



POLICY DOCUMENT

SAFEGUARDING POLICY AGAINST HARASSMENT & ABUSE

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1. PREAMBLE

Everyone connected to sport in South Africa should know how to keep children, and adults safe. They therefore should have appropriate opportunities to develop and maintain the necessary attitudes, skills and knowledge to do this.

Everyone has the right to participate in sport in an environment free from non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect irrespective of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or athletic ability.

The SAUWHF recognises that the welfare of all who take part in our sport, regardless of their role, is important and places the safety and well-being of all participants at the centre of everything we do. SAUWHF recognises that whilst any of these participants can be subjected to non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect, certain groups may be more vulnerable than others, including but not limited to:

- Children
- Young Adults
- People with a Mental and/or a Physical Disability
- Competitive Players
- Women
- Elderly Persons, and
- Other Vulnerable Adults

The SAUWHF recognises that the effectiveness of safeguarding is dependent on ensuring players and other participants are involved and engaged and receive appropriate training and support.

The SAUWHF committed to the principles of safe sport and good governance and has developed policy for the prevention of harassment and abuse within sport.

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2. PURPOSE

The purpose of the SAUWHF's Safeguarding Policy is to ensure that players and others taking part in sport can do so without fear of harassment or abuse. The key objectives of the policy are to:

- Ensure everyone understands that all forms of harassment and abuse are unacceptable and will not be tolerated.
- Enable anyone who has witnessed or experienced harassment or abuse within sport to report the incident without fear of victimisation or retaliation.
- Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in sport, irrespective of whether they arise at local, national or international level.
- Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising.
- Ensure all reasonable steps are taken during the recruitment of Coaches, Manager, Referees, Officials and volunteers to prevent unsuitable individuals from working in sport.

3. DEFINITIONS

- **Abuse** refers to the definition of any kind of abuse set out in section 2 and Appendix A of this Policy;
- **Adult** means players 18 years and older, men and women including players with impairments;
- **Players** means all players of all ages;
- **Players with disabilities:** those who have long-term physical, mental, intellectual or sensory impairments that, on interaction with certain barriers, may hinder their full and effective participation in society on an equal basis with others;
- **Bullying or cyberbullying:** unwanted, repeated and intentional, aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying can include actions such as making threats, spreading rumours or falsehoods, attacking someone physically or verbally and deliberately excluding someone;
- **Child and adolescent:** every human below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Early childhood relates to those below 8 years of age. Juvenile or young person and adolescents are 10-18 years of age;
- **Executive** refers to the SAUWHF Executive Committee

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- **Harassment** refers to the definition of any kind of Harassment set out in POINT 5 of this Policy;
- **Hazing:** an organised, usually team-based, form of bullying in sport, involving degrading and hazardous initiation of new team members by veteran team members;
- **Homophobia:** antipathy, contempt, prejudice, aversion or hatred towards lesbian, gay or bisexual individuals;
- **Judicial Body** of the SAUWHF is the relevant body who will be appointed by the Executive to lead the disciplinary procedure in case of violation of this SAUWHF Safeguarding Policy;
- **Neglect:** the failure of parents or care givers to meet a child's physical and emotional needs or failure to protect a child from exposure to danger. This definition equally applies to coaches and players entourages;
- **Negligence:** the failure of a coach or another person with a duty of care towards the players to provide a minimum level of care to the players, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.
- **Non-accidental harm:** any unwelcome sexual harassment and/or abuse, financial abuse, bullying and emotional abuse, hazing, neglect, physical abuse and child exploitation.
- **Officials** means members of the team involved in underwater hockey, including but not limited to, management, volunteer, coach and any other member of the team appointed at a tournament local or international.
- **Physical abuse:** non-accidental trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming a player. This could include forced or mandated inappropriate physical activity (e.g., age-inappropriate or physique-inappropriate training loads; when injured or in pain); forced alcohol consumption; or systematic doping practices;
- **Players** means all players of all ages;
- **Players with disabilities:** those who have long-term physical, mental, intellectual or sensory impairments that, on interaction with certain barriers, may hinder their full and effective participation in society on an equal basis with others;

