

UK ATHLETICS & THE HOME COUNTRY  
ATHLETICS FEDERATIONS

# SAFEGUARDING REGULATIONS



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# 1. INTRODUCTION

These regulations and related policies apply to the following governing bodies in Athletics:

- UK Athletics (UKA)
- England Athletics (EA)
- Athletics Northern Ireland (ANI)
- Welsh Athletics (WA)
- Scottish Athletics (SA)

In this document any reference to UK Athletics or “UKA” means UK Athletics. The above listed Home Country Athletics Federations will be referred to collectively as “HCAFs” and individually as either a “HCAF” or as denoted above.

- 1.1** UK Athletics and the four HCAFs have a responsibility to safeguard, protect and promote the welfare of Children and Adults at Risk under their care. Irrespective of the involvement of statutory agencies, or the outcome of any criminal proceedings, this responsibility extends to developing and applying consistent and transparent procedures to facilitate the reporting and management of safeguarding concerns.
- 1.2** Safeguarding concerns can lie on a continuum from seemingly minor issues (e.g., minor breaches of rules or codes of conduct), through to more serious, persistent or unlawful behaviours (e.g., allegations or concerns about abuse, sexual or physical assault, or repeated or serious breaches of codes of conduct). Regardless of where they sit on the continuum all concerns require a considered response in line with appropriate safeguarding policies and procedures. Whilst the outcome in respect of such concerns will depend on a number of factors including both the seriousness and level of risk associated with the concern, UKA have formally confirmed a policy of ‘Zero Tolerance’ towards safeguarding concerns and where appropriate in the circumstances of the case we will seek the maximum penalty available which could be a lifetime ban from the sport of Athletics.
- 1.3** It is therefore essential that UKA and the four HCAFs can adequately form a view about the risk an individual may present to Children or Adults at Risk, and on that basis assess that individual’s suitability for involvement in the sport of Athletics.
- 1.4** To ensure an appropriate response that reflects all of these requirements, UKA in conjunction with the four HCAFs have agreed these Safeguarding Regulations (referred to in this document as the “Safeguarding Regulations” or the “Regulations”).
- 1.5** These Regulations will be reviewed by the Safeguarding Case Management Group on an on-going basis and the Group will recommend any required amendments to the Standards, Ethics and Rules Committee (SERC) (which is a committee of the UKA Board that has been created to advise on a wide range of topics including safeguarding). On a biennial basis the SERC will fully review the Regulations. All changes will be published on the UK Athletics and HCAF websites.
- 1.6** Where any conflict exists or arises between these Safeguarding Regulations and any other UK Athletics or HCAF regulations relating to investigating and determining safeguarding matters, these Safeguarding Regulations will take precedence.

## 2. INTERPRETATION

**2.1** The Safeguarding Regulations adopt the definitions contained in the UK Athletics Disciplinary Policy, save where expressly varied below.

**2.2** The following words shall have the meaning set out opposite them:

<b>Adult at Risk</b>	see country specific definitions within the Adult Safeguarding Policy of each HCAF.
<b>Appellant</b>	the person appealing a decision by a Safeguarding Panel.
<b>Safeguarding Appeals Panel</b>	a tribunal made up of three members appointed by UKA in accordance with the Regulations to hear and determine appeals as provided in Regulations 12, 13 and 14.
<b>Athletics</b>	means the sport of athletics including track and field, road running, race walking, cross-country running, mountain running and trail running for all abilities, ages, genders, backgrounds and aspirations. Track and field will encompass para track racing, club throw and other para disciplines as will the other disciplines off track.
<b>Safeguarding Case Management Group</b>	such group as is established by the Board of UKA from time to time to be responsible for safeguarding cases and, amongst other things, to make summary determinations.
<b>Child</b>	anyone under the age of 18.
<b>Complainant</b>	a person who makes an allegation or submits a Complaint under the Safeguarding Regulations.
<b>Complaint</b>	a formal or informal complaint, referral or allegation about the actions or behaviour of a member, connected participant or any member(s) of staff or other person under the Safeguarding Regulations.
<b>DBS (or similar)</b>	the Disclosure and Barring Service in England and Wales, or a similar service in the remaining HCAFs (ANI and SA).
<b>Decision</b>	a written or oral decision of the Safeguarding Case Management Group, Safeguarding Panel, or Safeguarding Appeals Panel appointed in accordance with the Regulations.
<b>Disciplinary Policy</b>	the disciplinary regulations of UK Athletics or each HCAF from time to time in force.
<b>HCAFs</b>	the four Home Country Athletics Federations in the UK.
<b>Interim Suspension</b>	a suspension, restriction, condition or penalty imposed in accordance with the Safeguarding Regulations.
<b>Lead Safeguarding Officer</b>	the person who is from time to time appointed by UKA to receive, and act upon safeguarding matters, including investigating and prosecuting cases and any other responsibilities as set out in the Safeguarding Regulations.
<b>Outcome</b>	a restriction, condition or penalty imposed under the Safeguarding Regulations, whether by the Case Management Group or a Safeguarding Panel and/pr Appeal Panel.
<b>Respondent</b>	the person or entity who or which is the subject of a Complaint under the Safeguarding Regulations.

