



## SECTION 2.1

# Abuse, duty of care and reporting process

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## Using the toolbox

This section of Wavepower is designed to assist Swim England organisations and their members to meet their duty of care to safeguard all children who take part in our sports. It clearly identifies the policies and procedures that must be followed and the actions to be taken when a concern is identified. Support available for all Swim England organisations and members is referred to throughout.

As the Welfare Officer, you are the designated person who will help guide and assist in the development of good policies and procedures but you do not have sole responsibility for child safeguarding in your organisation. All individuals have a responsibility for child safeguarding; each individual will need to consider Wavepower and take action to ensure they are currently following the good practice outlined within it, as well as making sure that they are able to take appropriate action when poor practice or safeguarding issues are identified. The organisation will need to adopt the policies and procedures in Wavepower if they do not currently have them in place.

The toolbox has been divided into subsections so that relevant information can be obtained easily and contains guidance and policies for your organisation to adopt. For the Welfare Officer, it should be used as a practical aid to ensure the organisation is meeting the requirements of the Swim England Child Safeguarding Policy and as a guide to procedures when dealing with any issues raised.

## Duty of care

A duty of care is a legal obligation which is imposed on an organisation or an individual that requires them to adhere to a standard of reasonable care when undertaking any task or act that could potentially cause harm to another.

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their function and any services they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This duty extends to sports organisations and clubs who deliver sports activities to children. Paid and volunteer staff have a duty to be aware of their responsibilities for safeguarding and promoting the welfare of children, how they should respond to child protection concerns and make a referral to the local authority Children's Social Care, police, Local Authority Designated Officer (LADO) or other agencies if necessary.

Swim England is the national governing body for swimming, para-swimming, diving, high diving, artistic swimming, water polo and open water swimming, and as such receives funding from Sport England. As a funded NGB we meet the standards for safeguarding and protecting children in sport.

Further information on organisational responsibilities can be found in Working Together to Safeguard Children (2018). We recommend that clubs make themselves familiar with this document which can be found on [gov.uk](https://www.gov.uk).

All Swim England organisations that have members under the age of 18 must adopt Wavepower, as set down in the model constitution, set out below:

2.3.2 the Club shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

2.3.3 members of the Club shall in accordance with Swim England Regulations comply with Wavepower.

To meet a duty of care Swim England organisations must:

- Adopt Wavepower 2020-2023 in full.
- Promote and raise awareness of Wavepower with all club members.
- Ensure all club members are aware of their responsibilities and the procedures to be followed in the event of any concerns about a child's safety or welfare.
- Promote a culture of listening to children.

Anyone involved in our sports can contact the Swim England Child Safeguarding Team, Swimline, County or Regional Welfare Officer or the Swim England Legal Department for advice or guidance. If these services are unavailable for any reason and failure to act immediately may place a child at risk of harm then immediate contact should be made with police, Children's Social Care, Multi Agency Safeguarding Hub (MASH), NSPCC Child Protection Helpline or other agencies as appropriate.



## Reacting, recording and reporting concerns

Swim England is committed to ensuring that any child who attends a Swim England organisation, event or activity will be safeguarded from harm. Protection and safeguarding of children is paramount and should be based on prevention and best practice.

The adoption of Wavepower by Swim England organisations has minimised and will continue to minimise the opportunity for acts of child abuse or harm to children to take place.

We recognise that all risk cannot be removed and child safeguarding concerns will continue to be raised both as part of, and outside of, any Swim England organisation.

Swim England has therefore created the following three stages of action to be taken for any person involved in our sports who may have a concern, observe a concern or have concerns raised to them about a child's wellbeing.

**Stage 1** – React to the concern, disclosure, suspicion or allegation in a timely and appropriate manner.

**Stage 2** – Record the relevant information.

**Stage 3** – Report the information to the appropriate person(s) and/or organisation(s).

### Remember

You do not have to decide that a concern or incident is or is not child abuse or a failure to safeguard a child. You do have to refer that concern to seek advice from the appropriate agency so they can make that decision.

Anyone involved in our sports can contact the Swim England Child Safeguarding Team, Swim England Legal Department, Swimline, County or Regional Welfare Officer for advice and guidance.

### In an emergency

When you believe a child has been harmed or may be at immediate risk of harm and you are unable to contact the Club Welfare Officer or Swim England Child Safeguarding Team then immediate contact should be made with police, Children's Social Care, Multi Agency Safeguarding Hub (MASH), NSPCC Child Protection Helpline or other agencies as appropriate. Take the name and contact details of the person you have spoken to and the incident/referral reference number (if applicable) so you have a record and report this to the Club Welfare Officer and Swim England Child Safeguarding Team as soon as possible e.g. next working day.

Parents and guardians of the child should be advised of the actions taken only if they are not implicated/involved in the concern.



## When should you act?

There are a number of reasons why you might take action, which may include but are not limited to:

- Something a child has said or disclosed.
- Signs or suspicions of abuse (page 34).
- Significant and/or unexplained changes in a child's demeanour or behaviour, including self-harm.
- Allegations made against staff or a volunteer.
- Allegations made about a parent/guardian, carer or someone not involved in our sports.
- Concerns about inappropriate behaviour.
- Alleged breaches of the Swim England Code of Ethics and accompanying Codes of Conduct.
- Allegations or observations of bullying.

## Stage 1 – React

If a child or adult shares a concern or allegation with you:

- Stay calm.
- Reassure the person reporting their concerns that they have done the right thing in telling you.
- Listen carefully to what is being said.
- Ensure you don't show upset, disgust or disbelief at what is being said.
- Be honest and explain that you cannot keep what they are saying a secret and never promise to do so.
- Keep an open mind and don't make assumptions or judgements.
- Ask open questions only if you need to clarify what is being said.
- Reassure the person you take their concerns seriously and tell them the actions that you will, or will not be taking.

