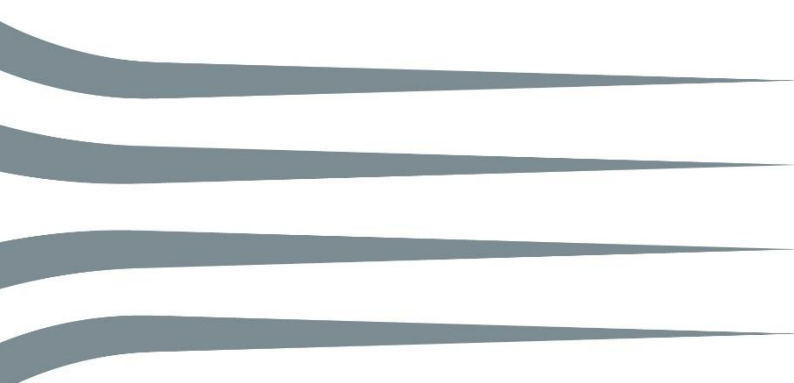


Motorsport UK

Safeguarding Case

Investigation

Procedure



MOTORSPORT UK ASSOCIATION LIMITED

Version	Author	Revision date	Summary of Changes	Endorsed by Motorsport UK Board of Directors signature and date
V 0.1	Head of Safeguarding	31/08/22	New procedure	13/09/22
This policy will be reviewed annually or when there is a legislative change or review due to lessons learnt or best practice guidance.				

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Company Number 01344859
Registered Office
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1. INTRODUCTION

1.1. Motorsport UK is committed to ensuring that all Children who participate in motorsport do so in an enjoyable and safe environment.

1.2. This document is supplementary to the Safeguarding Policy, it focusses specifically on the procedures to be followed by Motorsport UK in relation to any concerns regarding a Child and/or Adult at Risk. Motorsport UK requires that all regional and local clubs, teams, staff and volunteers, operating across all disciplines adopt and implement the Safeguarding Policy and this Procedure as amended from time to time.

1.3. This Procedure is intended to provide a comprehensive, fair and equitable process for the purpose of any investigative enquiry into concerns or complaints regarding the safety or protection of a Child and/or Adult at Risk. At all stages of this Procedure, the Key Principles set out in section 2 below will apply.

1.4. This Procedure shall be in force from the day that it is published on Motorsport UK's website. At that time, this Procedure shall replace the existing Child Safeguarding Complaints and Disciplinary Procedure and that procedure, and any other historical versions of it, shall be repealed (save where fairness requires that any provision of a previous procedure be applied). A flowchart setting out the stages of this Procedure is set out in the attached Appendix.

2. KEY PRINCIPLES

2.1. Safeguarding is everyone's responsibility

Everyone who works with a Child and/or Adult at Risk has a responsibility to keep them safe. Where concerns are identified, everyone has a role to play in sharing information and taking prompt action. Any safeguarding concerns must be shared following the procedure detailed in the Safeguarding Policy at the earliest possible opportunity and always within one working day. A failure to share such concerns may be considered a breach of this procedure.

2.2. A Child centred approach

A Child centred approach is fundamental to safeguarding and promoting the welfare of every Child. The voice of the Child will be taken into account in the application of this procedure, where appropriate after consultation with, and obtaining the consent of, the parent(s) or carer(s) (as applicable) to ensure that this is achieved in an appropriate manner.

In line with principles of making safeguarding personal, any Adults at Risk will also be at the centre of the safeguarding process and their views, wishes, feelings and beliefs will be taken into account in any decision making.

2.3. The Welfare Principle

The welfare of a Child or Adult at Risk is of paramount importance. Working Together places specific responsibilities on sports organisations in respect of safeguarding children: all sports organisations are required to have effective safeguarding arrangements in place and are required to work collaboratively with other organisations in line with any national and local safeguarding arrangements. Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of children and how they should respond appropriately to concerns.

2.4. Motorsport UK Responsibility

Motorsport UK Board has the ultimate responsibility for ensuring that safeguarding arrangements and procedures are in place for all disciplines of motorsport that come under the auspices of Motorsport UK. This includes having in place a system and procedure for receiving concerns or complaints, investigating such concerns or complaints, and making decisions regarding these. Motorsport UK's Judicial and Rules Committees, Regulatory Counsel and General Counsel oversee this work being responsible to the Motorsport UK Board. Motorsport UK ensures that sufficient resource and expertise is available to, and within, Motorsport UK executive to conduct this work.

