

**Keeping children and young people safe  
in esports (2021)**

**Guidance for esports and gaming  
organisations**

**Consultation document**

**1<sup>st</sup> Draft**

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## **About the Author**

1. Mark Hatter has been a social worker since 1986. He has over 35 years of experience of working with child protection matters, and has held roles of a Senior Social Worker, Child Protection Coordinator and Team Manager. He spent several years working alongside one of Surrey police's child protection teams investigating organised sexual abuse, including Operation Ore, part of a world-wide investigation into online child pornography that began in 1999 and led to 1,451 convictions in the UK alone. He has managed children's homes and was a multi-agency safeguarding trainer. He is also an author, having published a children's book in 2012 written to help professionals talk to children about the care they are receiving from their parents and carers.
2. In 2011, Mark launched Mark Hatter Associates Limited. Services include providing Health, Social Care and Education professionals working with children and their families, face to face safeguarding training, and access to a suite of over 90 online CPD accredited courses. Mark Hatter Associates also trades as an Independent Social Work Agency, specialising in the undertaking of a range of family focused assessments both in the UK and Europe. Mark has a particular interest in promoting the inclusion and improving the life skills and opportunities for children who have special educational needs and is often called upon as an expert witness in special educational needs tribunals.
3. In 2019 Mark co-founded Akolyte Limited, a coaching platform for gamers who have ambitions to go professional. In September 2020 he launched the International Federation of Esports Coaching aimed at developing the professional role of the coach in esports and cultivating industry-wide awareness of safeguarding and safe professional practice. The Federation offers coaches and support staff access to high-quality training, peer-support and mentorship; whilst ensuring that the risk of abuse and exploitation of children, young people, and vulnerable adults in esports is minimised by establishing an international community of vetted coaches and support staff.

## **What is the status of this guidance?**

4. In June 2020, Mark Hatter Associates Limited published '*The Challenge of Safeguarding in Esports White Paper*' with the aim of raising awareness and building momentum for the safeguarding reform of the esports and gaming industries. This White Paper was published online and was also sent to the UK government's Senior Policy Advisor for Video Games and Esports, at the Department for Digital, Culture, Media and Sport.
5. Part 4 para 64. of the White Paper identified a number of recommendations that the UK esports industry should undertake in order to fulfil their safeguarding responsibilities and this guidance is a continuation of those solutions, but places them in an international, rather than local (i.e. UK) context, emphasising that safeguarding in esports is a global issue without borders.
6. Since its publication, it has become evident to the author and the contributors to this guidance that the esports industry's response to its safeguarding responsibilities is fragmented. There is no unified response to the harm children may experience and there is a lack of direct and ongoing input from those safeguarding professionals that are best placed to advise both the esports and gaming industries. While we are supportive of all attempts to improve safeguarding, our own research suggests that where safeguarding guidance has been produced and implemented, it appears to originate from generic and 'off the shelf' documents. These documents do not provide the sufficient detail in the specific areas of risk that is needed to be understood and acted upon by esports and gaming organisations.
7. The worldwide Covid pandemic has brought into sharp focus the harm that can be done to children whilst they are online. There is clear evidence that those intent on harming children have been looking at new opportunities to do so, and due to the lack of a coherent safeguarding response, esports continues to place extremely vulnerable children at risk of being harmed and exploited, both in the physical world and whilst online.
8. Esports is unique. No other competitive activity enables children to follow their

dreams through being able to engage and interact with digital content, often from the confines of their own bedrooms. Many teams run their organisations online, using proprietary platforms where concerns regarding the lack of safeguarding already exist. Children can be coached by professional coaches, either individually or with other children, whom they may never physically meet in person. Consequently, it is far easier for harm to occur and for children to remain silent and not to be given a voice.

9. The esports industry strives to be an inclusive sport where barriers to entry are minimised. Whilst we all support these aims, organisations also need to understand that as the demographic of children engaging in esports widens so too does the corresponding vulnerability of those children. It is well understood that children who are perceived to be vulnerable, for whatever reason, are also more likely to suffer harm, whether this be from online bullying from other children to sexual abuse from a trusted adult.
10. It is our belief that esports requires a unified response to addressing the welfare and safeguarding of children. Whilst this guidance is not intended to be a statutory instrument, we believe that it should be regarded as a model of good practice and should be adhered to unless there is good reason not to do so. We also believe that esports and gaming organisations should pay due regard to it when carrying out their responsibilities to safeguard and promote the welfare of children.
11. We recognise that for both the esports and gaming industries, guidance intended to be an industry wide standard raises issues about 'regulation' and whether this guidance is needed or warranted. Consequently, we are publishing this guidance as a draft document for industry stakeholders to read and comment upon and encourage them to contribute to a final version that is agreed upon by the majority. Crucially, key stakeholders also include parents, carers and the children themselves and their voices also need to be heard.
12. Safeguarding should not be seen by organisations as a distinct, separate responsibility but needs to be viewed as being on a continuum of need where soundly based professional judgments are key. Organisations need to

understand that their safeguarding responsibilities go further than providing the minimum response; they need to, as an imperative, invest in and maintain the professional development of their staff and be able to acknowledge and address concerns when expectations fall short. This guidance provides organisations with the building blocks that will enable them to develop their own integrated and seamless safeguarding policy and procedures that are fit for purpose and which meets the needs of children.

