



British Rowing Safeguarding Regulations

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1. INTRODUCTION

- 1.1. British Rowing is committed to safeguarding Children and Adults at Risk within the sport of Rowing and has produced these Safeguarding Regulations to assess the risk of harm that might be caused to Children and Adults at Risk within the sport of Rowing, and where necessary put in place appropriate measures to address any risk.
- 1.2. Concerns in relation to safeguarding are not capable of exhaustive definition. They may relate to any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm but may also include poor practice and bullying. These Safeguarding Regulations work in conjunction with the British Rowing safeguarding policies to ensure that safeguarding is at the heart of the sport of Rowing.
- 1.3. British Rowing adopts a 'Zero Tolerance' towards safeguarding concerns and where appropriate in the circumstances of the case will seek the maximum available risk management solution which could be a lifetime ban from the sport of Rowing.
- 1.4. Information sharing and cooperation between British Rowing, rowing clubs and Home Nations across the United Kingdom is crucial to safeguard Children and Adults at Risk most effectively within Rowing. Collaborative information sharing helps to ensure that safeguarding risks are identified at an early stage and appropriately addressed.
- 1.5. As part of these Safeguarding Regulations, British Rowing will look to support anyone who raises legitimate safeguarding concerns.
- 1.6. These Safeguarding Regulations will be reviewed by British Rowing on an ongoing basis. All changes will be published on the British Rowing website.
- 1.7. Where any conflict exists or arises between these Safeguarding Regulations and any other British Rowing regulations these Safeguarding Regulations will take precedence when dealing with any safeguarding matters.
- 1.8. British Rowing may refer any matter to be dealt with under the Disciplinary Rules either separately or in addition to being dealt with under these Safeguarding Regulations.
- 1.9. Any investigation carried out by the British Rowing Safeguarding Team may be relied upon by British Rowing to satisfy any requirement for investigation under the Disciplinary Rules.

2. INTERPRETATION

- 2.1. The following words shall have the meaning set out opposite them:

Adult at Risk	a person aged 18 or over who has care and support needs, is experiencing or is at risk of abuse or neglect, and, as a result of those needs, is unable to protect themselves. This definition focuses on the individual's circumstances and capacity to protect themselves, rather than just their age or disability.
Affiliation	The status of being affiliated to British Rowing in accordance with the applicable affiliation requirements.
Affiliated Club	means a rowing club affiliated to British Rowing in accordance with the applicable Affiliation Conditions.
Appellant	the person appealing a Decision or Order under these Regulations.
Athlete Representative	individual elected or appointed to act as a liaison between athletes and British Rowing.
Athlete Support Personnel	anyone working with, treating, or assisting an athlete participating in or preparing for sports competition.
Case Management Group	such group as is established by British Rowing to oversee safeguarding cases. The Case Management Group is both an advisory and decision-making body. Its authority is set out in the Case Management Group Terms of Reference.
Child / Children	anyone under the age of 18.
Coach	any rowing coach including, but not limited to, employed coaches, volunteer coaches, head coaches, assistant coaches, ad-hoc rowing coaches, school rowing club coaches.
DBS	the Disclosure and Barring Service in England and Wales.
Decision	a written or oral decision of the Safeguarding Panel or Safeguarding Appeals Panel appointed in accordance with these Safeguarding Regulations.

Director of Culture and Integrity	the person who is from time to time appointed by British Rowing to receive, and act upon safeguarding matters, including investigating, assessing, and prosecuting cases and any other responsibilities as set out in these Safeguarding Regulations.
Disciplinary Rules	the Disciplinary Rules and Procedures of British Rowing in force from time to time.
Interim Order	a temporarily applied suspension, restriction, condition or penalty imposed in accordance with these Safeguarding Regulations.
Member	An individual that holds an active British Rowing Membership, registered via the JustGo website (Race, Coach, Umpire, Community, Row, Scottish and Overseas, Day Ticket), and in accordance with any Membership Terms and Conditions.
Order	a restriction or condition imposed under these Safeguarding Regulations, whether by the Director of Culture and Integrity, Case Management Group, Safeguarding Panel or a Safeguarding Appeals Panel.
Participant	a person with involvement in the sport of Rowing within the United Kingdom, applicable to the individuals / groups of individuals set out in Regulation 4.
Position of Trust	any position where an individual is in a relationship of trust with any person with responsibility and / or authority in relation to that person, and shall include, without limitation those who care for, advise, supervise, train, coach, teach, instruct, manage, tutor, mentor, assess, develop, guide, treat or provide therapy to Children and/or Adults at Risk.
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 Participant.
Referrer	the individual who has made the Referral.
Regulatory Framework	The rules, regulations, procedures, policies, codes, standards, terms and conditions issued by British Rowing from time to time.
Respondent	the person or entity who is responding to an appeal under these Safeguarding Regulations.