<b>Safeguarding Panel</b>	a panel appointed from time to time to consider safeguarding cases at Level 2 of the Regulations and any other responsibilities as set out in the Safeguarding Regulations.
<b>Statutory Safeguarding Agencies</b>	include the Police, Children’s or Adult Care Services or any other public or other investigatory authority.
<b>Welfare Officer</b>	the person with lead responsibility for Child and Adult at Risk safeguarding within a club, organisation or HCAF.

- 2.3** Words denoting the singular number include the plural number and vice versa, and words denoting gender neutral pronouns, include all genders. The word ‘shall’ is mandatory and the word ‘may’ is permissive.
- 2.4** Any notice or other communication required to be served or sent for the purposes of the Safeguarding Regulations may be delivered.
- i)** by hand.
  - ii)** by post.
  - iii)** by electronic mail.
- 2.5** Service of a document by hand shall be deemed to be affected immediately, and it shall be enough to prove with written confirmation from the deliverer of the time, date and location the notice or communication was delivered. Service of a document sent by post shall be deemed to have been completed at the end of the second day following the day of posting and, in proving a document was so sent, it shall be sufficient to prove with a receipt of posting that the envelope containing it was properly addressed, prepaid, and posted. Service of a document sent by electronic mail shall be deemed to be affected immediately and it shall be enough to prove with a copy of the sent email properly addressed and dated.
- 2.6** Where either the Respondent or Complainant is less than 16 years old, correspondence will be addressed to their parent/carer or guardian. Where either the Respondent or Complainant is between 16 and 18 years old, correspondence will be copied to their parent/carer or guardian as well as to them.
- 2.7** If any part of the Safeguarding Regulations is held invalid, unenforceable, or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it had been deleted to the extent to which it is invalid, unenforceable, or illegal.

### 3. CONFIDENTIALITY

- 3.1** All matters considered under the Safeguarding Regulations, will be regarded as confidential (to the extent possible in the circumstances of each particular case) and used only for the purposes of the Safeguarding Regulations, including in relation to any obligations under Regulations 11.14 and 16.
- 3.2** Disclosure of DBS (or similar) information considered with reference to the Safeguarding Regulations will be subject to the DBS (or similar) Code of Practice. For the avoidance of doubt, the Lead Safeguarding Officer (or such other recipient of DBS or similar information on behalf of UK Athletics or an HCAF) may disclose such information to persons considering a referral under the Safeguarding Regulations in the course of their duties.

## 4. APPLICATION

### 4.1 The Safeguarding Regulations shall apply to:

- 4.1.1** 4.1.1 All individuals, clubs, associations, and other organisations involved in any capacity in the sport of Athletics, whether or not members of UK Athletics or an HCAF. For the avoidance of doubt, this includes all participants and anyone working within the sport (in a paid or voluntary capacity, and whether as an employee or on a self-employed basis or otherwise) including all licenced Coaches and Officials.
  - 4.1.2** All persons (including licenced Coaches and Officials) involved in competitions conducted under the auspices of UKA and the four HCAFs.
  - 4.1.3** All Athletes (including Athletes on the WCP), Athlete Representatives and Athlete Support Personnel involved in competitions conducted under the auspices of UKA or an HCAF;
  - 4.1.4** Matters concerning or arising out of UKA WCP and Selection Agreement and Code of Conduct for Athletes or Coaches and/or conditions pertaining to participation by Athletes and Coaches in WCP;
  - 4.1.5** All members of UKA or an HCAF (including Athletes, Athlete Representatives, Athlete Support Personnel, Coaches, Officials and trainers) involved in competition and/or training camps outside of the United Kingdom. Such individuals shall remain subject to the Safeguarding Regulations during the period from their departure until their return to the United Kingdom.
- 4.2** UK Athletics, the four HCAFs, and any Safeguarding Panel, shall have jurisdiction under the Safeguarding Regulations to consider any matter which comes to its attention by any means (including, without limitation, the media) relating to the safety and/or welfare of a Child or an Adult at Risk.
- 4.3** The Safeguarding Regulations shall have retrospective effect and may, at the election of UKA, be applied in relation to conduct which occurred prior to the implementation of these Regulations.