13. Alongside this guidance, we are recommending that an international safeguarding board is established whose role will be to ensure that the welfare and safeguarding of children remains front and centre of any future decisions made by the esports and gaming industries.
14. We need to emphasise that this guidance, given its intended broad scope, cannot cover all areas of safeguarding and readers are encouraged to contact us where gaps are identified. With the support of the esports and gaming industries, it is our hope that this guidance, will evolve and change over time, ensuring that it remains relevant and responsive to the emerging needs of the esports and gaming industries.
15. Finally, the production of this guidance would not have been possible without referring to numerous documents, research articles, safeguarding publications from both governmental and private organisations, and from numerous conversations with experts from within the safeguarding, esports and gaming industries; including with children and parents themselves. Many readers of this guidance may be familiar with much of what is written, but we believe this is the first time that there has been an attempt to comprehensively integrate existing knowledge and best practice specifically written for the esports and gaming industries. We will, once the consultation period has ended, also produce a reference list of documents and publications that we believe will assist organisations to develop their own safeguarding policies and procedures. We have not applied copyright to the guidance as we want to make it as accessible as possible and for organisations to use its contents freely as they deem most appropriate.

## About this guidance

16. For the purposes of this guidance, the term children include everyone under the age of 18. Where the term staff member is used this includes those directly employed by an organisation, self-employed contractors, staff provided by a third-party organisation, such as an agency, and volunteers.
17. For the avoidance of doubt, this guidance should be read to inform, complement, and support any safeguarding policies and procedures that organisations already have in place and not be seen as a replacement. Nor does it replace any legal requirements placed upon organisations in their respective countries of operation.
18. For further avoidance of doubt, this guidance also supports the widely regarded professional opinion, that any sexual behaviour, towards any child between the ages of 16 and 18 years old, including grooming, by a staff member, and including coaches who work alone, is an abuse of their position and is therefore gross misconduct, whether or not this a specific criminal offence in particular countries.
19. We also recognise that many organisation's operations span several countries and will be involved with children from across the globe. As such, organisations should apply this guidance to where their headquarters or centre of operation is based. However, we would also recommend that organisations take legal advice regarding their legal responsibilities towards children who may live in a different country, where other laws and safeguarding protections may apply.
20. We use the terms "**must**" and "**should**" throughout this guidance. We use the term "**must**" when we believe the person in question must take a direct action, and the term "**should**" when the advice set out should be followed unless there is good reason not to do so.

### **Unless otherwise specified, for the purposes of this guidance:**

- ❖ '*training facility*' means: any facility that provides training to esports players where some or all of the players are children, whether this facility



is privately owned by an esports team or is provided through an independent third party.

- ❖ '*residential facility*' means: any facility owned by an esports team, or is provided through an independent third party, where children stay overnight in order to train, prepare for competitions, or otherwise receive professional guidance.
- ❖ '*host family*' means: any family who provides overnight accommodation for children, for the purpose of those children being coached or attending and/or competing in esports competitions or events.
- ❖ '*event organiser*' means: any organisation who organises and manages live esports competitions, conferences, trade shows or otherwise organises live esports events where children attend.
- ❖ '*chaperone*' means: an adult who has been fully police checked, vetted and assessed as a 'responsible adult' for the purposes of assuming the parental responsibility for a child in the absence of their parent's.
- ❖ '*esports coach*' means: an adult who provides esports coaching to children, whether in person or online, whether or not the coach provides this as a paid service.
- ❖ '*children's services*' means: the agency/organisation that has a statutory/legal responsibility for the welfare and safety of children. The specific name of these agencies/organisations will vary from country to country.

### **Who this guidance is for:**

21. This guidance should be read by and inform the policies and/or practices of:
  - ❖ Esports teams, academies, and gaming organisations.
  - ❖ Organisations that provide online esports and gaming services to children.
  - ❖ Esports coaches.
  - ❖ Any organisation/business/not-for-profit organisation, whose usual main

activity is otherwise the esports and gaming industry but also offers esports or gaming services on an ad hoc basis/short-term contract basis.

- ❖ Tournament and event organisers.
- ❖ Mental Health 1<sup>st</sup> Aiders.
- ❖ The parents/carers or guardians of children who participate in gaming and esports at any level.

## **Safeguarding information for all those involved in the esports and gaming industries.**

### **What you should know and do**

#### **A child-centred and coordinated approach to safeguarding**

22. Esports and gaming organisations and their staff are an integral part of the wider safeguarding system for children.
23. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children has a role to play in ensuring that they remain safe whilst they participate in gaming and esports. In order to fulfil this responsibility effectively, everyone should make sure their approach is child-centred and in children's best interests.
24. No one person can have a full picture of a child's needs and circumstances. If children are to be kept safe and to receive the right help, at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
25. We include in this guidance, behaviours and actions by others that, whilst they may not in themselves constitute a criminal offence, are nonetheless known to be harmful to children. Where an organisation is in doubt as to whether a criminal offence has been committed, they should nonetheless refer their concerns to the appropriate agency.
26. It is the responsibility of the person who has a safeguarding concern to report

this concern and to ensure that it is acted upon, even if a decision is made that no further action will be taken. History will show that all too often it has become apparent that more than one staff member had existing safeguarding concerns, but had never acted upon them, for fear of getting it wrong, or due to concerns regarding their own welfare. Inaction may have serious consequences for children's safety and an organisation **must** develop a culture where staff can share their concerns.

27. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
- ❖ protecting children from physical, sexual and emotional harm and neglect.
  - ❖ protecting children from harmful behaviour by other children, including physical and sexual harm, bullying and exploitation.
  - ❖ protecting children from grooming behaviour.
  - ❖ protecting children from financial exploitation.
28. **All** staff who have contact with children should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (e.g. via email, e-bulletins, and staff meetings), as required, and at least annually, to provide them with the relevant skills and knowledge to safeguard children effectively.
29. Whilst it is ordinarily the primary responsibility of the Designated Safeguarding Lead or their deputy, **all** staff should be aware of the process for making referrals to children's services or the police and to have an understanding of the processes that may follow a referral, along with the role they might be expected to continue to play.
30. **All** staff should know what to do if a child tells them that they are being abused. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need

to be involved, such as the Designated Safeguarding Lead (or a deputy) and children's services. With a view to the global nature of the guidance, staff in some countries will be mandated by law, to report abuse. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child and may lead to them continuing to be abused.

