

## Our Games Our Code

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

## **1. Introduction**

1.1. Our Games Our Code – Code of Best Practice in Youth Sport when working with underage players (“the Code of Best Practice”) is the joint Code of Best Practice published by:-

- 1.1.1. The Gaelic Athletic Association (“the GAA”);
- 1.1.2. Ladies Gaelic Football Association (“the LGFA”);
- 1.1.3. The Camogie Association;
- 1.1.4. GAA Handball Ireland;
- 1.1.5. Rounders Council of Ireland.

(collectively “the Associations”)

1.2. The Code of Best Practice outlines the standards of practice required of those participating in underage games and activities, regardless of what role they may play and in doing so, brings together the collective good practice experiences of our Associations while also recognising legislative, organisational and statutory guidance that governs our work with young people and children.

1.3. Our Associations are committed to creating and maintaining a safe and enjoyable environment for all young people and children who participate in our sports. In upholding this principle, our Associations will continue to abide by and integrate child welfare legislation and statutory guidance into our work in all jurisdictions in which we operate.

1.4. The welfare of the child shall always be our paramount consideration, whether it is on the playing fields, in the training of our underage players, in the recruitment of our coaches or the many other developmental and social opportunities that we offer our underage players on a regular basis.

1.5. The promotion and implementation of the Code of Best Practice is everybody’s responsibility.

1.6. Unfortunately, breaches of the Code of Best Practice may occur from time to time, some of which may be minor breaches and some of which may be major breaches. Breaches may happen for a number of reasons including, but not limited to, carelessness, poor practice, lack of understanding or there may be, in some instances, deliberate or calculated breaches of the Code of Best Practice.

1.7. This document, Dealing with Alleged Breaches of the Code of Best Practice forms part of the Code of Best Practice and sets out the procedures to be followed in the event of alleged breach of the Code of Best Practice, the disciplinary procedures to be applied for a breach that has occurred and the sanctions that may be imposed for breaches of the Code of Best Practice.

## **2. General Provisions for Dealing with Alleged Breach of the Code of Best Practice**

## **2.1. Status**

- 2.1.1. Breaches of the Code of Best Practice may also be a breach of the rules of the relevant Association.
- 2.1.2. In circumstances where an allegation could constitute a breach of the Code of Best Practice or a breach of rule, it shall be dealt with under the rules of the relevant Association and the disciplinary procedure contained in the rules, unless it is determined, in accordance with paragraph 5.1.6 below, that the allegation should be dealt with under the provisions of the Code of Best Practice.

## **2.2. False Allegations**

- 2.2.1. Any member found to have made a false or vexatious allegation shall be dealt with in accordance with the disciplinary procedures in the relevant Association's rules.

## **2.3. Allegations of Abuse**

- 2.3.1. Allegations of abuse shall be dealt with in accordance with the provisions of the Guidelines for Dealing with Allegations or Concerns of Abuse, and not under the provisions below.

## **3. Reporting an Alleged Breach of the Code of Best Practice**

- 3.1. An allegation of a breach of the Code of Best Practice may be made by any person or persons ("the Complainant") to one of the following as appropriate in the circumstances:-
  - 3.1.1. The Club Children's Officer;
  - 3.1.2. The County Children's Officer;
  - 3.1.3. The National Children's Officer;
  - 3.1.4. The Secretary of the Club Executive Committee;
  - 3.1.5. The Secretary of the County Committee;
  - 3.1.6. The Secretary of the National Child and Welfare and Protection Committee ("NCWPC").
- 3.2. While an allegation of an alleged breach of the Code of Best Practice may initially be made verbally or in writing it must be submitted in writing by a Complainant so as to enable it to be processed and should include the following information:-
  - 3.2.1 The complaint must contain the time, date, venue and provision of the Code of Best Practice that has been allegedly breached, the identity and names of any person(s) allegedly involved and the name(s) of person(s) who may have witnessed the alleged breach. The complaint must contain the name and contact details of the Complainant.