## 5. GROUNDS FOR ACTION UNDER THE SAFEGUARDING REGULATIONS

- 5.1** Action may be taken under the Safeguarding Regulations where it is suspected that the conduct of an organisation, club, or individual:
- 5.1.1** whether within or related to the sport of Athletics or not, caused harm to a Child or an Adult at Risk, or was likely to have caused harm to a Child or an Adult at Risk;
- and/or,
- 5.1.2** whether within or related to the sport of Athletics or not, indicates that they pose an actual or potential risk of harm to Children or Adults at Risk;
- and/or,
- 5.1.3** whether within or related to the sport of Athletics or not, may not be suitable to work with Children or Adults at Risk.

**5.2** In reaching a decision as to whether there are grounds for action to be taken in accordance with the above paragraph, consideration will be given to any failure to comply with UK Athletics and HCAF policies, guidelines and procedures including, but not limited to:

- 1.** Child Safeguarding Policy
- 2.** Child Safeguarding Procedures and Guidelines
- 3.** The Codes of Conduct
- 4.** Any relevant licence terms and conditions
- 5.** Adult Safeguarding Policy
- 6.** Adult Safeguarding Procedures and Guidelines
- 7.** Taking and Use of Photographs and Recorded Images of Young People Guidance
- 8.** The Disclosure and Barring Service (or similar)
- 9.** Anti-Bullying and Harassment Policy
- 10.** Safe Recruitment Policy
- 11.** Disciplinary Policies
- 12.** Safeguarding Regulations

## **6. CRIMINAL CONVICTION AND STATUTORY LISTS**

**6.1** For the avoidance of doubt, where a person:

**6.1.1.** has been convicted of a criminal offence against or concerning a Child or an Adult at Risk, or recorded a caution in respect of an offence against a Child or an Adult at Risk;

and/or;

**6.1.2.** is included, or placed, on any statutory list barring, or restricting, their working with Children or Adults:

then the conviction, caution or inclusion on a list shall be conclusive proof of grounds for action to be taken against that person under the Safeguarding Regulations. This means that the Safeguarding Case Management Group shall be entitled to impose an immediate sanction, commensurate and proportionate to the severity of conviction, caution and/or the inclusion on a statutory barring list. The sanction may be appealed in accordance with the appeal procedures detailed in the Regulations 12, 13 and 14.

## **7. INTERIM SUSPENSION**

**7.1** The Lead Safeguarding Officer has the power to impose an immediate interim suspension (an “Interim Suspension”) if it is considered, by reference to the factors listed below, that it is appropriate to exclude an individual concerned from any involvement in the sport of Athletics which might involve access to Children or Adults at Risk, until the conclusion of all proceedings under the Safeguarding Regulations.

- 7.2** In determining whether an Interim Suspension should be imposed, the Lead Safeguarding Officer shall give consideration to the following non exhaustive list of factors:
- 7.2.1** whether the safety and/or welfare of Children or Adults at Risk are, or may be, at risk of harm;
  - 7.2.2** whether the complaint or matter is of a serious nature;
  - 7.2.3** whether an Interim Suspension is necessary or proportionate to allow the conduct of any proceedings, investigation, or risk assessment; and
  - 7.2.4** whether the reputation of the sport of Athletics, could be harmed if an Interim Suspension were not imposed.
- 7.3** Where an Interim Suspension is imposed, the Lead Safeguarding Officer shall, in writing, notify the Respondent as soon as reasonably practicable.
- 7.4** The Safeguarding Case Management Group shall consider which other individual or organisation should be notified of the Interim Suspension in accordance with Regulation 16.
- 7.5** The Safeguarding Case Management Group shall review an Interim Suspension regularly and shall take into consideration the factors set out above in determining whether the continuation of the Interim Suspension is justified.
- 7.6** Where an Interim Suspension is imposed pending investigation by the Statutory Safeguarding Agencies, or in circumstances where a criminal charge has been brought, the Lead Safeguarding Officer, shall ensure ongoing liaison with the relevant investigating body.
- 7.7** Any breach of an Interim Suspension shall constitute grounds for disciplinary action under the relevant UKA or HCAF general disciplinary policy.

## **8. SAFEGUARDING CASE MANAGEMENT LEVELS**

- 8.1** Under these Regulations there are two levels through which a safeguarding case may be decided. All safeguarding concerns, complaints and general safeguarding queries are referred to the Lead Safeguarding Officer for initial review and investigation and determination of appropriate level of response. Such decisions of the Lead Safeguarding Officer will be reviewed and confirmed by the Safeguarding Case Management Group.

