly confidential and not for disclosure outside the group unless so agreed, they will be dealt with on a strictly need to know basis in line with all relevant Data Protection Act(s).
- Impartiality – If a case refers to an individual who is personally known by a member of the CMG that member should withdraw from dealing with the case.

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- Experience - the group will include people who have relevant knowledge and experience to enable the group to fulfil its purpose. The group will require experience, understanding and awareness of child welfare adult safeguarding/protection issues, decision making processes, criminal justice, and best practice in rugby and/or sport.
- Equity - all decisions made by the group will be fair, open and transparent, (within the bounds of confidentiality and the paramouncy principle). An open mind needs to be kept in all cases until they have been resolved. The group should be guided by the principle that all children have the right to protection from abuse regardless of their race, ethnic origin, gender, disability, religious belief system or sexual orientation.

ROUTE OF 'CASES'

Concerns raised or 'cases' may take differing routes, the potential route of all cases should be discussed between the CWO, Spirit of Rugby Officer (Branch Welfare Officer) and the National Disability and Inclusion Officer as per the diagram overleaf. Cases where there reasonable 'grounds for concern' as to the harm of a child or vulnerable adult will be referred to Statutory Authorities, minor cases involving the Code of Conduct will be dealt with by the club and in all other cases the case management panel will be involved. No one individual decides the route of a case or the decision of a case, the route is decided by the CMG and the outcome by either Statutory Authorities and/or those hearing the case. Those referred to in a case may be consulted but have no decision-making authority.

Reports by Mandated Persons not appointed by the IRFU

The IRFU has appointed its Mandated Person under Schedule 2 of the Children First Act, Ireland and in accordance with reporting procedures in Northern Ireland. Other staff and volunteers within the organisation may hold the role and responsibility of a Mandated Person as per Schedule 2 of the Act as part of their profession but have not been appointed by the IRFU and/or its affiliated clubs or organisations. They are always expected to act as a Mandated Person and when making a report in their professional capacity that involves rugby should always inform the IRFU Mandated Person that such a report has been made by them. This report will not be put through the case management process unless instructed to do so by the Statutory Authorities and/or any safeguarding issues arise from this report.

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Concern(s) raised by individual(s) about Age-Grade or Vulnerable Adult Players or those working with Age-Grade / Players Vulnerable Adults must be passed on to Club Welfare Officer / Spirit of Rugby Officer (Branch Welfare Officer) / National Disability & Inclusion Officer

Club Welfare Officer receives concern and works with Spirit of Rugby Officer (Branch Welfare Officer) or National Disability & Inclusion Officer to complete online https://forms.office.com/FormsPro/Pages/ResponsePage.aspx?id=JRvazqodokKeM_5uIrGDeIERAZC3HTJNIFmj9hBUz8ZUMllVSjQxNjEzUTQ4MFRRMVBIOVpXSTBGUi4u

National Safeguarding Officer implements Case Management Process to decide if.....*there are 'reasonable grounds for concern'*, as per statutory reporting guidelines? <https://www.tusla.ie/children-first/parents-and-guardians/how-do-i-report-a-concern-about-a-child/> and Cooperating to Safeguard Children and Young People NI in relation to adult safeguarding Adult Protection Gateway Services (NI) or Safeguarding and protection Teams (ROI) policy will be followed

Yes



Report to Statutory Authorities PSNI /HSS Trust(s) (NI) and An Garda Síochána, Tusla Child, Family Agency and HSE (Ireland)

Report to National Safeguarding Officer / **Mandated Person in IRFU**

<http://www.irishrugby.ie/playingthegame/development/safeguarding/concerns.php>

<https://portal.tusla.ie/Account/Login?ReturnUrl=%2f>

No



IRFU case management panel will assess 'incident/concern' and

- 1 Carry out case management process as outlined below
- or**
- 2 Revert to clubs to implement the Safeguarding Disciplinary Process in their club

<http://www.irishrugby.ie/playingthegame/development/safeguarding/concerns.php>

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CMG - PROCESS

PROCESS OF CMG

The process will be in 4 phases – referral, investigation, management and closure. The overall case management process will also include an audit of cases every 2-years.

