

CHILD PROTECTION

241 Child Protection

For the purposes of this Regulation 241, “child” or “young person” shall be construed to include “vulnerable adult” and “children” or “young persons” shall be construed to include “vulnerable adults” as defined in the ASA Policy for the Protection of Vulnerable Adults.

241.1 No person shall be permitted to be involved in any way with children in the sport of swimming under the jurisdiction of the ASA unless:

241.1.1 he is a member of an affiliated club or of a club, body or organisation whose Child Protection Policies and the measures to enforce them are recognised by the ASA; or

241.1.2 if this is impracticable, adequate provisions are made by the organiser of the activity or the promoter of the event to assess the risk and ensure that appropriate measures to protect any children taking part are in place.

241.2 In this Regulation the expression ‘Offence’ shall mean any one or more of the offences against a child within the meaning of Schedule 4 to the Criminal Justice and Court Services Act 2000 and any other offence which reasonably causes the Chief Executive to believe that the person accused of the offence is or may be a risk or potential risk to children or young persons.

241.3 Upon receipt by the Chief Executive of:

241.3.1 notification that an individual has been charged with an Offence; or

241.3.2 notification that an individual is the subject of an investigation by the police, social services or any other authority relating to an Offence; or

241.3.3 other evidence which causes the Chief Executive reasonably to conclude that an individual may have committed an Offence then in any such case the Chief Executive may impose upon the individual an interim suspension from any event or activity promoted or authorised by the ASA or any body directly or indirectly affiliated to the ASA wherever held.

241.4 Upon receipt by the Chief Executive of a recommendation from the ASA Independent Child Protection Officer including the results of a Criminal Records Bureau search or other information received which causes the Chief Executive to conclude on reasonable grounds that the individual concerned is unsuitable to work with or have unsupervised access to children within the sport of swimming the Chief Executive may impose upon the individual an interim suspension or a suspension for a specified term decided by the Chief Executive from any event or activity promoted or authorised by the ASA or any body directly or indirectly affiliated to the ASA wherever held. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against the decision of the Chief Executive to impose a suspension under this Regulation 241.4 (see Regulation 108.8).

241.5 In reaching his determination as to whether an interim suspension should be imposed the Chief Executive shall give consideration, *inter alia*, to the following factors:

241.5.1 whether a child or children or young person(s) are or may be at risk;

241.5.2 whether the allegations are of a serious nature;

241.5.3 whether a suspension is necessary or proportionate to allow the conduct of any investigation (by the ASA or any other authority or body) to proceed unimpeded.

241.6 Where an individual shall have been convicted or have been the subject of a caution in respect of an Offence the Chief Executive shall have power summarily to impose the suspension for a specified term decided by the Chief Executive of the individual from any event or activity promoted or authorised by the ASA or any other body directly or indirectly affiliated to the ASA wherever held. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against the decision of the Chief Executive under this Regulation 241.6 (see Regulation 108.8).

241.7 if a Local Authority forms a belief under the formal belief system derived from the Children Act 1989, as amended, regarding an individual's suitability to work with children the Chief Executive shall have the power summarily to suspend that person for a specified term decided by the Chief Executive from all ASA activities, provided that:

241.7.1 the Local Authority has informed the ASA that such a belief has been formed;

241.7.2 the person concerned has been formally made aware by the Local Authority that such a belief has been formed;

There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against a decision of the Chief Executive under this Regulation 241.7 (see Regulation 108.8).

241.8 All affiliated clubs shall participate in and take reasonable steps to comply with the procedures of the Criminal Records Bureau and its checking services in regard to Child Protection matters and/or any subsequent procedures by the ASA including but not being limited to requests for further information.

241.9 All members of affiliated clubs shall participate in and comply with the procedures of the Criminal Records Bureau and its checking services in regard to Child Protection matters and/or any subsequent procedures by the ASA including but not being limited to requests for further information.

241.10 Any individual who fails to comply with a specific requirement of the Child Protection procedures may be suspended by the Chief Executive until such time as he has complied with any outstanding matters, provided that he has been warned of his liability to such a suspension. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against a decision of the Chief Executive under this Regulation 241.10 (see Regulation 108.9).

241.11 A club, body, organisation or individual suspended by the Chief Executive under this Regulation 241 shall not participate in any swimming activity organised by an affiliated club or controlled by ASA Laws and/or Regulations. He shall not act as a representative of a club or other affiliated body nor shall he be a member of any board, committee, subcommittee

or council concerned with the direction or government of swimming. An individual so suspended shall not act as an official at any competition, exhibition, meeting or any other activities within the sport.

241.12 The suspension of any individual for a specific term decided by the Chief Executive imposed under this Regulation 241 shall not be lifted unless and until the individual has submitted to a formal risk assessment with regard to his suitability to be involved with children in the sport of swimming.

241.13 It shall be a condition of membership or affiliation to any Region of the ASA that:

241.13.1 an affiliated club adopts the ASA Child Protection Procedures; and

241.13.2 the members of the affiliated club comply with the Child Protection Procedures.

241.14 Without prejudice to the generality of Regulation 241.13 the ASA may from time to time issue guidance or directions with regard to compliance with Regulation 241.13.

REGIONAL RESPONSIBILITIES

261 Panel of Friends

Each Region shall appoint a panel of three or more persons from nominations made by a club, body, organisation or County and open recruitment, with no restriction on the other unremunerated posts they may hold within the ASA, in order to assist at the discretion of the Judicial Administrator, within the judicial process, by providing advice and/or support to persons making or being the subject of a complaint under the ASA Judicial Laws and Regulations.

262 General Meetings

Each Region shall include in its rules provisions debarring any Chairman or Vice Chairman of the Independent Disciplinary and Dispute Resolution Panel or the Chairman or any Vice Chairman of the Independent Disciplinary and Dispute Resolution Appeals Panel from acting as a club delegate at any General Meeting but providing that, if he is a member of a club affiliated to that Region, he may attend any General Meeting *ex officio* with the power to speak but not vote.

CLUB RIGHTS AND RESPONSIBILITIES

281 Club discipline and internal dispute procedures

281.1 For a breach of its own rules, an affiliated club or body may:

281.1.1 apply sanctions to a member relating to activities wholly within its own jurisdiction up to and including suspension from any or all of them;

281.1.2 expel a member, provided that before doing so it informs the member of the alleged offence and gives him a reasonable opportunity to defend himself against the charge. If the alleged offence is also a breach of ASA Law or Regulations the club or body shall not deal with it but may make a complaint under the Judicial Laws and Regulations.

281.2 A club or body may expel from membership and/or refuse to renew the membership of any member who has been suspended according to Regulation 109 or Regulation 241 provided that any such expulsion or initial

281.3 Each club shall include in its rules provisions specifying the procedures to be carried out to handle internal club disputes, which shall include compliance with ASA Judicial Regulations

281.4 Any such provisions shall comply with the ASA recommended Club Constitution and the accompanying Guidance Notes