### **The role of esports teams**

31. Esports teams are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.
32. **All** staff have a responsibility to provide a safe environment where children are protected from harm. **All** staff should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem or concern is identified.
33. **Any staff member** who has a concern about a child's welfare should follow the referral processes set out below. Staff should expect to support children's services and other agencies following any referral.
34. Every esports team should have a Designated Safeguarding Lead and deputy who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as the police and children's services.
35. The Designated Safeguarding Lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

### **What all organisational staff need to know**

36. **All** staff should be aware of the systems within their organisation that support safeguarding, and these should be explained to them as part of staff induction. This should include the:

- ❖ child protection policy;
- ❖ behaviour policy;
- ❖ staff code of conduct;
- ❖ safeguarding response to children who give rise to a concern.
- ❖ role of the Designated Safeguarding Lead (including the identity of the Designated Safeguarding Lead and any deputies)

### **What staff should look out for**

37. Children who want to pursue an esports career will come from a wide range of backgrounds, with some children benefitting from additional monitoring and early help. **All** organisations should be particularly alert to the potential need for early help for a child who:
- ❖ is disabled and has specific additional needs;
  - ❖ has special educational needs;
  - ❖ is a young carer;
  - ❖ is showing signs of being drawn into anti-social or criminal behaviour.
  - ❖ is being reported as frequently missing/goes missing from care or from home;
  - ❖ is in a family circumstance that presents challenges for the child, such as parental drug and alcohol misuse, adult mental health issues and domestic abuse;
  - ❖ is themselves misusing drugs or alcohol;
  - ❖ has returned home to their family from being in care;
  - ❖ is a privately fostered child.

## **Abuse and neglect**

38. **All** staff should be aware of the indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. If staff are unsure, they should **always** speak to the Designated Safeguarding Lead (or deputy).
39. **All** staff should be aware that abuse, neglect and safeguarding issues are rarely stand-alone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.
40. **All** staff should be aware that safeguarding incidents can be associated with factors outside of the esports environment and/or can occur between children outside of these environments. **All** staff, but especially the Designated Safeguarding Lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside of their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, and serious youth violence.

### **Indicators of abuse and neglect**

41. **Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

**Physical abuse** – happens when a child is deliberately hurt, causing injuries such as cuts, bruises, burns and broken bones. It can involve hitting, kicking, shaking, throwing, poisoning, burning, or suffocating.

It also includes physical abuse if a parent or carer makes up or causes the symptoms of illness in children. For example, they may give them medicine

they do not need, making them unwell. This is known as fabricated or induced illness (FII).

**Neglect** - is persistently failing to meet a child's basic physical and/or psychological needs usually resulting in serious damage to their health and development. Neglect may involve a parent's or carer's failure to:

- ❖ provide adequate food, clothing, or shelter
- ❖ supervise a child (including leaving them with unsuitable carers) or keep them safe from harm or danger
- ❖ make sure the child receives appropriate health and/or dental care
- ❖ make sure the child receives a suitable education
- ❖ meet the child's basic emotional needs – parents may ignore their children when they are distressed or even when they are happy or excited. This is known as emotional neglect.

**Sexual abuse** - is forcing or enticing a child to take part in sexual activities. It does not necessarily involve violence and the child may not be aware that what is happening is abuse. Child sexual abuse can involve contact abuse and/or non-contact abuse. Contact abuse happens when the abuser makes physical contact with the child. It includes:

- ❖ sexual touching of any part of the body whether the child is wearing clothes or not
- ❖ rape or penetration by putting an object or body part inside a child's mouth, vagina, or anus
- ❖ forcing or encouraging a child to take part in sexual activity
- ❖ making a child take their clothes off, touch someone else's genitals or masturbate. Non-contact abuse involves non-touching activities. It can happen online or in-person and includes:
  - ❖ encouraging a child to watch or hear sexual acts
  - ❖ not taking proper measures to prevent a child being exposed to sexual activities by others
  - ❖ showing pornography to a child

- ❖ making, viewing, or distributing child abuse images
- ❖ allowing someone else to make, view or distribute child abuse images.

**Online sexual abuse includes:**

- ❖ persuading or forcing a child to send or post sexually explicit images of themselves, this is sometimes referred to as sexting
- ❖ persuading or forcing a child to take part in sexual activities via a webcam or smartphone
- ❖ having sexual conversations with a child by text or online
- ❖ meeting a child following online sexual grooming with the intent of abusing them. Abusers may threaten to send sexually explicit images, video or copies of sexual conversations to the young person's friends and family unless they take part in other sexual activity. Images or videos may continue to be shared long after the abuse has stopped. Abusers will often try to build an emotional connection with a child in order to gain their trust for the purposes of sexual abuse. This is known as grooming. Abusers will also try and groom a child's parents and family members in order to gain access to their child.

**Child sexual exploitation** (CSE) is a type of sexual abuse. Young people in exploitative situations and relationships receive things such as gifts, money, drugs, alcohol, status, or affection in exchange for taking part in sexual activities. Young people may be tricked into believing they're in a loving, consensual relationship. They often trust their abuser and don't understand that they're being abused. They may depend on their abuser or be too scared to tell anyone what's happening. They might be invited to parties and given drugs and alcohol before being sexually exploited. They can also be groomed and exploited online. Some children and young people are trafficked into or within the UK for the purpose of sexual exploitation.