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- **Policy:** means this SAUWHF Safeguarding Policy;
- **Protection from Harassment Act 2010,** defines harassment as directly or indirectly engaging in conduct that the respondent knows or ought to know (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably (i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be; (ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or (iii) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or (b) amounts to sexual harassment of the complainant or a related person.
- **Psychological abuse:** a pattern of deliberate, prolonged, repeated non-constructive behaviours within a power differentiated relationship. This form of abuse is at the core of all other forms. Some definitions refer to emotional or psychological abuse interchangeably. In this document, we refer to psychological abuse in recognition that the psyche consists of more than emotions. It also consists of cognitions, values and beliefs about oneself, and the world. The behaviours that constitute psychological abuse target a person's inner life in all its profound scope;
- **Safe sport:** an athletic environment that is respectful, equitable and free from all forms of non-accidental violence to players;
- **SAUWHF Safeguarding Policy** means this document concerning the protection against Harassment and Abuse in Sport;
- **Sexism:** is the belief that one sex or gender is superior to another. Sexism is distinguished by prejudice or by discrimination based on person's sex or gender. Although sexism can affect anyone, women and girls are more often affected by sexism.
- **Sexual abuse:** any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/ manipulated or is not or cannot be given;
- **Sexual harassment:** any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical.

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- **Volunteers** means people working or assisting SAUWHF during team SAUWHF Sanctioned tournaments, preparation and delivery at Major International Events.
- **Young adults** are young persons over the age of 18 years transitioning from childhood to adulthood. With limited life experience they might not have developed resilience and may be more at risk of exploitation, harm or abuse.

4. TO WHOM AND WHEN DOES THIS POLICY APPLY?

Without any distinction of: age, gender, race, religion, creed, ethnical origin, physical attributes, sexual orientation, athletic ability, socio economic status or other kind of unfair discrimination; the Policy applies to anyone who:

- Currently is, or was at the time of a possible violation of this Policy, within the governance or disciplinary jurisdiction of the SAUWHF; is an players, coach, official, or any members of the players entourage of the players at any level or category of the competitions/events of the SAUWHF; including but not limited to coaches, trainers, chaperones, officials and any individuals acting on behalf of the SAUWHF such as directors, officials, administrators, members, and service providers whether employed, contracted or voluntary (herein referred to as a "participants").
 - Is a SAUWHF member of staff or official;
 - Is a member of the SAUWHF;
 - Is a volunteer or a person who is part of any SAUWHF event;
 - SAUWHF identifies as being within its rules and jurisdiction;

This Policy applies at any time during the year including SAUWHF representation at International Tournaments, Competitions and events.

The SAUWHF Safeguarding Policy applies specifically to any incidents of harassment and abuse that occur during or connected to participation in any SAUWHF activities or connected to any activities where the participant is representing the SAUWHF.

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The SAUWHF will implement safeguards aimed at protecting all participants in sport from harassment and abuse irrespective of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or athletic ability.

The SAUWHF recognises that in all matters concerning the care, protection and well-being of a child the standard that the child's best interest is of paramount importance, must be applied. Children are defined as young persons under 18 years of age and are protected under the United Nations Convention on the Rights of the Child and the Constitution of South Africa. The SAUWHF will implement safeguards specifically aimed at protecting all children participating in sport.

Any incidents of harassment or abuse that are perpetrated against a child must be report to the relevant Child Protection Authorities (South African Police Service (SAPS), Department of Social Development, Registered Child Protection Agency) in accordance with the Children's Act 38 of 2005 as amended and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 Of 2007 as amended.

The SAUWHF recognises that children and adults may participate in sports activities, who are, or may be, in need of services by reason of mental or other disability, age or illness, and who are, or may be, unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation. The SAUWHF will implement safeguards specifically aimed at safeguarding children and adults participating in the sport and recreational activities of sport in need of care and support.