Referral phase

- The group will work to complement and co-ordinate within rugby, any action that is being taken by the statutory agencies investigating concerns about the welfare of a child, young person and/or vulnerable adult
- The concern will be received by the National Safeguarding Officer, using online 'Safeguarding Incidents Report Form, (via Club Welfare Officer and/or Spirit of Rugby Officer (Branch Welfare Officer) or National Disability & Inclusion Officer, within 48 hours of the concern/incident being raised. This assumes there is no immediate danger to a child or vulnerable adult, in such cases the Statutory reporting process would be in place
- A meeting (video conferencing or email discussions may be used) of the CMG can be called together at any time to decide the route of a case. A decision on the route of a case is made within 48 hours
- In urgent cases, a decision could be made over the telephone by two members of the group. One of these members must be a practicing child and/or vulnerable adult protection professional
- If not referred to Statutory Authorities the case will be dealt with by the CMG **OR** will be directed to the club to deal with as club safeguarding issue using 'Safeguarding Disciplinary Complaints Procedure', Appendix 1. If the issue is involving persistent poor practice by a club it will be dealt with by the CMG

Investigation / Information gathering

- Where a case is to be heard by CMG, a member of the CMG group will gather information by either working directly with the parties involved or working with the Club Welfare Officer, Spirit of Rugby Officer (Branch Welfare Officer) and/or National Disability & Inclusion Officer
- The purpose is to hear all the details from all parties involved and decide if there has been a breach of IRFU safeguarding policies that impact on an Age-grade / Vulnerable Adult player.
- CMG will make decision as to the outcome and/or sanctions. The decision will be made on the level of risk/concern posed to age-grade or vulnerable adult player

Management of a case

- The person who raised the concern will receive information back from CMG within a reasonable timescale, however, they may not receive details/outcome of the case
- Appropriate parties are kept informed of progress by the National SG Officer. There should not be a period of more than 28 days without communication with involved parties. If timescales cannot be met, they are informed of the reason for the delay
- If the case is being dealt with by the statutory agencies timescales will be determined by the statutory agencies processes
- Timescales may vary as determined by the relevant Disciplinary and Complaints procedures and/or related HR division
- Case management processes should not extend over more than 3 months. Only in exceptional circumstances should timescales extend up to 6 months
- Case records are kept secure and confidential by IRFU
- If one member of the group feels unable to contribute to the decision-making process in a particular case for whatever reason, that individual may withdraw from the group.

Closure

- The CMG will provide case summary information (anonymised) with outcomes to the Spirit Committee if appropriate. Any urgent changes to practice and policy development are referred directly to the Spirit Committee

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- Along-side the hearing of cases the group will meet annually to review decisions and advice given to clubs and ensure quality of decision making in all cases
- For cases heard by a club written confidential records should be sent to IRFU HQ, (safeguardingincidents@irfu.ie), where a note of the case and outcome will be held in line with IRFU retention policy and all originals will be shredded
- Referring parties may be told of case closure but may not be told of outcomes of the concern raised

GROUP MEMBERSHIP

The Case Management Group will be made up of a panel of volunteers from across the 4 Provinces, who may be external to the Spirit Committee and have the necessary knowledge and experience in current professional child/vulnerable adult protection systems, rugby and/or sports organisations and/or disciplinary processes

- The CMG chosen to deal with a specific case should consist of a minimum of three members and a maximum of six
- The National SG Officer may be a member of the case panel in an advisory role
- The CMG reports to the Safeguarding Chair (through the National Safeguarding Officer) on the Spirit Committee

SHARING OF INFORMATION

The sharing of information is the cornerstone of an effective Case Management process. In order for the group to make informed decisions all information about the case **must** be openly shared during investigation. This includes the:

- circumstances/nature of the concern which is often sensitive
- all relevant / personal details of the subject of the concern / witnesses / parents of subjects/witnesses / alleged suspect/person subject to concern / any other person involved
- details of all actions taken/persons spoken to i.e. any statutory authority
- Information is shared with the CMG at every stage of the process until the matter is considered concluded
- Information is shared in all forms i.e. written / verbal / other (photographic/audio/etc.)
- Information is exchanged between the CMG by telephone / electronic (email) and/or face to face meetings. Information back to Branches, clubs, individual coaches, parents, players and/or those involved in cases will be shared on a need to know basis.