2.5. Cooperation and Information Sharing with statutory agencies

Motorsport UK is required to comply with Working Together and work in partnership with Safeguarding Partners to enable them to carry out their duties to investigate concerns and to protect children from harm in accordance with the relevant legal framework and data protection law. Motorsport UK is also committed to complying with the governmental guidance issued in July 2018 entitled "Information Sharing - advice for practitioners providing safeguarding services to children, young people, parents and carers". This guidance makes clear that information sharing is essential for effective safeguarding and promoting the welfare of children and young people, and details best practice principles for sharing information.

2.6. Cooperation and Information Sharing with other Sports and other organisations.

Working Together to Safeguard Children (2018) places a duty on statutory organisations and sporting organisations to work together and take a co-ordinated approach to ensure that children are effectively safeguarded.

Motorsport UK is committed to working with all partner agencies and other organisations that may work with Children. Motorsport UK will, where necessary, share information with, or seek information from, other agencies including, but not limited to, statutory organisations, other sports organisations, voluntary sector organisations, private organisations and others.

2.7. Jurisdiction

This Procedure will apply to, and Motorsport UK as an authorised Statutory body has jurisdiction to hear complaints in respect of, any Participant and any other individuals working or participating in any way in motorsport regulated by Motorsport UK across the United Kingdom whether in a paid or voluntary capacity including with any Club, Team, Regional Association, or other partner organisation of Motorsport UK.

2.8. The No Delay Principle

The Motorsport UK Safeguarding Team will take all reasonable steps to complete an investigation in a timely manner, although other processes (such as police investigation and local authority processes) may cause delay and take precedence. Any such delays will not affect the Motorsport UK Safeguarding Team's right to impose interim suspensions in appropriate circumstances in accordance with section 4 below.

2.9. Fair Process

This Procedure will be implemented in accordance with the principles of fair process and natural justice. All complaints or concerns will be taken seriously and responded to promptly, fairly and appropriately.

2.10. Non-discrimination

This Procedure applies in respect of concerns relating to every person irrespective of their age, disability, gender identity, marriage or civil partnership status, maternity, pregnancy or breastfeeding status, race, religion or beliefs, sex, social status or sexual orientation.

2.11. Duty of Care

Notwithstanding the principle that the welfare of the Child is paramount, Motorsport UK will also take reasonable steps to consider the wellbeing of the individual about whom concerns have been raised, and who is subject to this procedure.

2.12. Complaints against a Child

In the event that the Participant against whom a complaint is made is a Child, the "Welfare Principle" also applies. The Motorsport UK Safeguarding Team will ensure that the processes set out within this Procedure will take into account the Child's welfare, including (as and when appropriate) involving the Child's parent or carer and any relevant statutory agencies. It will also be appropriate to ensure separate consideration is given to the welfare of both Children in such cases.

2.13. Confidentiality

So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any investigation unless there is an overriding legal obligation, or it is in the interests of the safety, protection or welfare of a Child and/or Adult at Risk for such information to be shared with other parties (in accordance with principles 2.5 and 2.6 above). Any information which is shared will be necessary for the proper application of this Procedure and in accordance with the relevant data protection law, statutory guidance and regulations in force at the relevant time.

2.14. Standard of Proof

The decision-making standard for all cases under this Procedure will be the civil standard of on the balance of probabilities. This may mean that a matter that has not been criminally prosecuted, or which has been prosecuted but concluded in a criminal court with a 'not guilty' verdict, will still be considered pursuant to this Procedure.

2.15. Limitation of liability

Having entire contractual discretion to issue, suspend or withdraw any Licence or other accreditation, Motorsport UK shall not be liable to any suspended or disqualified Participant, other individual, Club, Body, Team, League or other organisation for any loss, howsoever caused, whether direct, indirect, economic or consequential (including without limitation loss of profits, savings or opportunity) arising out of or in connection with such suspension and/or disqualification (as applicable) or withdrawal of Licence or accreditation under this Procedure.

