

The ASA Child Welfare Complaints Procedure

Introduction

The ASA 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.

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

It needs to be read in conjunction with the Child Safeguarding Protocols, Child Protection Regulations 241 et al, the ASA Child Safeguarding Policy and Procedures (Wavepower) and the ASA Judicial Regulations and Guidelines.

The ASA 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 ASA Codes of Conduct.

It should be remembered that children and young people are equally as entitled to complain as an adult. Everyone within the ASA 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 is paramount.

Equally, parents, guardians and carers of ASA members must be assured that they will also be listened to and appropriate action taken if they have cause for concern or complaint in a child welfare complaints procedure.

This procedure is mandatory for all ASA Staff, ASA Members, IoS Members, ASA Affiliated Swim Schools and other ASA affiliated bodies.

This procedure must be adopted when a complaint is received from any ASA member or ASA member of staff, 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 or the ASA Safeguarding Team and the ASA Independent Child Protection Officer (ICPO). All other complaints will be dealt with under appropriate procedures as identified in the ASA Signposting document which is available to view or download from the website at www.swimming.org.

If it is believed that a concern or complaint is considered being of sufficient seriousness as to involve, not just child welfare issues, but child protection issues, these will be dealt with either by direct referral to a Statutory Agency or by referral to the ASA ICPO who in turn may:

1. Refer the matter to a Statutory Agency; or
2. Recommend the matter be dealt with by the ASA under the Protocols For Child Safeguarding Investigations found in the ASA Handbook.

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 put forward an environment whereby a child that is worried or unhappy about something feels confident that they can let someone know what is worrying them and believe their worries and concerns will be addressed.

It is for this purpose that the ASA wish to work towards a culture at club level that is conducive to encouraging all our members under the age of 18 years to feel able to speak to other members of their club regarding their worries or concerns.

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 which has potentially been causing them concern long before they took the step of reporting it to another party.

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.

Remember if the complaint is or may be a child protection matter a referral to a statutory agency (Children's Care Services, the police or the NSPCC) must be made immediately.

Guidance and support can be obtained from the ASA ICPO.

The Procedure

Step One – Informal Resolution Locally Timescale: Immediate

As an adult member of the ASA, 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 minor in its nature and if you are able to address the concern, you should do so. 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 coach, the Welfare Officer and child's parents may need to know of a concern and no one else. Sometimes the individuals involved may need to be extended to the Team Manager (for example a child causing distress to another during club sessions) or to the Chairman. The important factor is to keep the information restricted to as small a circle as possible.

Step Two – Resolution through Club Welfare Officer Timescale: Intervention Seven Days

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 ASA ICPO at any time.

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

The club Welfare Officer should at all times be mindful of the support and guidance that can be accessed from the ASA 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 ASA 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).

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Step Three – National Level – The ASA Independent Child Protection Officer Timescale: Intervention three Days

The ASA ICPO will have a right to be involved in any child welfare matter, which the ASA ICPO in consultation with the Head of Legal Affairs reviews and decides needs ASA intervention. For example:

1. Where one party remains unhappy that the problem has not been resolved at Step One or Step Two.
2. Where a matter is brought to the ASA ICPO's attention by an ASA Welfare Officer at Steps One or Two.
3. At any stage, by direct referral to the ASA ICPO by an ASA member (child or adult), parent, guardian or carer of an ASA member.

Within three days of a child welfare complaint being brought to the attention of the ASA ICPO consideration will be given to section 2 (i) of the Protocols For Child Safeguarding Investigations found in the ASA Handbook.

The ASA 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 ASA ICPO's guidance. It is entirely a matter for the ASA ICPO as to the level of involvement and the guidance given.

At any point throughout the ASA ICPO's involvement, the issues will be kept under constant review and a decision may be taken to:

1. Implement a referral to a statutory agency under section 2 (ii) of the Protocols. For Child Safeguarding Investigations or
2. Appoint an independent investigator to complete a fact-finding investigation under section 2 (iii) of the Protocols For Child Safeguarding Investigations or
3. Make a formal complaint under the ASA Judicial Regulations under section 2 (iv) of the Protocols For Child Safeguarding Investigations or
4. Take such action as recommended by the ASA ICPO (e.g. a direction that an individual be required to submit to a risk assessment or that the ASA file a complaint against a club or an individual).

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

In the case of clubs with Swim 21 accreditation, the ASA ICPO's Report may alternatively be submitted to the National Swim 21 Panel recommending removal of Swim 21 accredited status, the basis of the recommendation being that the club has not met its requirements under ASA child safeguarding.

The above timescale provides an indication that within three days of being notified of a child welfare issue, the ASA ICPO will decide the level of his/her involvement and will inform all parties accordingly. The ASA ICPO will have the child's welfare as the main concern and will try to resolve the issues with that main concern in mind. As a guide the ASA 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 ASA ICPO will seek to keep the child (through their parent, guardian or carer) informed of progress being made.

No Appeal

The ASA 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 ASA Child Protection Regulations 241 et al there shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against a decision of the Chief Executive.

Note

Failure to comply with this procedure may result in a recommendation from the ASA 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 ASA Child Safeguarding Regulations 241 et al.

Any action complained of under the Child Welfare Complaint Procedure may amount to a breach of ASA Laws and Regulations or of the ASA Code of Ethics. Any ASA member may bring a complaint under the Judicial Regulations against an ASA member. It is therefore possible for a child welfare concern to amount to a breach of ASA Laws and Regulations 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 the ASA reserves the right in particular cases to depart from the above and, accordingly, procedures where it is deemed to be appropriate by the ASA ICPO in consultation with the Head of Legal Affairs.

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