- Write down what has been said as soon as possible after or during the conversation as appropriate. The Swim England referral form can be used to record the information.
- Sign and date the referral form and any other paperwork referring to the concern as this could be used at a later date in criminal or care proceedings.
- Report the concern to the Swim England Child Safeguarding Team.

## Never

- Confront the alleged abuser.
- Make promises you cannot keep.
- Ask leading questions or make comments or suggestions.\*
- Take sole responsibility for dealing with the concern.
- Delay in reporting the concerns to the Swim England Child Safeguarding Team.

\*A leading question is one which may prompt the respondent to answer in a particular way. They can lead to false or distorted information. They also create an opportunity for bias as the question will be suggestive of what answer should be given.

Examples of leading questions could be:

- This has happened before, hasn't it?
- Who else is involved?
- Did this take place at the club?

Try and ask questions objectively to encourage a more accurate response:

- Has this happened before?
- Is anyone else involved?
- Where did this take place?



## Stage 2 – Record

Swim England provide clubs with a template referral form to use to record information. This can be found at [swimming.org/wavepower](https://swimming.org/wavepower). We recommend you keep copies of the form in an easily accessible place.

Your report should ideally include:

- Name, address and date of birth of the child.
- Name, address and contact details of the parent/guardian.
- Is the parent/guardian aware of the referral?
- Full details of the referral. Ensure the referral details are recorded verbatim i.e. always use the referrer's own words.
- Details of who the allegation is about. If possible their full name, date of birth, address, relationship with the child concerned and their relationship or position with the organisation (if any).
- Details of any injuries, marks or bruising on the child that are visible to you. A body map template is provided for you to use and can be found on page 26 or at [swimming.org/wavepower](https://swimming.org/wavepower).
- Details of any witnesses.
- Any other relevant information.
- Provide your contact details and sign and date your report.

Some of the above information may not be known or available to you or the organisation. Please remember that you can only refer the information you have. Referrals should not be delayed to allow for searches for missing information that you may or may not be able to find.

It is vitally important that all information is captured and recorded accurately as it was said to you as soon as possible.

## Stage 3 – Report

**It is the duty of everyone involved in our sports to report potential child safeguarding concerns in order to protect children, but it is only for the professionals to decide whether or not abuse has taken place.**

It is important that Swim England organisations do not attempt to investigate allegations of potential criminal offences. Advice and guidance should always be taken from the Swim England Child Safeguarding Team, Swimline or by contacting the police directly. In all cases where it is alleged that indecent images have been taken of a child, the guidance on pages 82-85 of Wavepower must be followed.

Parents and guardians of the child should be advised of the actions taken only if they are not implicated/involved in the concern. Please note a parent/guardian cannot make the decision as to whether a safeguarding concern is disclosed to a statutory agency.

If you are not satisfied with the response of a statutory agency when making a referral please contact the Swim England Child Safeguarding Team. The team will support you to follow up or escalate your concerns with the agency concerned.

If the child is not considered to be at immediate risk of harm contact should be made with the Welfare Officer or Swim England Child Safeguarding Team with full details of the concern as soon as possible e.g. the next working day.

**The Swim England Child Safeguarding Team hold a record of every concern raised to them and must always be informed of an incident or concern, regardless of the situation.**



## How will Swim England respond?

In cases which allege harm to a child, potential criminal acts, child abuse or allegations against an individual in a position of trust, Swim England will refer directly or support the organisation to refer directly to statutory agencies such as the police, MASH, Children's Social Care and the LADO. Statutory agencies will follow procedures under the Children Acts of 1989 and 2004 and the Government Guidance Working Together to Safeguard Children (2018) to determine next steps.

In cases where there is an allegation or concerns that any person who works or volunteers with children has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child in a way that indicates they may pose a risk of harm to children

Swim England will refer or support the organisation to refer to the LADO. Discussion with the LADO or DO must take place within one working day of the allegation/concern being raised. The LADO or DO will advise next steps to be taken following referral in accordance with Working Together to Safeguard Children (2018).

In some cases it may be necessary for Swim England to impose a temporary or specified term suspension of an individual. Suspensions are governed under the Swim England Child Protection Regulations 241. The Swim England Child Safeguarding Team will notify the Swim England Chief Executive Officer to request suspension under the Regulations. This usually follows a recommendation from a statutory agency to Swim England to take this action.

In cases which can be managed directly by the Welfare Officer and organisation concerned advice will be provided by the Swim England Child Safeguarding Team so the matter can be resolved internally.

In cases where the Welfare Officer and organisation can resolve the matter directly but may require further support the Swim England Child Safeguarding Team may refer to the County or Regional Welfare Officer to provide ongoing advice, support and guidance.

A flow chart is provided to show this process which can be found on page 27.

## Safeguarding concerns for a child or children outside my organisation

Many Swim England organisations hire their pool time from facilities who will have members of the public or other organisations using their facility at the same time. In such circumstances you may witness or have reported to you a safeguarding concern about a child or children who are not known to you and is/are not a member of your organisation. In such cases you are unlikely to know anything about the child/children or their family. That concern may involve potential criminal acts, child abuse, inappropriate or concerning behaviour or parenting/guardian concerns.

In such cases there is a responsibility to safeguard that child/children from harm, wherever possible.

In an emergency where you believe a child has been harmed or is at risk of imminent harm you should refer the concern immediately to the Welfare Officer or Swim England Child Safeguarding Team who will refer directly or support the organisation to refer directly to statutory agencies such as the police, MASH, Children's Social Care and the LADO. If the Welfare Officer or Swim England is not available referral should be made directly to



such an agency for immediate advice. Inform the facility/pool management of the concerns at the earliest opportunity so they can assist in safeguarding the child/children. The facility/pool management may be able to assist in identifying the child and their parents/guardians and making the referral to a statutory agency.

If the child requires emergency medical assistance call 999 for an ambulance.

Ensure you make a formal record of all of the actions taken. Take the name and contact details of anyone you have spoken to and report this to your Welfare Officer (if not already involved) and the Swim England Child Safeguarding Team.