3. REFERRALS

3.1. Any concerns or complaints regarding the welfare or safety of a Child and/or Adult at Risk should be reported to the appropriate Club Safeguarding Officer or the Motorsport UK Safeguarding Team at the earliest possible opportunity and always within one working day of such concerns and/or complaints being identified.

3.2. Upon receipt by the Motorsport UK Safeguarding Team of any referral, the Motorsport UK Safeguarding Team will consider whether any further investigation and/or referrals to statutory or other organisations are required.

3.3. The investigative thresholds which the Motorsport UK Safeguarding Team will apply when deciding on which organisation should take ownership are included in the appendix.

4. INTERIM SUSPENSIONS

4.1. Motorsport UK's Head of Safeguarding (or their nominee) acting through Motorsport UK Regulatory and or General Counsel has the authority to impose an interim suspension on any individual to whom these Procedures apply

- i. upon receipt by the Motorsport UK Safeguarding Team of any referral in accordance with paragraph 3 or other information which identifies that an individual has been charged with an Offence, is the subject of an investigation by the Police, Children's Services or any other authority relating to an Offence or which causes the Motorsport UK Safeguarding Team to reasonably believe that a person poses or may pose a risk of harm to a Child and/or Adult at Risk or
- ii. in circumstances where in their reasonable view it is necessary or desirable to impose an interim suspension to allow an investigation to be completed.

4.2. An individual may be suspended from participating in any or all activities under the auspices of Motorsport UK, for such a period and on such terms and conditions as the Motorsport UK Safeguarding Team consider appropriate, pending further investigation. This may include, but is not limited to, the following activities: driving, managing, coaching, instructing, stewarding, timekeeping, holding any club office or role, providing mechanical or engineering support, providing recovery, first aid or medical services, volunteering and/or any other activity relating to motorsport (including attending any Motorsport UK permitted event).

4.3. If the Motorsport UK Safeguarding Team consider that it is necessary and/or appropriate to seek further information from the individual in order to assess whether an interim suspension should be imposed it may request such information from the individual, and such information must be provided in accordance with the deadline set by them.

4.4. Where an interim suspension is imposed in accordance with paragraph 5.1, the individual will be notified in writing by the Motorsport UK Safeguarding Team.

5.5. An individual who has been issued with an interim suspension may request that the Safeguarding Panel review the interim suspension and consider whether it is appropriate for the interim suspension to remain in place. If an individual exercises this right, the interim suspension shall be reviewed by the Safeguarding Panel (in accordance with the process at paragraphs 7.2-7.4) as soon as reasonably practicable in the circumstances of the case. The interim suspension shall remain in place pending consideration and decision by the Safeguarding Panel.

5.6. The Safeguarding Panel will be provided with all relevant information upon which the Motorsport UK Safeguarding Team relied when imposing the interim suspension and any written representations submitted by the individual.

5.7. The Safeguarding Panel may ratify, modify or lift any interim suspension, or make any other decision it considers appropriate.

5.8. The Safeguarding Panel shall also have the power to review (in accordance with the process at paragraphs 7.2-7.4) the interim suspension if there is a material change in the circumstances in which the suspension was made.

5.9. All interim suspensions will be reviewed by the Safeguarding Panel at the first opportunity no later than 6 months from the date of the decision being imposed in accordance with paragraph 5.1 (or, if reviewed under paragraph 5.8, the conclusion of that review), and at the same interval thereafter. No interim suspension shall last beyond the final determination of any related case.

5.10. If the Motorsport UK Safeguarding Team is informed that an individual has breached the terms of an interim suspension, the individual will be issued with a written warning requiring immediate compliance with the terms of the interim suspension. If the breach is sufficiently serious, the Motorsport UK Safeguarding Team may refer that individual to the Safeguarding Panel for consideration of whether any additional action or sanctions are appropriate and / or Motorsport UK acting through its Disciplinary Officer may refer the matter to the independent Motorsport UK National Court.

6. INVESTIGATIVE PROCESS

6.1. Subject to paragraph 6.2, the Motorsport UK Safeguarding Team shall advise the individual in writing of the nature of the concerns that have been raised and state its intention to investigate those concerns.

6.2. The police, local authority or another agency may request that information regarding concerns is not shared with the individual until such time as they deem fit, for example where notification may jeopardise a police investigation, or may place a Child, Adult at Risk or other person at risk of harm. The Motorsport UK Safeguarding Team is usually required, as a matter of law, to comply with any such request.

