Appendix 1
Swim England
Terms of Reference for the review of three separate complaints received by Sport England
November 2022

1. Introduction

Sports Dispute Panel Resolution Ltd (Sport Resolutions UK) has been commissioned by Sport England to undertake a review of three separate complaints relating to three separate cases submitted to Sport England concerning Swim England (SE).

Details relating to the complaints are set out in Section three.

The need for this independent review has been identified for Sport England to have the assurance that the correct policies and procedures have been followed and that appropriate and fair processes have been followed in reaching the decisions that have been made.

The independent review will not involve any re-investigation of matters relating to the cases or assessment as to whether, or not, factual matters have been decided correctly. The independent review is not to re-hear any matter.

The purpose of the review will be:
- For Sport England to have the assurance that SE has followed their policies and procedures applicable to the specific cases.
- If appropriate, to provide feedback on how the handling of the cases could have been improved.
- If appropriate, to provide feedback on SE’s safeguarding and complaints policies and procedures and how they can be strengthened or improved.

Sport England and SE have collectively agreed to this review which will help to determine that the appropriate policies and procedures have been followed

The Independent Review will be prepared for and provided to Sport England.
2. **Principal contacts**

<table>
<thead>
<tr>
<th>Name</th>
<th>Job title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jane Nickerson</td>
<td>CEO Swim England</td>
</tr>
<tr>
<td>Lois Jarvis</td>
<td>Director of Legal, Swim England</td>
</tr>
<tr>
<td>Jayne Molyneux</td>
<td>Director Children &amp; Young People, Sport England</td>
</tr>
<tr>
<td>Richard Harry</td>
<td>CEO Sport Resolutions UK</td>
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<td>Sport Resolutions UK</td>
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3. **Objective**

This review will focus on three separate cases. More detail regarding the cases will be available to the reviewer upon appointment but they centre around:

1. 
2. 
3. A case involving Mr x which centred around issues with the Judicial Process
   Case ID

The review will comprise of a desk-based review of all paperwork associated with the management / investigation of the cases which may include the need to review any specific policies and procedures are deemed relevant.

The relevant policies and procedures may include but aren't limited to:

- Safeguarding policy and procedures
- Complaints policy and procedures
- Disciplinary policy and procedures
- Case management processes
- Codes of conduct
- Relationship with and requirements of affiliated clubs

4. **Methodology**

Sport Resolutions UK will conduct a desk-based review of the relevant policies, procedures, guidance and communications.
As part of the process of undertaking this review, Sport Resolutions UK may need to contact any person directly involved or affected in the specific cases to seek any points of clarification as to the complaints raised. However, it is repeated the purpose of this independent review is not to reinvestigate the cases or to make any decisions on conflicts of evidence.

5. **Data Protection / Sharing**

Sport England and SE are independent data controllers with regards to any personal data obtained by them during their operations. For the purposes of this review where either organization is required to share personal data each undertakes to do so compliantly.

The reviewer is a duly authorised processor by virtue of their contract of engagement with Sport England. All information submitted to the reviewer will be processed within the UK and securely served and deleted by the Supplier after the review is completed. Any data generated during the review will be retained by Sport England in accordance with its File Retention Schedule (i.e., 6 years from the end of the financial year in which the complaint was made).

Sport England will ensure that any applicable rules of data protection legislation (UK GDPR and Data Protection Act 2018) will be followed during the course of this review and personal data will be handled in accordance with the terms of our Privacy Notice that can be found [here](#).

**Types of Personal Data**

<table>
<thead>
<tr>
<th>Type of data</th>
<th>Details of data being processed</th>
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</thead>
<tbody>
<tr>
<td><strong>Contact Details</strong> e.g. first name, last name, email address, mobile number</td>
<td>(If yes, list all types of contact details requested of the data subjects)</td>
</tr>
<tr>
<td>First Name</td>
<td></td>
</tr>
<tr>
<td>Last Name</td>
<td></td>
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<tr>
<td>Email address</td>
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<tr>
<td>Telephone number</td>
<td></td>
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<tr>
<td><strong>Location</strong> e.g. physical address, full postal code, half postal code, town</td>
<td>(If yes, list all types of locations requested of the data subjects)</td>
</tr>
<tr>
<td>Physical Address where provided on the complaints which include post codes, town</td>
<td></td>
</tr>
<tr>
<td>Employment Status, Job Title</td>
<td>Job titles where provided</td>
</tr>
</tbody>
</table>
Data Subjects

The data subjects will be the following:

1. Complainants which includes names of children of the complainants from [redacted], Coaches and volunteers at [redacted]
2. Sport England employees
3. Swim England employees
4. Swim England Board Members
5. British Swimming Coaches Association Officers
6. Sport Resolutions employees
7. Member of Parliament

6. **Review team**

The review team will consist of Louis Weston appointed by Sport Resolutions UK who will be undertaking this review. The main point of contact at Sport Resolutions for the co-ordination of the review is set out under point two of the terms of reference.

7. **Key dates**

A final report will be issued before 30 November 2022. The audit and fieldwork will start in November 2022. The dates could be subject to change which must be communicated to and agreed with all parties.