Rowing	means the sport of rowing and includes classic rowing, beach sprints, coastal rowing and any other category of rowing that is governed by British Rowing. It does not include ocean rowing or indoor rowing where it is carried out in commercial gyms or home environments by non-Members of British Rowing.
Rowing Club Officer	a volunteer or paid committee member that may be responsible for the governance, administration, and safe operation of a sports club and day-to-day operations.
Safeguarding Appeals Panel	a panel of three (3) individuals who are independent of British Rowing, appointed via Sport Resolutions or directly by British Rowing to consider an Appeal brought under these Safeguarding Regulations.
Safeguarding Case Officer	An individual appointed to undertake a safeguarding investigation. For the avoidance of doubt the Case Officer can be a British Rowing employee, or someone from a third-party organisation.
Safeguarding Panel	a panel of three (3) individuals who are independent of British Rowing, appointed via Sport Resolutions or directly by British Rowing to consider safeguarding cases under these Safeguarding Regulations.
Statutory Agencies	including, but are not limited to, the Police, Children’s or Adult Care Services or any other public authority or other investigatory authority. the person with lead responsibility for Child and Adult at Risk safeguarding within a club or organisation.
Welfare Officer	

- 2.2. 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.
- 2.3. Any notice or other communication required to be served or sent for the purposes of these Regulations may be delivered:
- i) by email.
 - ii) by post.
 - iii) by hand.
- 2.4. Deemed Receipt:
- 2.4.1. Service of a document sent by email shall be deemed to have been given at the time and date sent.
 - 2.4.2. Service of a document sent by first class post shall be deemed to have been completed on the third working day following the day after it was sent 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.

- 2.4.3. 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.
- 2.5. Where either the Participant or Referrer is younger than 16 years old, correspondence will be addressed to their parent/carer or guardian. Where either the Participant or Referrer is between 16 and 18 years old, correspondence will be copied to their parent/carer or guardian as well as to them.
- 2.6. If any part of these 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.
- 2.7. The applicable standard of proof shall be the civil standard of the balance of probabilities.

3. CONFIDENTIALITY

- 3.1. All matters considered under these Safeguarding Regulations, will be regarded as confidential (“**Confidential Information**”) and used only for the purposes of these Safeguarding Regulations, save for the exceptions set out in these Regulations. Nothing within this Regulation is intended to prevent or restrict the sharing of information where necessary to safeguard a Child or Adult at Risk. Where there is a risk of harm, information must be shared with appropriate statutory agencies where appropriate and in accordance with safeguarding legislation and guidance.
- 3.2. No person involved with a safeguarding case or investigation (including but not limited to a Participant, Referrer or witness) shall make any disclosure of Confidential Information. Any disclosure of Confidential Information may lead to the person making such disclosure being subject to disciplinary charges under the Disciplinary Rules. The restriction in this Regulation 3.2 does not apply:
- 3.2.1. if the information is already in the public domain other than through an unauthorised disclosure by that person;
- 3.2.2. to any disclosures, notifications or publications made by British Rowing or other prosecuting or regulatory authority under these Safeguarding Regulations.