6.3. The Motorsport UK Safeguarding Team will carry out any investigation into the matters addressed in the referral but reserves the right to appoint an independent safeguarding consultant, or other professional or expert, to assist in the conduct of any investigation.

6.4. During the course of the investigation the Motorsport UK Safeguarding Team:

- i. will request the individual's account of the matter. The individual concerned may be invited to attend one or more interview(s) during the course of the investigation;
- ii. may request any such further detail, explanation or clarification of the matters in question as may be required; and
- iii. will inform the individual of any intention to discuss the case with statutory agencies and any other relevant organisations.

6.5. The investigation will be conducted as promptly as possible. The length of the investigation will depend on a number of factors, including the number and availability of the persons to be interviewed or contacted, the involvement of statutory agencies and the individual's cooperation. It will not always be possible to provide a clear timescale for completion of an investigation.

6.6. During the investigation process, periodic updates regarding the progress of the investigation will be provided by the Motorsport UK Safeguarding Team to the individual being investigated. The individual shall not discuss the case with, intimidate or influence any witness involved in the investigation or any potential witness

6.7. On conclusion of the investigation, the Motorsport UK Safeguarding Case Manager will review the information gathered and may:

- i. Decide that no further action is required and close the case;
- ii. Make any further enquiries that they consider necessary;
- iii. Refer the case back to the relevant Club Safeguarding Officer; or
- iv. Refer the case to a Safeguarding Panel if the Motorsport UK Safeguarding Case Manager considers that the individual poses or may pose a risk of harm to Children and/or Adults at Risk
- v. In a relevant case refer the matter to the Motorsport UK Disciplinary Officer for referral to the National Court.

7. REFERRAL TO THE SAFEGUARDING PANEL

7.1. If the case is referred to a Safeguarding Panel, the Safeguarding Panel will consider the case at its next meeting (or, in particularly urgent or complex cases, convene a separate meeting to consider the case).

7.2. The Safeguarding Panel Chair will appoint a Safeguarding Panel of three members (which may include the Safeguarding Panel Chair) to attend each meeting. Each Safeguarding Panel will include at least one safeguarding expert and a legally qualified Chair.

7.3. The individual will be advised of the identity of the members of Safeguarding Panel. If the individual wishes to object to the appointment of a Safeguarding Panel member on the basis of a conflict of interest that party shall, as soon as reasonably practicable, submit in writing to Motorsport UK the basis of that objection. The Chair of the Safeguarding Panel (unless the Chair is the subject of the objection in which case Motorsport UK), shall determine whether there is a real or perceived conflict of interest and shall, if necessary, request that a replacement member be appointed to the Safeguarding Panel.

7.4. The Motorsport UK Safeguarding Team will compile all relevant information gathered during the investigation (which may include a report from the Motorsport UK Safeguarding Team) and provide this to the individual. In exceptional circumstances certain material may be shared with the Safeguarding Panel that is not shared with the individual.

7.5. The individual will then be given an opportunity to submit written representations and any supporting documentation.

7.6. If the individual has raised any new issues or disputed any factual points in its written representations submitted under paragraph 7.5, the Motorsport UK Safeguarding Team will have the opportunity to submit a written reply.

7.7. The Safeguarding Panel will then be provided with a copy of all documentation referred to at paragraphs 7.4-7.6.

7.8. The Safeguarding Panel shall determine all procedural matters for the conduct of the Hearing, including requiring more information from either the Motorsport UK Safeguarding Team or the individual. Unless the Safeguarding Panel, in its sole discretion, allows or requires the Motorsport UK Safeguarding Team and/or the individual to submit any oral evidence (or a representative of the individual to submit oral representations on their behalf), the Safeguarding Panel shall only consider the documentation referred to at paragraph 7.7. Such discretion will only be exercised by the Safeguarding Panel where fairness requires it. At any such oral Hearing Motorsport UK will be represented by its Regulatory Counsel and Disciplinary Officer.