If concerns do not relate to an emergency child protection matter but you witness or have disclosed to you matters such as another organisations, alleged poor practice, safety, supervision or behaviour and discipline issues this should be reported to the facility/pool management. Make a formal record of this action and who the concern was reported to.

In some cases you may get to know the organisations that share your pool time and if this is the case you could report directly to their Welfare Officer or DO any concerns about their staff or members. Make a formal record of that action and who you reported it to.

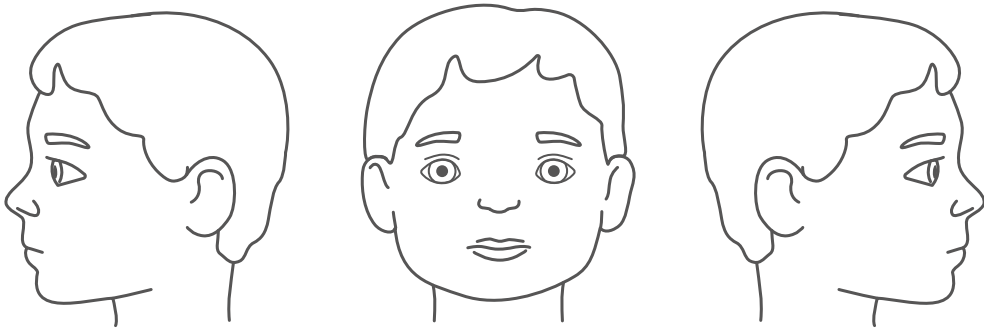
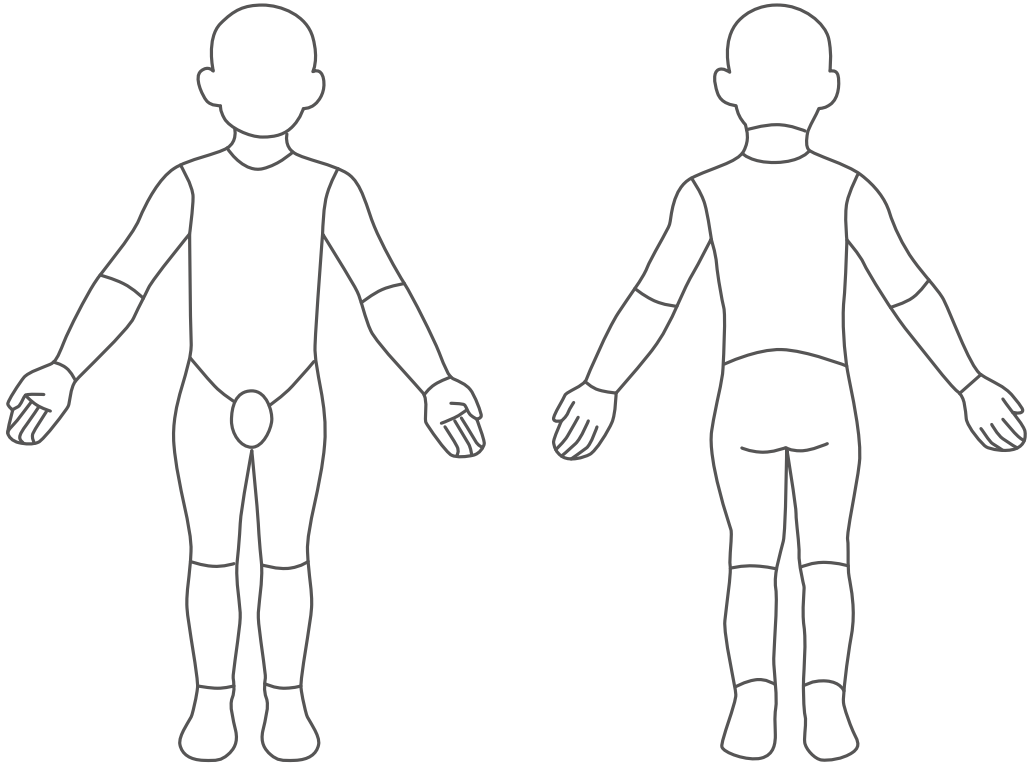
**In all cases advice can be sought from the Swim England Child Safeguarding Team if you are unsure how to proceed.**

A flow chart of this process is provided on page 28.