Any incidents of harassment or abuse that are perpetrated against a child or adult with a mental disability must be reported to the relevant Authorities.

The SAUWHF policy and procedures are applicable to all levels of the sport and provides a framework for those involved in sport to meet their duty of care towards all who participate in the sport regardless of whether they are a competitive or recreational players, staff, volunteers, spectators or service providers. The policy is mandatory for all SAUWHF members and volunteers. Any individual or organisation that is providing a service to SAUWHF must also demonstrate that they comply with these standards. Anyone who manages or has overall responsibility for a provincial federation or club or organisation must support their Safeguarding Officer to fulfil their role and ensure their organisation is fully compliant with this policy. All SAUWHF members should also read and comply with the policy.

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5. WHAT IS HARASSMENT AND ABUSE?

SAUWHF has adopted the description of the various forms of harassment and abuse as set out in the IOC Consensus Statement 2016;

Harassment and abuse can be expressed, but not limited to, five forms which may occur in combination or in isolation. These include:

- Psychological abuse;
- Physical abuse;
- Sexual harassment;
- Sexual abuse;
- Neglect;
- Bullying

This Policy incorporates the definitions from the IOC Consensus Statement 2016;

Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age disability, socio-economic status and athletic ability. It can include a one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited and coercive.

Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

All participants are susceptible to being a target of the various forms of harassment and abuse.

6: MEMBERS – SAUWHF MEMBERS – PROVINCES / PROVINCIAL MEMBERS

- The SAUWHF members must play a part in ensuring that the sports environment is free from any kind of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect.;
- The SAUWHF members shall have their own safeguarding policy which is easily accessible to their members in accordance with:
 - a) The applicable law;
 - b) The SAUWHF's Safeguarding Policy;
 - c) The International Federation's Safeguarding Policy
 - d) Any SAUWHF Safeguarding Policy and guideline that may be provided from time to time;
- The SAUWHF Provinces must formally adopt their own Safeguarding Policy through a resolution

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of their executive committee.

- The SAUWHF Provinces shall communicate their Safeguarding Policy and measures to their members and act to prevent any form of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect in their federation;
- The SAUWHF Provinces will provide training on safeguarding to their members who have regular contact with children and vulnerable adults and to all safeguarding officers;
- The SAUWHF Provinces shall appoint a Safeguarding Officer or Officers for their Province and shall require their Clubs to in turn appoint safeguarding officers;
- The SAUWHF Members shall immediately inform the SAUWHF Safeguarding Officer(s) of any concerns, investigations or disciplinary action in respect of any reported case of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect happening in their Province. The SAUWHF Provinces may request assistance from the SAUWHF Safeguarding Officer in the case management of Safeguarding complaints.

7. THE SAUWHF SAFEGUARDING OFFICER

The SAUWHF Safeguarding Officers will be as follows:

Junior SAUWHF – Ladies and Men’s Development Officers

Senior SAUWHF – Ladies and Men’s Representative.

Each one of them will act individually or in collaboration, when it is required.

The SAUWHF Safeguarding Officers have the following role and duties:

- To be the main point of contact for anyone reporting suspected non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect at any time;
- To be the main point of contact for the SAUWHF member about any request concerning the Safeguarding Policy or safeguarding matters;
- To manage the reporting and investigation procedure set out in POINT 10 of this Policy.
- To inform the SAUWHF Executive who in turn will appoint the independent Judicial Body in case of a disciplinary or ethical procedure;
- To provide, if requested, a support to anyone who reports a case of possible non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect and/or to anyone who has been the subject of Harassment and Abuse.
- To implement and uphold the SAUWHF’s Safeguarding Policy;
- To agree safeguarding plans with the organisers for tournaments;
- To respect the confidentiality, as set out in POINT 9 of this Policy;

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- The SAUWHF Safeguarding Officers are aware of any criminal offence without the relevant authorities being contacted in accordance with the applicable law, it is their responsibility to contact them immediately.

