

**UK ATHLETICS & THE HOME COUNTRY
ATHLETICS FEDERATION**

SAFEGUARDING REGULATIONS

1 October 2024

CONTENTS

	Page No.
1. INTRODUCTION	3
2. INTERPRETATION.....	4
3. CONFIDENTIALITY	5
4. APPLICATION.....	6
5. GROUNDS FOR ACTION UNDER THE SAFEGUARDING REGULATIONS	7
6. CRIMINAL CONVICTIONS, CAUTIONS, ORDERS, AND STATUTORY LISTS.....	7
7. INTERIM ORDERS AND MANAGED ORDERS	8
8. SAFEGUARDING CASE MANAGEMENT LEVELS.....	9
9. LEVEL ONE - CASE MANAGEMENT PROCESS	10
10. LEVEL TWO - INVESTIGATION PROCEDURES.....	11
11. LEVEL TWO - CASE OUTCOME PROCESS.....	12
12. RIGHT OF APPEAL.....	14
13. POWERS OF THE SAFEGUARDING APPEALS PANEL.....	15
14. APPEALS - PROCEDURAL RULES.....	15
15. ENFORCEMENT OF DECISIONS.....	16
16. PUBLICATION OF DECISIONS	16
17. EXCLUSION OF LIABILITY.....	16
18. GOVERNING LAW AND THE ARBITRATION ACT 1996.....	17

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 be based on a series of 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 their seriousness and scope, 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 has produced these Safeguarding Regulations (referred to in this document as the “Safeguarding Regulations” or the “Regulations”) by which UKA will consider and manage safeguarding concerns.
- 1.5 These Regulations will be reviewed by the Case Management Group and UKA Executive on an ongoing basis and the Case Management Group and UKA Executive will recommend any required amendments to the UKA Board for approval. All changes will be published on the UK Athletics and HCAF websites.
- 1.6 Where any conflict exists or arises between these Regulations and any other UK Athletics or HCAF regulations relating to investigating and determining safeguarding matters, these Regulations will take precedence.

2. INTERPRETATION

2.1 These Regulations adopt the definitions contained in the UKA Disciplinary Rules and Procedures (March 2023), save where expressly varied below.

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

Adult at Risk	see country specific definitions within the Adult Safeguarding Policy.
Appellant	the person appealing a Decision or Order by a Safeguarding Panel.
Safeguarding Appeals Panel	a tribunal made up of three members appointed by UKA in accordance with these Regulations to hear and determine appeals as provided in Regulations 12, 13 and 14.
Athletics	means the sport of athletics including but not limited to 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.
Case Management Group	such group as is established by UKA to oversee safeguarding cases.
Child	anyone under the age of 18.
DBS (or similar)	the Disclosure and Barring Service in England and Wales, or a similar service in the remaining HCAFs (ANI and SA).
Decision	a written or oral decision of the Safeguarding Panel or Safeguarding Appeals Panel appointed in accordance with these Regulations.
Disciplinary Policy	the Disciplinary Rules and Procedures of UK Athletics or each HCAF from time to time in force.
HCAFs	the four Home Country Athletics Federations in the UK.
Interim Order	a temporarily applied suspension, restriction, condition or penalty imposed in accordance with these Regulations.
Lead Safeguarding Officer	the person who is from time to time appointed by UKA to receive, and act upon safeguarding matters, including investigating, assessing and prosecuting cases and any other responsibilities as set out in these Regulations.
Order	a restriction, condition or penalty imposed under these Regulations, whether by the Lead Safeguarding Officer, Case Management Group, Safeguarding Panel or a Safeguarding Appeals Panel.
Referral	a report of a concern about a child or an adult at risk, or a concern or allegation raised about the actions or behaviour of a member, connected participant or any member(s) of staff or other person under these Regulations.