4. APPLICATION

PARTICIPANTS

- 4.1. These Safeguarding Regulations shall apply to and bind the following persons (each being a Participant), who are deemed either directly through their Membership of British Rowing or by their involvement in Rowing in England to have agreed to be bound by these Rules:
 - 4.1.1. Each Member of British Rowing;
 - 4.1.2. Each Coach;
 - 4.1.3. Any person acting as an umpire;
 - 4.1.4. Any person acting as a Rowing Club Officer, including holding any role within a rowing club or its committee;
 - 4.1.5. Any person who is a member of a rowing club;
 - 4.1.6. Any person who is a member of the British Rowing World Class Programme (“WCP”) and any person who has represented Great Britain for rowing within the last three (3) years; and
 - 4.1.7. All those who take part and anyone working within the sport of Rowing, whether in a paid or voluntary capacity, and whether as an employee or on a self-employed basis or otherwise.
 - 4.1.8. All Members of British Rowing (including all members of British Rowing affiliated clubs) involved in competition and/or training camps outside of the United Kingdom. Individuals travelling abroad shall remain subject to these Safeguarding Regulations during the period from their departure until their return to the United Kingdom.
 - 4.1.9. All individuals, clubs, associations, and other organisations involved in any capacity, including on an employed or voluntary basis, either directly or indirectly, in the sport of Rowing, whether or not they hold an active membership with British Rowing.
- 4.2. British Rowing and any individual, panel or other group appointed by them shall have jurisdiction under these 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. These Regulations apply to conduct occurring both within and outside Rowing, where relevant to the sport, as determined by British Rowing.
- 4.4. These Safeguarding Regulations shall have retrospective effect and may, at the election of British Rowing, be applied in relation to conduct which occurred prior to the implementation of these Safeguarding Regulations. British Rowing is entitled to investigate and take action under these Regulations against any person regardless of when the events in question occurred.
- 4.5. No Participant may rely on any argument or defence that an allegation (or the events connected to or giving rise to the allegation) cannot be pursued due to delays (for any reason, including delay in reporting).

- 4.6. At the sole discretion of British Rowing, these Regulations may apply to safeguarding matters that were commenced, or concluded under previous versions of applicable British Rowing safeguarding or disciplinary procedures.
- 4.7. Where a matter arises within a school or educational institution and falls within that institution's internal disciplinary or safeguarding procedures, that matter should ordinarily be dealt with under those procedures. Any safeguarding concern or matter within British Rowing's jurisdiction must still be reported in accordance with these Regulations

5. GROUNDS FOR ACTION UNDER THE SAFEGUARDING REGULATIONS

- 5.1. Action may be taken under these Regulations where it is suspected that:
 - 5.1.1. the conduct, action or inaction of a Participant, whether within or related to the sport of Rowing or not, indicates that they pose or may pose a risk of harm to a Child, Children or Adults at Risk;

and/or
 - 5.1.2. A Participant, whether within or related to the sport of Rowing or not, may not be suitable to work with or interact with Children or Adults at Risk;

and/or
 - 5.1.3. A Participant is or was in a Position of Trust in relation to a Child or Adult at Risk and has engaged in sexual activity and/or an inappropriate relationship with that Child or Adult at Risk.

6. ACTION FOLLOWING RECEIPT OF A SAFEGUARDING COMPLAINT, REFERRAL OR INFORMATION

INVESTIGATION

- 6.1. British Rowing will have full power and authority to consider and investigate any matter brought to its attention which might constitute a safeguarding matter.
- 6.2. In carrying out any such investigation a Safeguarding Case Officer ("**Case Officer**") may be appointed to undertake the investigation. For the avoidance of doubt the Case Officer can be a British Rowing employee or someone from a third-party organisation. The decision of who shall be appointed as Case Officer cannot be subject to challenge by the Participant.
- 6.3. The Case Officer will be entitled to undertake such investigations as they may deem appropriate, including:

- 6.3.1. Requiring the provision of information, documentation, written statements and/or answers, and any other material the Case Officer considers relevant; and/or
- 6.3.2. Requiring attendance at meetings to answer questions either in person or virtually.
- 6.4. The Participant will be informed in writing that they are the subject of a safeguarding investigation. It will be at the Case Officer's discretion to determine whether such notification should be delayed depending on the circumstances of each case.
- 6.5. The Participant must, when so requested, cooperate fully and promptly with any investigation and provide comprehensive, honest and accurate information and responses. A failure or refusal by a Participant to cooperate with such investigations may itself constitute Misconduct under the Disciplinary Rules. In addition, the Director of Culture and Integrity, the Case Management Group, the Safeguarding Panel or the Safeguarding Appeals Panel will be entitled to draw adverse inferences from such failure or refusal.
- 6.6. The Director of Culture and Integrity may apply an Interim Order until the Participant has complied with any outstanding requests.
- 6.7. In carrying out investigations under these Safeguarding Regulations, the Director of Culture and Integrity will have special regard to and will always take account of:
 - 6.7.1. the risk of harm that may be caused to Children or Adults at Risk as a consequence of the investigation, particularly those who might already have been subject to harm as a consequence of the conduct being investigated. Consideration should be given to any supportive or special measures that might be appropriate; and
 - 6.7.2. how to minimise the risk of harm, balanced against the need to ensure the proper conduct and effectiveness of the investigation.

