

# Paddle UK Safeguarding Procedure

(Approved by the Board and adopted on 01/03/2024)

## 1. When does this Procedure apply?

- 1.1. Paddle UK<sup>1</sup> is committed to ensuring that all children and adults at risk who participate in paddlesport have a safe and positive experience.
- 1.2. This Procedure sets out the investigation and disciplinary procedures to be followed in all child protection and/or adult safeguarding matters.
- 1.3. For the avoidance of doubt, for the purposes of Article 12 of the Articles of Association of Paddle UK, this procedure is the “dispute resolution procedure” to be followed in all child protection and/or adult safeguarding matters.
- 1.4. Definitions: In this Procedure the following words shall have the following definitions applied:

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| “Adult at Risk”               | As per the definition in the Care Act 2014 an individual aged 18 or over who: <ol style="list-style-type: none"> <li>a) has needs for care and support (whether or not the authority is meeting any of those needs),</li> <li>b) is experiencing, or is at risk of, abuse or neglect, and</li> <li>c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.</li> </ol>  |
| “Affiliated Club”             | any Club affiliated to Paddle UK.  |
| “Adverse Disclosure”          | an adverse disclosure is any disclosure which indicates a conviction, caution or contains other information deemed relevant by the Chief Police Officer.   |
| “Barred List Check”           | a check to establish whether a person is barred from working in regulated activity with children or adults at risk.  |
| “Case Management Group (CMG)” | the Case Management Group is appointed by the Paddle UK Chief Executive Officer (CEO) and consists of up to seven independent members who are volunteers with relevant safeguarding management experience and expertise, who will be appointed following an open and transparent recruitment process. The Case Management Group will also comprise of Paddle UK’s Designated Safeguarding Lead and individuals with appropriate expertise from within the organisation along with an independently |

<sup>1</sup> Paddle UK is a trading name of British Canoeing which is a Company registered at Companies House with the registered number 01525484.

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|   | <p>contracted safeguarding expert who will act as a source of specialist information and Chair the meetings.</p> <p>The independent members shall be appointed for an initial three-year term following a formal and transparent selection process which will be competence based. Independent members may be reappointed for further terms.</p>   |
| “Case Management Panel (CMP)”               | <p>a panel of at least three appropriately qualified and experienced individuals, appointed by the Chair of Paddle UK to consider appeals against the CMG’s decisions in exceptional circumstances. All panel members must be independent of the original decision making CMG. At least one of the panel must have a background professionally in safeguarding children or adults at risk at management level.</p> |
| “Chair of Paddle UK”                        | <p>the person appointed from time to time as Chair of the Board of Paddle UK in accordance with the Articles of Association.</p>   |
| “Chair of CMG”                              | <p>an independent expert in safeguarding whose appointment will be approved by Paddle UK’s Board. This individual will provide a consultation and triage facility to the Designated Safeguarding Lead and ongoing support to those involved in the management of safeguarding on behalf of Paddle UK and the CMG.</p>  |
| “Chair of CMP”                              | <p>the person appointed from time to time to be the Chair CMP under the Procedures.</p>  |
| "child protection" or "CP"                  | <p>is the process of protecting individual children identified as suffering, or being at risk of suffering harm.</p>   |
| “Club/Discipline/Programme Welfare Officer” | <p>an individual with designated safeguarding responsibility within an affiliated club, centre, Paddle UK programme, Discipline or activity;</p>   |
| “CP concerns”                               | <p>means a complaint that an individual has breached Paddle UK’s Safeguarding Policies or any other CP concern raised by or with Paddle UK about an individual. CP concerns may include any act, statement, conduct, omission or other matter by a person which harms a child or young person under the age of 18 or which may pose a risk of harm to a child under the age of 18;</p>                             |
| “DBS”                                       | <p>the Disclosure and Barring Service;</p>   |
| “Designated Officer (LADO)”                 | <p>is the Local Authority Designated Officer who will be consulted where safeguarding concerns arise in relation to individuals working or participating in paddlesport in a paid or unpaid capacity;</p>  |
| “Designated Safeguarding Lead (DSL)”        | <p>the person appointed by the CEO on behalf of Paddle UK with designated responsibility for</p>   |

