

# RFU REGULATION 21 – SAFEGUARDING

## Definitions

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

**‘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.

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

**‘CRB disclosure’** means an Enhanced Criminal Records Bureau Disclosure.

**‘Legal Officer’** means one of the RFU’s Legal Officers.

**‘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 Vulnerable Person.

**‘Policy and Procedures’** means the RFU’s Policy and Procedures for the Welfare of Young People in Rugby Union or any other successor policy and procedure for the safeguarding of Vulnerable People as amended from time to time.

**‘TSO’** means a Temporary Suspension Order which may be imposed by the Legal Officer.

**‘Vulnerable Adult’** means a vulnerable adult as defined in section 59 of the Safeguarding Vulnerable Groups Act 2006. In summary, vulnerable adults are defined as someone 18 years or older with a dependency upon others, or a requirement for assistance from others, in the performance of basic physical functions; severe impairment in the ability to communicate with others, or impairment in a person’s ability to protect him or herself from assault, abuse or neglect.

**‘Vulnerable People or Persons’** means Children and Vulnerable Adults.

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 Vulnerable Person or of a breach of the Policy and Procedures.

21.1.2 Any allegations of abuse of Vulnerable People or breach of the Policy and Procedures shall be dealt with in accordance with these Regulations.

21.1.3 Any person involved in rugby union must report all child and Vulnerable Adult 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 a Club Safeguarding Officer's Workshop within 6 months of their appointment.

Each CB 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 CRB Disclosure**

21.2.1 An adult who works closely on a paid or voluntary basis with Vulnerable People in any capacity in rugby union in England must comply with the requirements of the RFU's CRB process. These requirements are: -

- (i) to obtain a CRB disclosure which must be processed through the RFU Safeguarding Department within four weeks of their employment or appointment. CRB disclosures obtained through other bodies will not be recognised;
- (ii) to provide any such further detail, explanation or clarification of any or all part or parts of that CRB disclosure as may be required by the RFU; and
- (iii) to provide, on request from the RFU, references that attest to their suitability to be involved in working with Vulnerable People in rugby union.

21.2.2 Any person who fails to comply with the RFU's CRB process or is not CRB cleared may be suspended from participating in rugby union or may be designated as not cleared to work with Vulnerable People. Any TSO or Suspension Order imposed shall be subject to a right of appeal in accordance with these Regulations.

21.2.3 CRB disclosures are valid with the RFU for 3 years. All adults who have CRB disclosures and wish to continue to work closely on a paid or voluntary basis with Vulnerable People must apply to the RFU to renew their CRB Disclosure before expiry of the 3 years. Failure to renew a CRB disclosure by someone who continues to work closely on a paid or voluntary basis with Vulnerable People will be a breach of these Regulations.

21.2.4 If a person's CRB 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 with Vulnerable People. Any TSO or Suspension Order imposed shall be subject to a right of appeal in accordance with these Regulations.

21.2.5 Clubs, Constituent Bodies, National Representative Bodies and/or Referee Societies must not employ anyone or appoint a volunteer who will work closely on a paid or voluntary basis with Vulnerable People who is not CRB cleared, subject to the exception in RFU Regulation 21.2.6. Breach of this Regulation may result in disciplinary action being taken under RFU Rule 5.12 against the individual who has not been CRB checked, Club, Constituent Body, National Representative Body and/or Referee Society (as applicable).

21.2.6 A person who is employed or appointed on a paid or voluntary basis to work closely with Vulnerable People must apply for CRB disclosure within 4 weeks of

their employment or appointment. A person may be employed or appointed to work closely on a paid or voluntary basis with Vulnerable People whilst awaiting their CRB disclosure provided they are supervised during any activity with Vulnerable People by a person who is CRB cleared within the Club, Constituent Body, National Representative Body or Referee Society (as applicable) pending their CRB clearance or notification from the RFU that they have not been cleared as set out in RFU Regulation 21.2.2 above.

### **21.3 Temporary Suspension Orders**

21.3.1 TSOs may be issued by the Legal Officer suspending an individual from playing in or attending rugby union matches and/or participating in all or any other rugby union activity 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 TSO 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 Vulnerable Person.

21.3.3 In determining whether a TSO should be imposed the Legal Officer shall give consideration to, but not limited to, the following factors:

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

21.3.4 If the Legal Officer issues a TSO 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. The notification shall:

- (a) set out the reasons why the TSO has been imposed;
- (b) advise that the individual has 28 days from the date of the notification in which to appeal the decision and after which period the TSO will become a Suspension Order; and
- (c) explain that the RFU will notify the relevant authorities of the RFU's decision if a Suspension Order is imposed either after an appeal or in accordance with RFU Regulation 21.4.4(b).

### **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 union matches and participating in all or any other rugby union activity 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 Vulnerable Person.

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 Vulnerable Person 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 Vulnerable Person 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 published. 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 TSO or Suspension Order will be subject to a right of appeal to the RFU's 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 disciplinary manager requesting such an appeal within the deadline set out in RFU Regulation 21.5.1. 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 time limit, an Appeal Panel shall be set up in accordance with RFU Regulation 19. The chairman of the Appeal Panel may issue directions as to the procedure and evidence to be adduced in advance of the hearing in accordance with RFU Regulation 19.

21.5.4 The appeal hearing shall be conducted in accordance with RFU Regulation 19. 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 the Vulnerable Person as he considers appropriate.

- 21.5.5 The Appeal Panel in considering any appeal against a TSO or Suspension Order must decide whether the risk assessment undertaken by the RFU when imposing a TSO or Suspension Order was correct.
- 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 published on the RFU website. 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 after 5 years. Any request for a review shall be made to the RFU Disciplinary Officer.
- 21.6.2 The RFU Disciplinary 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

## **21.7 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.