

## Protocols for Child Safeguarding Investigations

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This document is to act as a guide for all members of the ASA with regard to the Protocols that have been put into place for the conduct of investigations. This document should be read in conjunction with the ASA Child Welfare Complaints Procedure, Wavepower (ASA Child Safeguarding Policy and Procedures) and the Judicial Regulations and Guidelines contained in this handbook. If there are any queries that you may have with regard to the content of these Protocols then please do not hesitate to contact the ASA Legal Affairs Department – Telephone 01509 640270 or via email to [legal@swimming.org](mailto:legal@swimming.org).

1. Any concerns of a child safeguarding nature with regard to any individual involved in the sport of swimming must be referred to the ASA Legal Affairs Department (LAD) through any of the following initial contact communication channels; Swimline, telephone call, letter or email. The concern or query will then be noted and referred to the ASA Independent Child Protection Officer (ICPO), for her initial assessment. The ICPO will report her views and any recommended course of action direct to the ASA LAD, and a decision will be taken as to how the matter will proceed. This procedure will normally be completed within three working days of receiving the initial information.

The ICPO may at her discretion decide to hold an early case conference meeting with such of the affected persons as the ICPO believes appropriate in the circumstances of the case. Regard will be given to the nature and seriousness of the allegations made.

2. Depending on the circumstances, the matter could then proceed in one or more of the following ways:
  - (i) If the matter is being handled correctly by the club, organisation or affiliated body then advice may be given to proceed, but to keep the ICPO updated as to progress.
  - (ii) The ICPO may decide to become directly involved in the matter or involve a swimliner or other ASA officer to take action as appropriate.
  - (iii) A decision may be made to refer matters to a relevant agency, either the Police or Children’s Social Care Team (formally Social Services).
  - (iv) A decision may be made to appoint an independent investigator to conduct an independent fact finding investigation.
  - (v) A decision to make a complaint under the ASA Judicial Regulations.
3. All members who refer matters of a Child Safeguarding nature must be aware that in certain circumstances the ASA’s powers to take action may be compromised and the ASA would bring the following points to members attention:
  - (i) In any circumstances giving cause for concern, there must be early communication to the ASA LAD via any of the channels mentioned above.
  - (ii) The ASA cannot, normally, play any role in any Child Safeguarding concerns involving the parent/child relationship. Such matters would be immediately referred where necessary to a relevant agency. Any action recommended to the ASA by the statutory body regarding the person’s role in swimming would be acted upon. This may require direct action by the ASA or the relevant club.
  - (iii) Failure to communicate to the ASA LAD at the earliest possible stage MAY INHIBIT THE ABILITY OF THE ASA AND RELEVANT AGENCIES TO ACT. In addition, it could render the club or individual subject to disciplinary or other action by the ASA.
4. If the decision is made to appoint an investigator, then it would be practice for the investigator to make contact with the initial referrer/complainant normally within three to five working days of initial contact with the ASA LAD. Preliminary contact will be made by telephone to confirm the appointment of an investigator and to make arrangements to meet with the referrer/complainant. The meeting and its content will be reported back to the ASA LAD and the ICPO, and a strategy would be initiated. The likely course of action is as follows:

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- (i) Serious allegations of abuse would immediately be referred by the ASA LAD to the Police and/or the Children's Social Care Team. If the police and/or the Children's Social Care Team are unable or unwilling to act the matter will be referred back to the ICPO/ASA LAD. A decision may then be made to instigate a full ASA investigation.
  - (ii) Less serious allegations which the sport is competent to handle may be made the subject of a full investigation by the ASA independent investigator.
5. Dependent on the particular circumstances and without prejudicing the investigation the subject of the inquiry will, at the earliest appropriate opportunity, be informed of the complaint. The Subject will be given an indication of the nature of the complaint and possible outcomes from the investigation. If he so desires, the subject may provide a written response to the independent investigator, at this stage.
6. Both the complainant/referrer and subject would be offered an ASA friend to assist them in explaining procedures and lead them through the normal practice of an investigation.
7. During the investigation process there will be regular communication, and as appropriate, meetings between the ASA LAD, ICPO and the investigator to discuss the progress of the investigation. The investigator will send to the ASA LAD weekly reports detailing the action taken and a schedule for the following week. This will enable the ASA LAD to keep up to date as to the progress of the investigation.
8. The complainant/referrer and subject of the complaint will be updated periodically on the progress of the investigation. The initial update will normally be in writing, within six weeks of initial notification. Thereafter, not less than monthly intervals by either telephone contact or letter.
9. The highest possible standards of investigation will be used during the inquiry.
10. Before the subject of the complaint is interviewed by the investigator and if appropriate the ICPO, a precis of facts and any matters of concern will be supplied to the individual. This will be an outline of the matters that will be put to them. They will not include statements, nor will they detail any questions that will be asked. The meeting may be tape recorded, if appropriate. (See paragraph 11 below).
11. The ASA reserves the right to record any interview conducted under its Child Safeguarding Procedures. In any such case the interviewee will be provided with a copy of the tape recording.
12. After the investigator has met the subject of the complaint, a report will be supplied to the ASA LAD, ICPO and the Judicial Commissioner, in cases where an investigation has been called by the Commissioner, and/or the Chief Executive for their information. A meeting will be held to decide the best course of action. There are a number of possible outcomes, these include:
  - (i) Evidence of poor practice which indicates a lack of competence then the matter may be referred to our English Programmes Department with a view to guidance being given with regard to correct methods. The ICPO may also recommend action to be taken by the club or individual concerned.
  - (ii) Where issues arise regarding the ethical aspects of behaviour then this would in the first instance, be dealt with as an educational issue with guidance, and support to be given to the individual to encourage them to modify their behaviour in line with accepted practice.
  - (iii) Should this guidance be refused or whether there is clear subsequent indications that malpractice is continuing or taking place then this would result in a formal complaint being brought by the Association under the Judicial Regulations.
  - (iv) The ASA will consider the actions of any member, club or affiliate body and whether it's internal management should be looked into and further support or guidance provided. However, the Association reserves the right to give consideration as to whether the club and its officers should be made the subject of a formal complaint.
  - (v) A complaint under the ASA Judicial Regulations.
  - (vi) The imposition of a suspension under the ASA Child Protection Regulations.

- (vii) A requirement that the individual submit to a formal risk assessment with regard to their suitability to have contact with children or young persons in the sport of swimming.
13. At the conclusion of an investigation the subject of the complaint will normally be provided with a copy of any written report and be given the opportunity to comment on matters of accuracy and will be made aware that any such report (or a summary thereof) may be made available to such individuals and organisations as considered appropriate in all circumstances of the case. In any event the ASA may advise in writing an individual or appropriate organisation of the outcome of the investigation and any proposed action.
  14. Any action to be taken will be dependent upon the particular circumstance of the case but may include any of the following:
    - (i) The bringing of a complaint under the ASA Judicial Regulations.
    - (ii) The issue of a formal warning as to future conduct.
    - (iii) A requirement upon any person to undertake a period of training or re-training and to submit to monitoring and ongoing review.
  15. It is important to note that at any stage during the course of an investigation, matters may be referred to a relevant agency (i.e. police or Children's Social Care Team) which may result in the ASA investigation concluding or being temporarily placed on hold pending action by the police and/or the Children's Social Care Team.