POST-INVESTIGATION ACTIONS

- 6.8. Following the investigation the Case Officer will report to the Director of Culture and Integrity who may:
 - 6.8.1. Decide no further action is required.
 - 6.8.2. Reject a matter as it does not come within the jurisdiction of British Rowing, and if appropriate refer the matter to any authority deemed more appropriate to handle it, including local authorities, other sports governing bodies, Statutory Agencies and law enforcement agencies.¹
 - 6.8.3. Reject a matter on the grounds that the report is vexatious or malicious.
 - 6.8.4. Refer the matter to be dealt with under the Disciplinary Rules.
 - 6.8.5. Refer the matter to the Case Management Group for advice or a decision as to the appropriate route for the matter.
 - 6.8.6. Decide the matter should be dealt with under Level One.
 - 6.8.7. Decide the matter should be dealt with under Level Two.

¹ Where a Child or Adult at Risk is believed to be at immediate risk of harm, the matter will be referred without delay to the Police and/or relevant statutory safeguarding agency.

- 6.8.8. Take any other steps in accordance with these Safeguarding Regulations as the Director of Culture and Integrity deems appropriate.
- 6.9. In the event the Director of Culture and Integrity refers the matter to the Case Management Group under Regulation 6.8.5, the Case Management Group shall have all the powers set out above in Regulation 6.8 to determine the appropriate route for the matter.
- 6.10. For any of the above outcomes, if appropriate, the Case Officer should advise both the Referrer and the Participant of the outcome.

7. CRIMINAL CONVICTIONS, CAUTIONS, ORDERS, AND STATUTORY LISTS

- 7.1. For the avoidance of doubt, where a Participant:
- 7.1.1. 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,
 - 7.1.2. is included, or placed, on any statutory list barring or restricting, their working with Children or Adults at Risk; and/or,
 - 7.1.3. 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;

British Rowing shall have the power to make any such Order as it considers appropriate. Any such Order shall be issued on behalf of British Rowing by the Director of Culture and Integrity or the Case Management Group.

- 7.2. British Rowing shall notify the Participant in writing of the Order and its terms and invite them to respond in writing within 14 calendar days. In their response the Participant should include:
- 7.2.1. Confirmation of whether they wish to dispute the Order; and
 - 7.2.2. If disputing the Order:
 - 7.2.2.1. Any written submissions in support of the Participant's position; and
 - 7.2.2.2. Any additional evidence that the Participant seeks to rely upon.

- 7.3. If the Participant wishes to dispute the Order, the Safeguarding Panel shall review the Order. In reviewing the Order, the Safeguarding Panel shall consider any written material submitted by the Participant in accordance with Regulation 7.2 together with all written material submitted by British Rowing. The Safeguarding Panel may ratify, modify or remove any such Order, or issue any other Order as it considers appropriate. There shall be no appeal of the decision of the Safeguarding Panel.

8. INTERIM ORDERS

- 8.1. British Rowing has the authority to impose an immediate Interim Order if it is considered that it is appropriate to exclude or restrict a Participant from any and all involvement in the sport of Rowing. Interim Orders shall be issued by the Director of Culture and Integrity.
- 8.2. In determining whether an Interim Order should be imposed consideration shall be given to the following non-exhaustive list of factors:
 - 8.2.1. whether the safety and/or welfare of Children or Adults at Risk are, or may be, at risk;
 - 8.2.2. whether the safeguarding matter is of a serious nature;
 - 8.2.3. whether an Interim Order is necessary or proportionate, including to allow the conduct of any proceedings, investigation, or risk assessment; and/or
 - 8.2.4. whether the reputation of the sport of Rowing could be harmed if an Interim Order were not imposed.
- 8.3. Where an Interim Order is imposed, British Rowing shall notify the Participant in writing as soon as reasonably practicable. As part of that notification British Rowing shall advise the Participant of their right to make submissions to be considered by the Case Management Group pursuant to Regulation 8.5. Any such written submissions must be provided by the Participant to British Rowing within seven (7) calendar days of the date of the notification of the Interim Order.
- 8.4. The Director of Culture and Integrity and/or Case Management Group may consider which other individual or organisation should be notified of the Interim Order and British Rowing shall make such notifications.