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|  | child protection and safeguarding within the organisation;   |
| “Disciplinary Regulations”             | the Paddle UK Disciplinary, Dispute and Appeal regulations agreed and formally adopted by the Board of Paddle UK in its jurisdiction as the governing body for paddlesport in England.   |
| “Enhanced Disclosure”                  | an enhanced criminal record check provided by the DBS.   |
| “Governance and Compliance department” | the Paddle UK Governance and Compliance Department so designated from time to time by Paddle UK;   |
| “Independent Investigator”             | an appropriately experienced and independent professional (usually with a Police background) who has been recruited and selected against the required competencies to undertake initial investigations (interviews, taking of statements, clarification of the context in which concerns have arisen, identification of witnesses etc). These individuals are contracted as and when required;   |
| “Member”                               | the member (or former member) of Paddle UK who is the subject of any safeguarding concerns under this Procedure. Within this Procedure ‘Member’ will also include any individual holding a position of responsibility in a Club or Centre who is the subject of a concern.   |
| “National Associations”                | any of Paddle UK, The Scottish Canoe Association, Canoe Wales or The Canoe Association of Northern Ireland.  |
| “Regulated Activity”                   | work that a barred person must not do as defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012;   |
| “Safeguarding”                         | is a broad term relating to the action taken to promote the welfare of children and Adults at Risk and the actions taken to protect them from harm. Safeguarding should: <ul style="list-style-type: none"> <li>• protect children, young people and adults at risk from maltreatment or harm;</li> <li>• prevent the impairment of a child’s health and development;</li> <li>• take actions to enable children (and all participants in our sport) to have the best outcomes.</li> </ul> |
| “Safeguarding concerns”                | concerns in relation to Safeguarding are not capable of exhaustive definition but may include concerns surrounding poor practice, bullying, grooming, domestic abuse, modern slavery, financial abuse, harassment and/or   |

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|                | physical, sexual and/or emotional abuse and/or neglect and/or where there is Social Services and/or Police involvement.  |
| "UK Agreement" | formal agreement between Paddle UK, The Scottish Canoe Association, Canoe Wales and the Canoe Association of Northern Ireland establishing a framework determining governance and other arrangements between them. |

- 1.5. clause headings are included for convenience only and shall not affect the construction of the Procedure;
- 1.6. references to clauses and the Schedules are references to the clauses and the Schedules to this Procedure; and
- 1.7. references to any legislation or to any provision of any legislation shall include any modification, replacement or re-enactment of that legislation for the time being in force.
- 1.8. all affiliated Clubs, Centres, Disciplines and Members of Paddle UK agree to be bound by this procedure.

## 2. Management and Jurisdiction

- 2.1. Paddle UK has a duty of care to respond to and manage all Safeguarding concerns relating to children and Adults at Risk where those persons fall within its jurisdiction (whether those concerns are raised by Paddle UK's Safeguarding personnel or are reported to Paddle UK by other sources).
- 2.2. The National Associations recognise and accept that each of them shall have primary jurisdiction for safeguarding matters relating to their own members and shall therefore be responsible for resolving safeguarding matters concerning their members in the vast majority of circumstances.
- 2.3. It is however recognised that;
  - 2.3.1. there may be some circumstances where the jurisdiction for safeguarding matters concerning members of the Scottish Canoe Association, Canoe Wales or The Canoe Association of Northern Ireland, shall vest exclusively with Paddle UK. Appendix 3 to the UK Agreement sets out the agreed circumstances where Paddle UK has exclusive jurisdiction for a matter and such Appendix 3 shall be amended by agreement in writing between Paddle UK and the other relevant parties from time to time.
  - 2.3.2. there may be some circumstances where safeguarding matters fall within the jurisdiction of Paddle UK but also one or more of the Scottish Canoe Association, Canoe Wales or the Canoe Association of Northern Ireland. Appendix 3 to the UK Agreement sets out the circumstances where cross jurisdiction arises, the process for identifying the National Association with primacy for investigation and determination of the relevant safeguarding case. The National Association all agree to uphold and be bound by the determination of the safeguarding case by the National Association with primacy. Where Paddle UK is determined to hold

primacy, the matter will be dealt with in line with this Safeguarding Procedure. Where another National Association is determined to hold primacy, the matter will be dealt with under their relevant safeguarding procedure and the decision will be binding on Paddle UK in accordance with 10.2 below

