

# Swim England Safeguarding

## Guidance Note on Interim Orders

Swim England has updated its Judicial and Safeguarding Regulations and procedures, effective from 3 September 2024, in order to ensure that individuals involved in aquatics who are the subject of a safeguarding concern receive a fair investigation and hearing, guaranteeing their right to respond to any allegations.

This guidance note will provide Swim England members with an outline of the new Judicial and Safeguarding Regulations as they relate to interim orders for safeguarding concerns. It is intended to support, and should be read in conjunction with, the Swim England Judicial and Safeguarding Regulations. It does not form a part of the Judicial and Safeguarding Regulations and is not binding upon individuals. Capitalised terms within this guidance note hold the same definition as they do within the Swim England Regulations.

The Swim England Judicial and Safeguarding Regulations are contained within the Swim England Handbook at Regulations 101 – 120. A digital copy of the Handbook is available at <https://www.swimming.org/swimengland/swim-england-handbook/>.

This guidance note relates to interim orders only. Swim England has produced additional documents outlining our approach to safeguarding investigations and safeguarding hearings, which are available on our website.

To the extent there is any discrepancy between this guidance note and Swim England's Regulations, the Swim England Regulations shall apply.

This guidance may be updated from time to time, however, subjects of a safeguarding concern will be provided an up-to-date copy of this guidance by the Safeguarding Team if and when they are notified that they are subject to an interim order. The current version will always be accessible directly from [www.swimming.org](http://www.swimming.org).

### What is an interim order?

An interim order is a temporary requirement in respect of an individual, most commonly someone who is the subject of a safeguarding concern. Interim orders are most commonly seen in the form of a temporary suspension from Swim England activity, preventing an individual from training, competing or otherwise having any involvement with a Swim England club while the interim order is in place.

Not all interim orders are a full suspension from Swim England activity. Where appropriate, they could be a specific requirement falling short of such, for example, a suspension from one particular club's activities, a requirement that an individual does not attend a certain swimming pool or a requirement that they do not train on a certain day and time.

An interim order is a neutral act and is not imposed because Swim England has decided that the individual in question has done something wrong.

## Considerations

An interim order will only be imposed where it is necessary to do so to ensure that any possible risk to others is effectively mitigated and to protect the integrity of any investigation, pending a final outcome.

When determining whether to impose an interim order, the following shall be considered:

1. the facts and matters alleged;
2. any evidence collected to date;
3. whether an interim order is necessary to ensure the welfare and safety of any adult or child;
4. whether an interim order is necessary to protect the individual in question from the risk of further allegations;
5. whether there is a risk to public confidence in the administration of swimming; and
6. whether there is risk to any investigation into a safeguarding matter.

An interim order, when made, will always be proportionate and no more than is necessary to achieve its aim.

## Process

The power to make an interim order is covered by Regulation 112.

### Case Management Group

Under the Judicial and Safeguarding Regulations, Swim England's Case Management Group has the power to issue an interim order for a period of up to **90 days**. It may only issue an interim order against an individual once in respect of any safeguarding concern.

Where an interim order is issued, Swim England will explain the reasons for doing so.

### Judicial Committee

Where an interim order needs to be issued for longer than 90 days, Swim England may apply to a Judicial Committee for an interim order of up to **180 days**. A report will be issued explaining why such is necessary, which the individual subject to the order will receive.

Upon receipt of a report, an individual may provide a statement, and any evidence to support it, to the Judicial Committee within 14 days of receipt of the report. If they do not object to the order, or do not reply within by the deadline for doing so, the interim order will automatically be applied.

Where a Judicial Committee considers a request for an interim order, it may do so on paper or orally, by Zoom. The request will only be considered orally if the individual subject to the order makes a request for such. Following the hearing, the Judicial Committee shall decide whether to impose the interim order or not and provide its reasons for doing so.

A Judicial Committee can impose an interim order upon an individual more than once in respect of any safeguarding concern.

An interim order hearing is **not** a hearing on the safeguarding hearing itself. It is limited solely to the question of whether an interim order should be imposed given the potential risk of harm to others or any investigation being undertaken.

## **Appeal**

The decision of a Judicial Committee on an application for an interim order may be appealed within **14 days** of being notified of the outcome. Please see Swim England's guidance note for the Judicial and Safeguarding Regulations for more information on how to make an appeal.

## **Ending an interim order**

An interim order will always be imposed for a set period and will expire when that period has completed, unless it has been extended by a Judicial Committee imposing a further interim order.

In addition, Swim England's Lead Safeguarding Officer may revoke an interim order at any time, for example following an investigation determining that concerns raised were unsubstantiated. An interim order may also be lifted by a Judicial Committee following a safeguarding hearing on the concerns in question.