Respondent	the person or entity who or which is the subject of a Referral under these Regulations.
Safeguarding Panel	a Panel appointed from to consider safeguarding cases at Level Two under these Regulations and any other responsibilities as set out in these Regulations or separate Terms of Reference.
Statutory Safeguarding Agencies	include the Police, Children’s or Adult Care Services or any other public or other investigatory authority.
Welfare Officer	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 these 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 effected 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 effected 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 Referrer is younger than 16 years old, correspondence will be addressed to their parent/carer or guardian. Where either the Respondent or Referrer 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 these 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 these Regulations, will be regarded as confidential (to the extent possible in the circumstances of each particular case) (“Confidential Information”) and used only for the purposes of these Regulations, including in relation to any obligations under Regulations 7.4, 11.15, and 16.
- 3.2 No person involved with a safeguarding case or investigation (including but not limited to a Respondent, complainant or witness) shall make any disclosure of Confidential Information regarding a safeguarding case or investigation. Any disclosure of Confidential Information

may lead to the person making such disclosure being subject to disciplinary charges under the UKA Disciplinary Rules and Procedures. The restriction in this paragraph 3.2 does not apply to information which is already in the public domain other than through an unauthorised disclosure by that person.

- 3.3 Disclosure of DBS (or similar) information considered with reference to these 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 these Regulations in the course of their duties.

4. APPLICATION

- 4.1 These Regulations shall apply to:

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 sanctioned by UKA and/or the four HCAFs.

4.1.3 All Athletes (including Athletes on the UK Athletics World Class Programme (“WCP”)), Athlete Representatives and Athlete Support Personnel involved in competitions sanctioned by UKA or an HCAF;

4.1.4 Safeguarding matters arising out of the WCP and/or conditions pertaining to participation by Athletes and Coaches in the 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 these Regulations during the period from their departure until their return to the United Kingdom.

- 4.2 UK Athletics, the four HCAFs and any individual, panel or other group appointed by them shall have jurisdiction under these 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 These 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. UKA is entitled to investigate and take action under these Regulations against any person regardless of when the events in question occurred. To this end, no Respondent may rely on any argument or defence that an allegation, or the events connected to or giving rise to the allegation, has become barred as a result of any argument or defence based on a statute of limitation, waiver, estoppel, laches or otherwise based on the passage of time.

5. GROUNDS FOR ACTION UNDER THE SAFEGUARDING REGULATIONS

- 5.1** Action may be taken under these 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 Regulation 5.1, consideration may be given to any failure to comply with any relevant UK Athletics and HCAF policies, guidelines, and procedures.

6. CRIMINAL CONVICTIONS, CAUTIONS, ORDERS, 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 at Risk;
- and/or,
- 6.1.3** is subject to an order issued pursuant to Part 2 of the Sexual Offences Act 2003, or any other criminal or civil order issued in respect of the protection of a child or an adult at risk;
- then the conviction, caution, order, or inclusion on a list shall be conclusive proof of grounds for action to be taken against that person under these Regulations. This means that UK Athletics shall make any Order which is proportionate to the nature of the conviction, caution, or order, and/or the inclusion on a statutory barring list. Any such Order shall be issued on behalf of UK Athletics by the Case Management Group.
- 6.2** The Lead Safeguarding Officer shall notify the Respondent in writing of the Order and its terms and invite them to respond in writing within 14 days. In their response the Respondent should include:

- 6.2.1 Confirmation of whether they wish to dispute the Order; and
- 6.2.2 If disputing the Order:
 - 6.2.2.1 Any written submissions in support of the Respondent's position; and
 - 6.2.2.2 Any additional evidence that the Respondent seeks to rely upon.

If the Respondent wishes to dispute the Order, a Safeguarding Panel shall be appointed to review the Order. In reviewing the Order, the Safeguarding Panel shall consider any written material submitted by the Respondent in accordance with Regulation 6.2, together with all written material submitted by the Lead Safeguarding Officer and/or Case Management Group. The Safeguarding Panel may ratify, modify or remove any such Order, or issue any other Order as it considers appropriate.

- 6.3 The Order may be appealed in accordance with the appeal procedures detailed in Regulations 12, 13 and 14.

