



**SAFEGUARDING POLICY**

**AGAINST**

**HARASSMENT AND ABUSE**

**IN ALL SPORT**

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## INTRODUCTION

The UNIVERSITY SPORT SOUTH AFRICA (hereinafter « USSA»), is South African universities' national multi-coded sporting body. The main business of the USSA is to promote and develop a strategy and framework for development and high performance sport as defined in the National Sport and Recreation Act 110 of 1998 as amended by the National Sport and Recreation Amendment Act, No 18 of 2007 in the Republic of South Africa as well as to act as the controlling body for university sports and for the preparation and delivery of Team South Africa as defined in the aforesaid Act, at all multi-sport international games including but not limited to the World University Games, World University Championships, FASU Games, and CUCSA Games. Included in its objects are the following:

- affiliation to and/or recognition by the appropriate international, continental and regional university sport organisations and for these purposes to act as the recognized national entity for the Republic of South Africa;
- promotion of the fundamental principles and values of the IOC, IPC, FISU, FASU, CUCSA of National Olympic Committee of Africa in the Republic of South Africa, in particular, in the fields of sport and education, by promoting their various educational programmes in member universities.
- taking action against any form of discrimination and violence in sport;
- adoption and implementation of WADA's Anti-Doping Code, thereby ensuring that USSA's anti-doping policies and rules and regulations, membership and/or funding requirements and results management procedures conform to the Code and respect all the rules and responsibilities.

The USSA creates an atmosphere in which everybody who participates in Sport can have a safe, rewarding and positive experience.

Harassment and abuse can occur in sport and can impact on everyone involved in sports'' wellbeing, as well as USSA and its members. The IOC Consensus Statement of 2016 gives some examples of consequences of different forms of Harassment and Abuse in sport: both physical and emotional impacts on athletes and damage to the reputation of Sports Organisations.

The USSA strongly contributes to the protection of everyone involved in sport. USSA believes that all athletes, coaches, officials, staff and volunteers who wish to participate in sport, have a right to participate in a safe and inclusive environment, free from all forms of harm, discrimination, abuse, violence and neglect.

As USSA guided by the IOC Safeguarding Toolkit and IOC Consensus Statement of 2007 and 2016, USSA has developed its own Safeguarding policy designed to protect everyone who takes part in sport. The USSA is committed to safeguarding and protecting all who participate in sport from harassment and abuse and ensuring that all participants are treated with respect and dignity.

Safeguarding is considered to be the responsibility of organisations to make sure their staff, volunteers, operations and programmes do no harm to children or vulnerable adults, or expose them to harassment, abuse or exploitation. Best practice is to consider how we safeguard everyone in our organisations at all times, including protecting staff and volunteers from inappropriate behaviour such as bullying and harassment.

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. partners, associates and any other organisation(s) that contribute to of the USSA and our members the, should have Safeguarding measures in place which are consistent with the standards set out in this policy. The communities we work with should understand our commitment to safeguarding including all relevant process' and protocols

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 USSA recognises that the welfare of all who take part in sport, regardless of their role, is important and places the safety and well-being of all participants at the centre of everything we do. The USSA 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 Athletes
- Women
- Elderly Persons, and
- Other Vulnerable Adults

The USSA is committed to implementing robust procedures to safeguard and protect all participants in sport including procedures to address the risks associated with specific vulnerable groups.

The USSA recognises that the prevention of harassment and abuse in sport requires a systematic and coordinated approach both nationally and internationally. This includes working with the South African statutory authorities, International Federations and the USSA members to safeguard participants in sport.

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

The Constitution of the Republic of South Africa (1996) includes a Bill of Rights which is a cornerstone of democracy in South Africa. It enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom. The Bill of Rights states that you cannot unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The Bill of Rights recognises that everyone has inherent dignity and the right to have their dignity respected and protected. That everyone has the right to be free from all forms of violence from either public or private sources; not to be treated or punished in a cruel, inhuman or degrading way, and that everyone has the right to bodily and psychological integrity, which includes the right to security in and control over their body.

South Africa ratified the United Nations Convention on the Rights of the Child on 16 June 1995. The rights of the child are included in the Bill of Rights of the Constitution of the Republic of South

Africa (1996). The Bill of Rights states that the “A child’s best interests are of paramount importance in every matter concerning the child.” Included in the rights of the child is to be protected from maltreatment, neglect, abuse or degradation.

The USSA recognises its responsibility for guiding national federations in safety in sport as set out in the National Sport and Recreation Act, 1998 (Act No.110 of 1998) as amended, clause 6.1 which reads “National Sports Federations must assume full responsibility for safety issues within their sport and recreation disciplines.”