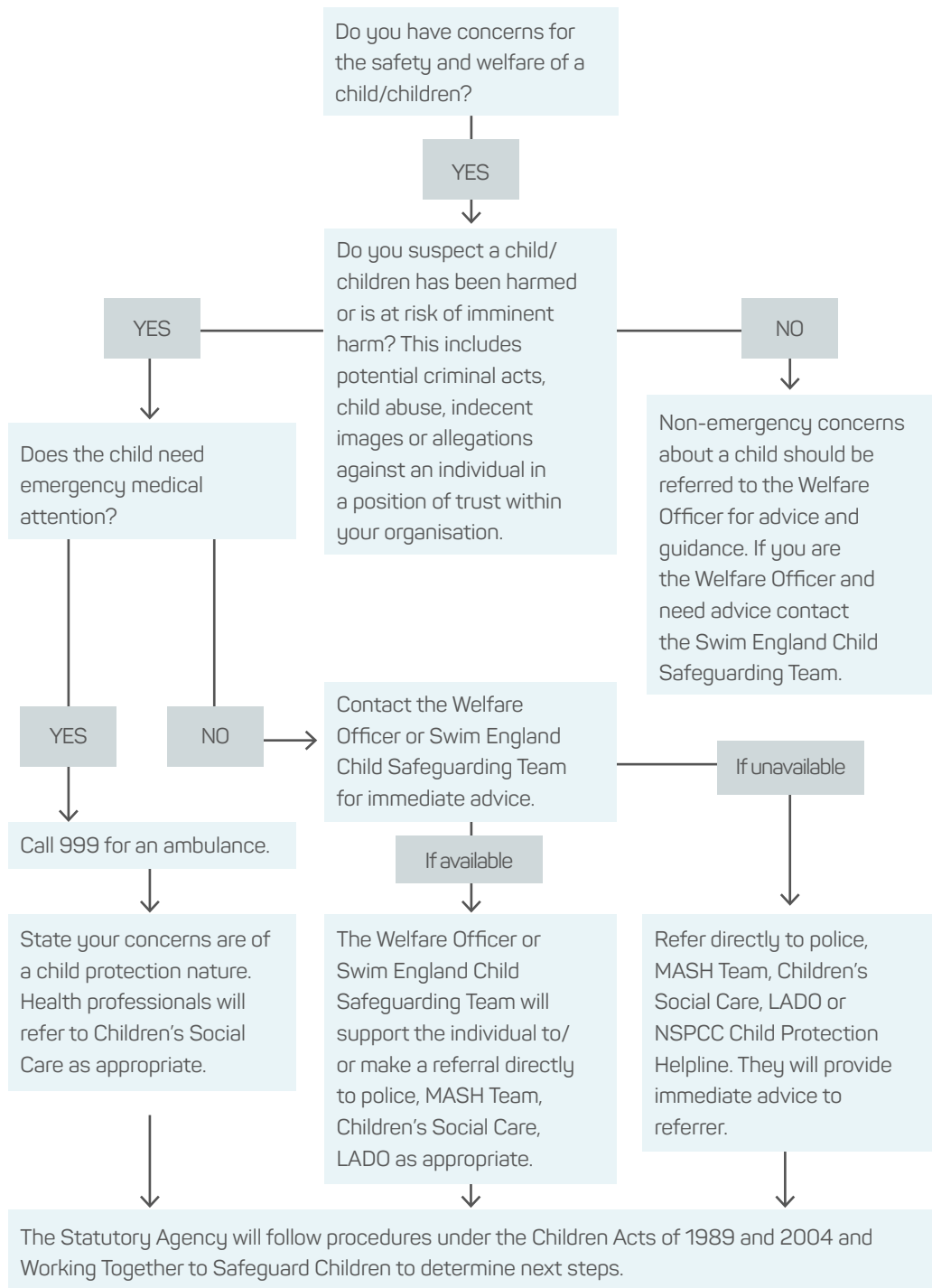




Body map

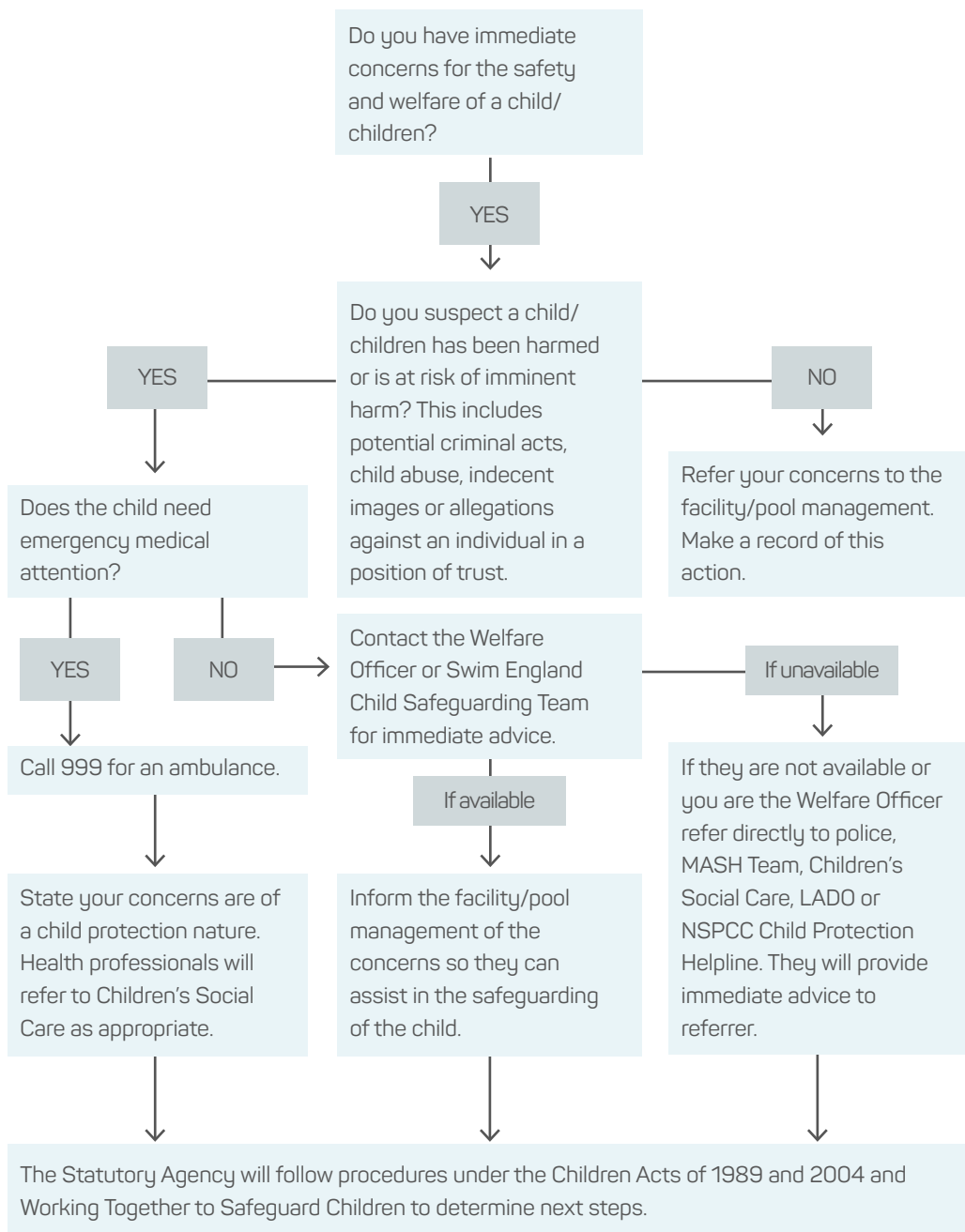


## Concerns for a child who is a member of your organisation



In all cases a formal written record of the concern, advice and actions taken should be completed. **The Welfare Officer and Swim England Child Safeguarding Team to be advised if not already done so.**

## Concerns for a child who is not a member of your organisation



In all cases a formal written record of the concern, advice and actions taken should be completed. **The Welfare Officer and Swim England Child Safeguarding Team to be advised if not already done so.**

## Definitions of abuse

All those in sport have a responsibility to be able to recognise and respond to signs and indicators of abuse and malpractice. The Welfare Officer should be aware of these definitions and ensure individuals who hold a position of trust within the organisation are familiar with this information.