7. INTERIM ORDERS AND MANAGED ORDERS

- 7.1 The Lead Safeguarding Officer has the authority to impose an immediate interim order (an “**Interim Order**”) if it is considered, by reference to the factors listed below, that it is appropriate to exclude or restrict an individual from any and all involvement in the sport of Athletics which might involve access to Children or Adults at Risk..
- 7.2 In determining whether an Interim Order 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;
 - 7.2.2 whether the safeguarding matter is of a serious nature;
 - 7.2.3 whether an Interim Order 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 Order were not imposed.
- 7.3 Where an Interim Order is imposed, the Lead Safeguarding Officer shall, in writing, notify the Respondent as soon as reasonably practicable.
- 7.4 The Lead Safeguarding Officer and/or Case Management Group may further consider which other individual or organisation should be notified of the Interim Order in accordance with Regulation 16.
- 7.5 The Case Management Group shall review any decision by the Lead Safeguarding Officer to impose an Interim Order at the first opportunity following the expiry of 6 months from the date of the Interim Order being imposed and at the same interval thereafter. The Case Management Group will not review an Interim Order before the expiry of the relevant 6 month period except in exceptional circumstances and/or where there is a material change in the circumstances in which the Interim Order was made. This Regulation shall not apply in relation to cases being investigated by the Police or where a Respondent is charged with a criminal offence, until such time as those investigations or proceedings are complete.

- 7.6 The Case Management Group shall take into consideration the factors set out in Regulation 7.2 above and may maintain, modify or remove any Interim Order, or make any other Order it considers appropriate.
- 7.7 Where an Interim Order 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.
- 7.8 Any breach of an Interim Order shall be considered in any risk assessment undertaken in respect of these Regulations and the Safeguarding Panel may impose any sanction it considers appropriate in respect of such breach.
- 7.9 The Case Management Group shall review any managed orders proposed by UK Athletics relating to the management of sex offenders in the sport ("Managed Order"). The Case Management Group may reject, accept or vary any Managed Order.

8. SAFEGUARDING CASE MANAGEMENT LEVELS

- 8.1 Under these Regulations there are two levels through which a safeguarding referral will be assessed and managed. All safeguarding concerns and general safeguarding queries are referred to the Lead Safeguarding Officer for initial review and determination of appropriate level of response. Such initial decisions of the Lead Safeguarding Officer may be reviewed and varied by the Case Management Group.

LEVEL ONE (SUMMARY PROCEDURE)

- 8.2 The Level One (Summary) Procedure may be used in respect of any conduct or behaviour which the Lead Safeguarding Officer has reasonable cause to suspect:
- 8.2.1 meets one or more of the grounds set out in Regulation 5.1, but which they consider can be satisfactorily dealt with by way of remedial action such as training or corrective advice, without the need for a referral to a Safeguarding Panel; or
- 8.2.2 relates to minor safeguarding or code of conduct breach or minor poor practice.
- 8.3 The Level One summary procedures are only suitable for conduct or behaviour which is admitted by the Respondent and assessed as low risk and non-complex.

LEVEL TWO (SAFEGUARDING PANEL)

- 8.4 The Level Two (Safeguarding Panel) Procedure, under which cases are referred to a Safeguarding Panel, may be used by the Lead Safeguarding Officer where they have reasonable cause to suspect that the Respondent's behaviour or conduct meets one or more of the grounds set out in Regulation 5.1, or there is a concern about the Respondent's continued participation in any athletics settings involving a Child or an Adult at Risk.

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

- 8.5 Upon receipt of a safeguarding referral, the Lead Safeguarding Officer (or an officer designated by the Lead Safeguarding Officer to handle a specific referral) shall decide whether to:
- 8.5.1 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

- 8.5.2 deal with the case under the Safeguarding Regulations at Level One; or
- 8.5.3 deal with the case under the Safeguarding Regulations at Level Two.
- 8.6 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 may:
 - 8.6.1 postpone consideration of the matter pending the outcome of any such proceedings/ investigations; and/or,
 - 8.6.2 impose an Interim Order pending the outcome of any such proceedings/ investigation (see Regulation 7).
- 8.7 It will be at the discretion of the Lead Safeguarding Officer whether to commence or continue with an investigation under the Safeguarding Regulations where the Referrer or individual otherwise making the Referral does not consent to their identity being disclosed to the Respondent.

9. LEVEL ONE - CASE MANAGEMENT PROCESS

In the event that it is considered, in accordance with Regulation 8.2, that the referral shall be dealt with as a Level One case the following procedure shall apply.