REVIEW OF INTERIM ORDERS

- 8.5. Any Interim Order issued will be reviewed by the Case Management Group within 14 calendar days of the date of notification to the Participant. As part of their review of the Interim Order the Case Management Group will consider any submissions provided by the Participant pursuant to Regulation 8.3. The review will take place on the case papers (the evidence and documentation available), and the Case Management Group may maintain, modify or remove the Interim Order, or make any other Order it considers appropriate.
- 8.6. Further to the Case Management Group review under Regulation 8.5 British Rowing will notify the Participant of the outcome of the review within seven (7) calendar days of the Case Management Group decision.
- 8.7. The Case Management Group shall meet to review all Interim Orders in place bi-annually, meeting approximately once every six (6) months.
- 8.8. The Case Management Group will not review an Interim Order prior to the next scheduled bi-annual meeting 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 Participant is charged with a criminal offence, until such time as those investigations or proceedings are complete.
- 8.9. The Case Management Group shall take into consideration the factors set out in Regulation 8.2 above and may maintain, modify or remove any Interim Order, or make any other Order it considers appropriate.

- 8.10. Any breach of an Interim Order shall be considered in any risk assessment undertaken in respect of these Regulations. In addition, the Safeguarding Panel or Case Management Group may impose any sanction it considers appropriate in respect of any such breach.

9. LEVEL ONE - ACTION AND RECOMMENDED RESOLUTIONS

- 9.1. In the event that it is considered by the Director of Culture and Integrity or Case Management Group that the referral shall be dealt with as a Level One case the following procedure shall apply.
- 9.2. British Rowing shall send written notice to the Participant setting out the safeguarding concern and/or allegation.
- 9.3. No later than 14 calendar days following receipt of the written notice, the Participant shall send a written response to British Rowing confirming whether the conduct or behaviour is accepted or denied.

CONDUCT IS ADMITTED

- 9.4. Where the Participant admits the conduct or behaviour, they may also submit any written material that they wish to be considered by British Rowing in determining the appropriate Level One outcome. British Rowing may conduct any further enquiries, and the Director of Culture and Integrity will then issue an Order by reference to the potential outcomes set out in Regulation 9.11 below or refer the matter to the Case Management Group to decide upon and issue the Order. There is no appeal allowed in relation to the Order issues by the Director of Culture and Integrity or Case Management Group.

CONDUCT IS NOT ADMITTED

- 9.5. Where the conduct or behaviour is denied by the Participant, or where there has been no response confirming acceptance of the conduct alleged, the matter will be referred to the Case Management Group. The Participant will be notified of the referral to the Case Management Group. The Participant may submit any written material that they wish to be considered by the Case Management Group in determining the appropriate Level One outcome. Such material must be provided to British Rowing by the Participant within 14 calendar days of the Participant being notified of the referral to the Case Management Group. Failure to comply with this deadline may result in the Case Management Group reviewing the case and issuing an Order without recourse to written material from the Participant.
- 9.6. Following receipt of any written response or material submitted by the Participant, British Rowing may make any such further inquiries as it considers appropriate in light of any matters raised by the Participant 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 if that written material has been sent to the Participant and they have been given 14 calendar days to reply to it. Where no response to the further written material is provided within the 14 calendar days, this further written material can be relied upon by the Case Management Group.
- 9.7. The Case Management Group shall consider all information gathered by British Rowing and all information and material submitted by the Participant. The Case Management Group will then issue an Order, the terms of which reflect the harm caused, or which may have been caused, and addresses the identified risks. The Case Management Group may issue any Order listed in Regulation 9.11.

- 9.8. 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.
- 9.9. British Rowing shall, as soon as reasonably practicable but not more than 14 calendar days after the Case Management Group decision, notify the Participant of the terms of the outcome of that decision. Where an Order under Level One was issued where the Conduct was not admitted by the Participant, the right of appeal available is set out in Regulation 11.
- 9.10. British Rowing (who may take advice from the Case Management Group) shall consider which other individual(s) or organisation(s) should be notified of the Order and British Rowing shall notify them accordingly.