All safeguarding matters must be regarded as highly confidential and not for disclosure outside the group unless so agreed, they will be dealt with in line with all relevant Data Protection Act(s).

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APPENDIX ONE

DISCIPLINARY, COMPLAINTS AND APPEALS PROCEDURES FOR SAFEGUARDING

For cases that are to be dealt with by the club it is recommended to implement the Age-grade / Vulnerable adult disciplinary, complaints and appeals procedure outlined below. However, it is important that the following points are considered before implementing the procedure:

- The investigation of suspected 'harm' is the responsibility of the Statutory Authorities and should not be undertaken by the club or any one person in the club
- Discussion in relation to the reporting procedure regarding all incidents involving an Age-grade or Vulnerable Adult Player should be held with the **Club Welfare Officer and/or the Spirit of Rugby Officer (Branch Welfare Officer) / National Disability & Inclusion Officer using the IRFU Case Management Policy**
- For suspected abuse/harm of a child or vulnerable adult the standard reporting procedure will be followed according to statutory guidance and IRFU safeguarding policy:
<http://www.irishrugby.ie/playingthegame/development/safeguarding/concerns.php>
- Complaints that do not meet the threshold for statutory reporting will be assessed by the case management committee of IRFU and a route will be determined

The following are the recommended procedures for the Club Welfare Officer and/or Honorary Secretary (club committee) in receiving a complaint that involves a player under 18 years of age or Vulnerable adult and/or his/her coach, manager, etc. Such complaints should be measured against the Declaration of Intent and/or Code of Conduct that has been agreed to by the coach, volunteer, players, etc. Advice should be sought from **Club Welfare Officer and/or the Spirit of Rugby Officer (Branch Welfare Officer)/ National Disability & Inclusion Officer**

- Complaints should be received in writing and the correspondence should be acknowledged by the Club Welfare Officer and/or Hon Sec within 5-working days
- As per safeguarding guidelines for confidentiality the content should be discussed **only** with the Club Welfare Officer to establish if there is a safeguarding issue. The Declaration of Intent and/or Players' code of conduct will assist in establishing if there is a concern
- If the CWO establishes that there are '**grounds for concern**' then the matter is referred to Spirit of Rugby Officer (Branch Welfare Officer) and/or National Safeguarding Officer and is not discussed internally. The reporting procedure with respect to Statutory Authorities will then be implemented,
http://www.irishrugby.ie/downloads/Dealing_with_Concerns.pdf
- The club should establish a disciplinary committee that will include the Club Welfare Officer, the Hon Sec and one other member of the management committee, ideally with experience of the Age-grade / Disability section within the club
- The disciplinary committee should receive and review any relevant paper work and hold any necessary meetings with all parties to proceed with complaints into any incident of suspected misconduct that does not relate to abuse. This should be done within 10 working days
- The disciplinary committee should furnish the individual with the nature of the complaint being made against him/her and afford him/her the opportunity of providing a response either verbally or in writing, but usually at a meeting with the disciplinary committee
- Consideration should be given to the IRFU Safeguarding Policy and if there have been previous concerns in relation to any personnel involved
- The nature of the complaint should be considered in respect of the level of experience of adults working with age-grade or vulnerable adult players, the level of training and/or experience of the adult, the age of

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any child involved and the potential impact on the age-grade / vulnerable adult player with respect to their involvement in rugby

- Where it is established that an incident of misconduct has taken place, the disciplinary committee should notify the member of any sanction being imposed. The notification should be made in writing, setting out the reasons for the sanction. If the member is under 18 years of age, correspondence should be addressed to the parents/guardians
- If the member against whom the complaint was made is unhappy with the decision of the disciplinary committee s/he should have the right to appeal the decision to an appeals committee (independent of a disciplinary committee but which should discuss safeguarding aspects with the Club Welfare Officer). Any appeal should be made in writing within 10-days of the decision of the disciplinary committee
- The chairperson of the appeals committee should be a member of the Executive/Management Committee. The appeals committee should have the power to confirm, set aside or change any sanction imposed by the disciplinary committee
- If any party is not satisfied with the outcome the matter can be referred to the Branch who may consult with IRFU safeguarding officers. However, efforts to resolve the issue at local level should be exhausted before the IRFU is engaged in attempts to resolve the matter