### **LEVEL ONE (SUMMARY PROCEDURE)**

- 8.2** Is any conduct or behaviour which the Safeguarding Case Management Group determines can be satisfactorily dealt with by way of remedial action, such as corrective advice, additional training, a written warning, or monitoring of the individual concerned, without the need for further investigation. Summary case resolution is only suitable for complaints or concerns which are admitted by the Respondent, assessed as non-complex, and which can be resolved without further substantive investigation.

### **LEVEL TWO (SAFEGUARDING PANEL)**

- 8.3** All Safeguarding cases which are contested by the Respondent, or which are assessed as complex, or a serious breach of the safeguarding policies and procedures, or codes of conduct, shall be managed at Level Two.

The Lead Safeguarding Officer may immediately escalate a case to Level Two if the Lead Safeguarding Officer determines that further investigation is necessary.

The Safeguarding Case Management Group may escalate a case initially assessed for resolution at Level One to Level Two should it be determined during enquiries that the case should be referred for consideration by a Safeguarding Panel. The Safeguarding Case Management Group may ask the Lead Safeguarding Officer for further information or instruct them to carry out a further investigation in order to determine whether a case will be referred to Level 2.

## **ACTION FOLLOWING RECEIPT OF A COMPLAINT OR REFERRAL OF A SAFEGUARDING MATTER**

- 8.4** Upon receipt of a safeguarding related referral, complaint or allegation, the Lead Safeguarding Officer with the agreement of the Safeguarding Case Management Group shall decide whether to:
- 8.4.1** refer the matter to any of the relevant Statutory Safeguarding Agencies for further consideration (and to review the matter following consideration by such a relevant statutory agency); and/or
  - 8.4.2** deal with the case under the Safeguarding Regulations at Level One; or
  - 8.4.3** instigate an investigation under the Safeguarding Regulations at Level Two.
- 8.5** Where an individual has been charged with a criminal offence, or is the subject of an investigation by the Statutory Safeguarding Agencies, in respect of conduct which is, or may be, grounds for action under these Safeguarding Regulations, the Lead Safeguarding Officer with the agreement of the Safeguarding Case Management Group may:
- 8.5.1** postpone consideration of the matter pending the outcome of any such proceedings/ investigations; and/or,
  - 8.5.2** impose an Interim Suspension pending the outcome of any such proceedings/ investigation (see Regulation 7).
- 8.6** It will be at the discretion of the Lead Safeguarding Officer, with the agreement of the Safeguarding Case Management Group, whether to commence or continue with an investigation under the Safeguarding Regulations where the Complainant does not consent to their identity being disclosed to the Respondent.

## **9. LEVEL ONE - CASE MANAGEMENT PROCESS**

- 9.1** In the event that it is considered, in accordance with Regulation 8.2, that the case shall be dealt with as a Level One case the following procedure shall apply.
- 9.2** The Lead Safeguarding Officer shall, on behalf of the Safeguarding Case Management Group, within 21 days:
- 9.2.1** send written notice to the Respondent to include; a summary of the safeguarding concern, complaint, charge or allegation together with supporting facts and evidence and,
  - 9.2.2** ask the Respondent to indicate whether the conduct or behaviour is admitted by the Respondent.

- 9.3** Not later than 14 days after receipt of the written notice, the Respondent shall send a written response to the Lead Safeguarding Officer confirming whether the conduct or behaviour is admitted or denied.
- 9.4** Where the conduct or behaviour is denied by the Respondent the Case will be referred to Level Two and the procedure at Regulation 10 onwards below shall apply.
- 9.5** Where the Respondent admits the conduct or behaviour, the Lead Safeguarding Officer will invite the Respondent to submit within 21 days any further written material that the Respondent wishes to be considered by the Safeguarding Case Management Group in determining the appropriate sanction.
- 9.6** The Safeguarding Case Management Group shall then consider the case based on the documents submitted by the Lead Safeguarding Officer and any additional information submitted by the Respondent pursuant to Regulation 9.5. There is no right for any party to attend the deliberations of the Safeguarding Case Management Group. The Safeguarding Case Management Group shall then decide the appropriate Sanction that reflects the harm caused, or was likely to have been caused, and/or which addresses the identified risks. An outcome at Level One may include (but is not limited to) the following;
- 9.6.1** a written warning outlining the areas of concern which must be addressed by the Respondent before they can return to Athletics; and/or
- 9.6.2** a requirement on the Respondent to undertake training, or be supervised and/or work with a mentor for a specified period of time or permanently; and/or,
- 9.6.3** an extension to a period of an Interim Suspension until such time as the Respondent has complied with any other decision made under these Regulations; and/or,
- 9.6.4** a requirement on the Respondent to complete a probationary period; and/or
- 9.6.5** any other decision which the Group deem is appropriate at Level One having regard to the circumstances of the case.
- 9.7** The Safeguarding Case Management Group may at any stage, and having reviewed the evidence, refer the matter to be dealt with as a Level Two case for determination as provided in Regulation 11 below.
- 9.8** The Safeguarding Case Management Group may, in its discretion, appoint an internal or external advisor to assist and advise the Group on a specific issue.
- 9.9** The Lead Safeguarding Officer shall (as soon as reasonably practicable but not more than 14 days after the Decision) notify the Respondent of the Decision.
- 9.10** The Safeguarding Case Management Group shall consider which other individual or organisation should be notified of the Decision in accordance with Regulation 16.
- 9.11** A Sanction imposed by the Safeguarding Case Management Group under Level One shall be final and binding on all parties, save that:
- 9.11.1** The Respondent may appeal on the grounds set out in Regulation 12.1 below; and
- 9.11.2** UKA or the HCAF may appeal on the grounds set out in Regulation 12.2 below.

