

Meeting of the Oversight Committee of the Amateur Swimming Association (Swim England) Limited

Monday 14 August 2023 – Starting at 11:00

SportPark, Loughborough

Attended:

Andrea Chilton – Chair (AC)
Karen Gray (KG)
James Gyselynck (JG)
James Hollis (JH)
Neil Booth (NB)
Lois Jarvis (LJ)
Joan Wheeler (JW)
Cassandra Patten (CP) from item 3

Apologies:

None

Officers in attendance:

Ali Sibcy-Allen – Operations Administration Manager (AS-A)

1. Welcome and introductions

1.1 The Chair welcomed all members to the committee to their second meeting.

2. Conflict of interest – Cassandra Patten

2.1 AC advised the details of a newly arisen potential conflict of interest for CP.

2.2 Committee members considered the details before concluding (as a majority, but not unanimously) the conflict of interest would not affect CP's ability to function as a committee member and that her contribution and experience add value to the group.

2.3 Members agreed the situation should be monitored and the Committee was to be advised when the nature and scale of the employment arrangements in each of the areas of work was confirmed. The Committee placed on record their thanks to CP for raising the issue in a timely manner and in accordance with the conflict of interest policy.

Action: Chair to feed back to CP immediately. CP to advise Chair as future periodic work on behalf of Swim England was confirmed.

3. Minutes of the previous meeting

3.1 The committee and public view minutes were agreed to be an accurate record of the meeting.

3.2 The committee version of the minutes, which are also supplied to the SE Board, are to highlight redacted areas, for ease of review.

Action: Committee Secretary to enact after each meeting and arrange for publication and sharing once minutes are approved, in accordance with the Terms of Reference.

4. Actions update

4.1 A01: Amend TORs: to be approved at the September SE Board meeting before returning to the OC.

A02: Provisional meeting for August: Completed.

A03: Provide response documents: Included in meeting agenda.

A04: Sport England rationale: Included in meeting agenda.

A05: Review under-representation: Responses are under review to ensure proportionate representation.

A06: Monitoring the impact of actions: Response due for next OC meeting.

A07: HoA plan: Completed.

A08: Observations: Permissions have been granted. Members agreed it would be beneficial for KG and another member to each observe different Board and SLT meetings. KG to receive dates of arranged meetings.

4.2 Action: AS-A to share dates of Board and SLT meetings with KG.

4. Sport Resolutions recommendations and implementation plan

4.1 LJ provided an update on the previously circulated documentation. The Complaints Policy is now live and the Implementation Plan is updated to include detail relating to the Weston recommendations.

4.2 Members requested that LJ outline the responses to the Weston recommendations which would be incorporated into the SwE overall implementation plan.

4.3 Activity 1, relating to the updating of regulations.

4.3.1 Some details within the regulations had already been addressed prior to the Weston review with remainder to follow once regulations are completed.

4.3.2 Wavepower is to be re-written to incorporate adult policies and regulation changes.

4.3.3 Members sought clarification on the timelines for the rewrites and noted the critical importance of aligning timings for Wavepower and the regulation changes so that one supported the other.

4.3.4 Members further sought a commitment to the simplification of language so that regulations were accessible to all, being more easily understood.

4.4 Activity 2, relating to safeguarding complaints procedures.

4.4.1 Members heard that these matters had been partially addressed in the current regulations, which were approved by Board in December 2022 (prior to Weston) and were published in the Handbook.

4.4.2 Members sought assurance that any future re-writes would make explicitly clear whether future updates were policies, and therefore mandatory, and which were guidance, and therefore optional, in the interests of transparency and a shared understanding with the swimming community.

4.5 Activity 3, relating to the training of volunteers in SwE's regulatory processes.

4.5.1 Some actions to address training needs had been completed and some were yet to start, as they had been subject to SE approval. Members sought clarification on what training was mandatory and what was recommended; the methods of delivery; the monitoring of compliance and actions to be taken in the event of non-compliance.

4.5.2 Club Development were reported to be managing this area and are to outline processes and monitoring at the next meeting in order to provide assurance as to the robustness of the process.

4.5.3 **Action: LJ to invite Club Development to attend the next OC meeting.**

4.6 Activity 4, with regard to disciplinary tribunals.

4.6.1 LJ provided an overview of the groups involved in the disciplinary process.

4.6.2 All group members are to attend inclusivity training and, moving forwards, mandatory role relevant training every year.

4.6.3 The role of the Office of Judicial Administration was outlined, with the process for making a complaint deemed to be confusing.