- 3.3. Any failure to provide the information outlined at clause 3.2.1 above shall not invalidate an allegation.
- 3.4. Anonymous complaints can be difficult to deal with, however they cannot be ignored. All such complaints relating to inappropriate behaviour/poor practice should in accordance with section 3.1 be brought to the attention of the relevant person and assessed for processing if possible.

#### **4. Informal Procedure for Dealing with Alleged Breaches of the Code of Best Practice**

- 4.1. It is acknowledged that certain breaches of the Code of Best Practice that occur at Club or County level may be instances of poor practice which may be appropriately dealt with in an informal manner.
- 4.2. Where an allegation has been made to the Club or County Children's Officer, the Children's Officer will consider the allegation and establish the facts and the context of the allegation.
- 4.3. Where the Children's Officer is of the view that the allegation is serious (because of the gravity of the allegation or for some other reason) he/she shall refer the allegation to the Secretary of the Club Executive Committee, the Secretary of the County Committee or the Secretary of the NCWPC as appropriate to be dealt with in accordance with the formal procedure set out at clause 5 below.
- 4.4. Where the Children's Officer is of the view that the allegation of a breach of the Code of Best Practice may be appropriately dealt with in an informal manner, he/she shall be responsible for dealing with the alleged breach informally and agreeing the procedure to be followed with the parties. This could involve meeting with the person(s) against whom an allegation has been made and resolving the matter amicably and by agreement.
- 4.5. If an alleged breach of the Code of Best Practice is resolved informally, the Club or County Children's Officer will note the outcome in writing.
- 4.6. In the event that either party to the allegation objects to the allegation being dealt with informally, the Club or County Children's Officer shall refer the allegation to the Secretary of the Club Executive Committee, the Secretary of the County Committee or the Secretary of the NCWPC as appropriate to be dealt with in accordance with the formal procedure set out at clause 5 below.
- 4.7. In the event that:-
  - 4.7.1. it is not possible to resolve the issue, the subject matter of the allegation, in an informal manner the Club or County Children's Officer shall refer the allegation to the Secretary of the Club Executive Committee, the Secretary of the County Committee or the Secretary of the NCWPC as appropriate in the circumstances; or
  - 4.7.2. the person against whom the allegation has been made or the Complainant, is dissatisfied with the outcome of the informal procedure, he/she may refer the

matter to either the Secretary of the Club Executive Committee, the Secretary of the County Committee or the Secretary of the NCWPC as appropriate in the circumstances.

## **5. Formal Procedure for Dealing with an Alleged Breach of the Code of Best Practice**

### **5.1. Consideration of allegation**

- 5.1.1. The Secretary of the Club Executive Committee, the County Committee or the NCWPC (or any sub committees nominated for that purpose) shall refer any allegations he/she receives from a Complainant to the respective committee for consideration.
- 5.1.2. The Club Executive Committee may nominate a sub-committee to consider the allegation to allow for greater efficiency when dealing with an allegation and to preserve confidentiality when dealing with such matters.
- 5.1.3. The County Committee shall appoint a subcommittee known as the Code of Best Practice County Determining Committee (“the Determining Committee”). The County Committee shall nominate three persons to the Determining Committee. In its appointment of the Determining Committee, the County Committee shall seek to appoint a nominee of the relevant County Committee of each of the LGFA, the Camogie Association and the GAA to the Determining Committee. Any allegation of failure to appoint nominees of any of the Associations shall not undermine the validity of the Determining Committee as appointed or its decisions. The Determining Committee shall be responsible for considering and investigating any allegation made.
- 5.1.4. The NCWPC shall investigate and consider allegations at Provincial and National level and may investigate and consider allegations at Club and County level as are referred to it.
- 5.1.5. If any member of the relevant committee is conflicted in relation to an allegation, that member shall notify the members of the relevant committee and shall not be involved in investigating or considering the allegation.
- 5.1.6. In circumstances where an allegation could constitute a breach of the Code of Best Practice or a breach of rule of the relevant Association, the Club Executive Committee, the Determining Committee or the NCWPC as the case may be, may determine, in its absolute discretion that the allegation shall be dealt with under the Code of Best Practice. If no such determination is made, the allegation shall be dealt with in accordance with the disciplinary procedures set out in the rules of the relevant Association.

