



# To determine suitability of members following allegations of child abuse

This document must be read in conjunction with the Swim Ireland Guidelines for Safeguarding Children 2008 (or current active document) Allegations against leaders within Swim Ireland and the Garda Vetting Policy document January 2009 (or current active policy)

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## Introduction

Presently within Swim Ireland the determination of the suitability of an individual to be a member is based on the requirements for their position and role. Specific roles have specified requirements which if not met results in an individual not being permitted to either take up membership or being excluded from a particular role. These requirements are documented in the Swim Ireland child welfare guidelines and the Swim Ireland Garda vetting policy document.

A situation may also arise where information concerning an existing member comes to the attention of a Club, Region or the organisation which if apparent at the time of membership application would be cause for consideration in the suitability of that applicant for working with children within Swim Ireland.

## Present Requirements for membership

An individual with access to children is considered to be in a regulated position in the certain roles. These include, but not limited to, a coach, teacher, officer of committee, team manager, Club Children’s Officer, Designated Person. Other positions whilst not considered regulated would be subject to Swim Ireland child welfare guidelines and Swim Ireland rules.

An individual may meet the practical aspects of the requirements for membership i.e. child protection training, signing a code of conduct and paying membership affiliation fees. However information gathered through the



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process of either Garda vetting or Access NI may indicate conduct or behaviour considered unsuitable to work with children. It should also be noted that in any recruitment process emphasis should also be placed on references obtained for an individual.

The existing members in regulated positions are currently undergoing Garda vetting and Access NI checks – this is being rolled out as a retrospective recruitment process. All new members in regulated positions are required to undergo the mandatory requirements.

### Implementation of Swim Ireland Child Welfare Guidelines

Any allegations of child abuse made against a member of Swim Ireland require this individual to step down from their position within Swim Ireland. This process is detailed in the Swim Ireland Guidelines for Safeguarding Children 2008 (or current active Guidelines)

The allegations will be investigated by the statutory authorities, the Gardai/PSNI and/or the HSE/Health and Social Care Trusts, in accordance with their procedures.

On the conclusion of the investigations by the Gardai/PSNI and/or the HSE/Health and Social Care Trusts there will be one of the following outcomes:

1. Case is sent for prosecution with resulting conviction
2. Case is sent for prosecution with no resulting conviction
3. No further action by the statutory authorities

In each of the above cases the individual is required to remain stepped down until Swim Ireland determines their suitability to work with children within the organisation.

Procedure for consideration of the outcomes of allegations of child abuse

#### 1. Case is sent for prosecution with resulting conviction

An individual convicted of any child abuse charges will result in immediate and permanent exclusion from membership of Swim Ireland in any capacity.

The Officers of the Board will be informed of the outcome of the case and will proceed with ratification of the exclusion in accordance with Swim Ireland rules. This decision will be notified to appropriate staff members and 'Excluded' will be entered against the membership record of the individual.

Whilst this information is confidential the Swim Ireland decision may be required to be supplied to others where concern for the well being and safety of children is concerned.

#### 2. Case is sent for prosecution with no resulting conviction

An individual not convicted of alleged child abuse charges, but where the offences are considered by the Director of Public Prosecutions as chargeable, is above the threshold of risk considered acceptable by Swim Ireland. This outcome will result in immediate and permanent exclusion from membership of Swim Ireland in any capacity.

The Officers of the Board will be informed of the outcome of the case and will proceed with ratification of the exclusion in accordance with Swim Ireland rules. This decision will be notified to appropriate staff members and 'Excluded' will be entered against the membership record of the individual.

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Whilst this information is confidential the Swim Ireland decision may be required to be supplied to others where concern for the well being and safety of children is concerned.

### 3(a) Northern Ireland: Procedure where a case has been investigated by PSNI/Health and Social Care Trust resulting in no further action by the statutory authorities

This may also be used where information of concern for children is brought to the attention of Swim Ireland, Region or Club