Clause 4.4.3 of the SASCOC Constitution 2018 requires member organisations “to take action against any form of discrimination and violence in sport”.

The Children's Act 38 of 2005 as amended requires a person who has no parental responsibilities and rights in respect of a child but who voluntarily cares for the child either indefinitely, temporarily or partially, including a care-giver who otherwise has no parental responsibilities and rights in respect of a child, must, whilst the child is in that person's care - safeguard the child's health, well-being and development; and protect the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation, and any other physical, emotional or mental harm or hazards.

Although any participant in sport can experience harassment or abuse, sport-based research confirms that athletes are particularly at risk and some groups are more vulnerable than others. This includes elite athletes and athletes with a disability, especially if they are children or young adults.

The risk of harassment and abuse increases when there is a lack of protective measures in place that may mean that those who could have the motivation to harass or abuse can do so without restriction.

Harassment and abuse can have significant long-term negative impacts on athlete participation and performance as well as general health and well-being, particularly if the athlete has not been able to disclose their experiences or access support.

All sports organisations have an important leadership role in embedding a no-tolerance approach towards all forms of harassment and abuse. The International Olympic Committee (IOC) Consensus Statement: Harassment and Abuse in Sport (2016) highlights that “It is incumbent upon all stakeholders in sport both to adopt general principles for safe sport (...) and to implement and monitor policies and procedures for safe sport (...) which state that: all athletes have a right to be treated with respect, protected from non-accidental violence (...)”.

In addition, the IOC Basic Universal Principles of Good Governance encompass safeguarding and makes it compulsory for organisations that belong to the Olympic movement to adopt these principles, implement relevant measures and monitor compliance.

The USSA is committed to the principles of safe sport and good governance and has developed policy for the prevention of harassment and abuse within sport which requires each USSA member to adopt and implement their own suitable policy and procedures, either independently or in partnership with USSA or the relevant government organisation.

## PURPOSE

The purpose of the USSA Safeguarding Policy is to ensure that athletes 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 in sport 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 staff and volunteers to prevent unsuitable individuals from working in sport.

## DEFINITIONS

The following definitions include those set out in the IOC Consensus Statement 2016:

- **Abuse** refers to the definition of any kind of abuse set out in section 2 and Appendix A of this Policy;
- **Adult** means athletes 18 years and older, men and women including athletes with impairments;
- **Athletes** means all athletes of all ages;
- **Athletes 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;
- **Board** means the USSA National Executive Committee;
- **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;
- **Harassment** refers to the definition of any kind of Harassment set out in CH 2 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;
- **Dispute Resolution Body of USSA** is the relevant body of the USSA to lead the disciplinary procedure in case of violation of this USSA Safeguarding Policy;
- **Lead Welfare Officer** refers the USSA's Lead Welfare Officer, as set out in CH 4 of this Policy;
- **LOC** means "Local Organising Committee" of a Major Sporting Event;
- **Members** means a National University Sport Association, Member University, Provincial Executive Committees, Ex Officio Member, Student Forum
- **National University Sport Association** means the National Sports Body, which is affiliated with USSA;
- **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 athlete entourages;
- **Negligence:** the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, 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 sport, including but not limited to, technical official, medical support, management, volunteer, coach and any other member of the team's entourage at a Major Games or Sports event;
- **Physical abuse:** non-accidental trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming an athlete. 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;
- **Policy:** means this USSA 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-contact 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 athletes;
- **USSA 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.
- **Staff** means all people who are working for a fee for USSA;
- **Volunteers** means people working or assisting the USSA during team preparation and delivery at Major International Events or Major Games and contributing to Committees and Commissions;
- **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.

## CH 1: 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 USSA or who is seeking to be within the governance or disciplinary jurisdiction of the USSA is an athlete, coach, technical official, medical and



health official, or any members of the athlete entourage of the athletes at any level or category of the competitions/events of the USSA; including but not limited to coaches, trainers, chaperones, technical officials , agents, medical personnel and any individuals acting on behalf of the USSA such as directors, officials, administrators, members, and service providers whether employed, contracted or voluntary (herein referred to as a “participants”).

- Is a USSA member of staff or official;
- Is a member of the USSA;
- Is a volunteer or a person who is part of any USSA event;
- USSA identifies as being within its rules and jurisdiction;

This Policy applies at any time during the year including USSA representation at Major Games, Competitions and events.