### **5.2. Investigation of an allegation**

- 5.2.1. Provided that the allegation is to be dealt with under the Code of Best Practice, the relevant committee may investigate any allegation that has come to its attention as it considers appropriate.

- 5.2.2. Where the relevant committee deems it necessary to conduct an investigation, it may carry out the investigation or delegate the investigation to one or more of its members as it considers appropriate in the circumstances.
- 5.2.3. The level of investigation required will depend on the circumstances. It may involve interviewing and taking statements from the Complainant and/or the Respondent, members or witnesses and/or reviewing relevant documents.
- 5.2.4. If the Respondent is under 18 years of age, meetings or interviews should not take place with the Respondent without the presence of his or her parent or guardian, unless the Respondent's parents or guardians have been notified of the allegation and invited to attend the meeting or interview but have refused to do so. In circumstances where the Respondent's parents or guardian refuse to accompany him or her to a meeting or interview, the Respondent shall be entitled to be accompanied to the meeting or interview by an adult of his/her choosing. If the Respondent chooses not to be accompanied to the meeting by an adult, the meeting or interview may proceed.
- 5.2.5. The investigation is solely for the purpose of fact-finding and no decision on disciplinary action will be taking by the relevant committee.
- 5.2.6. At the conclusion of the investigation, the relevant committee may decide:-
  - 5.2.6.1. That no further action should be taken;
  - 5.2.6.2. To refer the allegation to Club or County Children's Officer to deal with the allegation informally;
  - 5.2.6.3. To refer the allegation for hearing to the Club, County or National Code of Best Practice Hearings Committee; or
  - 5.2.6.4. To refer the allegation to be dealt with under the relevant Associations disciplinary rules.
- 5.3. In circumstances where the relevant committee refers the allegation to the Club, County or National Code of Best Practice Hearings Committee or refers the allegations to be dealt with under the relevant Associations disciplinary rules, it shall prepare a report ("the Report").
- 5.4. In the event that the relevant committee omits from the Report evidence that is subsequently shown to be relevant, this shall not of itself affect the validity of the Report.
- 5.5. The Report shall contain:
  - 5.5.1. The identity of any person(s) or Unit(s) against whom action is being taken ("the Respondent");
  - 5.5.2. A statement of the alleged breach quoting the provision(s) of the Code of Best Practice it is alleged has been breached;

- 5.5.3. Copies of all relevant documents available to the relevant committee (including where appropriate, the original allegation); and
- 5.5.4. A list of witnesses, if any, who will be required to attend the hearing on behalf of the relevant committee. This list may be updated at any stage up to 24 hours before any hearing.

**5.6. Appointment of the Club Code of Best Practice Hearings Committee (“the Club Code Hearings Committee”)**

- 5.6.1. The Club Executive Committee shall appoint the Club Code Hearings Committee consisting of three individuals to hear allegations of breaches of the Code of Best Practice at Club level.
- 5.6.2. In appointing the Club Code Hearings Committee, the Club Executive Committee will have regard to the extent of integration of the Associations in the particular club (if any) in selecting the Hearings Committee.
- 5.6.3. Any allegation of failure to comply with the obligation to have regard to the extent of integration of the Associations in a particular club, shall not undermine the validity of the committee as appointed or its decision.
- 5.6.4. If an individual appointed to the Club Code Hearings Committee is conflicted in relation to the parties to or the subject matter of the Report, that individual shall notify the Club Executive Committee of the conflict and shall be removed from the Club Code Hearings Committee.
- 5.6.5. If an individual is removed from the Club Code Hearings Committee, the Executive Committee shall appoint a different individual to the Club Code Hearings Committee on a temporary or permanent basis.
- 5.6.6. The Club Code Hearings Committee shall appoint from within its membership a Chairperson and a Secretary.