## 10. LEVEL TWO - INVESTIGATION PROCEDURES:

- 10.1** Where the Lead Safeguarding Officer or Safeguarding Case Management Group determines in accordance with Regulations 8, 9.3, and 9.6, to conduct an investigation under Level Two of the Safeguarding Regulations, the following process applies.
- 10.2** All investigations will be overseen by the Lead Safeguarding Officer who will ensure that all enquiries necessary to establish the facts and circumstances of the referral are undertaken.
- 10.3** The Lead Safeguarding Officer will allocate the investigation to a case officer (either from the UKA safeguarding team, an HCAF welfare officer, or an external investigator) (“Case Officer”). The decisions of the Lead Safeguarding Officer as to who the Case Officer shall be are not subject to challenge by the Respondent.
- 10.4** The Case Officer will inform the Respondent in writing that they are the subject of a safeguarding investigation and provide an outline of the allegation. Details of the appropriate version of the Safeguarding Regulations will be provided by the Case Officer to the Respondent at this time. This shall normally be within 7 days of the decision of the Lead Safeguarding Officer or Safeguarding Case Management Group to determine the case as a Level Two, but the Lead Safeguarding Officer may obtain the agreement of the Case Management Group to delay this notification if it is considered to be in the best interests of the Complainant or the investigation.
- 10.5** The Case Officer will thereafter conduct an investigation that is thorough, proportionate, relevant and transparent (to the extent possible in the circumstances of the case). Contact with the Respondent and all witnesses will usually be via telephone, a video conferencing service, email, or may be conducted by face-to-face meetings.
- 10.6** The Respondent and any witnesses, shall give the Case Officer all reasonable assistance with the investigation, including promptly supplying signed statements if necessary, making themselves available for interview, answering any questions and supplying documentary evidence or other information requested by the Case Officer.
- 10.7** Any failure to comply with a reasonable request or requirement as part of the investigation carried out under the Safeguarding Regulations may amount to grounds for disciplinary action under UK Athletics or HCAF Disciplinary Policies and an interim suspension under such Disciplinary Policies may be imposed until that person, club or organisation has complied with any outstanding requests.
- 10.8** In circumstances in which the investigation involves communicating with, taking evidence from, or interviewing a Child or an Adult at Risk, and the issues to be investigated are of a sensitive nature, it shall be at the discretion of the Lead Safeguarding Officer to delegate the investigation, or certain parts of the investigation, to an external investigator to assist the Case Officer, or deal with the investigation in a way that is appropriate in all of the circumstances and given the sensitive nature of the subject matter.
- 10.9** Investigations conducted by an external investigator appointed by the Lead Safeguarding Officer in whole or in part, will be undertaken as soon as reasonably practicable.

- 10.10** The Case Officer will at their discretion advise the key parties involved in a case (including the Respondent and Complainant) as to anticipated timescales for the investigation to be undertaken and the likely timescales for case completion.
- 10.11** Upon conclusion of an investigation the Case Officer shall submit a case report (“Case Report”) to the Safeguarding Case Management Group which will decide whether the case is to be determined at Level One or Level Two.