4.6.4 How information is provided was considered, recognising different mediums may make consumption more effective. The importance of critical friends to review development and ensure the content is fit for purpose was noted.

4.6.5 The importance of having a clear process for people in crisis was agreed.

4.6.7 Discussion considered the complaints form, its structure and how to follow up part-completions.

4.6.8 Fees relating to raising a complaint were raised. LJ confirmed these are not applicable to safeguarding and welfare complaints and relate solely to judicial matters.

4.6.9 The need to review and clarify definitions was highlighted.

4.6.10 Safeguarding training for panel members is to be further considered with a matrix of roles and required training to be produced.

4.6.11 **Action: LJ to produce matrix of roles and required training for the next meeting.**

4.7 Activity 5, relating to the necessary simplification of processes and procedures.

4.7.1 Members commented on the complexity of the structures in place to manage disciplinary processes and noted that the language used was adversarial. Consideration was to be given to simplification or clarification of the processes in the interests of ease of use and whilst the use of legal language was explained, Members advised that that this could be perceived as threatening to the users. As a general principle, SwE were asked to review the use of such language and to consider all policies, procedures and guidance, particularly those with penalties for individuals, from the perspective of the user.

Action: LJ to consider how regulations, policies, guidance and procedures could be written in future to be more accessible to the user, and to report back to the next meeting.

4.8 Activity 6, relating to a specific rule (241) regarding safeguarding appeals, roles and responsibilities.

4.8.1 Members noted that the CEO powers to unilaterally decide on safeguarding complaint outcomes, previously required in the regulations, had been removed in December 2022, prior to the Weston report.

4.8.2 The importance of redrafting the regulations in a timely manner was re-iterated, recognising the public are not aware of the Sport England deadlines.

4.9 Activity 7, relating to the procedures, resources, roles and responsibilities in managing disciplinary cases.

4.9.1 A number of actions had already been completed and discussed by the Committee. Further actions, dependent on the newly received Sport England approval, had yet to start.

4.10 Activity 8, on the need for contested hearings

4.10.1 The process is being revisited with the JMG to be provided a set of sanctioning guidelines to aid consistency.

Members reiterated the need for clarity on whether this was guidance or policy.

4.11 Activity 9, relating to the provision for independent review of sanctioning decisions.

4.11.1 Some updates were made in the regulations approved by Board in December 2022 to address points, prior to the Weston report.

4.11.2 A centralised triage process was recommended by Members, who considered that a single point of complaint, irrespective of the nature of that complaint, would be easier to use, and therefore more accessible, to complainants, without the need for them to determine how to report or raise an issue. Members' attention was drawn to the part of the website which

explained the different processes. Members acknowledged the potential resource considerations in a centralised process, and questioned whether a technological solution would be possible. The resulting impact of SwE being involved in all issues was noted alongside the additional resourcing that would be required.

- 4.12 The need for clarity, simplicity and consistency in terminology was reiterated and members advised that any new process/procedure was first tested with potential users before being adopted

Action: SwE to explore whether a more streamlined and therefore more easily accessible model for raising complaints through a single process could be implemented. In the meantime, or if not, a clear visual “map” was to be provided to users to aid them to direct their concern most appropriately. LJ to report back to next meeting.

- 4.13 Consideration to be given to developing user-guides alongside the Regulations. It was considered that this could make the process clearer for users.

- 4.14 The resourcing to deliver the plan was questioned, incorporating phasing and restructuring of work programmes.

- 4.15 Future reporting was discussed, with updates to be provided by exception under the following conditions:

- Any item with a deadline for completion since the last meeting, and items with deadlines imminent.
 - Items not going to plan and the reasoning.
 - Items that are going well.
 - How actions are becoming business as usual.
- Members reserved the right to explore any issue on the plan outside of the general report.

5. AOB

- 5.1 Club development to be added to the agenda for the meeting on 5 October.

- 5.2 **Action: LJ to include Club Development on the agenda for 5 October.**

- 5.3 The key dates of the Listening Programme were outlined with member opinion on the publication of the report surveyed. Following discussion, the committee provided their views whilst agreeing it was a decision for the Board.

- 5.4 Members were reminded of the importance of not adopting the culture of the organisation being scrutinised before being asked to reflect on their perceptions of the meeting. Members agreed that KG would guide their work in this regard, which would begin with observation of Board and SLT meetings.

Action: KG to liaise with LJ to identify opportunities for observation and then to guide Members on their responsibilities in this exercise.