Sexual exploitation can also happen to young people in gangs. Child sexual exploitation can involve violent, humiliating and degrading sexual assaults and involve multiple perpetrators.



**Emotional abuse** - is persistent and, over time, it severely damages a child's emotional health and development. It involves:

- ❖ humiliating, putting down or constantly criticising a child
- ❖ shouting at or threatening a child or calling them names
- ❖ mocking a child or making them perform degrading acts
- ❖ constantly blaming or scapegoating a child for things which are not their fault
- ❖ trying to control a child's life and not recognising their individuality
- ❖ not allowing them to have friends or develop socially
- ❖ pushing a child too hard or not recognising their limitations
- ❖ manipulating a child
- ❖ exposing a child to distressing events or interactions such as drug taking, heavy drinking or domestic abuse
- ❖ persistently ignoring them
- ❖ being cold and emotionally unavailable during interactions with a child
- ❖ never saying anything kind, positive or encouraging to a child and failing to praise their achievements and successes.

**Bullying and cyberbullying** - is behaviour that hurts someone else. It usually happens over a lengthy period of time and can harm a child both physically and emotionally. Bullying includes:

- ❖ verbal abuse, such as name calling
- ❖ non-verbal abuse, such as hand signs or glaring
- ❖ emotional abuse, such as threatening, intimidating, or humiliating someone
- ❖ exclusion, such as ignoring or isolating someone
- ❖ undermining, by constant criticism or spreading rumours
- ❖ controlling or manipulating someone
- ❖ racial, sexual, or homophobic bullying
- ❖ physical assaults, such as hitting and pushing
- ❖ making silent, hoax or abusive calls. Bullying can happen anywhere – at school, at home or online.

When bullying happens online it can involve social networks, games, and mobile devices. Online bullying can also be known as cyberbullying.

**Cyberbullying includes:**

- ❖ sending threatening or abusive text messages
- ❖ creating and sharing embarrassing images or videos
- ❖ 'trolling' - sending menacing or upsetting messages on social networks, chat rooms or online games
- ❖ excluding children from online games, activities or friendship groups
- ❖ setting up hate sites or groups about a particular child
- ❖ encouraging young people to self-harm
- ❖ voting for or against someone in an abusive poll
- ❖ creating fake accounts, hijacking or stealing online identities to embarrass a young person or cause trouble using their name.

**What Staff should do if they have concerns about a child**

42. In some countries staff **must** report safeguarding concerns and to not do so is an offence in its own right. Organisations **must** ensure that they know whether this legal responsibility is applicable to them.
  
43. Staff **must** ensure that when they are concerned for the welfare of a child they always act in that child's best interests. For some staff, who may also have a close professional relationship with a child's parents, reporting or raising their concerns can be worrisome, due to the repercussions that can occur in their relationship with the child's parents. Staff **must** always apply the same professional standards to such cases and put the needs of the child first.
  
44. Similarly, staff may also become aware of concerns regarding another staff member, directly from a child themselves, from another child, or through their own observations, and again they **must** put the needs of the child first.

45. Staff **must** never assume that another staff member will act on their concerns, because they themselves felt unable to do so. The primary responsibility to report concerns **always** remains with them and failure to do so will potentially lead to a child suffering further harm. If staff have any concerns about a child's welfare, they should act on them immediately, by them in accordance with their organisation's child protection policy and by speaking to the Designated Safeguarding Lead (or deputy).
46. Dependent on the level of concern for the child's welfare options will then include:
- ❖ Managing any ongoing support for the child internally through the organisations pastoral support services. This proposed support **must** be discussed with the child's parents.
  - ❖ A referral to children's services or the police where the child is believed to be suffering or likely to suffer harm.
47. The Designated Safeguarding Lead or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from children's services. In these circumstances, any action taken should be shared with the Designated Safeguarding Lead (or deputy) as soon as is practically possible.

### **The child's wishes**

48. Where there is a safeguarding concern, organisations should ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the **best** interests of the child at heart.

### **Record keeping**

49. All concerns, discussions and decisions made, and the reasons for those

decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss this with the Designated Safeguarding Lead (or deputy). Any records made **must** be stored securely and retained in accordance with the law pertaining to that country.

### **The consequences of poor practice**

50. It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Examples of poor practice include:
- ❖ failing to act on and refer the early signs of abuse and neglect;
  - ❖ poor record keeping;
  - ❖ failing to listen to the views of the child;
  - ❖ failing to re-assess concerns when situations do not improve;
  - ❖ not sharing information;
  - ❖ sharing information too slowly; and
  - ❖ a lack of challenge to those who appear not to be taking action.

### **Managing safeguarding**

51. Organisations must ensure that they comply with their duties under legislation. They **must** ensure that policies, procedures and training in their organisations are effective and comply with the law at all times.
52. Organisations should have a senior board level (or equivalent) lead to take **leadership** responsibility for their organisations safeguarding arrangements.

### **The Designated Safeguarding Lead**

53. Organisations should ensure that an appropriate senior member of staff, is appointed to the role of Designated Safeguarding Lead. The Designated Safeguarding Lead should take lead responsibility for safeguarding and child protection. This should be explicit in the role- holder's job description.