## **11. LEVEL TWO - CASE OUTCOME PROCESS:**

- 11.1** Where the case is to be determined at Level Two the Lead Safeguarding Officer shall convene a Safeguarding Panel.
- 11.2** The Lead Safeguarding Officer shall within 14 days of receipt of the Case Report provide the Respondent written notice (“Notice of Safeguarding Case”). The information provided in the “Notice of Safeguarding Case” is strictly confidential and may be redacted by the Lead Safeguarding Officer (in their discretion) for any reason, including to protect the anonymity of the witnesses in the case. Any breach of confidentiality may result in separate proceedings under the UKA or HCAF Disciplinary Policy.
- 11.3** The Notice should comprise of:
- 11.3.1** a Case Report (which will contain details of the complaint, charge or allegation);
  - 11.3.2** a list of witnesses named in support of the case, along with signed witness statements that have been collected in support of the case;
  - 11.3.3** any other documents (enclosures) listed in the Case Report;
  - 11.3.4** any other case papers UKA considers should be provided to the Respondent;
  - 11.3.5** confirmation of the applicable version of the Safeguarding Regulations; and
  - 11.3.6** guidance on what steps the Respondent must take as set out in Regulation 11.4 of these Regulations.
- 11.4** Not later than 21 days after receipt of the Notice, the Respondent shall send to the Lead Safeguarding Officer a written response to the Notice outlining:
- 11.4.1** whether the case is admitted or denied;
  - 11.4.2** whether they request a personal hearing;
  - 11.4.3** any written submissions in support of the Respondent’s position;
  - 11.4.4** any additional evidence that the Respondent seeks to rely upon;
  - 11.4.5** a list of any additional persons upon whose evidence the Respondent seeks to rely.  
The Lead Safeguarding Officer will assess whether it is necessary and reasonable to obtain signed statements from such witnesses. A Respondent must not contact the Complainant or any potential witnesses in relation to the case.
- 11.5** If the Respondent does not respond or fails to adhere to the requirements, as set out above, within the specified time period, the Safeguarding Panel shall adjudicate the matter, taking into consideration the Case Report and case papers submitted by the Case Officer and any other evidence it thinks appropriate.

- 11.6** The Safeguarding Panel shall have the discretion to set directions generally as to the conduct of the proceedings. In addition, the Panel may, upon receipt of the case papers, request further information or ask the Lead Safeguarding Officer to conduct further investigations as appropriate.
- 11.7** The Safeguarding Panel will schedule a date for a case hearing.
- 11.8** The Safeguarding Panel will consist of three members. The three individuals appointed to the Safeguarding Panel shall select one of their number as the Chair.
- 11.9** The Lead Safeguarding Officer will at least 14 days prior to the case hearing, notify the Complainant and Respondent of the time and date of the case hearing and of the names of the Safeguarding Panel members.
- 11.10** Where the Respondent requests a personal hearing, the Safeguarding Panel shall give the Respondent notice of the method of attendance (which may, at the discretion of the Safeguarding Panel, be a meeting held virtually or in person). In addition to a lawyer (if they have instructed one), the Respondent may be accompanied at a personal hearing by one other person of the Respondent's choice (e.g., a family member or personal friend), who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or an Adult at Risk to be accompanied by a parent or carer. Failure of a Respondent to attend a hearing, or to answer any question shall not prevent the Safeguarding Panel from proceeding to a decision.
- 11.11** The Safeguarding Panel shall have the power to make any other directions it deems necessary. The Safeguarding Panel will consider the case based on the evidence submitted.
- 11.12** If the case is denied by the Respondent, the Safeguarding Panel shall consider whether on the balance of probabilities there is sufficient evidence to substantiate that;
- 11.12.1** the case (or any specific charge) is proven;
- and,
- 11.12.2** the Respondent's conduct (whether within or related to the sport of Athletics or not) caused harm to a Child or an Adult at Risk, or was likely to have caused harm to a Child or an Adult at Risk;
- and/or,
- 11.12.3** the Respondent's conduct (whether within or related to the sport of Athletics or not) indicates that they pose an actual or potential risk of harm to a Child or an Adult at Risk;
- and/or,
- 11.12.4** the Respondent's conduct (whether within or related to the sport of Athletics or not) indicates they may not be suitable to work with Children or Adults at Risk in an Athletics setting.
- 11.13** If the case is admitted by the Respondent, or upon consideration of the documents provided the Safeguarding Panel concludes that the case is proven on the balance of probabilities, the Safeguarding Panel shall decide upon an appropriate outcome which suitably reflects the seriousness of the case and the harm caused, or that was likely to have been caused, and/or addresses the identified risks. The outcomes available include (but are not limited to) the following:-
- 11.13.1** ban the Respondent from any or all Athletics activities, on any terms considered appropriate, including for a specified period of time or permanently; and/or,