8. RELEVANT FACTORS FOR CONSIDERATION

8.1. In assessing whether an individual poses or may pose a risk of harm in accordance with paragraph 6.7, the Safeguarding Panel may consider any of the following non-exhaustive list of factors (as appropriate in the circumstances of the particular case):

- i. Whether the offence, behaviour or other matters revealed are relevant to the individual's role in Motorsport;
- ii. The seriousness of any offence, behaviour or other matter revealed;
- iii. The length of time since the offence, behaviour or other matter occurred;
- iv. The number of times the offence, behaviour or other matter has occurred and whether there is a pattern of offending behaviour or escalation of behaviour or other relevant matters;
- v. Any expert or professional views about this type of offence, behaviour or other matter revealed which have been provided to the Safeguarding Panel;
- vi. Any legal or other restriction or requirement;
- vii. Whether anybody was harmed and the extent of the harm suffered;
- viii. The vulnerability of any person who suffered harm;
- ix. Whether the individual was, or was perceived to be, in a position of power, influence and/or trust in relation to anybody who was harmed or adversely affected by their behaviour;
- x. Whether the individual has accepted responsibility for the offence, behaviour or other matter revealed, and whether remorse has been expressed or demonstrated;
- xi. Whether the individual's circumstances have changed since the offence, behaviour or other matter revealed, and whether the changed circumstances indicate a change in the level of risk;
- xii. The circumstances surrounding the offence, behaviour or other matter revealed and any explanations offered by the individual concerned;
- xiii. The current age of the individual and age at the time of the incident;
- xiv. The level of predictability or unpredictability in the situation;
- xv. What involvement the individual seeks in Motorsport;
- xvi. The capacity of the environment where the individual would be operating to manage any risk;
- xvii. The expressed view of any statutory or other agency involved in the assessment or management of the individual;
- xviii. The individual's compliance and/or cooperation with the Motorsport UK Safeguarding Team in accordance with any investigation under this Procedure;
- xix. Any breach of suspension and/or failure to adhere to the terms of a written warning submitted under paragraph 5.10 above; and
- xx. Any other relevant information.

9. POTENTIAL OUTCOMES

9.1. Having reviewed all relevant information, the Safeguarding Panel will consider, on the balance of probabilities, whether the individual concerned poses or would pose a risk of harm to Children and/or Adults at Risk. Where a risk of harm is identified, the Safeguarding Panel will consider whether any steps can be taken to manage that risk (including, where appropriate, taking a decision that the risk cannot be managed within Motorsport).

9.2. Any decision taken by the Safeguarding Panel shall be made by a majority vote. In the event of a tie, the chair of the Safeguarding Panel shall have the casting vote.

9.3. The Safeguarding Panel may make any decision(s) that it considers appropriate, including but not limited to a decision that:

- i. No further action is required;
- ii. The individual's interim suspension imposed in accordance with paragraph 5 shall be removed;
- iii. Further enquiries should be made;
- iv. A forensic social work or psychiatric risk assessment shall be carried out by a suitably qualified person;
- v. A written warning shall be issued identifying the areas of concern or improvements required;
- vi. The individual shall be required to undergo appropriate training;
- vii. The individual shall be required to work with a Motorsport UK approved mentor;
- viii. The individual shall be required to be monitored or supervised when carrying out all or any specific Motorsport activities or Regulated Activity for such period and on such terms and conditions as the Safeguarding Panel considers appropriate;
- ix. The individual shall be suspended from all or any specific Motorsport activities (or carrying out Regulated Activity) for such period and on such terms and conditions as the Safeguarding Panel considers appropriate; and/or
- x. Any other decision which the Safeguarding Panel considers appropriate having regard to the circumstances of the case.

9.4. The Safeguarding Panel has the power to direct the individual concerned to pay the costs of

- i. the other party and/or the Safeguarding Panel and/or
- ii. facilitating any decision or order made by the Safeguarding Panel in accordance with paragraph 9.3.

However, the Safeguarding Panel will only exercise its discretion to make a direction under paragraph 9.4 in exceptional circumstances.

10. COMMUNICATION OF DECISIONS

10.1. Decisions shall be communicated to the parties in writing within 7 calendar days. Decisions shall be communicated to the individual's Club Safeguarding Officer (where appropriate) once the period for filing an appeal (in accordance with paragraph 11.3) has expired, or earlier if the individual has confirmed that they do not intend to appeal the decision.

10.2. Decisions and/or information shall be communicated to other appropriate third parties in accordance with the Key Principles set out in section 3 above.

