

RFU REGULATION 21 – SAFEGUARDING

Definitions

‘CB Safeguarding Manager’ means a person designated as being in charge of Safeguarding at a Constituent Body.

‘Child’ means a person under the age of eighteen years as defined by the Children Act 2004. Children means more than one child.

‘Club Safeguarding Officer’ means a person designated as being in charge of Safeguarding at a Club.

‘DBS’ means the Disclosure and Barring Service.

‘DBS disclosure’ means a DBS Disclosure issued by the DBS. There are three levels of disclosure: Standard, Enhanced or Enhanced with barred list checks. Depending on the nature of the role and the level of supervision the RFU will require either Enhanced or Enhanced with barred list checks.

‘DBS cleared’ means a person whose Enhanced DBS disclosure has been cleared by the RFU.

‘Legal Officer’ means one of the RFU’s in-house solicitors.

‘Offence’ means any one or more of the offences which reasonably cause the RFU to believe that the person accused of the offence poses or may pose a risk of harm to a child or children.

‘Policy’ means the RFU’s Safeguarding Children and Vulnerable Adults in Rugby Union Policy and Guidance (as amended from time to time) which is available at <http://www.rfu.com/ManagingRugby/SafeguardingChildren.aspx> or any other successor policy and procedure for the safeguarding of Children.

‘Regulated Activity’ in relation to children means teaching, training, instruction, care or supervision of children, carried out by the same person frequently (once a week or more often), or on four or more days in a 30 day period, or overnight.

‘Rugby Union’ any form of rugby played under the jurisdiction of the RFU including but not limited to, all age-grade rugby, fifteen-a-side, sevens, touch and tag

‘RFU Appeal Panel’ an appeal panel appointed pursuant to this regulation and in accordance with the process set out in RFU Regulation 19

All other Definitions used in these Regulations will bear the same meaning as those set out in RFU Regulation 1 for the relevant Season.

21.1 General

21.1.1 The RFU has jurisdiction to deal with any allegation of abuse of a Child, any breach of the Policy and/or any breach of these Regulations.

- 21.1.2 Any allegations of abuse of Child or breach of the Policy or these Regulations shall be dealt with in accordance with these Regulations.
- 21.1.3 Any person involved in rugby must report all Child -safeguarding cases of which they become aware to the relevant Safeguarding Officer at the applicable Constituent Body, National Representative Body, Club and/or Referee Society (as appropriate). It is also the duty of Clubs and Referee Societies to report all such cases to the Safeguarding Manager for their Constituent Body and to the RFU's Safeguarding Department.
- 21.1.4 Each Club with a mini and/or junior section must have a Club Safeguarding Officer. A Club Safeguarding Officer must attend an InTouch course within 6 months of their appointment details of which are available at www.rfu.com/managingrugby/safeguarding
- 21.1.5 Each Constituent Body must have a CB Safeguarding Manager. A CB Safeguarding Manager must attend the NSPCC Time to Listen training within 6 months of their appointment.

21.2 Enhanced DBS Disclosure

- 21.2.1 An adult who works in Regulated Activity on a paid or voluntary basis with Children in rugby in England must comply with the requirements of the RFU's DBS process. These requirements are:-

- (i) to apply for a DBS disclosure processed through the RFU Safeguarding Department within four weeks of their employment or appointment;
- (ii) to provide a DBS disclosure within four weeks of their employment or appointment processed by another DBS Registered Body and to have subscribed to the DBS Update Service and to have consented to the RFU using the DBS Update Service in accordance with the RFU DBS process which is explained further in guidance which may be found at (www.rfu.com/managingrugby/safeguardingchildren/vettingcoachesofficialsandothervolunteers)
- (iii) to provide any such further detail, explanation or clarification of any or all part or parts of that DBS disclosure as may be required by the RFU; and
- (iv) to provide, on request from the RFU, references that attest to their suitability to be involved in working in Regulated Activity with Children in rugby.

Whilst awaiting their DBS disclosure a person may temporarily work on a paid or voluntary basis with Children provided they are supervised at all times during any activity involving Children by a person who is DBS cleared within the Club, Constituent Body, Referee's Societies or National Representative Body (as applicable) pending their DBS clearance or notification from the RFU that they have not been cleared as set out in this Regulation.

- 21.2.2 Any person who fails to comply with the RFU's DBS process or is not DBS cleared may be suspended from participating in rugby or may be designated as not cleared to work in Regulated Activity with Children by having a Temporary Suspension Order or a Suspension Order imposed upon them as set out in this Regulation. Any Temporary Suspension Order or Suspension Order imposed shall be subject to a right of appeal in accordance with these Regulations.

- 21.2.3 DBS disclosures are valid with the RFU for 3 years. All adults who have DBS disclosures and wish to continue to work in Regulated Activity with Children must apply to the RFU to renew their DBS Disclosure before expiry of the 3 years. Failure to renew a DBS disclosure will be a breach of these Regulations subject to the information provided in the guidance to this Regulation.
- 21.2.4 If a person's DBS renewal disclosure is not cleared by the RFU then that person may be suspended from participating in rugby union or may be designated as not cleared to work in Regulated Activity with Children. Any Temporary Suspension Order or Suspension Order imposed shall be subject to a right of appeal in accordance with these Regulations.
- 21.2.5 Clubs, Constituent Bodies, Referee's Societies or National Representative Bodies must not employ anyone or appoint a volunteer who will work in Regulated Activity on a paid or voluntary basis with Children who is not DBS cleared, subject to the exception in RFU Regulation 21.2.1. Breach of this Regulation may result in disciplinary action being taken under RFU Rule 5.12 against the individual who has not been DBS checked, Club, Constituent Body, Referees Society and/or National Representative Body (as applicable).