**5.7. Appointment of the County Code of Best Practice Hearings Committee (“the County Code Hearings Committee”)**

- 5.7.1. The County Committee shall appoint the County Hearings Committee consisting of three individuals, including a nominee from each of the GAA, the LGFA and the Camogie Association. If a nominee is not proposed from one of the Associations, the County Committee can appoint an individual in their place.
- 5.7.2. If an individual appointed to the County Hearings Committee is conflicted in relation to the parties to or the subject matter of the Report, that individual shall notify the County Committee of the conflict and shall be removed from the County Hearings Committee.

5.7.3. If a nominee is temporarily or otherwise removed from the County Hearings Committee, the County Committee shall appoint a different nominee from the same Association as the removed nominee to the Hearings Committee on a temporary or permanent basis.

5.7.4. The County Hearings Committee shall appoint from within its membership a Chairperson and a Secretary.

#### **5.8. Appointment of the National Hearings Committee (“the National Hearings Committee”)**

5.8.1. The NCWPC shall appoint the National Hearings Committee consisting of three individuals, one of whom it shall nominate as the Chairperson.

5.8.2. The National Hearings Committee shall hear allegations of breaches at Provincial and National level and may hear allegations of breaches at Club and County level if referred to it.

5.8.3. If any individual appointed to the National Hearings Committee is conflicted in relation to the parties to or the subject matter of the Report, that individual shall notify the NCWPC of the conflict and shall be removed from the National Hearings Committee.

5.8.4. If an individual is removed from the National Hearings Committee, the NCWPC shall appoint a different individual on a temporary or permanent basis to the National Hearings Committee while the allegations of breaches are being heard.

5.8.5. The National Hearings Committee shall appoint from within its membership a Secretary.

#### **5.9. Case Presenter**

**Where the relevant Committee refers the allegation to the Club, County or National Code of Best Practice Hearings Committee the Committee shall also appoint a Case presenter from within its membership or may by agreement request the complainant to present the case.**

#### **5.10. Notification of Hearing**

5.10.1. The Chairperson of the relevant Club Hearings Committee, County Hearings Committee or National Hearings Committee shall notify the person against whom the allegation has been made (“the Respondent”) and his or her parents, if the Respondent is under 18 years of age, the Complainant, the Case Presenter, the relevant Hearings Committee members of the following:

5.10.1.1. The date, time, and location of the hearing within 21 days of the relevant Hearings Committee having been appointed;

5.10.1.2. A copy of the Report;



- 5.10.1.3. The Respondent's right to be accompanied to the hearing and to cross examine witnesses;
- 5.10.1.4. If the Respondent is under 18 years of age, he/she will be informed that his/her parent have been notified and invited to the hearing;
- 5.10.1.5. A list of witnesses that will attend and inviting the Respondent to call witnesses.

**5.11. The Hearing at Club, County or Provincial/National Level (“the Hearing”)**

- 5.11.1. If the Respondent is an individual member, that Respondent shall attend the Hearing personally and may be represented by one full member of his or her Club or Unit.
- 5.11.2. If the Respondent is not a member, that Respondent shall attend the Hearing personally and may be represented by a nominated colleague.
- 5.11.3. If the Respondent is a Club, that Club shall be represented at the Hearing by a maximum of two of its full members.
- 5.11.4. If the Respondent is under 18 years of age, that Respondent may also be accompanied by his/her parent(s)/guardian(s) or by an individual nominated by his/her parent(s)/guardian(s).
- 5.11.5. The Case Presenter [see 5.9] shall attend the Hearing and present the evidence contained in the Report.
- 5.11.6. The relevant Hearings Committee will decide on all matters of procedure, and may adjourn Hearings and take such steps as are necessary and appropriate to the Hearing.
- 5.11.7. Any person found by the relevant Hearings Committee to have given deliberately false evidence, whether orally or in writing, or to have deliberately mislead any hearing shall be dealt with in accordance with the Disciplinary Procedures provided for by the Associations in their rules.