- 11.13.2** suspend, revoke or place any restrictions on a club or organisation for a specified period of time or permanently; and/or,
  - 11.13.3** suspend, revoke, or place any restrictions on any licence, or any membership of the Respondent for a specified period of time or permanently; and/or,
  - 11.13.4** refuse to grant a licence requested by the Respondent; and/or,
  - 11.13.5** disqualify the Respondent from competition or from taking part in any other capacity in any events sanctioned by UKA or an HCAF for a specified period of time or permanently; and/or,
  - 11.13.6** make a recommendation to UKA to withhold WCP funding from an athlete or terminate a WCP athlete agreement; and/or,
  - 11.13.7** require the Respondent to complete a probationary period; and/or,
  - 11.13.8** impose a written warning outlining the areas of concern which must be addressed by the Respondent before they can return to Athletics; and/or,
  - 11.13.9** require the Respondent to undertake training, or be supervised and/or work with a mentor for a specified period of time or permanently; and/or,
  - 11.13.10** extend the period of any temporary suspension until such time as the Respondent has complied with any other decision made under the Safeguarding Regulations; and/or,
  - 11.13.11** reach any other decision which the Safeguarding Panel deem is appropriate having regard to the circumstances of the case.
- 11.14** Any individual subjected to a permanent ban may at any time adduce new and significant evidence to the Safeguarding Case Management Group for review where such evidence is pertinent to the conviction or sanction.
- 11.15** The Safeguarding Panel may at any stage, and in its absolute discretion, request that the case be considered by the Case Management Group for referral to any of the relevant Statutory Safeguarding Agencies.
- 11.16** All proceedings of the Safeguarding Panel shall take place in private and the public and the press shall have no right of access. The Panel shall not issue any press statement, social media posts, or conduct any press conferences. All announcements in relation to any decision of a Safeguarding Panel shall be undertaken by UKA and/or the relevant HCAF in line with Regulation 16.
- 11.17** The Safeguarding Panel shall notify its decision (with written reasons) to the Lead Safeguarding Officer within 14 days of their meeting (except in exceptional circumstances).
- 11.18** The Lead Safeguarding Officer shall notify the Respondent of the Decision within 7 days of receipt from the Safeguarding Panel (except in exceptional circumstances).
- 11.19** The notification shall advise the Respondent that they have 28 days from the date of notification in which to appeal the Decision. The appeal shall be conducted in accordance with the procedure set out in these Regulations.
- 11.20** The Lead Safeguarding Officer and/or the Safeguarding Case Management Group shall (in their absolute discretion) determine which other individuals or organisations (over and above the Complainant and witnesses) should be made aware of the decision (once the period for an appeal has passed) in accordance with Regulation 16 and having made such a determination shall inform such other individuals or organisations accordingly.

**11.21** Proceedings, findings or decisions of the Safeguarding Panel shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality unless it raises a material doubt as to the reliability of the proceedings, findings, or decisions.

## **12. RIGHT OF APPEAL**

**12.1** A Respondent may appeal a finding of the Safeguarding Case Management Group or Safeguarding Panel in the following circumstances;

**12.1.1** In a Level One case, or where a sanction was imposed pursuant to Regulation 6 above, only on the basis that the sanction imposed was grossly disproportionate; or,

**12.1.2** In a Level Two case, on the basis that:

**12.1.2.1** there is material new evidence that, had it been known at the time of the original proceedings would have affected the decision of the Safeguarding Panel;

**12.1.2.2** the Safeguarding Panel acted out with the scope of its powers;

**12.1.2.3** the Sanction imposed was not proportionate to the conduct, or the harm caused; or that was likely to have been caused, or of the assessed risk.

**12.2** UKA or an HCAF shall not be able to override a decision of a Safeguarding Panel, but may appeal any Decision on any grounds, including that the Decision was wrong or that any Sanction imposed was too lenient.

**12.3** Once a Respondent exercises their right of appeal under this paragraph they shall be referred to as an “Appellant”.

**12.4** Any Appeal must be submitted within 28 days of receipt of any notification made under Regulation 9.9 or 11.17 of the Regulations, and in the form of a written notification of appeal to the Lead Safeguarding Officer (“Notification of Appeal”) The Notification of Appeal will include the matters listed in Regulation 14.2.

**12.5** Any Appeal that does not meet the criteria above may be refused by the Safeguarding Case Management Group, in writing, within 21 days of receiving the Notification of Appeal.

**12.6** The Appeal shall be heard by a Safeguarding Appeals Panel that shall consist of three members.

**12.7** The three individuals appointed to the Safeguarding Appeals Panel shall appoint one of their number as the Appeal Chair. The Appeal Chair shall make such directions as he or she considers are necessary for the proper conduct of the appeal proceedings. The appeal proceedings shall consist of an oral hearing unless the parties agree that the appeal should be determined by the Safeguarding Appeal Panel without an oral hearing. The hearing may (at the discretion of the Safeguarding Appeals Panel) be a hearing held virtually or in person.

**12.8** An Appeal shall not be a re-hearing of the original proceedings unless ordered by the Safeguarding Appeals Panel. The Safeguarding Appeals Panel will only consider new issues, information, or evidence if the Appeal is based upon the grounds that there is material new evidence or if it considers that it would be in the interests of natural justice to consider such issues, information, or evidence.