- 2.4. Paddle UK has jurisdiction to investigate the following individuals about whom safeguarding concerns are identified:
  - 2.4.1. Paddle UK Members. Paddle UK is entitled to take action in relation to such individuals while they are members (and after they have ceased to be members in respect of matters arising during their membership) in accordance with this Procedure; and
  - 2.4.2. Club members or other persons (who are not Paddle UK members for any reason) working or participating within paddlesport at a Club which is affiliated to Paddle UK (whether in a paid or voluntary capacity) where Paddle UK has sufficient cause for concern to carry out an investigation.
  - 2.4.3. Where the requirements of paragraph 2.3 above are met, Paddle UK is entitled to take action in relation to Members of the Scottish Canoe Association, Canoe Wales or The Canoe Association of Northern Ireland.
- 2.5. This Procedure establishes the processes to be followed by Paddle UK in order to provide a comprehensive, fair and equitable procedure for the purposes of:
  - 2.5.1. assessing someone's suitability for working in Regulated Activity in paddlesport following an adverse DBS disclosure; and/or
  - 2.5.2. responding to any enquiry into any concerns or complaints received regarding safeguarding.
- 2.6. Safeguarding and CP concerns which arise within Clubs, Disciplines, and programmes should be responded to in the first instance by the relevant Club/Discipline/Programme Welfare Officer ("CWO"). Thereafter, and without unnecessary delay, the CWO must share the concerns with the DSL and seek advice and support in accordance with this Procedure (paragraph 4). If appropriate, the matter will then be managed in accordance with these Procedures. If at any stage of the process, a CWO feels unable to implement or act in accordance with these Procedures, Paddle UK will identify appropriate support to ensure safeguarding issues are adequately addressed.
- 2.7. Safeguarding and CP concerns which arise within a non-affiliated Club or Centre should be responded to and managed in accordance with the relevant Club or Centre's own Safeguarding policies and procedures. However, upon referral of the concern, or outcome of an investigation to Paddle UK, then subject to the individual in question falling within one of the categories detailed in paragraph 2.4, Paddle UK reserves the right to take action against the individual in accordance with this Procedure or the Paddle UK Disciplinary Regulations as is appropriate in the circumstances.
- 2.8. The Chief Executive of Paddle UK shall establish a CMG which will consider all safeguarding concerns reported to the national governing body (to include all child and adult at risk protection cases) which shall comprise: an independent chair and at least two other appropriately qualified persons, at least one of whom shall have significant experience working within the safeguarding sphere.

- 2.9. The CMG shall also have jurisdiction to consider adverse DBS disclosures and make decisions regarding an individual's suitability to work in Regulated Activity in paddlesport within England and where the requirements of 2.3 are met within Scotland, Wales and/or Northern Ireland.
- 2.10. The Chair of Paddle UK shall also, on occasion and as required, appoint an Independent Case Management Panel (CMP) of at least three individuals who are appropriately qualified and experienced, and who have not been involved in the management of the specific case in question, to hear representations and make decisions in the event of an appeal against the CMG's decisions. At least one of the panel members must have either experience of safeguarding hearings or a safeguarding professional background at management level.
- 2.11. So far as practicable, confidentiality will be maintained at all times in respect of all those involved in any enquiry or investigation unless there is an over-riding obligation in the interests of the safety or protection of children or adults at risk for such information to be shared with other interested parties. Any such information shared shall be distributed on a need-to-know-basis only. The DSL or their designee will use Paddle UK's secure online platform for the sharing of any sensitive and confidential case information with the CMG (including statements, case records, DBS disclosure certificates, and supporting documents). This confidentiality clause may not apply to information that is already in the public domain and/or where disclosure of confidential information is required by law or by any competent statutory authority.
- 2.12. In the exercise of its duty to safeguard children and adults at risk, Paddle UK will normally record the details of any individual who is temporarily suspended, permanently disqualified or temporarily or permanently permitted to participate in paddlesport but subject to restrictions. This record shall include by way of example but not limitation, the reasons for suspension, disqualification or restriction, any decision and any supporting evidence. This will be made available to appropriate third parties for the purposes of enforcement and crime prevention at the recommendation of the CMG and at its sole discretion.
- 2.13. Paddle UK will not be liable to any suspended or disqualified individual, club or organisation for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any suspension and/or disqualification under this Procedure.
- 2.14. Paddle UK will not be liable to any suspended or disqualified individual, club or organisation for any direct or indirect lack of progression within competition and/or talent pathways in connection with any suspension and/or disqualification under this procedure.