10.3. Individuals shall comply with the terms of any decisions imposed on them under this Procedure. If any individual fails to comply with a decision of the Safeguarding Panel, Motorsport UK's Head of Safeguarding (or their nominee) acting through the Motorsport UK Regulatory Counsel and Disciplinary Officer and or General Counsel shall have the power to impose an interim suspension and/or the Motorsport UK Safeguarding Team may refer that individual back to the Safeguarding Panel for consideration of whether any additional sanctions are appropriate.

10.4. All Regional Associations, Clubs, Bodies and/or Teams shall comply with the terms of any decisions reached under this Procedure.

11. APPEAL PROCESS

11.1. Motorsport UK ('ASN') and the relevant individual will have the right to Appeal against any decision made by the Safeguarding Panel under this Procedure pursuant to the procedure provided at National Competition Rules Article C.10 for which purpose the National Court shall sit as the ASN Safeguarding Appeal Panel ('SAP'). For the avoidance of any doubt, this Appeals process is intended to be and shall be construed as being an arbitral process for the purposes of the Arbitration Act 1996.

11.2. A decision of the Safeguarding Panel shall remain in force pending final determination of any Appeal by the SAP.

11.3. In order to validly lodge an Appeal, the party Appealing (the "Appellant") must lodge a Notice of Appeal which complies with the requirements of paragraph 11.4 below with Motorsport UK by email to safeguarding@Motorsport.co.uk within 14 calendar days of the date of the decision being Appealed. If the Appellant does not lodge a compliant Notice of Appeal within this timeframe, the Appeal will not be referred to or considered by the SAP.

11.4. A Notice of Appeal must:

- i. record the decision which is being Appealed;
- ii. identify the ground(s) of Appeal, in accordance with paragraph 11.5 below;
- iii. contain a statement of any facts, all law or rules relied upon and any supporting documentation; and
- iv. save where the Appellant is the Motorsport UK Safeguarding Team, be accompanied by an Appeal administration fee as specified from time to time by ASN in appendix 1 of the National Competition Rules.

11.5. Valid grounds of Appeal (available to either party) shall be that:

- i. the decision of the Safeguarding Panel was against the weight of the evidence;
- ii. there was a procedural irregularity (which may include a mistake of law);
- iii. there is fresh evidence (in which case the particulars must state why the evidence was not called at the original hearing); and/or
- iv. the decision of the Safeguarding Panel (including as to sanction) was irrational or unreasonable in the circumstances.

11.6. If an Appeal has been validly commenced in accordance with paragraph 11.3, the ASN Safeguarding Team, acting by ASN Counsel shall make a referral to the National Court.

11.7. The Appellant will be advised of the identity of the members of the National Court sitting as SAP (and which is comprised of Members who sit exclusively on Safeguarding matters). If the individual wishes to object to the appointment of a SAP member on the basis of a conflict of interest that party shall, as soon as reasonably practicable, submit in writing to Motorsport UK National Court Administration the basis of that objection. The Chair of the SAP (unless the Chair is the subject of the objection in which case the Senior Chair of the National Court), shall determine whether there is a real or perceived conflict of interest and shall, if necessary, request that a replacement member be appointed to the SAP.

11.8. The Chair of the appointed Safeguarding Appeals Panel may give Directions for the conduct of any Appeal. Unless otherwise Directed by the Chair of the SAP, the parties shall make written submissions to the SAP of the National Court as follows:

- i. The Respondent shall serve a written response to the notice of the Appeal on the Appellant and the SAP within 14 calendar days of the notice of Appeal being lodged; and
- ii. The Appellant shall serve any written reply to the response on the Respondent and the SAP within 7 calendar days of the response being lodged.

11.9. The Chair of the SAP in conjunction with National Court Administration shall decide the time, date and place of the SAP Hearing subject to:

- i. the requirement that the Hearing shall take place as soon as reasonably practicable after the notice of Appeal and the response to that notice have been received; and
- ii. the ability of the SAP to, where it deems it appropriate, and having heard any representations in respect of it, hear the cases of more than one individual in the same proceedings.