## 13. POWERS OF THE SAFEGUARDING APPEALS PANEL:

- 13.1** The Safeguarding Appeals Panel shall have the following powers:
  - 13.1.1** to dismiss the Appeal;
  - 13.1.2** to alter or vary the original decision;
  - 13.1.3** to quash any case outcome or sanction and/or substitute it for any other penalty; and,
  - 13.1.4** to make any such other order or determination as it may think right or just.
- 13.2** Deliberations of the Safeguarding Appeals Panel will be held in private.
- 13.3** The Decision of the Safeguarding Appeals Panel will be communicated in writing to the Lead Safeguarding Officer within 14 days of the Appeal Hearing.
- 13.4** The Lead Safeguarding Officer shall notify the Appellant in writing within 7 days of receipt of the Decision in writing.
- 13.5** The Decision of the Safeguarding Appeals Panel will be final and binding and there lies no other form of Appeal.
- 13.6** Subject to the above, the Safeguarding Appeals Panel shall have power to regulate its own procedures.

## 14. APPEALS - PROCEDURAL RULES:

- 14.1** The Appellant shall lodge a Notification of Appeal, that must contain the Grounds of Appeal, to the Lead Safeguarding Officer within 28 days following the date of communication or delivery to the Appellant of the Safeguarding Panel Decision. The date of receipt by the Lead Safeguarding Officer shall be the “Appeal Commencement Date”.
- 14.2** The Notification of Appeal shall outline:
  - 14.2.1** the identity of the Appellant;
  - 14.2.2** the date and subject matter of the proceedings appealed against;
  - 14.2.3** details of the Safeguarding Panel and its decision(s) appealed against, including the date on which the decision was issued;
  - 14.2.4** on which one or more of the permitted grounds (with reference to Regulation 12.5) the appeal is based and the nature and detail of each ground(s) upon which the Appellant intends to rely;
  - 14.2.5** copies of any documents or other material referred to.
- 14.3** Failure to lodge a Notification of Appeal within the specified time period and/or failure to comply with all the associated requirements set out in Regulation 14.2 shall result in forfeiture of a right of appeal.

- 14.4** A Notification of Appeal can be withdrawn by the Appellant by notifying the Lead Safeguarding Officer in writing of their wish to so withdraw, up to before 1pm on the day prior to the Appeal Hearing. In such a case, the Appeal shall be deemed to be abandoned and the original Sanction against which the Appellant made the Appeal will be applied with immediate effect and shall be final and binding. The subject matter of an Appeal which has been withdrawn may not be re-appealed. In the event that circumstances of a withdrawal suggest an abuse of process and/or a delaying tactic for the Sanction originally imposed, the Appellant may be in breach of this Regulation.
- 14.5** The Appeal Panel shall meet at the time and on the date fixed by the Chairperson and shall, no later than 14 days after hearing the Appeal, inform the Lead Safeguarding Officer of its decision together with written reasons for its decision. The Lead Safeguarding Officer shall notify the Appellant in writing within 7 days of receipt of the decision in writing. The decision of the Appeal Panel shall be final and binding.

## **15. ENFORCEMENT OF DECISIONS**

- 15.1** Members and connected participants, clubs and organisations must take all steps necessary to ensure compliance with any Interim Suspension, and any case decision and outcome (whether the decision and outcome is taken by the Case Management Group, the Safeguarding Panel, or a Safeguarding Appeals Panel under the Safeguarding Regulations).
- 15.2** If a member or connected participant, club and organisation fails to comply with its obligations under the Safeguarding Regulations, such conduct

## **16. PUBLICATION OF DECISIONS**

- 16.1** UK Athletics and/or an HCAF may publish, Decisions and Sanctions made or imposed under the Safeguarding Regulations (whether by the Safeguarding Case Management Group or by a Safeguarding Panel and/or Safeguarding Appeals Panel) in such form and manner, and to such extent as it deems necessary, for the purposes of safeguarding Children and Adults at Risk and to enforce compliance with Decisions and Sanctions.
- 16.2** For the avoidance of doubt, in addition to providing notice to the Respondent, the Lead Safeguarding Officer will, at their discretion, advise a relevant Safeguarding Officer for the Club, or HCAF with which the Respondent is associated, or through which the Respondent is known, or reasonably believed, to have access to Children or Adults at Risk of any Interim Suspensions, or case related Decisions and Sanctions.
- 16.3** The Lead Safeguarding Officer will inform the Complainant of an Interim Suspension, or case Decision and outcome where it is deemed appropriate.

## **17. EXCLUSION OF LIABILITY**

**17.1** UK Athletics and the four HCAF shall not be liable to any individual or organisation for any loss arising out of action taken, decisions made, or sanctions imposed under the Safeguarding Regulations.