### **3. Adverse DBS disclosures**

- 3.1. It is a requirement that any individual applying to be appointed or appointed to a role involving Regulated Activity in the sport of paddlesport is subject to an Enhanced Disclosure from the DBS for all residents of England and Wales (or an equivalent check from the relevant vetting body). Any such individual agrees to cooperate with Paddle UK and to provide such information as Paddle UK may reasonably require, including any adverse DBS disclosure.

- 3.2. Where a DBS check carried out in accordance with paragraph 3.1 reveals content ("an adverse disclosure") the matter shall initially be considered by Paddle UK's DSL and the Chair of the CMG who shall initially take the following actions:
  - 3.2.1. Agree that the adverse disclosure does not present safeguarding concerns and confirm that the individual can be deployed without restriction;
  - 3.2.2. Request further information including but not limited to obtaining an explanation and/or references from the individual.
  - 3.2.3. Refer the matter for consideration by the full CMG in accordance with paragraph 7.
- 3.3. Upon receipt of any further information sought in accordance with paragraph 3.2.2, the Paddle UK's DSL and the Chair of the CMG shall have the following powers:
  - 3.3.1. Agree that the information received means it is now reasonable to consider that the adverse disclosure does not present safeguarding concerns and confirm that the individual can be deployed without restriction;
  - 3.3.2. Impose certain conditions/restrictions on an individual's participation within paddlesport;
  - 3.3.3. Refer the matter for consideration by the full CMG to be dealt with in accordance with paragraph 7.

#### **4. Notice of Safeguarding and/or Adult/Child Protection Concerns**

- 4.1. Notice of safeguarding concerns may be given by the CWO or may come from any other source including social media, the statutory agencies, anonymous reporting, a partner organisation or any third party. Where possible or applicable, notice of all safeguarding concerns shall be given in writing (and signed by the person giving notice) as soon as practicable and within a reasonable time frame in the applicable circumstances. The Notice shall set out details of the concerns and shall be addressed to Paddle UK's Designated Safeguarding Lead (DSL). For the avoidance of doubt, nothing in this paragraph 4.1 precludes an individual reporting historic safeguarding concerns irrespective of the length of time since the incident(s) occurred.
- 4.2. All matters relating to poor practice, and/or in relation to any type of abuse identified in the Paddle UK Safeguarding Children Policy and Safeguarding Adults Policy should be reported to the appropriate CWO and, if it has not already happened, as soon as practicable thereafter to Paddle UK's DSL or in their absence a member of the Governance and Compliance Department.
- 4.3. Upon a concern being referred to the DSL, the DSL shall initially consider if the matter raises any CP or safeguarding concerns, making any initial enquiries that are deemed necessary. If after initial consideration the DSL is satisfied that there is sufficient cause for concern, the matter shall be triaged by the DSL and the Independent Chair of the CMG who shall formally decide whether the matter referred raises CP or safeguarding concerns and as such falls to be dealt with under this Procedure. All concerns will be taken seriously irrespective of how Paddle UK becomes aware of them. For the avoidance of doubt, the Independent Chair of the CMG and the DSL may decide that a matter referred to it by an individual (within or

outside Paddle UK) raises CP or safeguarding concerns to be dealt with under this Procedure, regardless of whether the matter has been referred strictly in accordance with paragraph 4.1 above.

- 4.4. Where the Independent Chair of the CMG and the DSL decides that any matter raises CP or safeguarding concerns this Procedure shall apply.
- 4.5. In addition, further to paragraph 3.2.3 and 3.3.3, the Independent Chair of the CMG and the DSL can also decide that an adverse disclosure shall be referred to the CMG, to be managed as a safeguarding concern in accordance with this Procedure.
- 4.6. Where the matter raises concerns not related to safeguarding or child protection the DSL and the Independent Chair of the CMG may also refer the individual for Paddle UK to instigate disciplinary procedures in accordance with the Disciplinary Regulations.
- 4.7. Where the Independent Chair of the CMG and the DSL decide that this Procedure shall apply, they will make an initial assessment of risk and decide upon the initial response. This will include a decision about whether an immediate referral to the LADO or statutory agencies (Adult or Children's Social Care or the Police) is appropriate and where the concerns or matters raised are deemed to warrant their involvement. The appropriate CWO should, where it is appropriate, be immediately informed of any concerns raised.