11.10. The parties will be informed of the date of their Hearing not less than four (4) calendar weeks in advance and will be made aware that they are required to attend the Hearing and entitled to be legally represented; such representative identity must be notified to the Court and Motorsport UK not less than 7 calendar days before the date of the Hearing. Save in cases of particular urgency, the Hearing notification shall be in writing. Motorsport UK will be represented by either its General Counsel or Regulatory Counsel.

11.11. The Motorsport UK Safeguarding Team shall compile all relevant papers for the Hearing and ensure that (subject to paragraph 7) both parties have copies of all papers to be put before the SAP at least seven calendar days in advance of the Hearing.

11.12. The SAP may determine its own procedure and deal with the Appeal in any way it sees fit, consistent with a fair and just consideration of all grounds of Appeal. For the avoidance of doubt:

- i. The parties shall have no right to a complete rehearing of the case, and the SAP shall confine its review to the grounds of Appeal only;
- ii. The SAP shall have sole discretion to determine whether the parties shall be permitted to submit any (and if so, what) oral evidence at the Hearing;
- iii. The SAP shall be permitted to proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of the party to attend;
- iv. The SAP shall be permitted to have regard to any documents put before the Safeguarding Panel, transcripts of evidence and/or submissions before the Safeguarding Panel and decisions made by the Safeguarding Panel; and
- v. Any decision taken by the SAP shall be made by a majority vote. In the event of a tie, the Chair of the SAP shall have the casting decision.

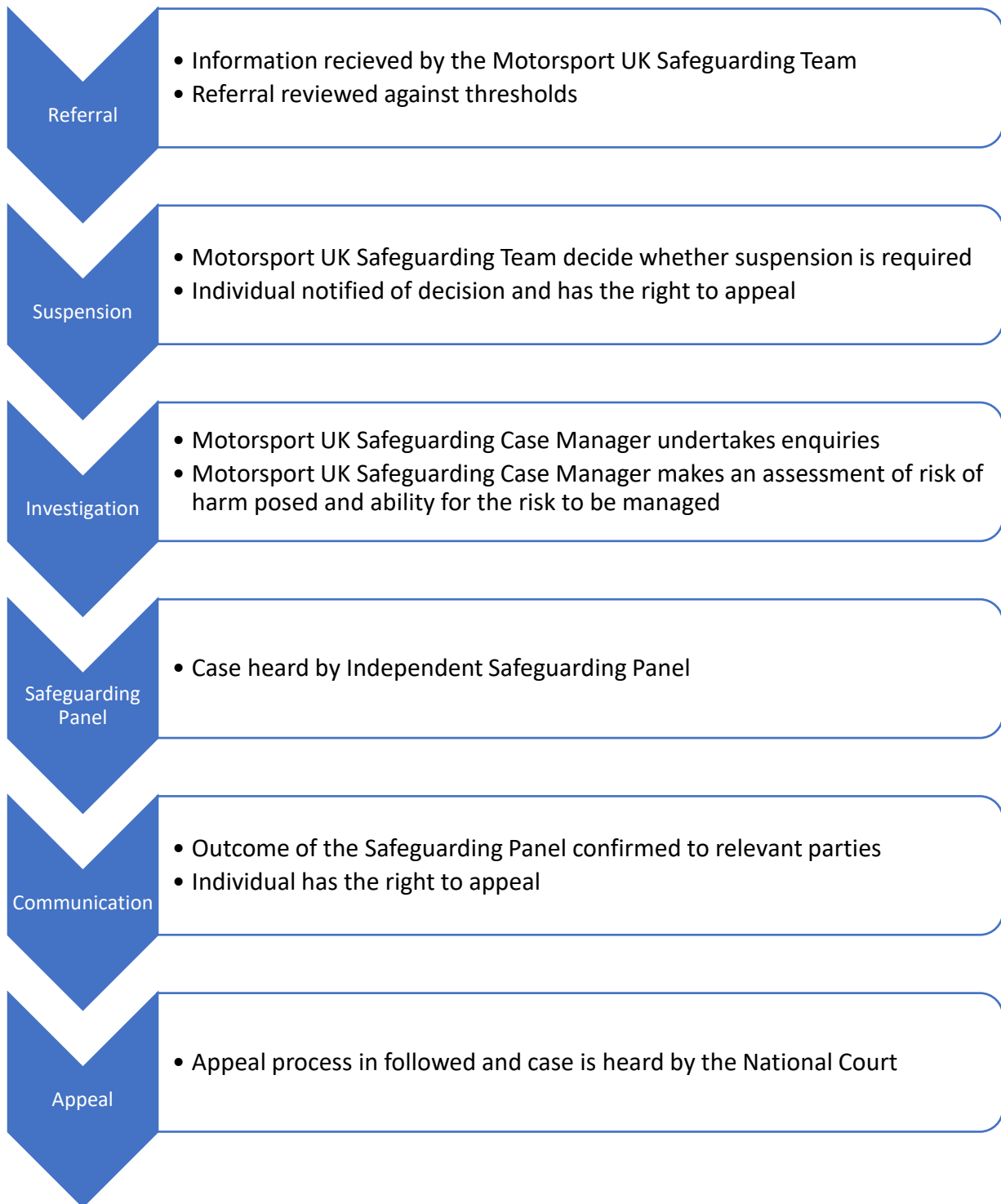
11.13. The SAP shall have the power to allow or dismiss the Appeal and to exercise the same powers as were available to the Safeguarding Panel hearing the case, as set out in paragraph 9. The SAP also has the power to direct that the case be remitted for re-hearing by a new Safeguarding Panel.