### What is abuse and maltreatment of children?

All incidents of abuse and neglect are forms of maltreatment of a child. Abuse is:

- Any action by another person that causes significant harm to a child.
- When someone fails to prevent harm to a child.

### Who could abuse a child?

- The abuser may be a member of the child's family, a stranger, an acquaintance, or an institution.
- An adult or a child.
- Peer on peer abuse.
- A male or female.
- Anyone.

### Effect of abuse

- Abuse that is allowed to continue can be extremely damaging and can, if not responded to appropriately, cause problems for the person into adulthood.
- Present and future relationships can be affected as can trust in others.
- In some cases, abused children have become involved in drugs, alcohol abuse, criminality, suicide and in extreme cases they may go on to abuse other children.

### Types of abuse

#### Physical abuse

This happens when a child is deliberately hurt. This can cause injuries such as cuts, bruises, burns and broken bones. It can involve hitting, kicking, shaking, throwing, poisoning, burning or scalding, drowning or suffocating.

Physical harm may also be caused when a parent/guardian, carer or other adult fabricates the symptoms of, or deliberately induces, illness in a child. An example of physical abuse may be the imposed use of performance enhancing drugs or persistent training, which is beyond the capacity of the individual leading to physical harm.

#### Emotional abuse

Also referred to as psychological abuse, it is the ongoing emotional maltreatment of a child. Emotional abuse is persistent and, over time, it severely damages a child's emotional health and development.

It may include:

- Conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.
- Not giving the child opportunities to express their views, deliberately silencing them or making fun of what they say or how they communicate.
- Age or developmentally inappropriate expectations being imposed on children e.g. interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.



- Seeing or hearing the ill-treatment of another.
- Serious bullying, causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Emotional abuse could include a coach who continuously criticises, uses sarcasm and/or name calling or who generally belittles the child. Parents/guardians can emotionally abuse a child by having excessively high expectations which places unrealistic pressure on the child, or by constantly giving the child negative feedback.

### Sexual abuse

This can include forcing or enticing a child to take part in sexual activities. It doesn't necessarily involve violence and the child may not be aware that what is happening is abuse.

There are two different types of child sexual abuse. These are called contact abuse and non-contact abuse.

Contact abuse happens when the abuser makes physical contact with the child. It includes:

- Sexual touching of any part of the body whether the child is wearing clothes or not.
- Rape or penetration by putting an object or body part inside a child's mouth, vagina or anus.
- Forcing or encouraging a child to take part in sexual activity.
- Making a child take their clothes off, touch someone else's genitals or masturbate.

Non-contact abuse involves non-touching activities. It can happen online or in person. It includes:

- Encouraging a child to watch or hear sexual acts.

- Not taking proper measures to prevent a child being exposed to sexual activities by others.
- Showing pornography to a child.
- Making, viewing or distributing child abuse images. This can include taking images of a child when they are getting changed in the changing rooms.
- Allowing someone else to make, view or distribute child abuse images.
- Meeting a child following face-to-face or online sexual grooming with the intent of abusing them.
- Sexually exploiting a child for money, power or status (child exploitation).
- Persuading or forcing a child to send or post sexually explicit images of themselves. This is sometimes referred to as "sexting".
- Persuading or forcing a child to take part in sexual activities via a webcam or smartphone.
- Having sexual conversations with a child by text or online.

Abusers may threaten to send sexually explicit images, video or copies of sexual conversations to the child's friends and family unless they take part in other sexual activity. Images or videos may continue to be shared long after the abuse has stopped.

### Neglect

This is persistently failing to meet a child's basic physical and/or psychological needs usually resulting in serious damage to their health and development. Neglect may involve failure to:

- Provide adequate food, clothing and shelter.
- Protect a child from physical and/or emotional harm or danger.
- Ensure adequate supervision (including leaving them with unsuitable carers).



- Ensure access to appropriate medical care or treatment.
- Make sure the child receives a suitable education.
- Meet or respond to a child's basic emotional needs.

An example of neglect could be that a coach or officer fails to ensure the safety of a child by exposing them to undue cold or to unnecessary risk or injury. Neglect often highlights a failure in fulfilling a duty of care.

### Bullying

Defined as deliberate action or hurtful behaviour by one or more people that is repeated over a period of time.

Bullying causes hurt to an individual or group and the damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children, to the extent that it affects their health and development or, in extreme cases, causes them significant harm (including self-harm).

Bullying is defined by Kidscape as:

- **Verbal:** name calling, persistent teasing, mocking, taunting and threats.
- **Physical:** any degree of physical violence including hitting, kicking and pushing. Intimidating behaviour, theft or the intentional damage of possessions.
- **Emotional:** excluding, tormenting, ridiculing, humiliation, setting people up and spreading rumours.
- **Cyber:** the misuse of digital technologies or communications to bully a person or a group, typically through messages or actions that are threatening and/or intended to cause offence, anxiety or humiliation.

- **Racist:** bullying based on ethnicity, skin colour, and language, religious or cultural practices.
- **Homophobic and transphobic:** bullying based on sexuality or gender identity.
- **Disablist:** bullying children who have special educational needs and disabilities.
- **Sexual:** unwelcome sexual advances, comments that intended to cause offence, humiliation or intimidation.
- **Discriminative:** bullying based on any perceived weakness or difference. This could be because of their gender, age, race, nationality, ethnic origin, religion or belief, sexual orientation, gender reassignment, disability or ability. It could also be factors surrounding the way someone looks or the clothes they wear, their family and social situation, hobbies and interests.

