

# Recommendations of independent barrister

1. Swim England should commission a safeguarding expert to conduct an independent review into all historic cases to see whether any cases require further investigation or reinvestigation.
2. This review should be carried out by someone with the requisite skills, knowledge and experience of investigating safeguarding concerns in sport. Such an individual may come from a police, forensic or social work background and should have an understanding of the nature and context of safeguarding in sport.
3. The review should have clearly defined terms of reference and should focus on (but not be limited to) cases that are serious and on cases where disciplinary action was not taken when it ought to have been taken. By serious, I mean cases where the allegations were that a child/children suffered, or was/were exposed to risk of, harm, as defined by section 31(9) of the Children Act 1989. 'Harm' is defined therein as:  
  
*'ill treatment (including sexual abuse and non-physical forms of ill-treatment) or the impairment of health (physical or mental) or development (physical, intellectual, emotional, social or behaviour).'*
4. When carrying out the independent review, the safeguarding expert ought also to examine cases carefully to ensure, so far as is possible:
  - (i) that the failure to follow independent recommendations does not exist within other cases; and,
  - (ii) that any independent decisions or recommendations were not materially influenced improperly by other SE staff or officers.
5. Swim England should also ensure that its case management system is fit for purpose and that the rationale for any decision-making is recorded in full in the future. The case management system must have a proper degree of oversight provided by senior managers so any decisions that are taken can be reviewed regularly and transparently.