On completion of the process:

- Written confidential records should be stored with IRFU HQ, (safeguardingincidents@irfu.ie), where a note of the case and outcome will be held in line with IRFU retention policy and all originals will be shredded
- The CWO will inform the Spirit of Rugby Officer (Branch Welfare Officer) and National Safeguarding Officer of the outcome of the process, via safeguardingincidents@irfu.ie

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APPENDIX TWO

DEALING WITH POSITIVE DISCLOSURES

It should be noted that the National Vetting Bureau (NVB) and Access NI (ANI) do not provide 'clearance' for people to work with children and vulnerable adults; the vetting organisation (IRFU) receives relevant information and decides on the suitability of the applicant.

IRFU is committed to equal opportunities for all and does not preclude applicants with criminal convictions. Convictions will only be considered when relevant to the position that the applicant has applied for. Applicants whose vet returns information in relation to their criminal record will be judged on a case-by-case basis and positive disclosures do not necessarily preclude a person from taking a role within Irish Rugby. Applicants may be contacted to discuss relevant risks so that IRFU can reach a safe and fair recruitment decision.

The assessment of suitability will depend on a number of factors:

- the nature of the position
- the self-disclosure of any prosecutions or convictions
- the seriousness, timing and any possible pattern that emerges of any information disclosed
- the potential of reoffending to cause harm to young people/vulnerable adults

The following are assessed:

- Age of applicant now and at the time of the offence
- Type and nature of the offence
- Number of offences on record
- Pattern of offending or date since last offence
- Contact with young people and/vulnerable adults
- Any mitigating factors
- Any aggravating factors
- Disclosure by applicant
- Cooperation with case management process

Disclosure of certain types of convictions/prosecutions may automatically preclude the applicant from a position working with children or vulnerable adults. Examples of offences that may prohibit an applicant are:

- Any offence of a sexual nature
- Any offence against a child or of child abuse or pornography
- An offence that causes gross bodily harm
- An offence of kidnapping
- A series of continuous offending that might cause concern for the well-being of children, including offences related to fraud and/or deception

All decisions on the suitability of an applicant are a matter for IRFU and the safeguarding risk assessment committee and will be done on a strictly confidential basis. Further information is available in the IRFU vetting policy.

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APPENDIX THREE

ALLEGATIONS AGAINST ADULT MEMBERS

- An adult against whom an allegation of abuse has been made should be informed that this is not an accusation and that the procedures being undertaken are in accordance with Statutory guidelines. He or she should be assured that all information will be dealt with in a sensitive and confidential manner
- Any necessary steps taken relevant to their membership should be proportionate to the level of risk and should not unreasonably penalise the member unless necessary to protect the Age-Grade or Vulnerable Adult Player
- Following consultation with and advice from the Statutory Authorities, the adult should be made aware of the general nature of any allegations made against him/her and of any allegation being made known to the Statutory Authorities
- In the case of a suspension of the coach/volunteer they will be notified by a member of the CMG panel
- The person concerned will be afforded the opportunity to present a formal response to the allegation. From this point the matter will only be dealt with by the Statutory Authorities pending the outcome of the investigation
- In the case of an allegation of abuse, it will be necessary to withhold the name of the child or vulnerable adult and the precise details of the allegation, in the interest of confidentiality and child protection/adult safeguarding
- In Northern Ireland there is a legal duty to refer someone to the Disclosure and Barring Service if following the disciplinary procedures, the following has occurred:
 - sacked or removed the person from their voluntary role because they harmed a child or vulnerable adult;
 - sacked them or removed them from working in regulated activity because they might have harmed a child or adult otherwise; or
 - where planning to sack or remove them for either of these reasons, but the person resigned first

An employer or organisation (IRFU) is breaking the law if they don't refer someone to the DBS in any of the above circumstances – this referral will be done by the Mandated Person of the IRFU

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