- 9.1 The Lead Safeguarding Officer (or designated case officer) shall send written notice to the Respondent briefly summarising the safeguarding concern or allegation.
- 9.2 No later than 14 days following receipt of the written notice, the Respondent shall send a written response to the Lead Safeguarding Officer confirming whether the conduct or behaviour is accepted or denied. Where the Respondent accepts the conduct or behaviour, they may also submit any written material that they wish to be considered by the Lead Safeguarding Officer in determining the appropriate Level One outcome.
- 9.3 Where the conduct or behaviour is denied by the Respondent the matter will be referred to Level Two and the procedure at Regulation 10 onwards below shall apply.
- 9.4 Following receipt of any written response submitted by the Respondent, the Lead Safeguarding Officer may make any such further inquiries as they consider appropriate in light of any matters raised by the individual in response to the written notification. Where any such further inquiries are made, any written material arising from those inquiries can only be relied upon by the Lead Safeguarding Officer if that written material has been sent to the Respondent and they have been given 14 days to reply to it.
- 9.5 The Lead Safeguarding Officer or Case Management Group (at the instigation of the Lead Safeguarding Officer) shall consider any information submitted by the Respondent pursuant to Regulation 9.2 and any further information arising from further inquiries made pursuant to Regulation 9.4. The Lead Safeguarding Officer or Case Management Group (as applicable) shall issue an Order, the terms of which reflects the harm caused, or was likely to have been caused, and which addresses the identified risks.
- 9.6 The Lead Safeguarding Officer and/or the 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 10 below.

- 9.7 The Lead Safeguarding Officer shall (as soon as reasonably practicable but not more than 14 days after the decision) notify the Respondent of the terms of the Order.
- 9.8 The Lead Safeguarding Officer and/or the Case Management Group shall consider which other individual or organisation should be notified of the Order in accordance with Regulation 16.
- 9.9 An Order issued under Level One shall be final and binding on all parties.

10. LEVEL TWO - INVESTIGATION PROCEDURES

- 10.1 Where the Lead Safeguarding Officer determines in accordance with Regulations 8.4, 9.4, or 9.7, to refer a case to Level Two of the Safeguarding Regulations, the following process applies.
- 10.2 The Lead Safeguarding Officer may determine that the safeguarding referral requires further investigation. Such investigations will be overseen by the Lead Safeguarding Officer who will ensure that all enquiries necessary to establish the facts and assess the risk 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 from Sport Resolutions or another third-party organisation) ("**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. A Case Officer appointed for the purposes of these Regulations may have a different job title.
- 10.4 The Respondent will be informed in writing that they are the subject of a safeguarding investigation. This shall normally be done in conjunction with any notice related to an Interim Order issued under Regulation 7. The Lead Safeguarding Officer may delay or vary the terms of this notification if it is considered to be in the best interests of the Referrer or any other party, or of the investigation.
- 10.5 The Case Officer will thereafter conduct an investigation. The Respondent and any witnesses shall give the Case Officer all reasonable assistance with the investigation and must comply with any request which may assist the Case Officer in progressing or completing it.
- 10.6 In each case the Respondent will be offered the opportunity to attend an interview with the case officer via an online meeting platform.
- 10.7 Any failure to comply with a reasonable request or requirement as part of the investigation carried out under these Regulations will be taken into account and may amount to grounds for disciplinary action under UK Athletics or HCAF Disciplinary Policies. The Lead Safeguarding Officer may apply an Interim Order until that person, club or organisation has complied with any outstanding requests.
- 10.8 Upon conclusion of an investigation an assessment of risk shall be undertaken related to the Respondent's ongoing participation in Athletics. This risk assessment may be in such form and prepared by any person as the Lead Safeguarding Officer, in their discretion, considers appropriate.