LEVEL ONE – RECOMMENDED RESOLUTIONS

- 9.11. Where an Order is to be issued in respect of a Level One matter, the Director of Culture and Integrity (where the conduct is admitted) or the Case Management Group may order one or more of the following requirements as part of the Order:
 - 9.11.1. Guidance as to future conduct.
 - 9.11.2. A prescribed training programme(s).
 - 9.11.3. Supervision (to be determined by British Rowing).
 - 9.11.4. Mentoring (to be determined by British Rowing).
 - 9.11.5. A formal warning – including details of how long this should remain on the Participant’s record.
 - 9.11.6. A suspension from all or specific Rowing activity for a period of up to six (6) weeks.
 - 9.11.7. Any combination of the above.

10. LEVEL TWO - ACTION

- 10.1. Where the Director of Culture and Integrity or the Case Management Group determines to refer a case to Level Two of the Safeguarding Regulations the Case Officer shall undertake any further investigation as has been directed.
- 10.2. Upon conclusion of an investigation a risk assessment shall be undertaken of the Participant’s ongoing participation in Rowing. This risk assessment may be in such form and prepared by the Case Officer or any other person as the Director of Culture and Integrity, in their discretion, considers appropriate.
- 10.3. The Case Officer shall provide the Participant a written ‘Notice of Safeguarding Case’. The information provided in the Notice of Safeguarding Case is strictly confidential and may be redacted by British Rowing (in their discretion) for any reason, including to protect the anonymity of the witness(es) in the case.
- 10.4. The “**Notice of Safeguarding Case**” will comprise:

- 10.4.1. a “**Case Report**” ,a document which will contain details of the concern, the risk assessment, and the Order (outcome) sought by British Rowing.
- 10.4.2. all other written material that British Rowing intends to rely upon in seeking the Order.
- 10.4.3. confirmation of the applicable version of the Safeguarding Regulations.
- 10.4.4. guidance on what steps the Participant must take as set out in Regulation 11.5.
- 10.5. No later than 14 calendar days following receipt of the Notice of Safeguarding Case, the Participant should reply and include:
 - 10.5.1. any written submissions in support of the Participant’s position.
 - 10.5.2. any additional evidence that the Participant seeks to rely upon.
- 10.6. The case shall be heard by a Safeguarding Panel. One member of the Safeguarding Panel shall chair the Safeguarding Panel and must be legally qualified (“**Chair**”). One member of the Safeguarding Panel will have experience of safeguarding in sport (which is not restricted to the sport of Rowing). Members of the Safeguarding Panel shall ensure they have no conflicts of interest in the proceedings and declare any such conflicts immediately so that an alternative member can be appointed.
- 10.7. 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 British Rowing to conduct further investigations as appropriate.
- 10.8. The Safeguarding Panel will consider the case based on the following papers:
 - 10.8.1. The Notice of Safeguarding Case document and all written material provided along with it by British Rowing to the Participant.
 - 10.8.2. The reply, if any, from the Participant and all other written material submitted by them in response to the Notice of Safeguarding Case.
 - 10.8.3. Any further written material provided by British Rowing to the Participant or the Safeguarding Panel subsequent to the Notice of Safeguarding Case.
- 10.9. The default position will be that no live witnesses shall be permitted to give evidence on behalf of either party, nor be tendered for cross-examination. It will only be in exceptional circumstances and at the discretion of the Safeguarding Panel that witnesses will be permitted to give evidence. In the event that the Safeguarding Panel permit witness evidence to be given, there will be an overarching obligation to ensure the well-being and safety of any witnesses, with appropriate special measures being put in place to allow witnesses to give evidence in an appropriate manner.
- 10.10. 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 Participant or British Rowing to address it in person, based on a written application made by either party. For clarity, addressing the Safeguarding Panel “in person” includes addressing the Safeguarding Panel via video link/remotely. In exercising its discretion as to whether to exceptionally allow any party to address it in person, the Safeguarding Panel shall give consideration to, among other things, the following factors:
 - 10.10.1. Whether the terms of any Order are under consideration. 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 Participant

be suspended from all or any specific Rowing activity for such period and on such terms and conditions as it considers appropriate, or that the Participant should be banned from holding any form of membership with British Rowing, if it is satisfied on the balance of probabilities that the Participant:

- 10.10.1.1. engaged in conduct that indicates that they pose or may pose, a risk of harm to any Child or Adult at Risk; and/or
 - 10.10.1.2. may not be suitable to work with or interact with Children or Adults at Risk; and/or
 - 10.10.1.3. whilst acting in a Position of Trust in relation to any person, engaged in sexual activity and/or an inappropriate relationship with a Child or Adult at Risk.
- 10.11. The Safeguarding Panel shall notify its decision (with written reasons) to British Rowing within 14 calendar days of its meeting (except in exceptional circumstances).
- 10.12. British Rowing shall notify the Participant of the Decision within 14 calendar days of receipt of the Decision from the Safeguarding Panel (except in exceptional circumstances).
- 10.13. The notification shall advise the Participant that they have 21 calendar 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.
- 10.14. The Safeguarding Panel may at any stage, and in its absolute discretion, request that the case be considered by British Rowing for referral to any of the relevant Statutory Agencies.
- 10.15. All proceedings of the Safeguarding Panel shall take place in private and the public and the press shall have no right of access. British Rowing 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 British Rowing in line with Regulation 15.
- 10.16. British Rowing 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), and having made such a determination British Rowing shall inform such other individuals or organisations accordingly.
- 10.17. Decisions of the Safeguarding Panel shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality.
- 10.18. Throughout the Level Two process the Director of Culture and Integrity will still maintain responsibility for oversight of the Participant including, but not limited to, monitoring of any Interim Order.

11. RIGHT OF APPEAL

LEVEL ONE

- 11.1. There is no right of appeal where an Order has been issued under Level One for conduct that was admitted.

- 11.2. An Order issued under Level One where conduct was not admitted may be appealed by a Participant only on the basis that the terms of the Order were grossly disproportionate. The appeal procedure outlined within Regulation 12 must be followed. Where an appeal is submitted on this ground, the matter will be referred to the Chair of the Safeguarding Panel for an initial determination as to whether the Safeguarding Panel has jurisdiction to consider the appeal. In the event that the Chair of the Safeguarding Panel concludes that it does not, the appeal will be dismissed. In the event that the Chair of the Safeguarding Panel concludes that the Safeguarding Panel does have jurisdiction, the Safeguarding Panel may vary or ratify the Order as it considers appropriate,
- 11.3. British Rowing may appeal to the Safeguarding Panel only on the grounds that an Order imposed by the Case Management Panel was too lenient.
- 11.4. Any Appeal must follow the procedure for appeals set out in Regulation 12.

LEVEL TWO

- 11.5. A Participant may appeal an Order made or ratified by the Safeguarding Panel in a Level Two case on the basis that:
 - 11.5.1. there is material new evidence that, had it been known at the time of the original proceedings, would have affected the Order of the Safeguarding Panel.
 - 11.5.2. the Safeguarding Panel acted outside the scope of its powers; or
 - 11.5.3. the Order imposed by the Safeguarding Panel was grossly disproportionate to the conduct, or the harm caused; or that was likely to have been caused, or of the assessed risk.
- 11.6. British Rowing shall not be able to override a Decision of a Safeguarding Panel but may appeal any Decision on any grounds that:
 - 11.6.1. there is material new evidence that, had it been known at the time of the original proceedings, would have affected the Order of the Safeguarding Panel.
 - 11.6.2. the Safeguarding Panel acted outside the scope of its powers; or
 - 11.6.3. the Order imposed by the Safeguarding Panel was too lenient.
- 11.7. Once a Participant exercises their right of appeal under this Regulation they shall be referred to as an **“Appellant”**.
- 11.8. The Appeal shall be heard by a Safeguarding Appeals Panel that shall consist of three (3) members independent of British Rowing, appointed via Sport Resolutions or appointed via British Rowing directly.
- 11.9. One member of the Safeguarding Appeals Panel shall chair the Panel and must be legally qualified (**“Chair”**). One member of the Safeguarding Appeals Panel will have experience of safeguarding in sport (which is not restricted to the sport of Rowing). Members of the Safeguarding Appeals Panel shall ensure they have no conflicts of interest in the proceedings and declare any such conflicts immediately so that Sport Resolutions or British Rowing may appoint an alternative member.
- 11.10. The Safeguarding Appeal Panel Chair shall make such directions as they consider are necessary for the proper conduct of the Appeal proceedings.

