

AMATEUR SWIMMING ASSOCIATION

ASA Investigations

The ASA has developed a protocol for all child protection investigations. This protocol has been developed over many years with the knowledge gained from the many cases dealt with to date.

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

1. Any concerns of a child protection or poor practice 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 recorded 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 Department of Legal Affairs, including a recommendation of temporary suspension of the person referred pending further investigation by the ASA or other organisations 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 or appoint a Swimline volunteer to do so with such of the affected persons as the ICPO believes to be 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) the ICPO or Swimline volunteer will continue to work with the club and individuals concerned to seek a resolution.

(iii) a decision may be made to refer matters to a relevant agency, either the Police or 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 Laws.

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 standard 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 Department of Legal Affairs 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) Allegations which the sport is competent to handle, or the statutory agencies cannot proceed with 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 Department of Legal Affairs, 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.

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 will be held to decide the best course of action. There are a number of possible outcomes, these include:

(i) If there is 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. The ASA may impose conditions such as retraining.

(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 rejected or where there are 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*

