

Swim England Child Welfare Complaints Procedure

Introduction

Swim England is committed to promoting the welfare of all involved in swimming and we will seek to establish a process that will make it straightforward for people to raise any concerns they have, about the way in which promoting welfare has been managed.

This procedure sets out the method of dealing with a child welfare concern when a complaint is received from a parent, guardian, carer, child or other member.

This procedure needs to be read in conjunction with Wavempower, Swim England's Child Safeguarding Policies and Procedures, the Child Safeguarding Protocols, Child Protection Regulations 2017 et al and the Judicial Regulations and Guidelines.

In the first instance, concerns about a child, which may reach the level of seriousness of Child Protection or indeed pose potential harm to a child (known as a 'Referral') should be dealt with under Wavempower processes, Section 2.1 – Abuse, Duty of Care and Reporting Process

www.swimming.org/library/documents/files/1205/download

Such 'Referrals' must be dealt with either by direct referral to a Statutory Agency (for example, Local Children's Services / Multi Agency Safeguarding Hub / Police force) or by referral to the Swim England ICPO / Swim England Safeguarding Team who in turn may including but not limited to:

1. Refer the matter to a Statutory Agency; and/or
2. Recommend the matter be dealt with by Swim England under the Protocols for Child Safeguarding Investigations.

The Judicial Regulations provide the procedure to bring a complaint for matters other than child welfare, for example, rule breaches, breaches of the Code of Ethics and Codes of Conduct. It should be remembered that children and young people are equally as entitled to complain as an adult. Everyone within Swim England must be conversant with the procedures for dealing with them in a child friendly way whilst ensuring these procedures are followed, the child's rights are protected and most importantly, the child's safety remains paramount. Equally, parents, guardians and carers of Swim England members must be assured that they will also be listened to and appropriate action taken if they have cause for concern or complaint through the Child Welfare Complaints procedure.

This procedure is mandatory for all Swim England Members, IoS Members, Clubs, Counties and Regions.

This procedure must be adopted when a complaint is received from any Swim England member or Swim England Employees, involves a child (at all times a person under the age of 18 years) and which is deemed to be a child welfare issue by a Club Welfare Officer, County Welfare Officer, Regional Welfare Officer, the Swim England Safeguarding Team or the Swim England Independent Child Protection Officer (ICPO). All other complaints will be dealt with under appropriate procedures as identified in the Swim England Signposting document which is available to view or download from the website at www.swimming.org.

Why is this procedure necessary?

Adults often do not realise that their actions can significantly impact on children, causing them distress.

In return children often do not realise that adults can find it difficult to recognise problems, which would cause a child to be worried or unhappy. A concern, which may appear minor to an adult, can be overwhelming for a child. Because of this, it is vital to encourage communication between adults and children not least to promote an environment whereby a child feels confident that they can let someone know their concerns, and that these will be addressed.

The following is the recommended procedure for dealing with a complaint made by, or on behalf of, a child and which a parent, guardian, carer or friend may make. At all times action should be immediate where possible and all stages outlined within the procedure should be carried out within the timescale provided.

It is important to acknowledge that a child welfare concern from the point of view of someone under 18 years of age will be something very important to them and may have potentially been causing them concern for some time.

It is important that complaints of this nature are dealt with at the earliest opportunity and as such the following procedure should be a last resort for matters that have been incapable of resolution.

Guidance and support can be obtained from the ICPO.

The procedure

Step one – Informal resolution locally timescale: immediate.

As an adult member of Swim England, when a child, parent or carer has made a complaint or drawn to your attention a concern, you must first assess as to whether it is appropriate for you to resolve it.

In general terms if it is relatively minor in its nature, not potentially a criminal act, if you are able to address the concern, you should address the concern.

Ideally, if at all possible, you should consult your club Welfare Officer before embarking on any course of action.

Confidentiality must be maintained on a 'need to know basis' i.e. only the Welfare Officer, child's parents, and perhaps the coach, may need to know of a concern and no one else. Sometimes the information sharing may need to be extended to other relevant club personnel. The important factor is to keep the information restricted to as small a circle as possible. A secure record should be kept of the action taken.

Step two – Resolution through Club Welfare Officer timescale: intervention seven days or as soon as possible thereafter.

The primary role of the club Welfare Officer will be to resolve to the satisfaction of the child, parent, guardian, carer or anyone else the welfare issues complained of, if at all possible.

A club Welfare Officer may have matters referred to them for example through step one or may have matters brought directly to their attention.

The club Welfare Officer will consider the nature of the complaint and if they are able to address the concern. It is anticipated that club Welfare Officers will be able to address issues such as minor club rule infringements, poor practice and bullying through the club's own complaints process. Guidance and support can be obtained from the ICPO at any time.