8. APPLICABLE LAW / RELEVANT AUTHORITIES

- The SAUWHF's Safeguarding Policy's applicable law are the SAUWHF's Governance & Policy documents; plus applicable local legislation
- In case of any report to the relevant authorities, the applicable law will be the national law of the country where the incident happened;
- The SAUWHF Safeguarding Officers will not investigate or attempt to resolve concerns when a criminal offence is suspected. The SAUWHF Safeguarding Officers must refer such cases to the relevant authorities;
- In the event the non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect cannot be considered as a criminal offence by the relevant authorities in accordance with the applicable law, the SAUWHF Safeguarding Officers will be allowed to investigate and engage in a disciplinary or ethical procedure in front of the SAUWHF's independently appointed Judicial Body, as set out in POINT 11 of this Policy;
- SAUWHF Judicial Body can only engage in a disciplinary or ethical procedure after any sanction taken by the relevant authorities in accordance with the applicable law.

9. CONFIDENTIALITY

- The SAUWHF Safeguarding Officers undertake to respect the confidentiality of all the information received at any phase of the procedure;
- All the information provided by the whistle blower shall be kept by the SAUWHF Safeguarding Officers and are considered as confidential at any time;
- In the event the incident could be a criminal offence, the SAUWHF Safeguarding Officers must share the collected information with the relevant national authorities in accordance with the applicable law;

The SAUWHF Safeguarding Officers may share, on a "need to know basis" only and may use the confidential information in cases where the disclosure is necessary to protect someone from the non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect that is being suffered.

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During any proceedings (external or internal) following a reported safeguarding concern, the welfare of all involved remains paramount and the SAUWHF will endeavour to provide appropriate support to players, parents, coaches and volunteers who are affected by a harassment or abuse situation including, where appropriate, the alleged perpetrator. Any attempt to defame, harass, abuse, intimidate, bribe, or threaten victims, their family members, whistleblowers or an alleged perpetrator will be reported to the relevant authorities and may result in separate internal disciplinary action.

10. REPORTING PROCEDURE

SAUWHF strongly encourages the reporting of all incidents of suspected non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect, regardless of who the offender may be in order to foster well-being in the SAUWHF.

10.1 Whistle blowing

- The SAUWHF strongly supports whistle blowers by providing a confidential reporting system and believes it is important for anyone who has concerns to speak out early in order to prevent and stop any damages inflicted on anyone;
- The whistle blower can be anybody who is aware or has concerns about any form of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect as defined in POINT 5 of this Policy;
- In case it seems the victim of a non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect needs urgent medical or police attention, the whistle blower must immediately contact the appropriate services. If not, the incident shall be reported by following the reporting procedure, as set in POINT 10 of this Policy;
- The report must be presented to the SAUWHF Safeguarding Officer, as set out in POINT 7 of this Policy and must respect the process established in Point 10 of this Policy;
- The whistle blower has a right to conserve his/her anonymity and all the information s/he gives to the SAUWHF Safeguarding Officer is strictly confidential, as set out in POINT 9 of this Policy;

10.2 How to report

- Anyone can report any incident or concerns to the SAUWHF Safeguarding Officer who is the only appropriate person, as set out in POINT 7 of this Policy;
- The report can be freely made by any means. However, SAUWHF strongly recommends the whistle blower completes the report form provided in Appendix A of this Policy and

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sends by email (sp@sauwhf.co.za) the completed form to the SAUWHF Safeguarding Officer;

- In case of non-use of the report form, it is very important that the whistle blower provides the following information, if possible:
 - a) Name, age, nationality and email address of the victim;
 - b) The nature of the violation;
 - c) A summary of the incident with as much details as possible;
- To take the report into consideration, the information is the minimum requirement to engage in the investigation procedure or in case of a criminal offence, to alert the relevant authorities if they have not already been aware of the incident;
- All the information, provided by the whistle blower, shall be kept by the SAUWHF Safeguarding Officer and is considered confidential. In the event the harassment or abuse is a criminal offence, the SAUWHF Safeguarding Officers must share the information collected with the relevant authorities in accordance with the applicable law;
- The SAUWHF Provinces must report immediately to the SAUWHF any case of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect that they have been aware of, as well as any sanctions given to any of their members, and if needed could request help from the SAUWHF Safeguarding Officers.

