
REGULATIONS FOR THE ASA CHILD PROTECTION LIST

The Child Protection database is part of the ASA Child Protection Procedures. It has been developed in conjunction with the NSPCC. In addition the Sports Council have applauded the ASA on its initiative in dealing with this very difficult subject and recommend it as an example of good practice. The Child Protection procedures set out below have been developed in full consultation with the Data Protection Registrar. ASA Law makes the compliance of clubs with this procedure mandatory as a condition of affiliation.

The purpose of the ASA Child Protection List is firstly to be able to advise clubs of people who should not work with children because they have a criminal conviction which could put children at risk. Secondly it allows the Association to fulfil its obligations in collating and reporting any complaints that are made against an individual which may put children at risk. This information is STRICTLY CONFIDENTIAL except for the legal obligation of reporting.

Completing the form

As each club is different, who needs to complete the form will apply to different people, but the general rule is that if a person, *by right of the job that the club has given them, under that job description*, has the access to one-to-one private contact or handling, they should complete a form. The general principle is that every adult in your club who has personal contact in any capacity with under 18 year olds should complete a form. This will include such as club coaches, teachers, poolside helpers, team managers and chaperones, but could extend on a wider basis if other members of the club perform a duty on behalf of the club which allows personal access previously described.

It is a condition of affiliation to the ASA that clubs accept the ASA Child Protection procedures and that all helpers complete this information required for the database. If an individual is unwilling to do so, they must not be used by the club in any position that gives intimate access to children. It is also desirable that all helpers at this level should be members of the club. If the Child Protection code is to be effective all helpers should be members. This may require some clubs to look at a more flexible approach to membership.

The information which will be kept

This will include personal identifier information that is on the form, which in the majority of cases will be the only information, until the person leaves the club when the date of leaving will be added. For anyone with a criminal conviction for an offence which could put children at risk, the official details of the conviction will be recorded. However, specific allegations of behaviour, or details of other convictions which could put children at risk, and which are made to the ASA will also be recorded. All concerns or complaints will be reported to the police and the relevant local authority for investigation and the outcome recorded. This information is held separately, is password protected and will record the date, source and originator of any text.

Disclosures

ALL INDIVIDUALS ON THE ASA CHILD PROTECTION LIST HAVE THE RIGHT TO REQUEST TO SEE ALL INFORMATION HELD ON THEM.

This request must be in writing and the Association must reply within 40 days. A fee may be levied in accordance with the Data Protection Act.

All information will be available to the official agencies which have a statutory duty to investigate allegations of child abuse. The ASA also reserves the right to disclose information relevant to child protection to clubs and other individuals and organisations sharing the ASA's concerns regarding child protection.

The Secretary of a club which is taking on a person who will come into contact with young people under the age of 18 years may make the request to the ASA on the official form provided.

Sending in the forms

All forms must be sent DIRECT TO THE ASA. The Club Secretary will sign part A as it is essential that the relevant person at the club has seen some identification documentation which confirms that the person is who they say they are. This identification should be such as a passport, national insurance number card, or driving

licence, but more than a letter or household bill.

Part B may be completed in confidence by the applicant and the form sent direct to the ASA Legal Affairs Department. In order to confirm to Club Secretaries that their members have sent in their forms, updated lists will be returned to Club Secretaries on a regular basis (in a similar way to swimmers registration). Any form with an adverse entry in the self-declaration section will be considered by the ASA Head of Legal Affairs and if it is deemed to be such that the ASA do not consider the person to be suitable to work with children appropriate action will be taken which may include informing the club.

Updating information

In September each year clubs will be sent a computer printout (similar to the registration printouts) with identification of those people from the club who are currently listed as working there. If any details have changed, a new form should be submitted.

The forms to be returned to **The Legal Affairs Dept, Amateur Swimming Association, FREEPOST Loughborough LE11 0BR**

Note: The following information has been circulated to clubs. Further copies are available from the ASA Membership Services Dept.