## **5. Interim Suspension**

- 5.1. In respect of any Safeguarding matter which is notified to Paddle UK, the CMG may impose a temporary suspension upon an individual in respect of whom the concerns have been raised or an adverse DBS disclosure received, pending the outcome of further enquiries and/or investigation.
- 5.2. A temporary or interim suspension will be enacted where such a suspension is deemed by the CMG to be appropriate and warranted which shall include without limitation the following reasons:
  - 5.2.1. it is necessary to ensure the welfare and safety of the child/adult at risk involved and/or other children/adults at risk who may come into contact with the individual in question;
  - 5.2.2. to protect the individual subject to the concerns from the risk of further allegations;
  - 5.2.3. where there is a risk to the reputation of Paddle UK if it fails to suspend;
  - 5.2.4. where a failure to suspend may impede internal investigations or prejudice investigation by external organisations.
  - 5.2.5. Where a statutory agency has issued instructions to Paddle UK that an interim suspension is necessary.
- 5.3. A decision to suspend will be authorised by any three members of the CMG unless it is in accordance with 5.2.5 and is a response to statutory agency instructions in which case no further authorisation is required.



- 5.4. A temporary or interim suspension is to be considered a neutral act and should not be viewed as a sanction or penalty. The interim suspension should be communicated immediately to the individual by the DSL (or CWO if this is felt more appropriate) and reasons for the suspension shall be given save where in Paddle UK's reasonable opinion it may prejudice any investigation to provide such reasons. A decision to suspend under this Procedure is not open to appeal but the CMG will review the suspension at least every eight weeks.
- 5.5. Where a temporary suspension is imposed, this may be a suspension from, or a restriction on, any and all participation in paddling and paddling related activity. Such suspension may include, but is not limited to coaching, acting in a position of trust in relation to young people or adults at risk, undertaking any official position such as club committee membership or administrative duties, spectating or any other activity relating to paddlesport where there is likely to be contact with children or adults at risk.
- 5.6. If any individual is temporarily suspended or restricted and during the course of the suspension Paddle UK is informed of any breach or abuse of the suspension or restriction the individual will be issued with a written warning requiring immediate compliance with the terms of their suspension. Failure to adhere to the terms of the written warning will be considered a potential breach of Paddle UK's policies and procedures and may be referred by the CMG to be dealt with as such under Paddle UK's Disciplinary Regulations.

## **6. Investigation**

- 6.1. Paddle UK at its reasonable discretion may investigate any such concern or safeguarding matter referred to it in accordance with these Procedures.
- 6.2. Any investigation may take the form of a statutory investigation carried out by the Police and/or Social Services and where appropriate an independent investigation undertaken by Paddle UK. If a Paddle UK investigation reveals anything that is potentially unlawful or indicates abuse of a child or adult at risk the investigation may be suspended and an appropriate referral will be made to the Police and/or Social Services.
- 6.3. Paddle UK's investigation of, or clarification of, concerns will be undertaken by the DSL or their designee, the appropriate CWO, or an appointed independent investigator where written referrals lack sufficient information or where statements are either unclear or need to be secured. All safeguarding concerns will then be considered by the full CMG (see paragraph 7) once information has been gathered and clarified appropriately.
- 6.4. The investigative process may include any of the following:
  - 6.4.1. A requirement on the individual to submit references;
  - 6.4.2. A new criminal record check may be required of the individual.
  - 6.4.3. The concerns may also be referred to the Police and/or Social Services and or the LADO for consideration as to whether a criminal or civil investigation into the matter is necessary;
  - 6.4.4. Interview of the person under investigation, any witness, any person making a complaint or allegation, any child and/or adult at risk of harm,

and/or anyone else who Paddle UK reasonably believes may be able to assist in the investigation;