If the assistance of the ICPO is not sought before the issues are resolved, the concerns and outcomes should be reported to the ICPO afterwards.

The club Welfare Officer should at all times be mindful of the support and guidance that can be accessed from the ICPO and that concerns to be dealt with by a club Welfare Officer should be child welfare concerns only. Matters of child protection should be referred, where appropriate, immediately to the appropriate statutory authority (see details in Wavepower – Welfare Officer's information sheet) and to the ICPO.

The club Welfare Officer must:

1. Record the details of the complaint – what was the problem?
2. How it was resolved? The actions taken and by whom (the Welfare Officer or others).
3. Observe confidentiality and secure storage of referral documentation (see appropriate policies within Wavepower).

Step three – National Level – The Independent Child Protection Officer timescale: intervention three days or as soon as possible thereafter.

The ICPO will have a right to be involved in any child welfare matter, which the ICPO may review in consultation with the Director of Legal for example:

Where one party remains unhappy that the problem has not been resolved at Step One or Step Two.

Where a matter is brought to the ICPO's attention by an Swim England Welfare Officer at Steps One or Two.

At any stage, by direct referral to the ICPO by a Swim England member (child or adult), parent, guardian or carer of a Swim England member.

The ICPO may conduct a brief overview and determine whether a full Step 3 intervention is appropriate. If not, then suitable advice may be given to parties, including, potentially, for resolution under the Judicial Regulations. Within three days of a child welfare complaint being brought to the attention of the ICPO consideration will be given to the Protocols for Child Safeguarding Investigations.

The ICPO will liaise with the club Welfare Officer to ensure that the club is handling the child welfare issue correctly. The club Welfare Officer will be responsible for ensuring that the club follows the ICPO's guidance. It is entirely a matter for the ICPO as to the level of involvement and the guidance given.

At any point throughout the ICPO's involvement, the issues will be kept under regular review and a decision may be taken, including but not limited, to:

Implement a referral to a statutory agency under section 2 (iii) of the Protocols. For Child Safeguarding Investigations or;

Appoint a Swim England investigator to complete a fact-finding investigation under section 2 (iv) of the Protocols for Child Safeguarding Investigations or;

Make a formal complaint under the Judicial Regulations under section 2 (v) of the Protocols for Child Safeguarding Investigations or;

Take such action as recommended by the ICPO (e.g. a direction that an individual be required to submit to a risk assessment or that Swim England file a complaint against a club or an individual).

All clubs must note that if the guidance of the ICPO is not followed the ICPO may complete a report to the Director of Legal and may recommend that formal judicial complaint is filed against the club under Judicial Regulations. The basis of a judicial complaint will be that the club has failed to comply with the required level expected of Swim England clubs in complying with Swim England's Child Safeguarding.

In the case of clubs with SwimMark accreditation (or some other such similar accreditation in place from time to time), the ICPO's Report may alternatively / additionally be submitted to the National SwimMark Panel recommending removal of SwimMark accredited status, the basis of the recommendation being that the club has not met its requirements under Swim England child safeguarding provisions.

The above timescale provides an indication that within three days of accepting a child welfare issue, the ICPO will decide the level of their involvement and will inform all parties accordingly. The ICPO will have children's welfare as the main concern and will try to resolve the issues with that main concern in mind. As a guide the ICPO will try to achieve a successful resolution or to decide other appropriate action or to have concluded and closed the file within three months of the original referral.

Where a three month conclusion is not possible, e.g. because of the involvement of a statutory agency, the ICPO will seek to keep the child (through their parent, guardian or carer) informed of progress being made.

No appeal

The ICPO's final report as to the steps taken, closing the file and/or recommendation as to alternative action is final.

In the case of a decision being taken under Child Protection Regulations 241 et al parties are referred to this Regulation.

Note

Failure to comply with this procedure may result in a recommendation from the ICPO that a club is not meeting its obligations under child safeguarding. This may result in a formal complaint or other action being taken under Child Safeguarding Regulations 241 et al.

Any action complained of under the Child Welfare Complaint Procedure may amount to a breach of the Regulations of Swim England or of the Code of Ethics. Any Swim England member may bring a complaint under the Judicial Regulations against a Swim England member. It is therefore possible for a child welfare concern to amount to a breach of the Regulations of Swim England or of the Code of Ethics and for a judicial complaint to be filed for the same set of circumstances.

It is a matter for the individual member as to whether or not they wish to file a judicial complaint whilst a matter is being dealt with under the Child Welfare Complaints Procedure.

Where a judicial complaint is filed and a Child Welfare Complaint is also filed, the child welfare matter will take precedence.

This procedure is subject to continuous review and amendment as best practice evolves and accordingly Swim England reserves the right in particular cases to depart from the above procedures where it is deemed to be appropriate by the ICPO in consultation with the Director of Legal.

November 2017