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

Where a participant is under a contract of employment with USSA and an incident of harassment or abuse occurs relating to their employed role, the employment procedures will apply. However, where a participant is sanctioned under employment procedures, this can be addressed under these procedures to the extent that it impacts on the participant’s suitability to continue to participate outside of their employment relationship.

The USSA 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 USSA 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 USSA 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 USSA 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 USSA 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 USSA 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 athlete, staff, volunteers, spectators or service providers. The policy is mandatory for all USSA staff, members and volunteers. Any individual or organisation that is providing a service to USSA 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 fulfill their role and ensure their organisation is fully compliant with this policy. All USSA members should also read and comply with the policy.

## **CH 2: WHAT IS HARASSMENT AND ABUSE?**

USSA 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.

## **CH 3: MEMBERS – USSA MEMBERS**

- The USSA 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 USSA members shall have their own safeguarding policy which is easily accessible to their members in accordance with:
  - a) The applicable law;
  - b) The USSA’s Safeguarding Policy;
  - c) The International Federation’s Safeguarding Policy
  - d) Any USSA Safeguarding Policy and guideline that may be provided from time to time;
- The USSA members must formally adopt their own Safeguarding Policy through a resolution of their council.
 

The USSA MEMBERS 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 USSA Members will provide training on safeguarding to their members who have regular contact with children and vulnerable adults and to all safeguarding officers;
- The USSA Members shall appoint the USSA Safeguarding Officer or Officers for their organisation and shall require their members to appoint safeguarding officers;
- The USSA Members shall immediately inform the USSA 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 organisation. The USSA members may request assistance from the USSA Safeguarding Officer in the case management of Safeguarding complaints

#### **CH 4: THE USSA SAFEGUARDING OFFICER**

- The USSA Safeguarding Officers should be two suitably qualified persons, preferably one man and one woman.; Each one of them will act individually or in collaboration, when it is required.
- The Executive Committee appoints the USSA Safeguarding Officers
- The USSA Safeguarding Officers will be supported by a case management group
- To respect the impartiality during the procedure, the USSA Safeguarding Officers cannot be a member of the USSA case management group or the Judicial Body.
- The USSA Safeguarding Officers have the following role and duties:
  - a) To be the main point of contact for anyone reporting suspected non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect at any time;
  - b) To be the main point of contact for the USSA member about any request concerning the Safeguarding Policy or safeguarding matters;
  - c) To manage the reporting and investigation procedure set out in CH 7 of this Policy.
  - d) To inform the USSA Judicial Body in case of a disciplinary or ethical procedure;
  - e) 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.
  - f) To implement and uphold the USSA’s Safeguarding Policy;
  - g) To agree safeguarding plans with the LOC for Major Sports events;
  - h) To respect the confidentiality, as set out in CH 6 of this Policy;

- i) The USSA 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.

#### **CH 5: APPLICABLE LAW / RELEVANT AUTHORITIES**

- The USSA's Safeguarding Policy's applicable law are the USSA'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 USSA Safeguarding Officers will not investigate or attempt to resolve concerns when a criminal offence is suspected. The USSA 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 USSA Safeguarding Officers will be allowed to investigate and engage in a disciplinary or ethical procedure in front of the USSA's Judicial Body, as set out in CH 8 of this Policy;
- USSA 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.

#### **CH 6: CONFIDENTIALITY**

- The USSA 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 USSA Safeguarding Officers and are considered as confidential at any time;
- In the event the incident could be a criminal offence, the USSA Safeguarding Officers must share the collected information with the relevant national authorities in accordance with the applicable law;

The USSA 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.

During any proceedings (external or internal) following a reported safeguarding concern, the welfare of all involved remains paramount and the USSA will endeavour to provide appropriate support to athletes, 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, whistle blowers or an alleged perpetrator will be reported to the relevant authorities and may result in separate internal disciplinary action.

## **CH 7: REPORTING PROCEDURE**

USSA 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 USSA.

- **Whistle blowing**

- The USSA 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 CH 2 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 CH 7 of this Policy;
- The report must be presented to the USSA Safeguarding Officer, as set out in CH 4 of this Policy and must respect the process established in CH 7 of this Policy;
- The whistle blower has a right to conserve his/her anonymity and all the information s/he gives to the USSA Safeguarding Officer is strictly confidential, as set out in CH 6 of this Policy;

- **How to report**

- Anyone can report any incident or concerns to the USSA Safeguarding Officer who is the only appropriate person, as set out in CH 4 of this Policy;
- The report can be freely made by any means. However, SASCOC strongly recommends the whistle blower completes the report form provided in Appendix A of this Policy and sends by email ([.....@ussa.org.za](mailto:.....@ussa.org.za)) the completed form to the USSA 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 USSA Safeguarding Officer and is considered confidential. In the event the harassment or abuse is a criminal offence, the USSA Safeguarding Officers must share the information collected with the relevant authorities in accordance with the applicable law;
- The USSA members must report immediately to the USSA 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 USSA Safeguarding Officers.