- 6.4.5. The production of and consideration of any other evidence.
- 6.5. Paddle UK reserves the right to proceed with its own investigation, concurrently with any criminal or civil investigation where, considered appropriate by the CMG.
- 6.6. Save where in Paddle UK's reasonable opinion it may prejudice the investigation, Paddle UK may notify the individual in writing of the intention to investigate, the nature of the investigation and the reasons for this. The decision whether or not to inform the individual will be made balancing the need to properly investigate the matter and the rights of the individual under natural justice. If a temporary suspension has been imposed by Paddle UK, in the interests of Safeguarding, the individual and any relevant Affiliated Club and/or Member will be informed of this. Notification will not be necessary if it is considered that this may prejudice any Police and/or Social Services and/or Paddle UK internal investigation or place any particular child or adult at risk.
- 6.7. Paddle UK will carry out or coordinate any investigation and will seek to ensure that this is conducted in a fair and impartial manner. Any investigation will be conducted as promptly as possible and Paddle UK will provide periodic updates to the individual being investigated and any relevant CWO and interested parties during the course of the investigation where appropriate and whilst maintaining confidentiality. Paddle UK reserves the right to appoint a third-party investigator to conduct or assist in the conduct of any investigation.
- 6.8. The individual being investigated shall not approach (whether directly or indirectly), intimidate, or influence any witness involved in the investigation. A failure to adhere to this requirement shall be considered a potential breach of Paddle UK's policies and procedures and may be dealt with as such under Paddle UK's Disciplinary Regulations.
- 6.9. The individual being investigated may be interviewed during the course of the investigation. This may take place more than once but will only take place where it is necessary to put further information to the individual concerned that has come to light during the course of the investigation. The individual shall, at their own expense, be entitled to have a legal or other representative ("the representative") present during any interviews. This representative should be allowed to address the interviewer and confer with the Member who is the subject of any safeguarding concerns during the interview. The representative does not, however, have the right to answer on behalf of the Member who is the subject of any safeguarding concerns.
- 6.10. At any point during the investigation after initial triage by the DSL and Chair of the CMG, Paddle UK will present relevant case papers to the CMG which will proceed in accordance with paragraph 7 below.

## **7. The Role and Responsibilities of the CMG**

- 7.1. The case record and papers will be uploaded onto Paddle UK's secure portal which has restricted access limited to CMG members and the Governance and Compliance department for consideration by the CMG at the next scheduled meeting or more urgently if this is felt to be necessary in order to agree what action, if any, is recommended.

- 7.2. Subject to paragraph 11, the individual will be provided with an outline of the concerns raised by the investigation and will be given the opportunity to respond either directly by interview or to comment in writing on matters of fact and accuracy. They will be offered an opportunity to make representations to the CMG, either in person or in writing within such timescales as the CMG may deem appropriate in the circumstances, unless to do so, in the reasonable opinion of Paddle UK, would prejudice investigation or the welfare and safety of the child or adult at risk involved or other children or adults at risk who come or may come into contact with the individual under investigation.
- 7.3. The CMG's function is to consider whether an individual is a suitable and appropriate person for the role and responsibilities within paddlesport, including whether they pose an actual or potential risk of harm to children or adults at risk within a paddlesport context. The CMG is not required to prove beyond reasonable doubt that a person is or may pose a risk of harm but to assess this on the balance of probabilities. The CMG is required to identify and impose appropriate sanctions in order to manage any such risk where possible.
- 7.4. In its decision-making, the CMG will consider the following factors but will not be limited to them:
  - 7.4.1. whether any conviction or other matters revealed is/are relevant to the position in question;
  - 7.4.2. the seriousness of any offence or other matter revealed;
  - 7.4.3. the length of time since the offence occurred;
  - 7.4.4. whether the individual has a pattern of offending behaviour or other relevant matters;
  - 7.4.5. whether the individual's circumstances have changed following the offending behaviour and/or other relevant matters; and/or
  - 7.4.6. the circumstances surrounding the offence and the explanations offered by the individual concerned.
- 7.5. After consideration of the information available the CMG may respond by recommending one or more or a combination of the following outcomes:
  - 7.5.1. no further action;
  - 7.5.2. commission a more detailed investigation;
  - 7.5.3. make a referral to the Police and/or Social Services or the LADO;
  - 7.5.4. make a referral to the Local Education Authority.
  - 7.5.5. consider whether it is necessary to seek further advice in relation to the case from external advisers, such as the Courts, Probation Services, Offender Management Teams, the Local Authority, Local Education Authority or the designated teacher at a child's school and, if so, contact them to obtain such information and advice.