11. LEVEL TWO - CASE OUTCOME PROCESS

- 11.1** Following the conclusion of any investigation, the Lead Safeguarding Officer may (a) deal with the case as a Level One case; (b) decide that no further action shall be taken; or (c) provide the Respondent a written 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.
- 11.2** The Notice of Safeguarding Case will comprise of:
- 11.2.1** a Case Report (which will contain details of the concern, an assessment of risk, and the Order (outcome) sought by the Lead Safeguarding Officer.
 - 11.2.2** all other written material that the Lead Safeguarding Officer intends to rely upon in seeking the Order.
 - 11.2.3** confirmation of the applicable version of the Safeguarding Regulations.
 - 11.2.4** guidance on what steps the Respondent must take as set out in Regulation 11.3 of these Regulations.
- 11.3** No later than 14 days following receipt of the Notice of Safeguarding Case, the Respondent should reply and include:
- 11.3.1** any written submissions in support of the Respondent's position.
 - 11.3.2** any additional evidence that the Respondent seeks to rely upon.
- 11.4** The case shall be heard by a Safeguarding Panel that shall consist of three members. UKA may, in its sole discretion, refer the matter to a Safeguarding Panel appointed by Sport Resolutions.
- 11.5** The Safeguarding Panel shall have the discretion to set directions generally as to the conduct of the proceedings. In addition, the Safeguarding Panel may, upon receipt of the case papers, request further information or ask the Lead Safeguarding Officer to conduct further investigations as appropriate.
- 11.6** The Safeguarding Panel will consider the case based on the following papers;
- The Notice of Safeguarding Case document and all written material provided along with it by the Lead Safeguarding Officer to the Respondent.
 - The reply, if any, from the Respondent and all other written material submitted by them in response to the Notice of Safeguarding Case.
 - Any further written material provided by the Lead Safeguarding Officer to the Respondent or Safeguarding Panel subsequently to the Notice of Safeguarding Case.
- 11.7** There is no automatic right for any party to address the Safeguarding Panel in person. The Safeguarding Panel has sole discretion whether, exceptionally, to allow the Respondent or the Lead Safeguarding Officer to address it in person, based on a written application made by either party. In exercising its discretion as to whether exceptionally to allow any party to address it in person, the Safeguarding Panel shall give consideration to, among other things, the following factors:

- 11.7.1** Whether the terms of any order under consideration would affect the individual's paid employment within Athletics;
- 11.7.2** Whether any sensitive information is to be put before the Safeguarding Panel;
- 11.7.3** Whether it would be reasonable and proportionate for a party to address the Safeguarding Panel in person in light of the seriousness and scope of the safeguarding concerns.
- 11.8** Upon consideration of the documents provided, the Safeguarding Panel shall have the power to make any Order that it considers appropriate, including but not limited to an Order that any individual be suspended from all or any specific athletic activity for such period and on such terms and conditions as it considers appropriate, if it is satisfied on the balance of probabilities that the Respondent,
- 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,
 - is assessed as presenting an actual or potential risk of harm to Children or Adults at Risk; and/or,
 - is assessed as not being suitable to work with Children or Adults at Risk in an Athletics setting.
- 11.9** The Safeguarding Panel may at any stage, and in its absolute discretion, request that the case be considered by the Lead Safeguarding Officer for referral to any of the relevant Statutory Safeguarding Agencies.
- 11.10** All proceedings of the Safeguarding Panel shall take place in private and the public and the press shall have no right of access. UKA, the Lead Safeguarding Officer and the Safeguarding 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.
- 11.11** The Safeguarding Panel shall notify its Decision (with reasons) to the Lead Safeguarding Officer within 14 days of their meeting (except in exceptional circumstances).
- 11.12** The Lead Safeguarding Officer shall notify the Respondent of the Decision within 14 days of receipt of the Decision from the Safeguarding Panel (except in exceptional circumstances).
- 11.13** The notification shall advise the Respondent that they have 21 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.
- 11.14** The Lead Safeguarding Officer and/or the Safeguarding Panel shall (in their absolute discretion) determine which other individuals or organisations (over and above the Referrer 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 the Lead Safeguarding Officer shall inform such other individuals or organisations accordingly.
- 11.15** Proceedings, findings or Decisions of the Safeguarding Panel shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality.