- 11.11. The Safeguarding Appeals Panel may make any directions they believe appropriate for the conduct of the proceedings, including whether the appeal should be dealt with on the papers or by way of a hearing. In the event that the Safeguarding Appeals Panel determines that the matter should be dealt with by way of a hearing the hearing may (at the discretion of the Safeguarding Appeals Panel) be a hearing held virtually or in person.
- 11.12. 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 ground 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.

12. APPEALS - PROCEDURAL RULES

- 12.1. For all appeals the Appellant shall lodge a Notification of Appeal to British Rowing (or British Rowing to the Participant where it is British Rowing appealing) within 21 calendar days following the date of notification to the Appellant of the Decision or Order. The date of receipt of the Notification of Appeal shall be the “**Appeal Commencement Date**”.
- 12.2. The Notification of Appeal shall outline:
- 12.2.1. the identity of the Appellant.
 - 12.2.2. details of the decision being appealed, including the date of that decision and by whom it was taken.
 - 12.2.3. the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision.
 - 12.2.4. a statement of facts on which the appeal is based.
 - 12.2.5. copies of any documents or other material referred to.
 - 12.2.6. In the case of appeals from Level Two decisions, whether the Appellant wishes to address the Safeguarding Appeals Panel in person.
- 12.3. 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 12.2 shall result in forfeiture of a right of appeal. The Safeguarding Panel or Safeguarding Appeals Panel as appropriate may reject any Notification of Appeal that is not filed in accordance with Regulation 12.1, or which does not contain the information required in Regulation 12.2.
- 12.4. Unless directed otherwise the Respondent to the appeal shall serve a written reply to the Notification of Appeal (the Response) on the Appellant and the Safeguarding Panel or Safeguarding Appeals Panel as applicable, within 21 calendar days of the Appeal Commencement Date.
- 12.5. A Notification of Appeal can be withdrawn by the Appellant by notifying the Respondent and the Safeguarding Panel or Safeguarding Appeals Panel in writing of their wish to withdraw, up to 1pm GMT on the day prior to the date of the Appeal Hearing. In such a case, the Appeal (but not any British Rowing cross-appeal if applicable) shall be deemed to be abandoned and the original Order shall be final and binding. The subject matter of an Appeal which has been withdrawn may not be re-appealed.

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 Decision/Order; 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 British Rowing within 21 calendar days of the Appeal being heard.
- 13.4. British Rowing shall notify the Appellant (or if they are the Respondent to a British Rowing Appeal) within 14 calendar 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.
- 13.7. The standard position will be that each party will bear their own costs. However, the Safeguarding Appeals Panel will have a discretion to make an award of costs if they believe there are exceptional circumstances that merit such an award.

14. ENFORCEMENT OF DECISIONS

- 14.1. A Participant must take all steps necessary to ensure compliance with any Interim Order or Order that has been issued under these Safeguarding Regulations.
- 14.2. If a Participant fails to comply with its obligations under these Safeguarding Regulations, such conduct shall itself be grounds for action under the Disciplinary Rules.

15. PUBLICATION AND NOTIFICATION OF DECISIONS

- 15.1. British Rowing may publish Decisions and/or Orders issued under these Safeguarding Regulations in such form and manner, and to such extent as it deems necessary, for the purposes of safeguarding Children and Adults at Risk.
- 15.2. British Rowing, at its discretion, may notify any individual or organisation of any Interim Order, Decision/Order where they believe it is appropriate to do so.

- 15.3. Where it is deemed appropriate, British Rowing will inform the Referrer, any witnesses or any other relevant person or group of an Interim Order, Decision and/or Order.

16. EXCLUSION OF LIABILITY

- 16.1. None of British Rowing, the Case Management Group, the Safeguarding Panel or the Safeguarding Appeals Panel, shall be liable to any individual or organisation for any loss arising out of action taken, Decisions made, or Orders imposed under these Safeguarding Regulations.

17. GOVERNING LAW

- 17.1. The Governing Law of all proceedings under these Safeguarding Regulations shall be the law of England and Wales.
- 17.2. For the avoidance of doubt proceedings under these Safeguarding Regulations are private and relate specifically to safeguarding matters and as such are not arbitral. The Arbitration Act 1996 and the Arbitration Act 2025 are not applicable to any part of these Safeguarding Regulations.

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