- **Case Management**

When a safeguarding complaint or concern arises three members of the Case Management Group will form a panel to consider the case. The panel will be chaired by someone with a legal background and will include two other members of the Case Management Group. 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 USSA Board. The Case Management Group may meet in person or by way of telephone/video conferencing if necessary.

**Case management principles:**

1. Any issue arises in relation to the protection, safeguarding or welfare of children or vulnerable adults shall be the paramount consideration.
2. 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.
3. Unless the determination finds no, or an insignificant, risk, effective steps must be taken to manage or reduce the risk.
4. Individuals about whom there are concerns should be treated fairly and honestly and should be provided with support throughout the process.
5. 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.

6. 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.
  7. The assessment of risk involves consideration of the actual or potential harm that an individual may pose to children or vulnerable adults in gymnastics.
  8. 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.
  9. Save in exceptional cases, the assessment will not require the production of a formal risk assessment report.
  10. 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.
  11. 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.
- **Investigation procedure**
    - **Independent Investigation Officer**

**The role:**

To conduct an investigation gathering and assessing available evidence and information following a decision made by the USSA’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 USSA;
  - Ability to recognise that an investigation may need to be referred on to the police.
- However, in case of suspicion of a criminal offence, it is not appropriate for the USSA Safeguarding Officers to investigate. They shall immediately contact the relevant authorities, in accordance with the applicable law;
  - During the investigation procedure, the USSA Safeguarding Officers must respect the confidentiality of the information, as set out in CH 6 of this Policy;
  - Where USSA's rules and in particular this Policy have been breached, the USSA Safeguarding Officers shall inform the USSA Dispute Resolution Body in order to engage in the disciplinary or ethical procedure, as set out in CH 8 of this Policy.

## **CH 8: DISCIPLINARY PROCEDURE**

In the event of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect, as defined in CH 2 of this Policy, the Judicial Panel of the USSA Judicial Body will be the only relevant body to sanction or punish any kind of infraction of the USSA Safeguarding Policy;

The members of the USSA Judicial Body cannot be the USSA 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 USSA's Judicial Panel is only allowed to take sporting sanctions after any other sanctions taken by the relevant authorities;

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

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



- 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 USSA'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;
- Temporary suspension;
- Termination of membership, licence, 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 USSA Board for final approval.

Any sanctions applied by the USSA Judicial Body will be published on USSA's website as long as the sanction is applicable;

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 USSA Safeguarding Officer(s) within twenty-one (21) days of receipt of notice of the decision of the Judicial/Independent Disciplinary Panel.

## **CH 9: NON-RECENT INCIDENTS**

Serious allegations of sexual abuse may be made some time after the event. Where a non-recent

allegation is made, the USSA National Safeguarding Officer(s) should:

- Clarify whether there is a current risk to participants; and
- Advise the individual of their right to make a formal complaint to the police.

This policy does not apply any specific limitations periods for sexual abuse and any serious allegation of non-recent abuse will be treated in accordance with these procedures.

## **CH 10: CRIMINAL CONVICTIONS & FINDINGS OF FACT**

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

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

- The FISU/FASU/CUCSA, or another recognized regulatory body has determined that an allegation(s) of harassment or abuse against a USSA 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 USSA activities.

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

### **CH 11: 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 USSA should be retained in accordance with the retention periods set out in the USSA Code of Ethics and Disciplinary Procedure.

### **CH 12: SAFE RECRUITMENT OF STAFF & 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 USSA 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.
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 employees 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 USSA Safe Recruitment policy and procedures apply to anyone, whether recruited to a voluntary or paid role 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 USSA Safe Recruitment policy and procedures aim to safeguard all participants in the sport from harassment, abuse or exposure to poor practice. The USSA 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 USSA 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 USSA 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.

#### **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 staff 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.