11.14. All decisions of the National Court shall be final and binding and there shall be no further right of Appeal.

11.15. Decisions shall be communicated to the parties and where applicable the individual's Club Safeguarding Officer in writing and written reasons for the Decision will be communicated to the parties as soon as reasonably practicable. Any Decision will specify the date by which any costs ordered by the Safeguarding Appeal Panel must be paid (if not to be paid within 7 days).

11.16. The SAP may in its entire discretion require an Appellant party other than ASN to make a contribution of the costs of the Appeal. The ASN shall never be liable to pay the costs of another party.

APPENDIX 1 – Flowchart reflecting stages of the Procedure



APPENDIX 2 – Investigative Thresholds applied by the Motorsport UK Safeguarding Team

The Motorsport UK Safeguarding Team has established clear case management thresholds to manage expectations across the Motorsport UK network of clubs and communities.

If cases which are referred to Motorsport UK meet the thresholds outlined below, the Safeguarding Team will take appropriate actions in accordance with the Motorsport UK Safeguarding Procedure. If it is decided that the case does not meet these thresholds, the Safeguarding Team will refer them back to the Club Safeguarding Officer for further consideration and provide support or advice as appropriate.

The Motorsport UK Safeguarding Team will take action where a referral¹ meets the following thresholds:

1. Any referral relating to an allegation which meets the threshold of a statutory agency investigation.
2. Any referral in which the person under investigation is employed within a position of trust (education, health care settings, social work, care work and criminal justice settings) or volunteers with children or adults at risk for another organisation.
3. Any referral where the person under investigation is a Club Safeguarding Officer or has a safeguarding role within Motorsport.
4. Any referral relating to sexual misconduct (to include conduct over internet enabled devices) within the context of Motorsport.
5. Any referral relating to a physical assault on a child within the context of Motorsport.
6. Any referral about an individual who is subject to a suspension, monitoring, supervision or any ongoing plan imposed by the Safeguarding Panel pursuant to Motorsport UK's Safeguarding Procedure.
7. Any referral relating to a person who is subject to sex offender registration requirements.
8. Any referral involving Motorsport UK employee or volunteer.
9. Any referral relating to a third (or more) incident of poor practice/low level concern, provided the previous two (or more) incidents have been reported to and recorded by a relevant Club or by the Motorsport UK Safeguarding Team.
10. Any referral involving current or former professional Drivers or high-profile individuals within Motorsport.

¹ For the avoidance of doubt, any reference to a referral is a reference to a referral where the subject matter relates (or may relate) to the welfare of children and/or adults at risk.

11. Any other referral involving behaviours or matters which the Motorsport UK Safeguarding Team consider give rise to transferable safeguarding risk.

Upon receipt of an appropriate referral, the Motorsport UK Safeguarding Team will advise if the case meets the threshold criteria. If the referral does not meet the threshold, this will be clearly communicated to the person making the referral and advice provided if required. If you are unsure whether your concern meets the threshold for an investigation by the Motorsport UK Safeguarding Team please discuss this with a member of the team.