- 7.5.6. require the individual under investigation to commission at their own expense a risk assessment prepared by a suitably qualified person (to be agreed by Paddle UK).
  - 7.5.7. impose or extend a temporary suspension pending completion of any further investigation referral or risk assessment.
  - 7.5.8. provide a written conditional warning outlining the areas of concern or improvements required.
  - 7.5.9. require the individual to undergo further training.
  - 7.5.10. require the individual to be supervised and/or work with a mentor permanently or for a period to be agreed by the CMG;
  - 7.5.11. extend the period of any temporary suspension until such time as the individual concerned has agreed a plan for complying with any training, supervision or mentoring that they are required to undergo;
  - 7.5.12. refer the individual for Paddle UK to instigate disciplinary procedures where the matter raises concerns not relating to safeguarding or child protection.
  - 7.5.13. refer to the individual to the DBS;
  - 7.5.14. impose a sanction in accordance with paragraph 7.6;
  - 7.5.15. make any other recommendations which the CMG feels is appropriate having regard to the circumstances of the case.
- 7.6. Where the CMG cannot satisfy itself on the balance of probabilities that the member or individual is suitable and appropriate for a role with, and/or responsibility for, children or adults at risk or presents a potential risk it shall impose one or more of the following sanctions as it thinks fit:
- 7.6.1. suspend the individual from all paddlesport related activities involving children under the age of 18 years either permanently or for a designated period of time. Paddlesport related activities are deemed to include, but are not solely restricted to, all coaching activities (boat and bank based) as well as the carrying out of any assessment activities and individual may be registered to perform on behalf of Paddle UK. This includes volunteer officer roles held at the club or centre which involve children under the age of 18.
  - 7.6.2. disqualify the individual from Paddle UK membership and or paddlesport participation in part or in whole either indefinitely or for a specific period of time;
  - 7.6.3. suspend an individual's Paddle UK coaching qualifications either on a temporary or permanent basis or imposing conditions on the use of any such qualifications;
  - 7.6.4. prevent the Member from holding office within Paddle UK for a specified or indefinite period of time;

- 7.7. Upon the conclusion of the CMG meeting the agreed decision or recommendations with supporting reasons will be communicated in writing within fourteen working days to the affected individual and any relevant affiliated Club, Centre and/or Member. The individual will also be advised of their right to appeal against any decision made and the time limits for doing so.
- 7.8. All Affiliated Clubs and other Members shall comply with the terms of any decisions reached by the CMG and/or Paddle UK. Failure to comply with the decision of the CMG and/or Paddle UK may be considered misconduct under the Paddle UK's Disciplinary Regulations.
- 7.9. Subject to Paragraph 11, the decision of Paddle UK will be communicated to the appropriate CWO and interested parties for the purposes of enforcement and the Safeguarding of participants in paddlesport.
- 7.10. Where any recommendations or remedial action imposed by the CMG in accordance with paragraph 7.5 are not adequately completed or adhered to by the Member who is the subject of any safeguarding concerns, the CMG reserves the right to reconsider the matter and impose a new sanction or recommendation provided such a decision does not go beyond the powers of the CMG outlined in paragraph 7.5 and 7.6.
- 7.11. Where any form of suspension is issued Paddle UK reserves the right to notify Safeguarding Lead Officers in Canoe Wales, Canoe Association of Northern Ireland and Scottish Canoe Association and Safeguarding Lead Officers in other sporting or linked organisations of the CMG's decision.

## **8. Appeals**

- 8.1. The individual who is the subject of any safeguarding concerns may appeal the CMG's decision within 14 days of receiving it on any (either individually or cumulative) of the following grounds:
  - 8.1.1. The decision was not in accordance with this Safeguarding Procedure as published;
  - 8.1.2. The decision makers have not declared a conflict and/or have shown bias or the decision has otherwise been demonstrably unfair; and/or
  - 8.1.3. Where the conclusion is one that no reasonable decision maker could have reached and/or
  - 8.1.4. There has been a breach of natural justice.
  - 8.1.5. There is significant new evidence which was not considered by the CMG which had it been considered would have altered the CMG decision.

## **9. Appointment of Case Management Panel and Conduct of Appeals**

- 9.1. The Chair of Paddle UK will in an appropriate case appoint an independent Case Management Panel (CMP) (in accordance with paragraph 2.10 above) or independent dispute resolution service to consider the appeal, in which case the CMP or independent dispute resolution service so appointed shall decide the matter in accordance with this Procedure.

