

Swim England Safeguarding

Referral and investigation process

Introduction

This document is intended to provide a general outline of how Swim England will conduct and commission an investigation into any individual or body (a “Subject of Concern”) in relation to a safeguarding or relevant welfare concern. It will explain what we do and, where appropriate, why we do so.

Safeguarding concerns can take a number of forms and Swim England always appoints an independent investigator to look into such, giving them some freedom to conduct their investigation as they consider best, subject to agreed terms of reference. As a result, it may be necessary for Swim England to depart from any step listed within this process in order to protect children or adults, or to ensure the integrity of any investigation. Where such a departure is necessary, the core principles of this process shall be retained.

This document must be read in conjunction with the Swim England Regulations and any capitalised words would adopt the definition included therein. To the extent there is any discrepancy between this document and Swim England’s Regulations, the Swim England Regulations shall apply.

The guidance may be updated from time to time, however, all involved in a safeguarding concern will be provided an up-to-date copy of this guidance by the Safeguarding. The current version will always be accessible directly from www.swimming.org.

Referral

Upon receipt of a referral, the concern will be screened to confirm that it is a safeguarding or welfare concern and, if so, a Case Officer shall be appointed.

The Safeguarding Team will determine whether the matter requires an investigation by an independent investigator and/or a risk assessment or not. Occasionally, a matter may have already been concluded to a satisfactory level and no further action is required by Swim England, in which case, we would close the file.

If the nature of the concern requires it, any additional actions may be taken at this point, for example a referral to external agencies such as the LADO or police, or the imposition of an interim order (commonly a temporary suspension) by the Case Management Group.

If the Safeguarding Team determines that the concern can be managed at a local level, it will refer the matter to the club Welfare Officer for resolution at the club, with Swim England support where required. Alternatively, where appropriate, it will signpost the complainant to other Swim England departments better placed to assist.

Investigation

When Swim England determines that an investigation is required, it will appoint an independent investigator to consider the matter, determine whether the concern is founded or not, and make any recommendations they consider appropriate. Usually, such an investigator will either be appointed through Sport Resolutions' Safeguarding Case Management Programme, or will be another individual engaged by Swim England from time to time.

Alternatively, if a risk assessment is required, Swim England will request that such is undertaken by an expert.

In all cases, we will ensure that the investigator has no conflict of interest. We will create a terms of reference for the investigation, detailing what we expect the investigator to look into.

Each investigator will conduct their investigations slightly differently, and Swim England trusts the investigators to do so in order to ensure that the investigation is conducted as independently and effectively as possible. However, investigations shall usually involve the following:

1. collection of statements from initial Complainants and witnesses;
2. collection of statements from other witnesses identified, if they wish to provide such;
3. disclosure of the outline of the concerns to the Subject of Concern;
4. an interview with the Subject of Concern; and
5. additional opportunities for a Subject of Concern to submit any paper or electronic evidence.

Failure to comply with any requirements issued by the Swim England Safeguarding Team or any appointed investigator, may result in action being taken against a Subject of Concern or other individuals under the Swim England Judicial Regulations.

Outcomes

Once Swim England has received the outcome of an investigation or risk assessment they may take one of the following steps:

1. if the concern is not upheld, it shall close the file with no further action;
2. if the concern is deemed malicious, it shall close the file but consider whether to refer anyone making a malicious complaint to Swim England's Office of Judicial Administration; or
3. if the concern is upheld, it shall refer the matter to a Judicial Committee to consider and impose an appropriate outcome if it considers it appropriate to do so. If a concern is referred for a decision, Swim England shall ensure that the Subject of Concern receives a copy of our guidance note for safeguarding hearings.

Interim Orders

It may become necessary at any point during an investigation to impose an interim order, most commonly temporary suspension, upon a Subject of Concern. This may occur for a number

of reasons, including but not limited to where we feel it is necessary to protect others or the Subject of Concern from the risk harm or reduce the risk of interference with the investigation. #

Interim Orders do not need to be as severe as a full temporary suspension from Swim England and may be a lesser requirement, such as to not attend a club.

A temporary suspension is imposed as a last resort, based on risk. Such suspensions are regularly reviewed and, where the risk is considered to have reduced or an investigation has determined the concerns to be not founded, it will be lifted.

Interim orders, such as a temporary suspension, issued by the Case Management Group last for 90 days, however, a longer interim order can be sought from and imposed by a Judicial Committee where considered necessary.

Communication

Our case officer for the matter will remain in regular contact with all involved in a concern throughout an investigation, including any complainants, affected Clubs and Subjects of Concern.

Subjects of Concern shall be informed of the concern and investigation at a time that Swim England deems appropriate. Such a decision shall be taken on the basis of risk of harm to individuals, risk of prejudice to the investigation, whether any temporary measures need to be put in place and the views of the investigator.

While we appreciate that all involved in a concern will want information, we are often unable to provide the full details. This may be for a number of reasons, such as the need to protect certain people, the need to not prejudice a police investigation, and to protect the integrity of the investigation that we have commissioned.

Anonymity

Swim England appreciates that some individuals with concerns will not wish to be named. We do not encourage anonymous reporting, as such can make it difficult to investigate a concern and obtain sufficient evidence, however, we will still accept such reports and treat them as seriously as any other concern.

With regards to investigations, we encourage individuals to put their names to their statements, however, we will also respect any request for anonymity and redact as appropriate, where possible. Fairness requires that we give a Subject of Concern sufficient information to let them respond to allegations properly and as a result, anonymous statements may be given less weight, due to the difficulty faced by a Subject of Concern in challenging and testing them.

We are unable to guarantee total anonymity in all cases, as we may be obliged to report matters to third party agencies such as the LADO or police. Additionally, the facts of some concerns may make it impossible for us to render a complainant truly anonymous, for example where only the Subject of Concern and one other person have knowledge of an alleged incident.

Disclosure

It is essential that a Subject of Concern is given a fair opportunity to respond to any safeguarding concern made against them, and doing so requires knowledge of the detail of those concerns.

A Subject of Concern will always have an outline of the concerns disclosed to them prior to being interviewed by an investigator. It is common for such to be rather general, in order to prevent the creation of alibis prior to interview. At the interview, a Subject of Concern will be given enough detail (as determined by the investigator) to enable them to respond to the allegations.

When a concern has been found by an investigator, a Subject of Concern will always be given a copy of the investigation report prior to the Case Management Group considering his case, enabling them to make representations on their behalf to the Group. The report may be redacted to protect the anonymity of individuals who have requested such, but such redactions will be as few in number as possible, in order to ensure that the Subject of Concern receives sufficient information to be able to respond to the concerns.

Flowchart