**5.12. Decision**

- 5.12.1. At the conclusion of the hearing, the relevant Hearings Committee will retire to consider its decision as to whether the alleged breach of the Code of Best Practice occurred and what sanction (if any) is appropriate and proportionate in the circumstances.
- 5.12.2. A decision shall be made by the majority of the members of the relevant Hearings Committee presiding over the Hearing.
- 5.12.3. The decision shall be recorded and shall be notified to the Complainant, the Respondent and the relevant committee who referred the allegation to the Hearings Committee.

### **5.13. Sanctions**

The following sanctions are available to the Hearings Committees if it finds that there has been a breach of the Code of Best Practice:-

- 5.13.1. Conditions in respect of the membership or level of participation that a person may have including, but not limited to, training or re-training of members appropriate to their roles and interaction with children and young people in the relevant Association;
- 5.13.2. Restrictions on the manner and level of participation that a person may have in the relevant Association;
- 5.13.3. Debarment in respect of a member from identified privileges of the relevant Association such as playing games, attending games, holding office, handling funds, attending occasions other than games etc.

### **5.14. Appeals**

- 5.14.1. A Respondent who is aggrieved by the decision of the relevant Hearings Committee may appeal the decision by serving notice in writing (“the Appeal”) to the Secretary of the Code of Best Practice and Code of Conduct Appeals Committee (“the Appeals Committee”), within three days from the date and time of notification of the decision.
- 5.14.2. The Appeal shall be signed by the Appellant, or in the case of a Club or Unit, by its secretary and shall set out the grounds of appeal.
- 5.14.3. The Secretary of the Appeals Committee shall notify the Chairperson of the Appeals Panel that an Appeal has been lodged.

### **5.15. Appointment of the Appeals Committee**

- 5.15.1. The Associations shall have an Appeals Panel comprised of ten individuals which include representatives from each of the Associations.
- 5.15.2. The Chairperson of the Appeals Panel shall appoint an Appeals Committee comprised of three members from the Appeals Panel to consider an appeal from a decision of the relevant Hearings Committee.

### **5.16. Notification of the Appeal and the Appeal Hearing**

- 5.16.1. All parties to any original Hearing shall have the right to be present at the hearing of an Appeal.
- 5.16.2. The Appeal shall be heard as soon as reasonably convenient.
- 5.16.3. A copy of the Appeal, together with notification of the place, date and time of the Appeal Hearing shall be sent by the Secretary to the Appeals Committee

and to all parties to the original Hearing.

- 5.16.4. The Appellant may only call witnesses who gave evidence in the original Hearing.
- 5.16.5. An Appeal shall be limited to the matters raised in the Appellant's Appeal as originally lodged and shall be upheld only where (i) there has been a clear infringement or misapplication of the Code of Best Practice by a Hearings Committee or (ii) the Appellant's Right to a fair hearing has otherwise been compromised to such extent that a clear injustice has occurred. No determination of fact by a Hearings Committee shall be set aside unless shown to be manifestly incorrect.
- 5.16.6. The Appeal's Committee appointed to hear the appeal shall not have been connected to the investigation or the complaint previously, and no member of the Appeal's Committee shall have been a member of the Hearings Committee considering the original Report.
- 5.16.7. **Decision**
  - 5.16.8. A decision shall be made by the Appeals Committee on foot of the Appeal and such decision shall be notified to the Appellant, the Hearings Committee, and any other relevant party. In the event of the Appeal being upheld, the Appeals Committee shall either:
    - 5.16.8.1.1. Annul the decision appealed against and direct no further action be taken by the Hearings Committee;
    - 5.16.8.1.2. Remit the matter for re-hearing or re-processing (with or without recommendations as to procedure), or
    - 5.16.8.1.3. Substitute its own decision on the matter.