10.3 Case Management

When a safeguarding complaint or concern arises, the Safeguarding Officers will form a panel to consider the case. The panel will be chaired by someone with a legal background who will be appointed by SAUWHF. All safeguarding matters must be regarded as highly confidential and not for disclosure outside of the Case Management Group unless so agreed.

Members of the Case Management Group have an overriding obligation to protect children or adults with mental disability at risk of harm and may therefore share information as appropriate with third parties. Should any member of the Case Management Group discover they are connected, or have an interest in, any referral case which would disqualify them from participating in any matters relating to that particular case, they must recuse themselves from the panel.

The Case Management Group will operate independently of the SAUWHF Board. The Case Management Group may meet in person or by way of telephone/video conferencing if necessary.

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10.4 Case management principles:

- Any issue arises in relation to the protection, safeguarding or welfare of children or vulnerable adults shall be the paramount consideration.
- Any investigation or inquiry is to proceed upon the basis that the primary consideration will be a determination of the risk posed to children and or vulnerable adults.
- Unless the determination finds no, or an insignificant, risk, effective steps must be taken to manage or reduce the risk.
- Individuals about whom there are concerns should be treated fairly and honestly and should be provided with support throughout the process.
- Any investigation must be sensitive to the welfare of the children and vulnerable adults during its processes and, at all times, hold central the need to keep the interests of children and vulnerable adults as paramount.
- Where issues other than risk to children and vulnerable adults are under consideration in any investigation such issues must remain subordinate to the requirement to determine the risk posed to children and vulnerable adults.
- The assessment of risk involves consideration of the actual or potential harm that an individual may pose to children or vulnerable adults in gymnastics.
- The assessment of risk does not involve making a finding based upon either the criminal or civil standards of proof (i.e. certainty or “the balance of probabilities”). The assessment requires a defensible decision that a risk does or does not exist and, where it does, a determination of the extent of such risk.
- Save in exceptional cases, the assessment will not require the production of a formal risk assessment report.
- The steps taken to address any perceived risk to children or vulnerable adults must have regard to the nature and extent of the risk as well as to any particular and relevant aspects of the sport and, in the light of this, must seek to ensure that such steps will be effective.
- In cases where the perceived risk is low, and no criminal or disciplinary charge could be made out, it may be nonetheless necessary to impose stringent restrictions on an individual or remove his/her ability to participate in the sport.

10.5 Investigation procedure

Independent Investigation Officer appointed by SAUWHF Executive

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The role:

To conduct an investigation gathering and assessing available evidence and information following a decision made by the SAUWHF's Case Management Panel that an investigation is required as part of its safeguarding case management process.

Knowledge:

- How to gather evidence and information to assist in establishing the facts alleged;
- How to identify witnesses and interview them in order to obtain facts, information and professional opinion pertaining to the case;
- Best practice in interviewing witnesses (particularly children or vulnerable adults) and taking and recording statements;
- A clear understanding of the need to ensure that all material (e.g. information, records, identity of potential witnesses) is collected and retained;
- An understanding of what information/evidence an investigator can obtain;
- Factors that might impact upon the investigation and the impact these might have (e.g. vulnerability of witnesses, language, culture etc.);
- The support available for witnesses and for the person/s accused;
- Familiarity with the preparation of an investigation report following the conclusion of the investigation;
- Knowledge of how statutory investigations are conducted and how sports investigations may link in with these;
- Familiarity with sports organisations disciplinary processes and the purpose of written standards of expected performance and conduct;
- Clarity about the parameters/limits of investigation.

Skills:

- Ability to plan an investigation within appropriate timescales;
- Ability to assess and analyse a variety of evidence both written and in other forms;
- Ability to work independently but within the context of organisational expectation;
- Ability to record decisions and the reasons behind them;
- Ability to work alongside other professionals including the police and social workers;
- Ability to give evidence to disciplinary proceedings and appeals;
- Ability to signpost support for victims/witnesses if a need is identified in conjunction with the SAUWHF;
- Ability to recognise that an investigation may need to be referred on to the police.