#### **The Criminal Law (Sexual Offences and Related Matters) Amendment Act**

11. The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended makes provision for a National Register for Sexual Offenders and places responsibilities on employers and employees in respect of the act.
12. The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 defines an employer as set out in the act as including any person, organisation, institution, club, sports club, association or body who or which, as the case may be- (i) employs employees who, in any manner and during the course of their employment, will be placed in a position of authority, supervision or care of a child or a person who is mentally disabled or working with or will gain access to a child or a person who is mentally disabled or places where children or persons who are mentally disabled are present or congregate; (ii) owns, manages, operates, has any business or economic interest in or is in any manner responsible for, or participates or assists in the management or operation of any entity or business concern or trade relating to the supervision over or care of a child or a person who is mentally disabled or working with or who gains access to a child or a person who is mentally disabled or places where children or persons who are mentally disabled are present or congregate.
13. The USSA and its members are employers as defined in the CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended by virtue of the programmes and activities they deliver which include programmes and activities for children and persons with physical and mental disabilities.
14. The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended, defines employees as (a) any person who applies to work for or works for an employer, and who receives, or is entitled to receive, any remuneration, reward, favour or benefit; or (b) any person, other than a person contemplated in (a), who in any manner applies to assist or assists in carrying on or conducting the business of an employer, whether or not he or she is entitled to receive any remuneration, reward, favour or benefit.
15. All staff and volunteers of the USSA with regular contact with children and persons with a physical or mental disability are employees as defined in the CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended.
16. The USSA and its members cannot employ a person whose name appears on the 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.
17. The USSA and its members as employers defined in the act are required to apply to the Registrar of the National Register for Sexual Offenders for a prescribed certificate, stating whether or not the particulars of an employee as defined by the act are recorded in the Register. All employees (staff and volunteers) of the USA or its members that may come

into contact with children or persons who are physically or mentally disabled must be checked against the National Register for Sexual Offenders. Such vetting against the register must be done for all future employees and retrospectively for existing employees.

18. Employees are required by the act to inform their employers if they have been convicted of a sexual offence against a child or a person who is mentally disabled, or is alleged to have committed a sexual offence against a child or a person who is mentally disabled and who has been dealt with in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977, irrespective of whether or not such offence was committed or allegedly committed during the course of his or her employment, must without delay disclose such conviction or finding to his or her employer. They must also disclose any conviction or finding when applying for a role within the organisation. Failing to disclose is a criminal offence liable on conviction to a fine or to imprisonment not exceeding seven years or to both a fine and such imprisonment.
19. The USSA and its members are not recognised organisations for the purpose of accessing the National Child Protection Register and the onus is on the employee to declare if they are named on the register. Where the USSA and its affiliated members suspect an employee may have made a false declaration with regard to their name not appearing on the National Child Protection Register they will report the matter to the SAPS or Social Services for them to investigate. Although USSA and its members are required to apply to the Registrar of the National Register for Sexual Offenders for a prescribed certificate, stating whether or not the particulars of an employee as defined by the act are recorded in the Register, the Registrar has indicated in writing that the issuing of clearance certificates and verifying of individuals for any purpose is not yet operational. The onus is therefore on the employee to declare if they are named on the register. In addition to obtaining a SAPS clearance certificate, employees must also disclose to their employers (on affidavit) that they have never been convicted of a sexual offence against a child or a mentally disabled person. This affidavit, must be placed in the employee's file to be utilised at a future date once the Register becomes fully operational. Where the USSA and its members suspect an employee may have made a false declaration with regard to their name not appearing on the National Register of Sexual Offenders they will report the matter to the SAPS or Social Services for them to investigate.
20. The USSA 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 (staff 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 (staff and volunteers) must submit a police clearance certificate.
  - b) That all potential and existing employees (staff and volunteers) must also disclose to their employers (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 employees (staff and volunteers) must provide the names of two referees who must provide a reference using the USSA's employee reference form

21. The USSA 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 employees (staff and volunteers) must be investigated before a decision is made to appoint a new employee (staff or volunteer); or to continue to employ an existing employee (staff or volunteer).
22. If a concern has arisen during the vetting of existing employees (staff or volunteers) regarding their suitability to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults, the USSA or its members may suspend the employee (staff and volunteer) from all or some of their duties whilst an investigation is conducted.
23. 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**

24. All employees whether staff and volunteers of the USSA or its members will be required to complete the USSA 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. Volunteers helping out at a fundraiser or event.
25. 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.
26. 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:
27. 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;
  - 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.

28. In line with best practice, USSA 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.

**APPENDIX A**  
**REPORTING FORM**

<b>FORM FOR REPORTING CONCERNS</b>	
<b>Whistle Blowers Information</b>	
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)
<b>Victim's Information</b>	
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...)	



<b>Detail of the harassment or abuse</b>	
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
<b>Other Information</b>	
<b><i>All information in this document is strictly confidential and only the USSA Safeguarding Officer can read it.</i></b>	