21.3 Temporary Suspension Orders

- 21.3.1 Temporary Suspension Orders may be issued by the Legal Officer suspending an individual from playing in or attending rugby matches and/or participating in all or any other rugby activity including, for the avoidance of doubt, suspending an individual from being in a Clubhouse when children are or are likely to be present, for such period and on such terms and conditions as the Legal Officer considers fit on a case by case basis.
- 21.3.2 A Temporary Suspension Order may be imposed when the Legal Officer receives:
- (a) notification that an individual has been charged with an Offence;
 - (b) notification that an individual is the subject of an investigation by the Police, Social Services or any other authority relating to an Offence; and/or
 - (c) any other information which causes the Legal Officer to believe that a person poses or may be a risk of harm to a Child.
- 21.3.3 In determining whether a Temporary Suspension Order should be imposed the Legal Officer shall give consideration to, but not limited to, the following factors:
- (a) whether a Child may be at risk of harm;
 - (b) whether the matters or offences alleged are of a serious nature; and/or
 - (c) whether a Temporary Suspension Order is necessary or desirable to protect a Child from harm.
- 21.3.4 If the Legal Officer issues a Temporary Suspension Order the individual concerned will be promptly notified by the RFU. The notification shall be copied to those who need to know on a confidential basis including any relevant authorities. The notification shall:

- (a) set out the reasons why the Temporary Suspension Order has been imposed;
- (b) advise that the individual has 28 days from the date of the notification in which to appeal the decision; and
- (c) explain that the Temporary Suspension Order could become a Suspension Order and if so, that the RFU will notify the relevant authorities.

21.4 Suspension Orders

21.4.1 Suspension Orders may be made by the Legal Officer permanently suspending an individual from playing in or attending rugby matches and participating in all or any other rugby activity including, for the avoidance of doubt, suspending them from being in a Clubhouse when children are or are likely to be present, on such terms as they consider fit on a case by case basis.

21.4.2 A Suspension Order may be imposed when the Legal Officer receives:

- (a) notification that an individual has been convicted of, or made the subject of a caution in respect of, an Offence;
- (b) notification of the outcome of an investigation by the Police, Social Services or any other authority relating to an Offence; and/or
- (c) notification of information which causes the Legal Officer to believe that a person poses or may be a risk of harm to a Child.

21.4.3 In determining whether a Suspension Order should be imposed consideration shall be given to, but not limited to, the following factors:

- (a) whether a Child may be at risk of harm;
- (b) whether the matters or offences alleged are of a serious nature; and/or
- (c) whether a Suspension Order is necessary or desirable to protect a Child from harm.

21.4.4 If a Suspension Order is issued the individual concerned will be promptly notified by the RFU. The notification shall be copied to those who need to know on a confidential basis including any relevant authorities. The notification shall:

- (a) set out the reasons why the Suspension Order has been imposed;
- (b) advise that the individual has 28 days from the date of the notification in which to appeal the decision; and
- (c) explain that the RFU will notify the relevant authorities of the RFU's decision once the appeal process has expired.

21.5 Appeals

21.5.1 The imposition of a Temporary Suspension Order or Suspension Order will be subject to a right of appeal to an Appeal Panel within 28 days of the date of notification of the order to the individual concerned.

- 21.5.2 To bring an appeal under these Regulations, the individual must give notice in writing to the RFU's Head of Discipline requesting such an appeal within the 28 day deadline set out in the notification. The notice must include the reasons for the appeal together with any supporting documentation.
- 21.5.3 Where an appeal is lodged within the 28 day deadline, an Appeal Panel shall be set up and the appeal process and hearing shall be conducted in accordance with RFU Regulation 19.
- 21.5.4 The chairman of the Appeal Panel may make any directions concerning the conduct of the appeal hearing including with regard to the provision of evidence by any Child affected or potentially affected as he or she considers appropriate.
- 21.5.5 The Appeal Panel in considering any appeal against a Temporary Suspension Order or Suspension Order must decide whether the RFU decision to impose a Temporary Suspension Order or Suspension Order was appropriate in the circumstances.
- 21.5.6 Unless the Appeal Panel finds no case to answer, the matter shall be referred by the RFU to the relevant authorities. The individual shall have no further right of appeal under RFU Regulations.
- 21.5.7 If no appeal is lodged within the 28 day appeal period the sanction shall take effect without further notice to the individual concerned. The RFU will promptly notify the individual of this, including the details of the Suspension Order and details of the period after which an appeal for removal of the Suspension Order may be made. The notice shall be copied to the applicable Club, its Constituent Body and/or the Referee Society and a referral will also be made to the relevant authorities.

21.6 Review

- 21.6.1 The person who is the subject of a Suspension Order may request that it be reviewed upon expiry of the term of the order. Any request for a review shall be made to the RFU Head of Discipline, who shall refer the matter to the Legal Officer.
- 21.6.2 The Legal Officer may decide to:
- (a) keep the Suspension Order in place;
 - (b) vary the terms of the Suspension Order; or
 - (c) lift the Suspension Order.
- 21.6.3 For the avoidance of doubt, any review pursuant to Regulation 21.6.1 will be subject to the Regulations in place at the time of the review and not those in place at the time the suspension order was imposed.

21.7 Deviation from the Regulations

Any deviation from these Regulations shall not invalidate any decision unless it was such as to cast material doubt on the reliability of the decision.