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However, in case of suspicion of a criminal offence, it is not appropriate for the SAUWHF Safeguarding Officers to investigate. They shall immediately contact the relevant authorities, in accordance with the applicable law;

During the investigation procedure, the SAUWHF Safeguarding Officers must respect the confidentiality of the information, as set out in POINT 9 of this Policy;

Where SAUWHF's rules and in particular this Policy have been breached, the SAUWHF Safeguarding Officers shall inform the SAUWHF Judicial Body in order to engage in the disciplinary or ethical procedure, as set out in POINT 11 of this Policy.

11. DISCIPLINARY PROCEDURE

In the event of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect, as defined in POINT 5 of this Policy, the Judicial Panel of the SAUWHF Judicial Body will be the only relevant body to sanction or punish any kind of infraction of the SAUWHF Safeguarding Policy;

The members of the SAUWHF Judicial Body cannot be the SAUWHF Safeguarding Officers;

In case of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect which is a criminal offence in accordance with the applicable law, the disciplinary procedure will start after any sanction taken by the relevant authorities;

The SAUWHF's Judicial Panel is only allowed to take sporting sanctions after any other sanction taken by the relevant authorities;

These sanctions can only be taken during the disciplinary procedure if they respect the principle of impartiality, right of defense and equality.

Sanctions and measures shall be proportional to the infringement of the SAUWHF Safeguarding Policy. The following factors shall be taken into consideration:

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- The nature of the violation;
- The severity of the violation;
- The number of the violation (is it a first offence or one of several);
- The abused or harassed person (young, impaired [physical, mental, intellectual or sensory] or adult participant);
- The relationship between the abused or harassed person and the abuser or harasser;
- Any other relevant circumstances;

The Judicial Panel of SAUWHF's Judicial Body can take the following sanctions and measures singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances, the following:

- Written or verbal apology;
- Formal warning;
- Risk assessment;
- Training and/or supervision;
- Suspension;
- Termination of membership, license, agreement or contract;
- Financial sanction;
- Competition ban;
- Banishment of any National Federation;
- Any other sanction that the Independent Disciplinary Panel considers appropriate in the circumstances will be referred to the **SAUWHF Executive** for final approval.

Anyone who has been found to have harassed or abused another participant will have the right to appeal against the decision. Appeals must be made in writing to the SAUWHF Executive Body Officer(s) within twenty-one (21) days of receipt of notice of the decision of the Judicial/Independent Disciplinary Panel.

12. CRIMINAL CONVICTIONS & FINDINGS OF FACT

The SAUWHF shall establish that an incident of harassment and abuse has occurred where:

- A SAUWHF participant is convicted of a criminal offence; or

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- another recognised regulatory body has determined that an allegation(s) of harassment or abuse against a SAUWHF participant is/are proven.
- The Judicial/Independent Disciplinary Panel having considered any representations made by the participant and any other affected parties may determine that it is appropriate to impose a sanction relating to SAUWHF activities.

The Judicial/ Independent Disciplinary Panel may apply the SAUWHF sanction to some or all SAUWHF activities or determine its own sanction(s). Any sanction imposed by the SAUWHF shall be subject to a right of appeal in accordance with the SAUWHF Code of Ethics and Disciplinary Procedures.

13. RETENTION OF RECORDS

Any information relating to complaints of harassment or abuse will be stored securely and be compliant with the requirements of the Protection of Personal Information Act.

Any information about poor practice or complaints about harassment and abuse that may indicate that a participant in a position of trust is unsuitable to work or volunteer in the sport will be retained for as long as the participant remains active in the sport or for 10 years, whichever is longer, even if it were not possible at the time that the information was first reported to instigate any formal proceeding.

Any other records relating to other complaints will be retained for a period of 3 years unless a similar complaint arises within that period.