54. It is a matter for individual organisations as to whether they choose to have one or more deputy Designated Safeguarding Leads. Any deputy (or deputies) should be trained to the same standard as the Designated Safeguarding Lead.
55. Whilst the activities of the Designated Safeguarding Lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for safeguarding and child protection, as set out above, remains with the Designated Safeguarding Lead. This responsibility should not be delegated.
56. During core working hours, the Designated Safeguarding Lead and/or a deputy should always be available for staff to discuss any safeguarding concerns. It is a matter for organisations and the Designated Safeguarding Lead to arrange adequate and appropriate cover arrangements for any out of hours activities.
57. The Designated Safeguarding Lead and any deputies **must** undergo training to provide them with the knowledge and skills required to carry out the role. The risks that can occur to children can evolve over time, particularly since technology and online harms continue to change.
58. Designated Safeguarding Lead training should be updated every year.
59. In addition to their formal training as set out above, their knowledge and skills should be updated (e.g. via e-bulletins, meeting other Designated Safeguarding Leads, or taking time to read and digest safeguarding developments), at regular intervals, and at least annually, to keep up with any developments relevant to their role.

### **Safeguarding policies and procedures**

60. Organisations should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to

safeguard and promote children's welfare.

61. This should include:

- ❖ Organisations having an effective child protection policy. The child protection policy should describe procedures which are in accordance with local safeguarding guidance and where applicable refers to locally agreed multi-agency safeguarding arrangements. As a minimum it should be updated annually and be available publicly either via the organisation's website or by other means.
- ❖ A staff behaviour policy or code of conduct which should, amongst other things, include acceptable use of technologies, staff/children relationships and communications including the use of social media.
- ❖ Organisations who provide overnight accommodation should put in place appropriate safeguarding responses to children who go missing, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or exploitation, and to help prevent the risk of them going missing in the future.

62. The above is not intended to be an exhaustive list. These policies and procedures, and information regarding the role and identity of the Designated Safeguarding Lead (and any deputies), must be provided to all staff during their induction. Organisations will need to take a proportionate risk-based approach to the level of information that they provide to temporary staff and volunteers.

63. Organisations should ensure that their policies and procedures, particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff. This can best be done by ensuring that their safeguarding policies and procedures are imbedded into their day-to-day practice, that staff receive timely training, that is regularly updated and that the Designated Safeguarding Lead (and any deputies) are proactive in providing support to staff who may have concerns for a child's welfare.

## **Staff training**

64. It cannot be overstated that an organisation's child protection policies and procedures will not be fit for purpose unless they are fully embedded into their existing structures and are given an appropriate level of ongoing investment. It is essential that organisations adopt a proactive approach rather than a reactive one, whereby they only react when harm has already taken place.
65. Organisations **must** ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The training should be regularly updated and be provided by safeguarding organisations that have a good understanding of the esports and gaming industries.
66. In addition, all staff should receive regular safeguarding and child protection updates (e.g. via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with the relevant skills and knowledge to safeguard children effectively.
67. Organisations should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns. Opportunity should therefore be provided for staff to contribute to, and shape the organisations safeguarding arrangements and child protection policy.

## **Online safety**

68. As all organisations increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, organisations should ensure appropriate filters and appropriate monitoring systems are in place.

## **Safer recruitment**

69. Organisations **must** take all reasonable steps to prevent people who pose a risk of harm from working with children by adhering to statutory

responsibilities where they exist and to check staff who work with children. They will need to take proportionate decisions on whether to ask for any checks beyond what is required. They **must** ensure volunteers are appropriately supervised. Organisations should have written recruitment and selection policies and procedures in place, including for those who work for the organisation on a self-employed or contractual basis.

70. Organisations **should** ensure that at least one of the persons who conducts an interview has completed safer recruitment training.
71. For UK-based organisations there **must** be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in "*regulated activity*" has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. For organisations outside of the UK they **must** ensure that they are aware of the processes they need to follow should these concerns arise.

## **Children potentially at greater risk of harm**

### **Children requiring mental health support**

72. Organisations have an important role to play in supporting the mental health and wellbeing of the children they engage with, whether they are professional players, or gamers. Staff are well placed to identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.
73. It is a recommendation that organisations appoint at least one mental health 1<sup>st</sup> aider who will take lead responsibility for ensuring that there is an appropriate response to any concerns regarding the mental health of children.
74. All staff should also be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect



or exploitation. Organisations should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate concerns and clear referral and accountability systems.

75. Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education.
76. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, in accordance with their child protection policy and speaking to the Designated Safeguarding Lead or a deputy. For lesser concerns, staff should liaise with the Mental Health 1<sup>st</sup> Aider, for advice and guidance.

### **Children with special educational needs and disabilities**

77. There are no definitive statistics on the prevalence of gaming among adults on the autistic spectrum, but research has been found that 41.4% of children and young people who are on the autistic spectrum spend the majority of their free time playing video games versus 18% of children and young people in the general population. Whilst problematic gaming and excessive time spent playing games can result in health and behavioural difficulties such as sleep deprivation, lack of exercise and irritableness, video games are also viewed as a safe space by some people with autism, in addition to their entertainment value. Both the negative and positive need to be considered when looking at the use of video games by people on the autistic spectrum, or else we risk making faulty judgements.
78. Children with special educational needs and disabilities can face additional safeguarding challenges. Children who have Special Educational Needs are three times more likely to be abused than their peers. Barriers to recognising and responding to abuse can include:

- ❖ assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- ❖ being more prone to peer group isolation than other children;
- ❖ the potential for children with special educational needs and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- ❖ communication barriers and difficulties in overcoming these barriers.

79. Organisations should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children.

## **Child on Child Sexual Violence and Sexual Harassment**

80. This section of the guidance covers children of all ages. The advice sets out what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur or is alleged to have occurred.

81. There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. For the purposes of this advice, we will adopt the UK Department of Education's use of the term 'victim'. Whilst it is a widely recognised and understood term it is important that organisations recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Organisations should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

82. For the purpose of this advice, we use the term 'alleged perpetrator' and where

appropriate 'perpetrator'. Again, these are widely used and recognised terms.

83. Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.
84. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their emotional and psychological wellbeing. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.
85. Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are listened to, protected and offered appropriate support. It is also important that other children, and staff are supported and protected as appropriate.
86. Currently both gaming and esports is dominated by male children. Whilst this demographic is changing over time, it is important that organisations understand that whilst it is proportionately more likely that females will be the victims of sexual violence and sexual harassment perpetrated by male children, male victims are less likely to report sexual violence or sexual harassment than their female counterparts. The reasons behind this are complex and research needs to be undertaken as to whether male children engaging in gaming and esports are at more risk of abuse than their peers who are not engaged in the same way.
87. Children who identify as lesbian, gay, bisexual, transgender or questioning (LGBTQ) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ.

88. When there has been a report of sexual violence, the Designated Safeguarding Lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:
- ❖ the victim, especially their protection and support;
  - ❖ the alleged perpetrator; and
  - ❖ all the other children especially any actions that are appropriate to protect them.
89. Risk assessments should be recorded and be kept under review. At all times, the organisation should be actively considering any ongoing risks posed to children, putting adequate measures in place to protect them and keep them safe.
90. The Designated Safeguarding Lead (or a deputy) should ensure they are engaging with children's services and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by sexual violence specialists will be required. Any such professional assessments should be used to inform the organisation's approach to supporting and protecting children and updating their own risk assessment.

### **Sexual Violence**

91. It is important that organisations are aware of sexual violence and the fact that children can, and sometimes do, abuse their peers in this way. When referring to sexual violence in this guidance, we do so in the context of child-on-child sexual violence.
92. For the purpose of this guidance, when referring to sexual violence we are

referring to sexual offences under the UK Sexual Offences Act 2003 as described below. Organisations outside of the UK should familiarise themselves with what constitutes a sexual offence within their own country, including confirming the age of consent:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

### **Definition of consent (UK)**

93. Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

- ❖ a child under the age of 13 can never consent to any sexual activity.
- ❖ the age of consent is 16.
- ❖ sexual intercourse without consent is rape.

94. It is important that organisations understand that drug or alcohol consumption

may impair the ability to give informed consent.

### **Sexual harassment**

95. For the purpose of this guidance, when referring to sexual harassment we mean '*unwanted conduct of a sexual nature*' that can occur online and offline. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.
96. Sexual harassment can include:
- ❖ sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names.
  - ❖ sexual "jokes" or taunting;
  - ❖ physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (organisations should be considering when any of this crosses a line into sexual violence and it is important to talk to and consider the experience of the victim), displaying pictures, photos or drawings of a sexual nature; and
  - ❖ online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
    - ❖ non-consensual sharing of sexual images and videos.
    - ❖ sexualised online bullying;
    - ❖ unwanted sexual comments and messages, including, on social media; and
    - ❖ sexual exploitation; coercion and threats.
97. It is important that if organisations wish to be seen as inclusive that they consider sexual harassment in broad terms. Sexual harassment (as set out

above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

### **Harmful sexual behaviour**

98. Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. A commonly used term is "*harmful sexual behaviour*". The term has been widely adopted in child protection and is used in this guidance. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Organisations **must** respond to harmful sexual behaviour in the same manner as other child protection concerns.
  
99. When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is considered vulnerable, has a disability or is smaller in stature. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma and some of these children will currently be being sexually abused. Organisations should be also aware that the sexually harmful behaviour may have its origins from within the organisation and could have been occurring for a significant period of time. It is also not uncommon for a child to be sexually harming more than one child at the same time and organisations need to understand that, as with some offending adults, gaming and esports may be the vehicle of choice for some children who have the intention of harming other children. and organisations
  
100. Organisations need to, through their Designated Safeguarding Lead (and their deputies) have a good understanding of harmful sexual behaviour. This **must** form part of their safeguarding training and will enable organisations to plan

and implement an effective child protection policy.

101. Crucially, organisations must have a robust and enforceable policy on how children are expected to behave towards one another, both online and in person. It is a recommendation, where applicable, that organisations appoint children's ambassadors, and that children are explicitly informed of how they can raise concerns themselves, including how to do this anonymously. The intention should be to prevent sexual violence and sexual harassment before it starts, giving children a voice that will be heard. The more likely a perpetrator is to be caught the less likely they will 'target' an organisation. As with vulnerable children, vulnerable organisations are more at risk.

### **Responding to reports of sexual violence and sexual harassment**

102. Effective safeguarding practice is for organisations to be clear as to what local processes are in place and what support for children can be accessed when sexual violence or sexual harassment has occurred. It is important for organisations to prepare for this in advance and review this information on a regular basis to ensure it is up to date.
103. An organisation's initial response to a report from a child is important. It is essential that **all** victims are reassured that they are being taken seriously and that they will be supported and kept safe.
104. In some cases, the victim may not make a direct report, rather it comes from another child, staff overhear a conversation of concern or it comes through social media. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with their child protection policy. If in any doubt, they should speak to the Designated Safeguarding Lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the organisation to understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with the support of children's care if required.



105. All staff should be trained to manage a report, and these should reflect any local policies that apply. However, effective safeguarding practices include:

- ❖ not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the Designated Safeguarding Lead, the police or children's services) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- ❖ recognising a child is likely to disclose to someone they trust: this could be **anyone** within the organisation.
- ❖ listening carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions.
- ❖ considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. It is essential that a written record is made;
- ❖ only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Organisations should be aware that notes of such reports could become part of an assessment by children's services and/or part of a criminal investigation.
- ❖ where the report includes an online element, the key consideration is for staff not to view or forward illegal images of a child.
- ❖ if possible, managing reports with two members of staff present, (preferably one of them being the Designated Safeguarding Lead or a

deputy). However, this might not always be possible; and

- ❖ informing the Designated Safeguarding Lead (or deputy), as soon as practically possible, if the Designated Safeguarding Lead (or deputy) is not involved in the initial report.

