

Webinar for County CCCs and nominated County personnel 2 July 2022, to discuss:

- 1) The requirements on CCCs to report allegations of assault by adults on children in accordance with Association rules and statutory procedures, and**
- 2) Amendment to Rule 6.5 (a), permitting consideration of a safeguarding matter for the purpose of a transfer, subject to certain circumstances.**

ALLEGED ASSAULTS ON CHILDREN

Q1. When an allegation of assault is reported by an adult on a child at a game who decides what should be reported to the GAA DLP or to the statutory authorities?

This is essentially two questions in one and the answer is not an either one or the other. Let's recall what the memo from the Ard Stiúrthóir stated on 1st June 2022.

First and foremost, the Ard Stiúrthóir refers to 'certain legal obligations that apply in respect of allegations of assault on children while playing or attending our games or activities'. One reason for sending the memo was that some (alleged) incidents of assault have not been reported to the relevant statutory authority or to the GAA National DLP and in some cases were not reported at all. Failure to report concerns that reach the threshold for reporting would be deemed a breach of law, and of GAA procedures and of rule. Apart from a failure to protect the child, the non-reporting of a legal requirement has the potential to cause serious reputational damage to the GAA.

Many references will be to what reaches the threshold for reporting and for CCCs, I draw attention to Appendix 1 on page 5 where we outline what is termed as 'Reasonable Grounds for Concern' that would cause us to submit a report or concern of abuse to the statutory authorities.

All allegations of abuse, including assault, must be processed, dealt with seriously and reported accordingly. An allegation of abuse involving an adult and a child at any of our games, before during or after a game, must also be reported to the GAA National DLP, assessed as per our policy documentation and statutory responsibilities and where it reaches the threshold of reasonable grounds for concern it shall be reported by agreement to the relevant authorities. This does not prevent the Association from acting in the interim, including hearings by CCC, as per our rules, should this be deemed the appropriate course of action.

May I quote from the Ard Stiúrthóir's memo 'Should an allegation of abuse, involving an adult and a child, comes to the attention of your CCC or County Committee you immediately report this matter to the GAA National DLP nationaldpl@gaa.ie and to your own County DLP, and they will advise on the next steps'.

Notwithstanding the above, any person still has the individual right themselves to submit a report or concern of abuse directly to the statutory authorities without having to revert to the GAA or the GAA National DLP.

Q2. What is an assault? Legal definitions include someone being of the belief that they are to be impacted by force i.e., in fear of assault. So threatening behaviour can be deemed to be an assault. So, if an adult threatens a U17, is that assault and should it be reported?
In the context of this webinar, we are looking at incidents of alleged physical assault on children by adults and as with all allegations, it is not a requirement for us to prove in advance that an assault has taken place, or what legal defined level(s) of assault may have taken place. Different legal acts define various levels of assault, but a general definition would be that physical assault is the act of inflicting physical harm or unwanted physical contact upon a person.

Q3. I have a child who is not turning 18 until December 2022, he is over age for U17 and can only play U20 and adult football. If he is struck by an 18yr old on the field playing for our Senior team, is that an assault and must I report it? If so, to whom must I report it?
Gaelic Games are by their very nature deemed a physical sport and activity and nothing has changed in that respect. This was referenced on a number of occasions during the webinar. While a core purpose of the webinar was to draw attention to the number of unreported alleged assaults by adults on children in the last year, we should still note that if a serious and unprovoked assault is carried out on a child by anybody, it must in law be assessed by us and reported thereafter it reaches what is termed 'reasonable grounds for concern'. The hypothetical incident described above must on a case-by-case basis be assessed and this has not changed. We need to use common sense as well, deal with each case on its own merits, which CCCs do at the moment.

Nothing has changed except that a small number of alleged assaults by adults on children have not been reported. They must be reported as per Q1 above.

Depending on the gravity or seriousness of a situation, and regardless of age, it may be necessary to report such matters once they reach the threshold for reporting. Let's remind ourselves that the purpose of the webinar, and of the Ard Stiúrthóir's memo, was to draw attention to the contact made by PSNI, Gardaí and Tusla that in some cases we (GAA) had failed to report assaults on children by adults, at our games.

As highlighted throughout the webinar all alleged assaults on children must also be reported to the relevant Designated Liaison Person (DLP).

Q4. What can you do where an adult has consistently verbally abused a player during a match?

If this is an adult verbally abusing a child, then this is a classic case of a breach of the Code of Behaviour (Underage). These types of issues should be dealt with in the first instance informally, if possible, by the Children's Officer and as soon as possible. If such conduct persists it may merit being dealt with by a Code of Behaviour (Underage) Hearings at club level. See Section 4 of the Code of Behaviour (Underage) - <https://www.gaa.ie/api/pdfs/image/upload/xcf15mjugcljoqujvp4t.pdf>

Q5. What about assault by an U18 on another U18 year old?

Once a person reaches the age of 18 yrs. they are then classified as an adult. The question therefore refers to an adult allegedly assaulting another adult. If this happened at, or

during a game, then in all probability it would come to the attention of the relevant CCC, as it has in the past. The DLP who is the person responsible for assisting in or facilitating the reporting of concerns or allegations of abuse involving children, could be asked to assist here, if deemed appropriate.

TRANSFER RULE AMENDMENT

Q6. We are having serious transfer issues with clubs in large towns having children from satellite villages training and playing in their clubs "illegally" outside the parish rule. If parents now sight that child's mental health is being impacted by not being allowed play with their friends in the town clubs, will CCC be forced to grant the transfer? If so, there will be a free for all and the Parish rule and catchment areas will be shredded.