Any records relating to disciplinary action taken by SAUWHF should be retained in accordance with the retention periods set out in the SAUWHF Code of Ethics and Disciplinary Procedure.

14. SAFE RECRUITMENT OF COACHES, MANAGERS & VOLUNTEERS

The following policies and procedures are aimed ensuring all reasonable steps are taken during the recruitment of staff and volunteers to prevent unsuitable individuals from working in the sport.

Introduction

1. The SAUWHF and its members must ensure all reasonable steps are taken during recruitment to prevent unsuitable individuals from working with children, young people, persons with a mental and/or physical disability and other vulnerable adults.

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2. All individuals involved in sport who will have significant access to children, young people, persons with a mental and/or physical disability and other vulnerable adults must be vetted to establish whether they have any criminal convictions or other past behaviour that suggests they are unsuitable to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults or may present a risk to them. This applies equally to paid staff and volunteers.
3. All applications for roles in the sport that involve “regular contact” with children, young people, persons with a mental and/or physical disability and other vulnerable adults should be carefully considered and scrutinised, regardless of whether the application is for voluntary or paid work with the level of checking completed appropriate to the role being applied for.
4. All existing and new volunteers and members working in roles that involves “regular contact” with children, young people, persons with a mental and/or physical disability and other vulnerable adults; or where they hold a position of trust; or existing staff or volunteers who change their role to work with these vulnerable groups, are required to complete a vetting process.
5. The SAUWHF Safe Recruitment policy and procedures apply to anyone recruited to a voluntary who is going to have significant access to children, young people, persons with a mental and/or physical disability or other vulnerable adults or have access to their personal data.
6. Although the vast majority of staff and volunteers that work in sport are committed, dedicated people who are motivated to work within the sport for commendable reasons, it is vital that all reasonable steps are taken to ensure that any unsuitable people or people who may cause harm to children, young people, persons with a mental and/or physical disability and other vulnerable adults are prevented from working with them.
7. The SAUWHF Safe Recruitment policy and procedures aim to safeguard all participants in the sport from harassment, abuse or exposure to poor practice. The SAUWHF recognises that the majority of participants in sport are children and that the sport also offers programmes and activities for children and adults with a mental disability. The SAUWHF and its members have a statutory duty to vet staff and volunteers who have regular contact with children and/or persons with a physical or mental disability.
8. The SAUWHF also considers that persons prohibited from working with children or persons with a mental disability may also not be suitable to work with young people and other vulnerable adults.

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The Children's Act

9. The CHILDREN'S ACT 38 OF 2005 as amended makes provisions for a National Child Protection Register and states that no person whose name appears in Part B of the Register may manage or operate, or participate or assist in managing or operating, a school, club or association providing services to children. A person who fails to disclose the fact that their name is entered in Part B of the Register is guilty of misconduct and the person's services may be terminated as a result of non-disclosure.
10. All members and volunteers in sport who have regular contact with children must declare whether or not their name appears in Part B of the National Child Protection Register.
11. The SAUWHF and its members cannot employ a person whose name appears on the National Register for Sexual Offenders if there is any likelihood they will come into contact with children or persons who are mentally disabled as a consequence of their duties. Failure to check employees against the register and employ someone on the register is a criminal offence and is liable on conviction to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment.
12. The SAUWHF minimum standards for the vetting of applicants for roles in the sport to be undertaken during the recruitment process for new applicants and retrospectively for all existing employees (members and volunteers) in order to prevent unsuitable individuals from working with children, young people, persons with a mental; disability and other vulnerable adults are:
 - a) That all potential and existing employees (members and volunteers) must submit a police clearance certificate.
 - b) That all potential and existing employees (members and volunteers) must also disclose to SAUWHF (on affidavit) that they have never been convicted of a sexual offence against a child or a mentally disabled person and that their name does not appear in Part B of the National Child Protection Register as a person deemed unsuitable to work with children.
 - c) That all potential and existing employee member must provide the names of two referees who must provide a reference using the SAUWHF's employee reference form