Bullying can occur between:

- an adult and child
- children
- a parent/guardian and their own child.

The competitive nature of sport can create an environment which provides opportunities for bullying. Examples of bullying in our sports could be:

- a parent/guardian who pushes too hard
- a coach who adopts a win-at-all-costs philosophy
- a member who intimidates others inappropriately
- an official who places unfair pressure on a person.

Bullying in our sports could include a child being ostracised by others in their lane or age group, refusing to talk to them and/or encouraging others to treat them with contempt.



## Harassment

Defined as an act that is unwanted by the recipient. It may be through the provision of items or unwanted actions from another person but by definition it is the unwanted nature of the action or item that distinguishes the nature of the act as harassment. It is for any given individual to determine for themselves what is acceptable to them and what they regard as offensive, although any other individual affected by such conduct can also report the behaviour as harassment.

Harassment can be deemed to be a criminal offence in some circumstances and can lead to the use of a restraining order or criminal prosecution.

Harassment can take many forms, some examples include suggestive or sexual remarks, racist insults or jokes, verbal abuse or use of foul language and unwelcome attention. The impact of harassment for the individual can be profound. It can lead to the child feeling unhappy, demoralised or undervalued as a person. Harassment is often a constant ongoing type of abuse where the individual causes extreme distress by the repeated action, usually verbally.

## Grooming

The National Society for the Prevention of Cruelty to Children (NSPCC) define grooming as “when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking”.

The Sexual Offences Act 2003 states it is a criminal offence to cause or incite a child under 16 years old to engage in sexual activity. The offence carries a maximum prison sentence of 14 years. It can apply where a communication with a child can be shown to have caused or incited some kind of sexual activity by the child e.g. naked or semi-naked posing.

In 2017, the Serious Crime Act 2015 inserted a new offence of “engaging in sexual communication with a child” into the Sexual Offences Act 2003. It criminalises a person aged 18 or over who communicates with a child under 16 years old (who the adult does not reasonably believe to be 16 years old or over), if the communication is sexual or if it is intended to obtain from the child a communication which is sexual. The offence applies only when the defendant can be shown to have acted for the purposes of sexual gratification and carries a maximum prison sentence of two years.

Children can be groomed face to face or online, by a stranger or by someone they know. Groomers can be male or female and could be any age. They will hide their true intentions and may spend months or years gaining a child’s trust and in some cases the trust of the child’s family to allow them to be left alone with a child. Those who work with children may use similar tactics to gain the trust of the child and their colleagues.



Tactics a groomer may use are:

- pretending to be someone they are not
- offering advice and understanding
- buying gifts
- giving a child attention
- using their professional position or reputation
- taking them on trips, outings and holidays.

Once they have gained a child's trust groomers will exploit that relationship often by isolating the child from their family and friends so the child becomes dependent on them. They may introduce secrets as a way of controlling or sometimes scaring the child not to tell. This can include blackmailing the child or making them feel guilty or ashamed.

Groomers use online social networks to connect with children. They can easily hide their identity in the online world and can spend time learning about children from their online profiles. They may pretend to be a child and chat or become friends with children they are targeting. Groomers do not need to meet children in real life to abuse them and increasingly children are being sexually exploited online after being persuaded to engage in online sexual activity.

Please see page 112 for further guidance on the relationship of trust.

## Non-recent/historic abuse

This term is used to refer to disclosures of abuse that were perpetrated in the past.

Allegations can be:

- An adult making an allegation of abuse when they were under 18 years old, that occurred at least one year before it was reported.
- A child making an allegation of abuse that occurred at least one year before it was reported.
- An individual who reports an allegation on behalf of another that occurred at least one year before it was reported.

It is important for action to be taken in all instances as:

- The abuse may not have been an isolated incident, it might be ongoing and being perpetrated by the same person or others.
- The allegation may be part of a wider set of concerns known to the statutory authorities.
- The alleged perpetrator may still be working or caring for children.
- The abuse may still be happening against other children.
- Criminal prosecutions may take place despite the fact that allegations are historic in nature.

**In all cases contact should be made with the Swim England Child Safeguarding Team.**





## Indicators of abuse

Abuse is not always easy to identify. Children can be bruised in everyday life for example by falling off bikes and playing with friends. In adolescence, children can be moody and unpredictable in their behaviour. They can react to external circumstances by a change in behaviour such as bereavement or parental divorce/separation. However some signs may alert you to a view that a child may be being abused.

Children who suffer abuse may be afraid to tell anybody about the abuse due to feelings of guilt, shame or confusion. Children from ethnic minorities, with disability, medical or special educational needs may find it harder than other children to communicate concerns.

It is known that the majority of referrals to the statutory agencies are from adults who are expressing concerns for a child or children identified by them as a result of the child's behaviour or presentation.

Some indicators of abuse could be (but are not limited to):

- Unexplained or concerning injuries such as burns, cuts and bruises situated in areas of the child's body which are not normally prone to injury through play e.g. soft tissue areas.
- Physical injury where the explanation given is inconsistent.
- Physical appearance becomes unkempt, frequently complains of feeling hungry, signs of weight loss or medical needs not being addressed.
- Becoming withdrawn or appearing nervous, anxious or depressed.
- Self-harming or thoughts about suicide.
- The child discloses a concern and describes what may be an abusive or neglectful act.
- Another person raises concern about the wellbeing of a child.
- Engaging in sexually explicit behaviour and/or inappropriate sexual awareness beyond what is expected of that child's age and development.
- A distrust or fear of adults.
- An excessive fear of making mistakes.
- Has difficulty making friends and/or is stopped from socialising or making friends.
- Changes in eating habits or developing eating disorders.