## **Referrals to children’s services/police**

106. When a child has been harmed, is at risk of harm or is in immediate danger organisations **must** make a referral to their local children’s services or to the police. It is important that the Designated Safeguarding Lead (and their deputies) are clear about the local process for referrals and follow that process.
107. At the referral stage, organisations should generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children’s services.
108. Where a report has been made to the police, the organisation should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They should also discuss the best way to protect the victim and their anonymity. In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the organisation continue to engage with specialist support for the victim as required.

## **Allegations of abuse made against staff, including self-employed workers, contracted staff and volunteers.**

### **Duties as an employer and an employee**

109. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular

or close contact with children in their present position, or in any capacity with children within the organisation. This guidance should be followed where it is alleged that anyone working within the organisation has:

- ❖ behaved in a way that has harmed a child, or may have harmed a child;
- ❖ possibly committed a criminal offence against or related to a child;
- ❖ behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- ❖ behaved or may have behaved in a way that indicates they may not be suitable to work with children.

110. This part of the guidance relates to members of staff, self-employed workers, contracted staff and volunteers who are currently working for the organisation. Allegations against those who are no longer involved with the organisation should be referred to the police. Historical allegations of abuse should also be referred to the police.

111. Organisations as employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. Where the organisation is not the employer of an individual, they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties. (this includes self-employed workers, contracted staff and volunteers). It is essential that any allegation of abuse made is dealt with quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.

112. In some circumstances organisations will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, staff provided by a third-party business. In such circumstances organisations **must** ensure allegations are

dealt with properly. In no circumstances should an organisation decide to cease to use an individual supplied by a third-party business due to safeguarding concerns, without finding out the facts and liaising with the appropriate authority.

113. When using a third-party business, the organisation should inform the business of its process for managing allegations. This should include inviting the business's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

### **Initial considerations**

114. Esports occupies a social media space that other sports do not. Twitter and Facebook can at times be awash with comments made about or towards esports organisations or individuals. There are no defined rules as to what people can post or comment upon and recent history has shown that allegations of inappropriate behaviour towards individuals in the esports industry can and do get made.
115. Organisations need to have in place a policy on how they will respond to online content that may occur if an allegation/s comes into the public domain. This policy should also expressly prohibit an employee who is the subject of an allegation from posting or commenting upon the allegation or from identifying the alleged victim or their family. Any such breach should be seen as gross misconduct in its own right. The overarching responsibility of the organisation is to foster an environment of trust, where children know that their welfare will be prioritised.
116. The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by children's services. In these cases, internal procedures should be followed to resolve cases without delay.

117. Some allegations will be so serious that they require immediate intervention by children's services and/or the police. The Designated Safeguarding Lead **must** be informed of all allegations that come to an organisation's attention and appear to meet the criteria so they can consult the police and children's services as appropriate.

118. The following definitions should be applied when determining the outcome of allegation investigations:

- ❖ **Substantiated**: there is sufficient evidence to prove the allegation;
- ❖ **Malicious**: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- ❖ **False**: there is sufficient evidence to disprove the allegation;
- ❖ **Unsubstantiated**: there is insufficient evidence to either prove or disprove the allegation. This term, therefore, does not imply guilt or innocence;
- ❖ **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

119. Any allegations made either by a child themselves or through a third party, such as from another child or a parent **must** be referred to the Designated Safeguarding Lead or in their absence, if there is one, their deputy. In their absence, the person who has received the information, will need to contact the head of the organisation. In the event that the allegation has been made against the Designated Safeguarding Lead the head of the organisation **must** be contacted. Where an allegation is made against the head of an organisation the Designated Safeguarding Lead's overriding responsibility is for the welfare and safety of those making the allegation, rather than the organisation.

120. The purpose of any initial discussion is to consider the nature, content and

context of the allegation and agree to a course of action. The Designated Safeguarding Lead may ask a member of staff to provide or obtain relevant additional information. There may be situations when the Designated Safeguarding Lead will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence.

121. The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by the Designated Safeguarding Lead and agreement reached on what information should be put in writing to the individual concerned and by whom. The Designated Safeguarding Lead will need to consider what action should follow both in respect of the individual and those who made the initial allegation.
122. The decision to inform an individual that an allegation has been made and how this should be done is the responsibility of the Designated Safeguarding Lead unless the allegation has been referred to the police or children's services. In this circumstance the Designated Safeguarding Lead should not do so until those agencies have been consulted and have agreed what information can be disclosed to the person against whom an allegation has been made. Organisations must carefully consider whether the circumstances of a case warrant a person being suspended from contact with children or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.
123. Where it is clear that an investigation by the police or children's services is unnecessary, or a police/children's services discussion or initial evaluation decided that this is the case, the Designated Safeguarding Lead should discuss the next steps with the organisation's senior management. In those circumstances, the options open to the organisation depend on the nature and

circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in the future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

124. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Designated Safeguarding Lead should discuss with senior management how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of staff. However, in other circumstances, such as lack of appropriate resources within the organisation, or the nature or complexity of the allegation, the allegation may require an independent investigator.

### **Supporting those involved**

125. Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent when allegations have been made. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by children's services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.
126. The Designated Safeguarding Lead should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of the progress of their case. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

127. Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where the police or children's services are already involved, this should not be done until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.
128. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's services, or the police as appropriate, will ordinarily consider what support the child or children involved may need.
129. Past experiences have shown that when an allegation is made against a trusted adult, particularly when the allegation is an allegation of sexual abuse, some staff, parents/carers and also other children may immediately dismiss it as false. It is essential that the organisation is prepared for dealing with such eventualities, including the attempted interference or intimidation of the alleged victim/s and their family by some staff, other parents, and other children. If this occurs, the police should be informed.