12. RIGHT OF APPEAL

- 12.1** A Respondent may appeal an Order made or ratified by the Safeguarding Panel in the following circumstances.
- 12.1.1** where an Order is made pursuant to Regulation 6 (Criminal Convictions, Cautions, Orders, and Statutory Lists), only on the basis that the terms of the Order were 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 outside of the scope of its powers
 - 12.1.2.3** the Decision/Order imposed in accordance with Regulation 11.8 was grossly disproportionate 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 listed at 12.1.2, including that the Decision/Order was wrong or that the terms of any Order imposed was too lenient.
- 12.3** Once a Respondent exercises their right of appeal under this Regulation they shall be referred to as an “Appellant”.
- 12.4** Any Appeal must be submitted within 21 days of receipt of any notification made under Regulation 6 or 11.13, and in the form of a written notification of appeal to the Lead Safeguarding Officer (“Notification of Appeal”). The Notification of Appeal must include the matters listed in Regulation 14.2.
- 12.5** Any Appeal that does not meet the criteria above may be refused by the 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. UKA may, in its sole discretion, refer the matter to an Appeals panel appointed by Sport Resolutions.
- 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, and shall have complete discretion as to which witnesses, if any, shall be required to attend the hearing.
- 12.8** The Appeal proceedings shall consist of an oral hearing, at which the Appellant and a representative of UKA can attend in person to address the Panel, 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.
- 12.9** An Appeal shall not be a re-hearing of the original proceedings. 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/Order.
 - 13.1.3** to quash any Decision/Order and/or substitute it for any other penalty; and,
 - 13.1.4** to make any such other Decision/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 (with reasons) of the Safeguarding Appeals Panel will be communicated in writing to the Lead Safeguarding Officer within 21 days of the Appeal Hearing.
- 13.4** The Lead Safeguarding Officer shall notify the Appellant within 14 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 21 days following the date of communication or delivery to the Appellant of the Decision/Order under Regulation 6, or Regulation 11.13. 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** details of the Safeguarding Panel and its Decision/Order(s) appealed against, including the date on which the Decision/Order was issued;
 - 14.2.3** on which one or more of the permitted grounds (with reference to Regulation 12.1) the appeal is based and the nature and detail of each ground(s) upon which the Appellant intends to rely.
 - 14.2.4** copies of any documents or other material referred to.
 - 14.2.5** whether the Appellant wishes to address the Panel in person.
- 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. The Case Management Group may reject any Notification of Appeal that is not filed in accordance with Regulation 14.1, or which does not contain the information required in Regulation 14.2.

- 14.4** A Notification of Appeal can be withdrawn by the Appellant by notifying the Lead Safeguarding Officer in writing of their wish to withdraw, up to 1 pm on the day prior to the Appeal Hearing. In such a case, the Appeal (but not any UK Athletics cross-appeal) shall be deemed to be abandoned and the original Order 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 Order originally imposed, the Appellant may be in breach of this Regulation.

15. ENFORCEMENT OF DECISIONS

- 15.1** Members and connected participants, clubs and organisations must take all steps necessary to ensure compliance with any Interim Order, and any Order (whether the Interim Order or Order is issued by the Lead Safeguarding Officer, Case Management Group, 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 shall itself be grounds for action under the UKA or HCAF Disciplinary Rules and Procedures.

16. PUBLICATION OF DECISIONS

- 16.1** UK Athletics and/or an HCAF may publish Decisions and Orders made or imposed under the Safeguarding Regulations (whether by the Safeguarding Case Management Group, Safeguarding Panel or by a 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 Orders.
- 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 Welfare 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 Order, or case related Decisions and Orders.
- 16.3** Where it is deemed appropriate, the Lead Safeguarding Officer will inform the Referrer, any witnesses or any other relevant person or group of an Interim Order, Decision and/or Order.

17. EXCLUSION OF LIABILITY

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

18. GOVERNING LAW AND THE ARBITRATION ACT 1996

- 18.1** The Governing Law of all proceedings before the Safeguarding Panel and the Safeguarding Appeals Panel shall be English Law.
- 18.2** Both the proceedings before the Safeguarding Panel and the Safeguarding Appeals Panel shall constitute Arbitrations for the purposes of Part 1 the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.
- 18.3** Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.
- 18.4** The seat of the Arbitration shall be England.