Increasingly, there are a range of specific areas of concern that children may be being abused, in a variety of communities, which are summarised below:

- **Child sexual exploitation** – the request/demand/performing of any sexual act of an under 18-year-old, in exchange for any type of reward including a threat not to carry out an action (e.g. sending pictures of the child to others).
- **“Faith” or “Belief” abuse** – carried out on a child as a result, often, of a belief that it is a necessary act to perform on a child e.g. Witchcraft or Kindoki (predominant in central African countries) where a child might be physically harmed by cutting/ beating/water treatments, to “release” the child from spirits. This could also include honour based violence.

Further information can be found at [safe.met.police.uk/crimes\\_of\\_honour/get\\_the\\_facts.html](https://safe.met.police.uk/crimes_of_honour/get_the_facts.html).

- **Female genital mutilation** – the mutilation of a child through a belief the harm is appropriate.

Further information can be found at [gov.uk/government/publications/multi-agency-statutory-guidance-on-female-genital-mutilation](https://gov.uk/government/publications/multi-agency-statutory-guidance-on-female-genital-mutilation).

- **Forced marriage** – more common within Asian cultures, often involving children, subsequently being forced into non-consensual acts.

Further information can be found at [gov.uk/guidance/forced-marriage](https://gov.uk/guidance/forced-marriage).

- **Radicalisation** – there is increasing evidence of children being swayed by others to follow a variety of radical beliefs and communities, often leading to the forced taking, or by their own instigation, of the children leaving the UK, to be recruited in terrorist organisations, potentially with extremist behaviour.

Further advice can be found at [gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty](https://gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty).

- **Self-Harm** – self-inflicted cutting, scratching, injecting, or self-physical harming, including drug misuse (see page 75).
- **Gang/youth violence** – the recruitment of children into organised gangs usually based in a street culture, involving serious violence/drugs and higher level criminality.

Further advice can be found at [nspcc.org.uk/what-is-child-abuse/types-of-abuse/gangs-criminal-exploitation/](https://nspcc.org.uk/what-is-child-abuse/types-of-abuse/gangs-criminal-exploitation/).

- **Cyberbullying** – see Anti-Bullying Policy on page 70.
- **Racist or homophobic abuse** – commonly verbal, and ominous in its use.



## Other concerns for children

Approximately 75 per cent of Swim England members are under the age of 18 years, this means concerns and complaints will often involve a child but **will not** be alleging a child has been harmed or is at risk of harm.

**Such non-child safeguarding concerns are not the responsibility of the Club Welfare Officer or Swim England Child Safeguarding Team. For all non-child safeguarding concerns Swim England has the following referral processes for clubs to follow:**

- 1 In cases alleging a breach of club or Swim England rules and breaches of the Code of Ethics and accompanying Codes of Conduct the Child Safeguarding Team will refer to Kerry Moss, Judicial Office Manager at the Office of Judicial Administration (OJA).

Such matters are governed under the Judicial Regulations rather than Wavepower. They can relate to:

- Disputes around the club constitution.
- Club governance issues and voting rights.
- General poor behaviour which breaches the Code of Ethics and Codes of Conduct.
- Breakdown in communication between members at the club including parents/guardians and children.
- Disciplinary matters.

The Judicial Regulations 150 provide clubs with the process to follow to deal with internal club disputes. Cases are usually led by the Club Secretary or Chair. If disputes cannot be resolved informally and amicably between the parties, by mediation or a club panel of three, a formal judicial complaint may be submitted through the OJA to determine the dispute.

If a child is a party to the dispute the Welfare Officer can act for the club in a supporting role. The role of the Welfare Officer is solely to ensure that any children involved in the matter are supported and able to give their side of the story for consideration. Support for clubs in such matters can be provided by a Swim England Friend, who is assigned by the OJA, to the club to guide them through the process.

- 2 If a club has an employment related dispute then contact should be made with the Legal Department at [legal@swimming.org](mailto:legal@swimming.org).
- 3 Concerns and queries relating to coaching techniques can be raised under the Coaches Referral Protocol. For further information please refer to [swimming.org/members/how-to-resolve-issues-with-your-club/](https://swimming.org/members/how-to-resolve-issues-with-your-club/).
- 4 If a child has a medical condition/issue that is causing difficulty, concern or is affecting their ability to take part in one of our sports they can access the Medical Protocol. For further information please refer to [swimming.org/wavepower](https://swimming.org/wavepower).

Further information on all of the above can be sought from the OJA on **0161 244 5345** or from the website link [swimming.org/members/how-to-resolve-issues-with-your-club/](https://swimming.org/members/how-to-resolve-issues-with-your-club/).



## Confidentiality and information sharing

Confidentiality must be maintained at all times when an allegation has been made and is being investigated. Organisations should only tell individuals who need to know and can help in managing the concerns. If parents/guardians are not implicated in the concern ensure they are made aware at the earliest opportunity.

Consider the best method of communication to maintain confidentiality and be mindful of the environment. For example, who else is around you, can you make a phone call without others overhearing your conversation?

If breached, confidentiality can put the child in danger either by further inappropriate action of an individual(s) involved or other individuals who hear about the concern through rumours. Ultimately, any investigation to safeguard that child may be impeded by misinformation or rumours.

Information sharing is essential for effective safeguarding and promoting the welfare of children. It is a key factor identified in many serious case reviews, where poor information sharing has resulted in missed opportunities to take action that keeps children safe. See reacting to concerns on page 22.

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.

The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child. There will be incidents where to share information with a person (or their parent/guardian) suspected of a criminal offence may compromise an investigation, and longer term protection of children. Please seek advice from the Child Safeguarding Team in such cases.

The HM Government document entitled "Advice for practitioners providing safeguarding services to children, young people, parents and carers" July 2018 provides non-statutory advice to support practitioners in the decisions they take to share information, which reduces the risk of harm to children and young people and promotes their wellbeing.