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13. The SAUWHF and its members must implement the minimum standards to check the suitability of individuals from working with children, young people, persons with a mental and/or physical disability and other vulnerable adults. Any concerns raised as to the suitability of an individual to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults during the vetting of members and volunteers must be investigated before a decision is made to appoint the member or volunteer.
14. If a concern has arisen during the vetting of existing members regarding their suitability to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults, the SAUWHF or its members may suspend the member and volunteer from all or some of their duties whilst an investigation is conducted.
15. As people who want to abuse children, young people, persons with a mental and/or physical disability and other vulnerable adults may seek out various avenues to gain access to children, young people, persons with a mental and/or physical disability and other vulnerable adults, it is important that the minimum standards for vetting are followed at all times, even where there is only one applicant for a position.

One-Off Volunteers

16. All members and volunteers of the SAUWHF or its members will be required to complete the SAUWHF vetting procedures. The only current exception to this is in the case of one-off volunteers who will only have supervised contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults for a limited period of time. E.g. Volunteer s helping out at a fundraiser or event.
17. Where one-off volunteering lead to regular contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults, the minimum standards for vetting employees must be fully applied.
18. The following additional measures may be implemented when interviewing for a role in sport to check the suitability of staff or volunteers to work with children, young people, persons with a mental and/or physical disability or other vulnerable adults:
 - a) Identifying a timeline of previous roles in sports, and any other role that involved working directly with children, young people, persons with a mental and/or physical disability or other vulnerable adults;
 - b) Assessing attitudes and commitment to safeguarding;
 - c) Assessing their previous experience of working with children both inside and outside of sport;
19. Considering the person's qualifications and experience for the role;
 - a) Identifying a timeline of previous roles in sports, and any other role that involved working directly with children, young people, persons with a mental and/or physical disability or other vulnerable adults;
 - b) Assessing attitudes and commitment to safeguarding;
 - c) Assessing their previous experience of working with children both inside and outside of sport;

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- d) Giving the applicant a scenario of a safeguarding nature such as child not being collected after a sport session and ask what they do in that circumstance;
 - e) Asking the applicant if they have ever been refused work that involved contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults or anything that the organisation or club should know that could affect their suitability to work with children, young people, persons with a mental and/or physical disability or other vulnerable adults.
20. In line with best practice, SAUWHF recommends that the minimum standards for the vetting of applicants for roles in the sport in order to prevent unsuitable individuals from working with children, young people, persons with a mental and/or physical disability and other vulnerable adults are renewed every three years.

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APPENDIX A

FORM FOR REPORTING CONCERNS	
Whistle Blowers Information	
Name	
Age/Date of birth	
Nationality	
Addresses (Domicile and e-mail)	
Telephone	
Relationship to the victim	
Position on harassment:	<input type="checkbox"/> Witness <input type="checkbox"/> Someone reported you <input type="checkbox"/> Victim <input type="checkbox"/> Other (specify)
Victim's Information	
Name	
Age/Date of birth	
Nationality	
Addresses (Domicile and e-mail)	
Telephone	
Victim is:	<input type="checkbox"/> Athlete <input type="checkbox"/> Staff <input type="checkbox"/> Volunteers <input type="checkbox"/> Officials <input type="checkbox"/> Others (clarify)
Other specific information (Young athlete, impaired athlete...)	

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Detail of the harassment or abuse	
Nature of the incident:	<input type="checkbox"/> Psychological abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Bullying <input type="checkbox"/> Other (specify)
Date, time, place, country of the incident	
Information about the harasser or abuser if possible (identity, contact...)	
The incident is:	<input type="checkbox"/> Suspicion of harassment or abuse <input type="checkbox"/> Recognised harassment or abuse
Explication of the incident (as accurate as possible)	
Any action taken before the report(relevant authorities):	<input type="checkbox"/> Yes (specify which one) <input type="checkbox"/> No
Other Information	
<p>All information in this document is strictly confidential and only the SAUWHF Safeguarding Officer can read it.</p>	

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