- 9.2. The CMP or independent dispute resolution service shall consider whether the grounds for appeal as established in 8.1 have been met.
- 9.3. The Chair of the CMP shall have power to make such further directions relating to the provision of information or the conduct of the appeal as, in their sole discretion, are deemed necessary. For the avoidance of doubt, it is not intended that the appeal would be an appeal de novo except in the case of an appeal under clause 8.1.5. It is intended that the appeal would be based upon the grounds of appeal as per clause 8.1 above.
- 9.4. Where the CMP is to consider the appeal the DSL shall forthwith:
  - 9.4.1. Notify the appellant of the composition of the CMP and inform them when the CMP is to consider the matter;
  - 9.4.2. Inform the appellant that they must provide in writing to the DSL within 21 days or such shorter time limit as the DSL shall decide any information and copies of all documents which they wish the CMP to consider in relation to the matter.
- 9.5. Upon receipt of any additional information provided under paragraph 9.4.2 of this Procedure, the DSL shall forthwith supply copies of all information concerning the case to the CMP via the Paddle UK secure portal.
- 9.6. The CMP considering an appeal may:
  - 9.6.1. make a full endorsement of the original decision of the CMG;
  - 9.6.2. quash the original decision of the CMG;
  - 9.6.3. reduce or increase any sanction imposed by the CMG;
  - 9.6.4. substitute its own decision provided such decision does not go beyond the powers of the CMG outlined in paragraph 7.5 and 7.6.
- 9.7. The CMP may decide an appeal by way of majority.
- 9.8. The CMP shall provide its decision in writing to the appellant (“the decision”) within 14 days of reaching its conclusions.
- 9.9. The Decision shall include:
  - 9.9.1. A summary of the case;
  - 9.9.2. The CMP’s decision;
  - 9.9.3. Any additional sanctions (if any) to be imposed.

## **10. Final and binding**

- 10.1. The Decision and any sanction imposed by the CMP or independent dispute resolution service shall be final and binding on the Member, Paddle UK and any other relevant persons.
- 10.2. Pursuant to Appendix 3 of the UK Agreement, Paddle UK agree to be bound by the decision on a safeguarding matter determined by The Scottish Canoe Association,

Canoe Wales and/or the Canoe Association of Northern Ireland where that National Association has determined primacy over the matter. This decision will not be subject to any appeal within Paddle UK.

## **11. Confidentiality and Protection of Witnesses**

- 11.1. All Paddle UK staff members using this Procedure will strive to maintain the confidentiality of the children and adults involved in investigations. However, all staff members have an overriding obligation to protect the health and safety of children and may therefore share information as appropriate with third parties with the prior agreement of the CMG. This could include the police, LADO, LEA, social services and those working in paddlesport and other sports for the protection of children and/or adults at risk. Information gathered during the course of an investigation will be retained by Paddle UK as part of its duty to protect children and will be kept for at least 25 years. Where the concern relates to an adult's behaviour around children, the file will be kept securely until the adult reaches 65 or for 10 years whichever is longer in accordance with NSPCC guidelines on records retention and storage.
- 11.2. Paddle UK will protect children and/or adults at risk during the investigation, and any appeal hearing (if applicable) and as such will not call children and/or adults at risk to give evidence in person. For the avoidance of doubt, the individual who is the subject of concerns must be given sufficient information about the allegations against them to enable them to respond to such allegations. Given the highly confidential and sensitive nature of these matters, the CMG shall be entitled to withhold part of or all of the evidence and/or redact information if disclosure would breach another person's confidentiality and/or data protection and/or put a child and/or adult at risk.
- 11.3. Paddle UK must ensure that any children and/or adult at risk who have been involved in the investigation, appeal hearing (if applicable) or otherwise in the safeguarding matter are appropriately supported. As a minimum, any witness should be informed as to the decision taken and the consequences of that decision. They should also be informed of the individuals and/or organisations to which Paddle UK will communicate the decision and whether there will be a press release.

## **12. Publication and Communication of the Decision**

- 12.1. Paddle UK may at its absolute discretion publish details of any action taken under this Procedure including publication of any decision made by the CMG or CMP where a safeguarding concern is upheld or where the matter has been put into the public domain.
- 12.2. Paddle UK may at any time during the process notify UK Sport, the British Olympic Association, the ICF, the IOC or any other relevant body of any details relating to the safeguarding concern as such body may need to know for the proper exercise of its functions.

## **13. Amendment**

- 13.1. The Paddle UK Board reserves the right to amend this Procedure at its discretion.