1. Inform the individual that before re-commencing in a position working with children information will be required by Swim Ireland to determine the nature of the alleged offences and any outcome. This information will be sought and considered by the National Designated Person, the National Children's Officer and one other individual with specific expertise in the area. These persons selected must declare any connection to the case, when the details are known, that may jeopardise the process of natural justice and this person will be replaced by another suitable individual. (Any person replaced in this manner will remain bound by the confidentiality of the information.)
2. An Access NI application form must be sent to the individual concerned together with a letter of consent for the release of information from PSNI Criminal Records Office (CRO) and the local Health and Social Care Trust Offices (See Appendix 1 for draft letter). If the Access NI application or the letter of consent is not returned within the specified time frame the individual will be expelled from the organisation, (time scale for return must be stated in letter).
3. On receipt of the returned letter of consent this will be forwarded onto the Detective Superintendent, CRO & Extradition Unit in the PSNI, with a covering explanatory letter stating the date of the case and name of the individual concerned.
4. Information should be examined from all sources prior to the recommendation being made, not least from:-
  - i. the PSNI – the papers and transcripts from the case must be reviewed where possible
  - ii. the local Health and Social Care Trust Office – information from victim impact statements and other associated papers must be examined where possible
  - iii. the alleged perpetrator – must be given the opportunity to respond to the allegations; this can either be verbally or in writing
  - iv. the alleged victim – must also be given a chance to respond – this should be with regard to the age and nature of the allegations; it may be necessary to assess information received at the time or via the parent/guardian

In some case information from the PSNI and the Health and Social Care Trust Offices may not be fully available where other cases and investigations are still on-going.

5. The assessment panel must make their decision which must be submitted to the Board of Swim Ireland for approval where a recommendation of exclusion or restricted access from SI is made.
6. Once the decision is ratified the individual must be informed of this in writing by Swim Ireland and if the individual is removed from a 'regulated activity' because they have harmed or there is a risk of harm to a member of a vulnerable group a copy of the letter should be sent to the Independent Safeguarding Authority. If Swim Ireland decides the individual is not suitable to work with children there is a legal duty to refer this concern to the ISA who then have a legal obligation to consider adding the individual to the "Disqualification from working with children or vulnerable adults barred list". Their investigation may or may not conclude with the individual being entered on the Disqualification from working with children or vulnerable adults list, but this does not mean that

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Swim Ireland's own disciplinary decision was wrong only that the threshold for barring has not been met.

### 3(b) Ireland: Procedure where a case has been investigated by HSE/Garda Siochana resulting in no further action by the statutory authorities

This may also be used where information of concern for children is brought to the attention of Swim Ireland, Region or Club

1. Inform the individual that before re-commencing in a position working with children an assessment must be carried out by Swim Ireland. This assessment would be undertaken by the National Designated Person, the National Children's Officer and one other individual with specific expertise in the area. These persons selected must declare any connection to the case, when the details are known, that may jeopardise the process of natural justice and this person will be replaced by another suitable individual. (Any person replaced in this manner will remain bound by the confidentiality of the information.)
2. The Swim Ireland Garda vetting application forms will be sent to the individual concerned, accompanied by a request for permission for the release of information from the investigating HSE region (see Appendix 2 for draft letter). If the consent and the vetting application is not returned in the allotted timeframe the individual will be expelled from the organisation, (time scale for return must be stated in letter).
3. In order to expedite the process in the interests of fairness and justice to the individual concerned the vetting application will be processed with a priority request sent to the Garda Vetting Unit.
4. A meeting request will be sent to the investigating HSE team to enable the appointed Swim Ireland panel to determine the nature of allegations. Information should be examined from all sources prior to the recommendation being made, not least from:-
  - (i) The Gardai – any information forthcoming from the vetting application must be followed up and information concerning the allegations must be reviewed where possible
  - (ii) the local duty social work department – information from statements and other associated papers must be examined where possible
  - (iii) the alleged perpetrator – must be given the opportunity to respond to the allegations; this can either be verbally or in writing
  - (iv) any alleged victims, if known – must also be given a chance to respond – this should be with regard to the age and nature of the allegations; it may be necessary to assess information received at the time or via the parent/guardianIn some case information may not be available or where other cases and investigations are still on-going. This must be recorded.
5. The assessment panel must make their decision which must be submitted to the Board of Swim Ireland for approval where a recommendation of exclusion or restricted access from SI is made.
6. Once the decision is ratified the individual must be informed of this in writing by Swim Ireland. If Swim Ireland decides the individual is not suitable to work with children there is a moral duty to ensure those who need to be aware of this information are informed. This is to protect the vulnerability of children in all areas of the organisation.



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## Appendix 1

Draft of letter to Health and Social Care Trusts requesting permission for release of information

To be advised (changes will be required to existing correspondence to reflect changes and information available through Access NI)

## Appendix 2

Draft of letter to HSE requesting permission for the release of information

To be advised (no format presently in use – advice to be sought dependant on legislation changes)

## Document Revisions

24th January 2009: Board approved

25th September 2010: Revision Board approved – changes relate to names of Statutory Authorities in Northern Ireland; reference to 'regulated activities' in line with current legislation

END