The membership of most CCCs would be very experienced and there is no evidence to show that any CCC has ever been forced to grant a transfer in the past for a mental health reason. The question put may be a misinterpretation of the amendment to the transfer and of the genuine needs by the Association to uphold our child safeguarding commitments.

The amendment to rule (SEE APPENDIX 2) states that a (County) Bye-Law shall not prevent a transfer being granted where the relevant Competitions Control Committee is satisfied that it is necessary to do so to protect a child from harm and to comply with the child safeguarding commitments of the Association. Central Council has assisted CCCs in implementing the rule by issuing this directive in relation to the amended rule.

“If a transfer request cites child safeguarding as one of the grounds for the request, that ground should only be considered if there has been a prior complaint in relation to child safeguarding to a Children’s Officer – Club, County, Provincial or National.

Where such a complaint has been made, the CCC considering the transfer request shall obtain a report of any investigation carried out by the relevant Children’s Officer before considering the Transfer request. If there has been no complaint or investigation, then the Transfer request should be adjudicated upon without reference to child safeguarding”.

The directive is very clear, and it would not be unreasonable if a transfer happened to reference ‘a child’s mental health’ as an issue that the CCC could anticipate that any such assertion would be supported by medical documentation.

Q7. Is it a safeguarding issue if the child is refused a transfer and the family do not like the decision and then say it has affected their mental health?

No. This would not come under the remit of the transfer rule. CCCs should not be forced to grant a transfer simply because the mental health of the child has been cited following a transfer refusal. If an applicant cites child safeguarding as one of the grounds for the transfer request, that ground should only be considered if there has been a prior complaint in relation to child safeguarding to a Children’s Officer – Club, County, Provincial or National.

Q8. Does this safeguarding addition also supersede any additional restrictions of a procedural nature that have been imposed in a Bye-Law if the County considers them appropriate, such as limiting the time within a given year when transfer applications might be made?

The amendment to rule states 'a Bye-Law shall not prevent a transfer being granted where the relevant Competitions Control Committee is satisfied that it is necessary to do so to protect a child from harm and to comply with the child safeguarding commitments of the Association'. In that context, it is conceivable that issues including the time frame or transfer window or other transfer matters that are bye law contingent, could come under the above wording.

Q9. Is the Club Children's Officer the appropriate person to carry out such an investigation as referenced in the amended rule? Might it be better if it was carried out by a suitably qualified person from outside the club?

We are not seeking a medical or a clinical report from the Children's Officer. The directive from Central council says that the CCC 'shall obtain a report of any investigation carried out by the relevant Children's Officer before considering the transfer request. If there has been no complaint or investigation, then the Transfer request should be adjudicated upon without reference to child safeguarding'.

We must put our trust in the Children's Officer just like we do in other Officers or in CCCs as well. However, in the event of a conflict of interest, then the Children's Officer should be excused from the process and perhaps pass this on to their county counterpart.

Q10. Where a transfer is granted after safeguarding matter is cited is there any obligation on the GAA to look further than the one complaint?

That with respect depends on what has been established by the CCC or by the report, if any, from the Children's Officer. When all of that has been considered, and if its then deemed appropriate that certain matters should be additionally pursued by the Children's Officer, County Management Committee, DLP or by a Code of Behaviour (Underage) Committee, then this follow up should proceed.

APPENDIX 1 (referred to in Q1 and Q3)

Reasonable Grounds for Concern

What are the reasonable grounds for concern that should give us cause to report allegations of abuse against children?

- **Evidence, for example of an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way**
- **Any concern about possible sexual abuse**
- **Consistent signs that a child is suffering from emotional or physical neglect**
- **A child saying or indicating that he or she has been abused**
- **Admission or indication by an adult or a child of an alleged abuse they committed**
- **An account from a person who saw a child being abused**

If the threshold for ‘reasonable grounds for concern’ has been reached, we must act on this both internally & externally.

APPENDIX 2 – Amendment to Rule 6.5 (a) Transfers within County (GAA CONGRESS 2022)

That Rule 6.5 (a) - Transfers Within County - Official Guide (Part 1), be amended to read:

A County shall have a Bye-Law governing the transfer of players from one Club to another within the County. Such Bye-Law shall be consistent with Rule. Such Bye-Law may restrict the eligibility of a player to a transfer by reference to such matters as the County shall consider appropriate (e.g. by reference to permanent residence or Other Relevant Connections between the transfer applicant and the Catchment Area of the proposed new Club etc.).

A County shall have the option, within County Bye-Law, to allow a player to play with a Club in the area in which he works. However, a Bye-Law shall not prevent a transfer being granted where the relevant Competitions Control Committee is satisfied that it is necessary to do so to protect a child from harm and to comply with the child safeguarding commitments of the Association. See Central Council Directive on this provision.

Additional restrictions of a procedural nature may be imposed if the County considers them appropriate (e.g., limiting the time within a given year when transfer applications might be made).

Relative to Motion 24, the following Directive is issued by Central Council to Competitions Control Committees (under Rule 3.43(b)):

If a transfer request cites child safeguarding as one of the grounds for the request, that ground should only be considered if there has been a prior complaint in relation to child safeguarding to a Children’s Officer – Club, County, Provincial or National.

Where such a complaint has been made, the CCC considering the transfer request shall obtain a report of any investigation carried out by the relevant Children’s Officer before considering the Transfer request. If there has been no complaint or investigation, then the Transfer request should be adjudicated upon without reference to child safeguarding.