### **Suspension**

130. The possible risk of harm to children posed by the person against whom an allegation has been made should be evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, this will require the consideration to suspend the person until the case is resolved. Suspension should not be an automatic response when an allegation is reported and all options to avoid suspension should be considered prior to taking that step.



131. Suspension should be considered only in a case where there is cause to suspect a child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically. Rather the organisation should consider carefully whether the circumstances warrant suspension from contact with children.
132. The organisation should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the police and children's services, if involved, have no objections to the person continuing to work during an investigation, steps should be taken to avoid suspension. Following an assessment of risk, the following alternatives should be considered:
- ❖ redeployment within the organisation so that the individual does not have direct contact with the child or children concerned;
  - ❖ providing an assistant to be present when the individual has contact with children;
  - ❖ redeploying to alternative work within the organisation so that the individual does not have unsupervised access to children;
133. These alternatives allow time for an informed decision regarding suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The organisation should consider the potential reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.
134. If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the Designated Safeguarding Lead. This should also include what alternatives to suspension have been considered and why they were rejected.

135. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an organisation to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details. This written confirmation should explicitly inform the person that they must not contact the alleged victim or their family.
136. Whilst children's services or the police cannot require an organisation to suspend a member of staff, third party contractor or a volunteer, they should give appropriate weight to their advice and take their lead.

#### **How to manage the situation and resignations**

137. It is important that every effort is made to reach a conclusion in all cases of allegations regarding the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the person against whom an allegation has been made should be given a full opportunity to answer the allegation/s and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if the person against whom an allegation has been made does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
138. If the person against whom an allegation has been made makes a decision to resign, or ceases to provide their services, including being a volunteer, this **must** not prevent an allegation being followed up in accordance with this guidance. Where the criteria are met, a referral to the DBS **must** be made.

Organisations operating in other countries **must** ensure that they are familiar with their legal responsibilities to report allegations and the outcome of investigations made.

### **Record keeping**

139. Organisations should remove from personal records any allegations that were found to be malicious. However, for all other allegations, a clear and comprehensive summary of the allegation, and how the allegation was followed up and resolved, including what action was taken, must be kept on file. A copy of this should be provided to the person concerned.
140. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will also provide clarification in cases where future checks reveal information from the police about an allegation that did not result in a criminal conviction, and it will help to prevent unnecessary re-investigation if, as sometimes occurs, an allegation re-surfaces after a period of time.

### **References**

141. When an allegation was proven to be false, unsubstantiated or malicious it should not be included in employer references.

### **Review**

142. At the conclusion of a case in which an allegation *is* substantiated, the Designated Safeguarding Lead should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events occurring in the future.

## **What staff should do if they have concerns about safeguarding practices within their organisation**

143. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in their organisations safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.
144. Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the organisation's senior leadership team.
145. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

## **What staff should do if they have safeguarding concerns about another staff member who may pose a risk of harm to children**

146. If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children, then:
  - ❖ this should be referred to the safeguarding lead or their deputy;
  - ❖ where there are concerns/allegations about the safeguarding lead and/or their deputy, this should be referred to the organisation's senior management team or proprietor.
  - ❖ in the event of concerns/allegations about a sole proprietor, this should be reported directly to children's services.

## **Further considerations**

### **Residential training facilities**

147. Facilities that provide overnight accommodation have additional factors to consider with regards to safeguarding.

148. Organisations that provide such residential accommodation should be alert to inappropriate child relationships and the potential for child on child sexual violence and sexual harassment, particularly in organisations with a significant gender imbalance.
149. It is a recommendation that any organisation that provides overnight accommodation to children undertakes a full risk assessment of the facilities being offered, undertakes a review of the monitoring and staffing arrangements and if not already in place a code of conduct for both children and adults who may stay at the facility. In addition, if not already undertaken the organisation should introduce a policy on alcohol and drug use, together with a policy on visitors to the premises.

### **Children staying with host families**

150. Organisations, such as esports teams, may on occasions use host families, both in the country they are based, or abroad, who provide overnight care to their team members some of whom may be children. Whilst within this definition host families are unrelated to the child; they may also be the parents/carers of another team member and overnight accommodation is being organised as part of the organisation's activities. This might happen, for example, as part of a foreign exchange visit or competition tour.
151. As part of their safeguarding responsibilities when those arrangements do not amount to "private fostering" organisations **must**:
- ❖ undertake initial phone screening for suitability of the host family and understanding of location and hosting preference.
  - ❖ undertake an interview with proposed hosts and undertake a full and detailed health and safety inspection of the host family's house and surrounding areas.
  - ❖ undertake discussions of obligations and commitments for the host family.

- ❖ interview all members of household, including hosts own children.
- ❖ undertake DBS checks, or equivalent.
- ❖ two reference checks with long standing colleagues and friends.
- ❖ complete a full profile of the family and hold discussions around their suitability.
- ❖ ensure that a contract is signed that includes the organisations expectations regarding the safeguarding of children in their care.
- ❖ regular re-inspection of host families to determine ongoing suitability.

### **Private Fostering**

152. In some circumstances the arrangement regarding where children stay with UK families could amount to “private fostering” under the Children Act 1989. Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. When these circumstances apply, organisations must then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.

### **Use of Chaperones**

153. When organisations use chaperones to escort children to events/competitions and training facilities, they must ensure that they have undertaken a DBS check or equivalent and have taken up at least two references, to ensure that the chaperone is an appropriate person to escort a child. This includes full checks being undertaken on the parents of other children who may take on this role.