The seven golden rules to sharing information are as follows:

- 1 Remember that the GDPR and Data Protection Act 2018 are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
- 2 Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3 Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- 4 Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
- 5 Consider safety and wellbeing: base your information sharing decisions on considerations of the safety and wellbeing of the individual and others who may be affected by their actions.
- 6 Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion and is shared securely.
- 7 Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The full document can be accessed at [gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice).



## Whistleblowing Policy

Whistleblowing allows individuals to raise genuine concerns about any potential incident of poor practice, wrongdoing, illegal or unethical conduct by individuals without fear of reprisals, even if they turn out to be mistaken.

**This policy applies to all Swim England members.**

Children are vulnerable to abuse and all adults who work in sports organisations, whether paid or unpaid, member or non-member, must look to safeguard their welfare. Swim England believes it is necessary to develop a culture in all organisations and counties, regionally and nationally, where concerned individuals can raise concerns in a safe and supportive environment.

Swim England is committed to:

- 1 Developing a culture that is safe.
- 2 Encouraging a culture of openness.
- 3 Protecting all members.
- 4 Upholding the reputation of the organisation.
- 5 Maintaining our sports' and the public's confidence.

### "Whistleblower"

The term "whistleblower" is commonly used to describe a person who discloses concerns about wrongdoing, illegal or unethical conduct. Within Swim England such disclosures could include but not be limited to:

- Criminal acts e.g. indecent images of children.
- Incidents of child abuse within our sports.
- Bullying.
- Breaches of the Code of Conduct or discrimination.
- Concerns regarding health and safety e.g. encouraging a child to train against medical advice.
- Disclosure of confidential information about a child or other member.
- Breaches of the Equality and Diversity Policy e.g. a child not being given the same opportunity as another child due to their gender.
- Witnessing or being told about poor practice or a failure to safeguard children.

### Reasons for whistleblowing

Every member, member's parent(s)/guardian(s), employee and volunteer in Swim England has a responsibility to raise concerns about potential poor practice and abuse/unacceptable behaviour in order to:

- Prevent the problem increasing.
- Protect or reduce the risk to others.
- Avoid becoming a party to the concern by lack of appropriate action.



## Making a disclosure

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling that it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, your employer or to Swim England. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Swim England takes any form of misconduct seriously and this policy enables any individual with genuine concerns to raise them as soon as possible in the right way. We encourage all individuals, where appropriate, to raise the matter as a concern, if genuine, rather than wait for proof.

All children have a right to be protected. It is often the most vulnerable children who are targeted and who are least able to act or defend themselves, or disclose what is happening. They need you and others like you to protect their wellbeing and safeguard them from harm or potential harm.

Everyone involved in our sports has a responsibility to raise concerns appropriately to individuals who can act upon them whether that is the Welfare Officer, the Swim England Child Safeguarding Team or the statutory agencies.

Swim England acknowledge that “blowing the whistle” on a colleague or friend will be difficult but it is important you do so rather than allow a child to become or remain at risk.

Once the concern has been raised, the Welfare Officer, the Swim England Child Safeguarding Team and/or the statutory agencies will take action in the appropriate manner.

## Why is it difficult to whistleblow?

You may feel worried that:

- You will be starting a chain of events you have no control over.
- To do so will be disruptive to the organisation, the young person(s) and/or yourself.
- You may have got it wrong and the concern will prove to be unfounded.
- You will not be listened to or believed.

At each stage, concerns are managed by professionals, with a view to independently assess the information, and act in the best interests of any children that may be involved. Concerns are taken seriously, and if proved unfounded, any action taken is designed not to disrupt children and families unnecessarily. Reporting concerns will not start a process that cannot be halted, if unfounded.

**Swim England assures everyone involved in our sports that they will be treated fairly and all concerns will be properly considered.**

**If you act in good faith in reporting a concern and even if the suspicion is unfounded you will be supported and no action will be taken against you.**

**However, if it is proven the concern has been raised maliciously to cause harm to others, you may be liable to action under the Swim England complaints and disciplinary processes.**



## Referring the concern

If you are a member of a Swim England club or organisation, or the parent/guardian of a member you must refer your concern to the Welfare Officer, the County or Regional Welfare Officer, the Child Safeguarding Team or the statutory agencies.

If you receive a concern from a third party regarding a member of a Swim England organisation, you should try to obtain the following information:

- Their name, address and contact details.
- The names of all the individuals involved.
- If they have evidence of the alleged concern or if not what it is that leads them to believe that abuse or poor practice is happening.
- How they became aware of the concern.

The information should then be referred to the Welfare Officer, or the County or Regional Welfare Officer if appropriate, Swim England Child Safeguarding Team or the statutory agencies who will consider what action to take.

If you are a Swim England employee rather than a member of a Swim England club or organisation, you should report the concern to your line manager, the Chief Executive Officer or you can contact Public Concern at Work at [pcaw.org.uk](https://www.pcaw.org.uk).

## When referring the concern, do not:

- Try to deal with the concern yourself.
- Inform the person about whom the concern has been raised.
- Inform any other members or employees of the concern other than those outlined above.
- Commence your own investigation.
- Annotate or remove evidence received.
- Delay in reporting the concern.

Also, do not assume that:

- "All is well or it would have been noted earlier."
- "It does not matter" or "no harm will arise."
- "I should ignore it as it's not my responsibility."





## What happens when you have raised a concern in good faith?

- The concern you raise will be treated in confidence and will be shared only on a need-to-know basis.
- You will be given updates on how the enquiry is progressing if it is possible to do so.
- Swim England has a responsibility to protect you from harassment of any kind that results from your disclosure.
- If the matter is proven/found on the balance of probabilities to be so then appropriate action will be taken against the individual(s) concerned.
- If the matter is unproven/unfounded on the balance of probabilities, providing you raised the concern in good faith, no action will be taken against you.
- Malicious allegations will be considered as a disciplinary offence.

## Feedback

Every effort will be made to provide feedback to you on the outcome and action taken on the matter you referred, but how much detail can be reported back to you will vary according to the nature and result of the investigation. Wherever possible, Swim England will ensure you have notice while the matter is ongoing and when it has been concluded.