Child Protection in Swimming

Swimline posters and leaflets

For further information please contact the ASA Membership Services Department tel 01926 458189

PROTOCOLS FOR CHILD PROTECTION INVESTIGATIONS

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. 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 Department - Telephone (01509) 264668 or via e-mail to legal@swimming.org

- 1 Any concerns of a child protection nature with regard to any individual involved in the sport of swimming must be referred to the ASA Department of Legal Affairs through any of the following initial contact communication channels; Swimline message, telephone call, letter or E-mail. 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 Legal Department, and a decision will be taken as to how the matter will proceed. This procedure will normally be completed within 3 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 Legal Department updated as to progress.
 - (ii) a decision may be made to refer matters to a relevant agency, either the Police or Social Services.
 - (iii) a decision may be made to appoint an independent investigator to conduct an independent fact finding investigation.
 - (iv) A decision to make a formal complaint under the ASA Judicial Laws.

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- 3 All members who refer matters of a Child Protection 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 Legal Department via any of the channels mentioned above.
 - (ii) the ASA can not, normally, play any role in any Child Protection 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 Department of Legal Affairs 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 3 - 5 working days of initial contact with the Department of Legal Affairs. 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 it's content will be reported back to the Legal Department and the ICPO, and a strategy would be initiated. The likely course of action is as follows:
 - (i) Serious allegations of abuse would immediately be referred by the Department to the Police and/or Social Services. If the police and/or Social Services are unable or unwilling to act the matter will be referred back to the ICPO/Department of Legal Affairs. 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 a "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 Legal Department, ICPO and the investigator to discuss the progress of the investigation. The investigator will send to the Department of Legal Affairs weekly reports detailing the action taken and a schedule for the following week. This will enable the Department of Legal Affairs 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 6 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.

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- 10 Before the subject of the complaint is interviewed by the investigator, 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 Protection 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 Legal Department, ICPO and, the Independent Disciplinary and Dispute Resolution Commissioner in cases where an investigation has been called for by the Commissioner and/or the Chief Executive for their information. A meeting may 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 Education department with a view to guidance being given with regard to correct methods.
 - (ii) Where issues arise regarding the ethical aspects of behaviour then this would be 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 system.
 - (iv) The ASA will consider the actions of any member club or affiliate body and whether its 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 system
 - (vi) The imposition of a suspension under the ASA Child Protection Laws.
- 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 Laws.
 - (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 (ie police or social services) which may result in the ASA investigation concluding or being temporarily placed on hold pending action by the police and/or Social Services.

Andy Gray
Head of Legal Affairs

Barbara Barrett
ASA Independent Child Protection Officer

ASA SWIMLINE

Who is the ASA SwimLine for?

This service is provided for anyone involved in swimming, including children and young people who believe that the welfare of a child is at risk. This could be neglect or abuse, bullying or fear of someone, or anything that is worrying you and you don't know who to discuss this with.

Who will take the calls and what happens?

When you ring you will hear a message. This will explain that if you wish to speak to someone urgently - or it would not be convenient or safe for someone to call you back - you can press a number to transfer straight to the NSPCC Child Protection Helpline. This will be answered by trained and experienced counsellors who will advise you and will act to protect children.

If there is no problem with someone calling back and you wish to speak to someone who understands swimming, you will need to leave your telephone number and a time convenient for one of our Child Protection Group to ring. These people are members of swimming clubs who work in child welfare as a profession and have volunteered to help this ASA programme. If there is an issue which causes concern the ASA will act to protect the child.

Other things you should know

SwimLine calls are free and do not appear on itemised bills unless the call is made from a mobile phone. SwimLine does not use the 1471 code or any other call return or call display facilities. If you leave a message we aim to ring back during the next working day. If you phone over the weekend we will aim to contact you on Monday.

You can call the NSPCC Child Protection Helpline direct on 0808 800 5000.

This line is open for 24 hours each day and calls are free of charge.

If you have a Textphone you can call the NSPCC Textphone on 0800 056 0566

Comments and suggestions on how we can improve this service are welcome.

Amateur Swimming Association

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Tel 01509 618700 Fax 01509 618701



PROMOTING YOUR RIGHT TO GOOD WELFARE PRACTICE
IN YOUR SWIMMING CLUB

***Are you worried
about yourself or
someone else in
the club?***

***Do you want to
talk to someone
who can help?***

The club and the ASA are committed to maintaining your welfare in swimming. The ASA will support anyone who in good faith report his/her concerns about child abuse.

The club welfare officer can offer you advice and seek further help for you if need be or you can call the ASA Swimline on:



Leave a contact number, and a Swimline volunteer will call you back.

CLUB WELFARE OFFICER:

CLUB NAME:

