

SAMCA SAFEGUARDING POLICY





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INTRODUCTION

The South African Majorette and Cheerleading Association (“SAMCA”) is the National Federation for the sport of Cheerleading and Majorettes in South Africa, as recognised by the South African Sports Confederation and Olympic Committee. The main business of SAMCA is to promote and develop the sport of Majorettes and Cheerleading in the Republic of South Africa, as well as to act as the controlling body for the sport in the Republic of South Africa and to prepare, deliver and represent the sport at all International levels and within all International associations and affiliations of the sport.

SAMCA endeavours to create an atmosphere in which everybody who participates in this Sport can have a safe, rewarding, and positive experience.

SAMCA believes that all athletes, coaches, officials, staff, and volunteers who wish to participate in this Sport, have a right to participate in a safe and inclusive environment, free from all forms of harm, discrimination, abuse, violence and neglect.

SAMCA, guided by the IOC Safeguarding Toolkit and IOC Consensus Statement of 2007 and 2016 as well as the SASCOC Safeguarding Policy, have developed a Safeguarding policy designed to protect everyone who takes part in the Sport. SAMCA is committed to safeguarding and protecting all who participate in sport from harassment and abuse and ensuring that all participants, inclusive of officials and volunteers, are treated with respect and dignity.

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

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.



SAMCA, in line with SASCOC, recognised 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. SAMCA 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 other, including but not limited to:

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

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

SAMCA 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, the South African Sports Confederation and Olympic Committee (SASCOC), the International Cheer Union and with the World Majorette Federation internationally to safeguard participants in the sport of Majorettes and Cheerleading.

BACKGROUND

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 the 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.

As set out, SAMCA is the recognised national sports federation for the sport and recreational activities of Majorettes and Cheerleading in South Africa as set out in the National Sport and Recreation Act, Act 110 of 1998 (as amended) and as recognised by SASCOC. SAMCA recognised the responsibility placed upon it in terms of The Act and the SASCOC recognition as it relates to safety within the sport.

The SAMCA Constitution states that the Rules and Regulations formulated to govern the day-to-day organisation and management of the Association shall be deemed to form an integral part of the SAMCA Constitution. Thereby the Rules and Regulations contained in this policy forms an integral part of the SAMCA Constitution and must be enforced by all members.

1. PURPOSE

- 1.1 The purpose of the Safeguarding Policy is to ensure that athletes and others taking part in sport can do so without fear of harassment or abuse.
- 1.2 The key objectives of the policy are to:
 - 1.2.1 Ensure everyone in the sport understands that all forms of harassment and abuse are unacceptable and will not be tolerated;
 - 1.2.2 Enable anyone who has witnessed or experienced harassment or abuse within the sport to report the incident without fear of victimisation or retaliation;
 - 1.2.3 Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in the sport, irrespective of whether they arise on a regional, provincial, national or international level;
 - 1.2.4 Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising;
 - 1.2.5 Ensure all reasonable steps are taken during the recruitment of members and volunteers to prevent unsuitable individuals from working in the sport.



2. DEFINITIONS

2.1 The following definitions shall apply to this Policy:

- 2.1.1 **“Abuse”** means the directly or indirectly engaging in conduct that the abuser knows or ought to know causes harm or inspires the reasonable belief that harm may be caused;
- 2.1.2 **“Adult”** means a person 18 years and older, including a person with impairments;
- 2.1.3 **“Appeals panel”** means a group of independent members tasked with reviewing disciplinary decisions and ensuring fairness, impartiality, and adherence to due process.
- 2.1.4 **“Athlete”** means a participant in the sport of Majorettes or Cheerleading and registered with SAMCA;
- 2.1.5 **“Athletes with disabilities”** means 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;
- 2.1.6 **“Case Management Group”** means a panel of qualified individuals appointed by SAMCA to assess, investigate, and manage safeguarding complaints independently of the disciplinary committee.
- 2.1.7 **“Designated person”** means an individual appointed by an organisation to receive and respond to safeguarding concerns. This person is trained in safeguarding procedures and acts as the first point of contact for reporting incidents, ensuring appropriate action is taken in line with policy and legal requirements.
- 2.1.8 **“Executive”** means the SAMCA National Executive as set out in the SAMCA Constitution;
- 2.1.9 **“Bullying or cyberbullying”** means unwanted, repeated and intentional, aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying can include actions such as threats, spreading rumours or falsehoods, attacking a person physically or verbally and deliberately excluding someone;
- 2.1.10 **“Child and adolescent”** means every person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Early childhood relates to a child below 8 years of age, Juvenile/Young person/Adolescent relates to a child between the ages of 9 and 18 years of age;



- 2.1.11 **“Disciplinary committee of SAMCA”** means the relevant committee of SAMCA to lead the disciplinary procedure in case of violation of this Policy;
- 2.1.12 **“Disclosure form”** is a formal document completed by individuals involved in SAMCA activities to declare any criminal history, health concerns, or other relevant information that may affect their suitability to work with vulnerable groups;
- 2.1.13 **“Harassment”** means abuse and includes the conduct of-
- 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;
 - 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
 - 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
 - Amounts to sexual harassment of the complainant.
- 2.1.14 **“Hazing”** means an organised, usually team-based, form of bullying in sport, involving degrading and hazardous initiation of new team members by veteran team members;
- 2.1.15 **“Homophobia”** means, but is not limited to, antipathy, contempt, prejudice, aversion or hatred towards lesbian, gay or bisexual individuals;
- 2.1.16 **“LOC”** means Local Organising Committee of a sporting event within the Association;
- 2.1.17 **“Member”** means a member as defined in the SAMCA Constitution and includes individuals;
- 2.1.18 **“National Child Protection Register”** is a statutory register maintained under the Children’s Act, listing individuals deemed unsuitable to work with children due to prior convictions or findings;
- 2.1.19 **“National Register for Sexual Offenders”** is a statutory register maintained under the Criminal Law (Sexual Offences and Related Matters) Amendment Act, listing individuals convicted of sexual offences against children or persons with mental disabilities;
- 2.1.20 **“Neglect”** means the failure of a parent or care giver to meet a child’s physical and emotional needs or failure to protect a child from exposure to danger. The definition equally applies to coaches and athlete entourages;



- 2.1.21 **“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;
- 2.1.22 **“Non-accidental harm”** means any unwelcome sexual harassment and/or abuse, financial abuse, bullying and emotional abuse, hazing, neglect, physical abuse and child exploitation;
- 2.1.23 **“Officials”** means members of the SAMCA Association as set out in Appendix B to the SAMCA Constitution as well as the teams involved in the sport, including but not limited to, technical official, medical support, management, volunteer, coach and any other member of the team’s entourage at a Sport event;
- 2.1.24 **“Physical abuse”** means 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;
- 2.1.25 **“Policy”** means this SAMCA Safeguarding Policy;
- 2.1.26 **“Protection from Harassment Act 2010”** means the Protection of Harassment Act, Act 17 of 2010 as published by the Government of the Republic of South Africa and all definitions of the act will be applicable within this Policy;
- 2.1.27 **“Psychological Abuse”** is a pattern of deliberate and malicious behaviour or statements by an individual that are intended to harm, control, or manipulate another person's emotional well-being. This includes, but is not limited to:
- Verbal or emotional attacks, such as insults, threats, humiliation, and sarcasm.
 - Intimidation, isolation, and constant criticism.
 - Behaviour that undermines an individual's self-esteem or sense of worth.
 - The use of mind games or emotional blackmail.
 - Deliberately ignoring, excluding, or isolating an individual.
 - Controlling an individual's personal life, including their friendships, access to communication, and financial resources.
 - Threatening harm to a person, their family, or their pets;
- 2.1.28 **“Safeguarding”** means actions taken to promote the welfare of children and vulnerable adults and protect them from harm. This includes proactive measures to prevent abuse and procedures to respond appropriately when concerns arise;



- 2.1.29 **“Safeguarding officer”** means a designated individual responsible for implementing safeguarding policies, receiving and managing reports of abuse or harm, and liaising with statutory authorities and SAMCA leadership;
- 2.1.30 **“Safeguarding Training”** means structured education provided to individuals involved in sport to ensure they understand safeguarding principles, how to identify concerns, and how to respond appropriately;
- 2.1.31 **“Sexism”** means 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;
- 2.1.32 **“Sexual abuse”** means any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given;
- 2.1.33 **“Sexual harassment”** means any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical;
- 2.1.34 **“Staff”** refers to all individuals who are working for a fee, salary, or other form of compensation on behalf of SAMCA, its Provincial/Regional Associations, or any affiliated clubs and entities. This includes, but is not limited to, full-time and part-time employees, contractors, and temporary workers. This definition does not include individuals who are strictly volunteers, unless they receive payment for their work;
- 2.1.35 **“Volunteers”** means people working or assisting SAMCA, or its affiliates, during team preparation and delivery at Regional, Provincial, National or International Competitions and contributing to Committees and Commissions who do not hold an official position in SAMCA as set out in Appendix B to the SAMCA Constitution;
- 2.1.36 **“Vulnerable adult”** means any person aged 18 or over who may be unable to take care of themselves or protect themselves from harm or exploitation due to age, disability, illness, or other circumstances;
- 2.1.37 **“Whistleblower”** means any person who reports concerns or incidents of abuse, harassment, or misconduct in good faith, regardless of their role or relationship to the victim;
- 2.1.38 **“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;



3. APPLICATION

- 3.1 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:
- 3.1.1 Currently is, or was at the time of a possible violation of this Policy, within the governance or disciplinary jurisdiction of SAMCA or who is seeking to be within the governance or disciplinary jurisdiction of SAMCA;
 - 3.1.2 Is an athlete, coach, adjudicator, technical official, medical and health official, or any members of the athlete entourage of the athletes at any level or category of the competition/event of SAMCA or its affiliates, including but not limited to coaches, trainers, chaperones, technical officials, agents, medical personnel and any individuals acting on behalf of SAMCA, such as directors, officials, administrators, members, and service providers whether employed, contracted or voluntary (herein referred to as "Participants");
 - 3.1.3 Is a SAMCA office bearer or official;
 - 3.1.4 Is a member of SAMCA;
 - 3.1.5 Is a volunteer or a person who is part of any SAMCA or SAMCA affiliate event;
 - 3.1.6 SAMCA identifies the person as being within its rules and jurisdiction.
- 3.2 The SAMCA Safeguarding Policy applies specifically to any incidents of harassment and abuse that occur during or connected to participation in any SAMCA activities or connected any activities where the participant is representing SAMCA or its affiliates;
- 3.2.1 This Policy applies at all sanctioned SAMCA events, competitions, and activities, including but not limited to, national championships, provincial competitions, training camps, and workshops. It also extends to any virtual or online activities conducted under the auspices of SAMCA, its Provincial/Regional Associations, and affiliated members.
 - 3.2.2 Where a person is employed by a club, Provincial/Regional Association, or SAMCA, any allegations of harassment or abuse may be addressed through both employment disciplinary procedures and the procedures outlined in this Policy, as appropriate. This is to ensure that the individual's suitability to participate in a non-employment capacity is also considered and acted upon, in addition to any employment-related consequences.



- 3.3 The SAMCA Policy and procedures are applicable to all levels of the sport and provides a framework for those involved in the sport to meet their duty of care towards all who participate in the sport regardless of whether they are a competitive or recreational athlete, member, volunteer, spectator or service provider;
- 3.4 Anyone who manages or has overall responsibility for a provincial or regional association, club or organisation must support the Safeguarding Officer to fulfil their role and ensure their organisation is fully compliant with this policy;
- 3.5 Any incidents of harassment or abuse that are perpetrated against a child must be reported 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;
- 3.6 SAMCA 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.
- 3.7 The Policy and all procedures hereunder are guided by and must be applied in a manner consistent with the applicable laws of the Republic of South Africa, including but not limited to:
 - 3.7.1 The Constitution of the Republic of South Africa Act 108 of 1996
 - 3.7.2 The Protection from Harassment Act 17 of 2010
 - 3.7.3 The Children's Act 38 of 2005 as amended
 - 3.7.4 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
 - 3.7.5 National Sport and Recreation Act 110 of 1998 (as amended)
 - 3.7.6 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
 - 3.7.7 Protection of Personal Information Act 4 of 2013
 - 3.7.8 Any other relevant legislation

4. HARASSMENT AND ABUSE

- 4.1 SAMCA, as per SASCOC, adopts the description of the various forms of harassment and abuse as set out in the IOC Consensus Statement 2016 and incorporates the definitions as set out therein, in this policy.



- 4.2 Harassment and abuse can be expressed, but not limited to, five forms which may occur in combination or in isolation. These include:
- 4.2.1 Psychological abuse;
 - 4.2.2 Physical abuse;
 - 4.2.3 Sexual harassment;
 - 4.2.4 Neglect;
 - 4.2.5 Bullying.
- 4.3 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 and may include a one-off incident or a series of incidents.
- 4.4 Harassment and abuse may be committed in person or online or through the use of a third person.

5. PROVINCIAL/REGIONAL ASSOCIATIONS

- 5.1 The responsibility to implement the policy is shared with the Provincial and Regional Associations of SAMCA, who will:
- 5.1.1 Adopt the SAMCA Safeguarding Policy and Procedure;
 - 5.1.2 All Provincial and Regional Associations affiliated with SAMCA shall formally adopt this Safeguarding Policy through a resolution of their Executive. Proof of adoption must be submitted to the SAMCA National Executive annually. Failure to adopt and implement the policy may result in disciplinary action or suspension of affiliation.
 - 5.1.3 Ensure a Safeguarding Officer is appointed within the Province/Region at the most senior level of the Association;
 - 5.1.4 Ensure that all events conducted under their jurisdiction shall have a Safeguarding Officer in place, that a risk assessment has taken place and that safeguarding measures have been taken;
 - 5.1.5 Ensure that the Safeguarding Officer attends the SAMCA Safeguarding awareness training;
 - 5.1.6 Ensure that there is at least one suitably trained and competent Safeguarding Officer designated within the Association to take the lead role in dealing with safeguarding matters, who will:
 - Promote the importance of safeguarding;
 - Respond to safeguarding concerns;



- Work with other organisations if required;
- Liaise with SAMCA and the local Statutory Authority;
- Maintain confidentiality in all matters;
- Support whistle-blowing practices.

5.2 SAMCA will ensure that all Safeguarding Officers receive training every 3 years and have access to advice on child protection, safeguarding and promoting the welfare of children.

5.2.1 In addition to Safeguarding Officers, all individuals who have regular contact with children, young adults, persons with disabilities, or other vulnerable groups — including coaches, adjudicators, volunteers, and officials — must complete SAMCA-approved safeguarding training.

5.2.2 This training shall be renewed every three (3) years and tracked by the relevant Provincial/Regional Association.

6. MEMBERS

6.1 SAMCA members must play a part ensuring that the sport environment is free from any kind of non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect and must be supportive of other participants who report concern.

6.2 Any participant who has reason to believe that another participant has or is experiencing harassment and abuse connected to the sport, has a duty to report it to SAMCA and its Safeguarding Officers.

6.3 This policy will be freely available from the SAMCA Secretary and the Provincial and Regional Associations;

6.4 Failure to comply with the policy and procedures will be investigated and may result in disciplinary action against the individual concerned;

6.5 SAMCA's National Executive shall appoint two (2) Safeguarding officers, preferably one male and one female, to ensure gender inclusivity and balanced representation at National Level.

6.5.1 These Safeguarding Officers will assist and oversee all Provincial/Regional Safeguarding Officers and act as Safeguarding Officers at SAMCA events or international competitions/tours.



6.5.2 These officers may act individually or collaboratively, depending on the nature of the safeguarding matter.

6.6 Regional/Provincial Safeguarding Officers will notify the National Safeguarding Officers of a complaint received.

6.7 The SAMCA Safeguarding Officers will inform the SASCOC Safeguarding Officer of any such actions and if required will request assistance from the SASCOC Safeguarding Officer in the case management of Safeguarding complaints.

7. SAMCA/NATIONAL SAFEGUARDING OFFICERS

7.1 The SAMCA Safeguarding Officers will be suitably qualified persons who will act individually or collaboratively, depending on the nature of the safeguarding matter.

7.2 The SAMCA Safeguarding Officers are appointed by the SAMCA National Executive.

7.3 The National Executive will compile a permanent case management group to assist the SAMCA Safeguarding Officers.

7.3.1 The case management group will consist of members or external parties containing the skills deemed necessary by the Safeguarding Officers for effective case management.

7.3.2 They will serve for a period of 3 years.

7.4 The SAMCA Safeguarding Officers may not be members of the case management group or the disciplinary committee.

7.5 The SAMCA Safeguarding Officers will have the following role and duties:

7.5.1 To be the main point of contact for anyone reporting suspected non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect at any time;

7.5.2 To be the main point of contact for the SAMCA members about any request concerning the Safeguarding Policy or safeguarding matters;

7.5.3 To manage the reporting and investigation procedure set out in this policy;

7.5.4 To inform the SAMCA disciplinary committee in case of a disciplinary or ethical procedure;



- 7.5.5 To provide, if requested, 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;
- 7.5.6 To implement and uphold the SAMCA Safeguarding Policy;
- 7.5.7 To agree safeguarding plans with the LOC for National Championship events;
- 7.5.8 To respect the confidentiality, as set out in this Policy;
- 7.5.9 If the SAMCA Safeguarding Officers are aware of any criminal offence, without the relevant authorities having been contacted in accordance with the applicable law, it is their responsibility to contact such authorities immediately.

8. CONFIDENTIALITY

- 8.1 The SAMCA Safeguarding Officers undertake to respect the confidentiality of all the information received at any phase of the procedure;
- 8.2 All the information provided by the whistle blower shall be kept by the SAMCA Safeguarding Officers and is considered as confidential at any time;
- 8.3 In the event the incident could be a criminal offence, the SAMCA Safeguarding Officers must share the collected information with the relevant authorities in accordance with the applicable law;
- 8.4 The SAMCA 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;
- 8.5 The SAMCA Safeguarding Officers will take care not to share information such as medical reports or information of a personal nature with a third party without the consent of the victim/complainant unless there is a duty in law to share such information;
- 8.6 Any attempts by an alleged perpetrator 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.
- 8.7 SAMCA shall adopt a standardised reporting form.



- 8.7.1 The form must capture whistleblower and victim details, nature of incident, location, and any prior actions taken.
- 8.7.2 This form shall be included as an annexure to the policy.

9. REPORTING PROCEDURE

- 9.1 The following procedures apply to incidents, concerns, allegations or disclosures of harassment and abuse brought to the attention of SAMCA or its affiliates.
- 9.2 Anyone can report an incident of harassment or abuse.
- 9.3 Reports can be made in the following manner:
 - 9.3.1 In writing to the National/Provincial/Regional Safeguarding Officers on the SAMCA template form (Annexure A);
 - 9.3.2 By phone or email to a National/Provincial/Regional Safeguarding Officers;
 - 9.3.3 In person to a National/Provincial/Regional Safeguarding Officers.

10. WHISTLE BLOWING

- 10.1 SAMCA 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;
- 10.2 A 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 this policy;
- 10.3 In the event of 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 out in this policy;
- 10.4 The whistle blower has a right to conserve his/her anonymity and all the information he/she gives to the SAMCA Safeguarding Officers is strictly confidential, as set out in this policy.



11. CASE MANAGEMENT

- 11.1 Any complaint received by a member of SAMCA or the Regional or Provincial Safeguarding Officers, will refer the complaint on to the National Safeguarding Officers, who are the first point of contact;
- 11.2 The National Safeguarding Officers will make an initial assessment of the complaint to determine the nature of the concern and whether the matter relates to a Participant under SAMCA jurisdiction.
- 11.3 If the complaint is believed to be a criminal offence, the National Safeguarding Officers will refer the matter to the Police, with assistance from the Provincial/Regional Safeguarding Officer, as well as to any other relevant authorities and/or regulatory bodies without delay.
- 11.4 The matter will be referred to the SAMCA Case Management Group.
 - 11.4.1 The Case Management Group shall consist of three members, preferably chaired by an individual with legal expertise.
 - 11.4.2 Members of the Case Management Group must recuse themselves from any case where a conflict of interest exists.
 - 11.4.3 The panel operates independently from the SAMCA Executive and may convene in person or via virtual platforms.
- 11.5 The SAMCA Case Management Group will consider the complaint and determine to:
 - 11.5.1 Proceed with an internal investigation;
 - 11.5.2 Resolve the matter informally;
 - 11.5.3 Dismiss the complaint as unfounded or as insufficiently serious to require any action by SAMCA;
 - 11.5.4 Take such interim protective measures, pending the outcome of criminal prosecution and/or an internal investigation, as set out in paragraph 11.8.
 - 11.5.5 Alleged perpetrators must be suspended if the alleged allegations are of a criminal nature which is pending an outcome.
- 11.6 The Case Management Group shall apply the following principles during risk assessment:
 - 11.6.1 Prioritise the welfare of children and vulnerable adults;
 - 11.6.2 Determine risk based on actual or potential harm;



- 11.6.3 Take effective steps to manage or reduce risk;
- 11.6.4 Treat individuals fairly and provide support;
- 11.6.5 Ensure sensitivity and confidentiality;
- 11.6.6 Consider the nature and extent of risk;
- 11.6.7 Impose restrictions if necessary to protect participants.

11.7 The National Safeguarding Officers will determine whether any of the affected parties require support and arrange for support to be provided where deemed appropriate;

11.8 SAMCA may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances apply:

- 11.8.1 The participant is believed to present a significant risk to other participants;
- 11.8.2 The reputation of the sport is at risk;
- 11.8.3 The participants ongoing presence may hinder investigations.

12. INVESTIGATION PROCEDURE

12.1 SAMCA will delay internal investigation until the outcome of a criminal proceeding is known;

12.2 Where an internal investigation is required, SAMCA shall instruct an independent investigation to carry out the investigation in terms of an appropriate timeline agreed by the National Safeguarding Officers;

12.2.1 Independent investigators must possess knowledge of evidence gathering, interviewing techniques, legal and safeguarding procedures, and report writing.

12.2.2 They must be able to work independently, collaborate with professionals, and maintain confidentiality throughout the investigation.

12.3 The Investigating Officer may:

12.3.1 Request information from the police and other organisations;

12.3.2 Request written or oral representations from relevant parties, keeping in mind the guidelines applicable to interviewing vulnerable witnesses.

12.4 The investigator shall compile a report and include all relevant evidence for consideration by the SAMCA Case Management Group.

12.5 The SAMCA Case Management Group will then determine if:



- 12.5.1 Further investigation is required;
- 12.5.2 The matter is referred to the SAMCA Disciplinary Committee;
- 12.5.3 No further action is taken.

12.6 Reporting an incident involving an adult with a mental and/or physical disability

- 12.6.1 In the event of an allegation or suspicion of harassment, abuse, or neglect involving an adult with a mental and/or physical disability, the SAMCA Safeguarding Officer must immediately report the matter to the relevant authorities, including the South African Police Service and/or the relevant social services department.
- 12.6.2 This is in addition to following the internal reporting procedures outlined in this policy.
- 12.6.3 The confidentiality of the individual will be maintained to the greatest extent possible, but the primary concern is the safety and well-being of the vulnerable adult.

13. DISCIPLINARY PROCEDURE

- 13.1 In the event of a non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect allegation, as set out in this policy, being confirmed or reasonably confirmed, the SAMCA Disciplinary Committee will be the only relevant body to sanction or punish any kind of infraction of the SAMCA Safeguarding Policy;
- 13.2 The SAMCA Safeguarding Officers may not be members of the SAMCA Disciplinary Committee;
- 13.3 The standard of proof for such proceedings will be the civil standard of balance of probabilities;
- 13.4 SAMCA may seek to proceed with disciplinary actions regardless of the outcome of any criminal proceedings;
- 13.5 Where the process may involve a child or person with a mental disability, the SAMCA Disciplinary Committee may choose to appoint a person suitably trained to deal with such persons as part of the Committee;



- 13.6 Written permission should be obtained from any parent / carer of a Child or a Person with a Mental Disability where such person is asked to provide evidence and / or attend a hearing. Where a Child or a Person with a Mental Disability is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / carer and the SAMCA Disciplinary Committee shall make sure that the Child or a Person with a Mental Disability fully understands the process taking place. In exceptional circumstances, where written permission is not obtained from a parent / carer, assessment should be made of the ability of the Child or a Person with a Mental Disability to understand and make their own decisions;
- 13.7 SAMCA must respect the principle of impartiality, right of defence and equality throughout the disciplinary process;
- 13.8 Sanctions and measures issued by the Disciplinary Committee shall be proportional to the infringement of the SAMCA Safeguarding Policy;
- 13.9 The following factors may be used to determine the extent of the infringement:
- 13.9.1 The nature of the violation;
 - 13.9.2 The severity of the violation;
 - 13.9.3 The number of violations;
 - 13.9.4 The abuse or harassed person (young, impaired, adult, etc);
 - 13.9.5 Any other relevant circumstances.
- 13.10 The SAMCA Disciplinary Committee is allowed to issue the following measures or sanctions:
- 13.10.1 A written or verbal apology;
 - 13.10.2 Formal Warning;
 - 13.10.3 Training and/or supervision;
 - 13.10.4 Temporary suspension;
 - 13.10.5 Termination of membership;
 - 13.10.6 Financial sanction;
 - 13.10.7 Competition ban;
 - 13.10.8 Banishment of an Association or affiliate;
 - 13.10.9 Any other sanction that the Disciplinary Committee considers appropriate in the circumstances.
- 13.11 Any person who has been found to have harassed or abused another participant will have the right to appeal against the decision.



- 13.11.1 An appeal must be made in writing to the SAMCA Safeguarding Officer/s within twenty-one (21) days of receipt of Notice of Outcome of the SAMCA Disciplinary Committee.
- 13.11.2 The Appeals Panel shall consist of independent members not involved in the original investigation or disciplinary process and shall follow the principles of impartiality, fairness, and confidentiality. The decision of the Appeals Panel shall be final and binding within SAMCA's jurisdiction.

14. NON-RECENT INCIDENTS

- 14.1 SAMCA recognises that serious allegations of harassment, abuse, or misconduct—particularly those involving sexual abuse—may be disclosed long after the incident occurred.
- 14.2 There is no limitation period for reporting sexual abuse or serious safeguarding violations.
- 14.3 All non-recent incidents will be treated with the same seriousness, confidentiality, and procedural fairness as current incidents.
- 14.4 In the event where serious allegation, inclusive of sexual abuse, may be made some time after the incident, the SAMCA Safeguarding Officers should:
 - 14.4.1 Clarify whether there is a current risk to the participant;
 - 14.4.2 Determine whether the alleged perpetrator is still active in SAMCA or affiliated activities,
 - 14.4.3 Advise the individual of their right to make a formal complaint to the police.
- 14.5 SAMCA will offer appropriate support to individuals reporting non-recent incidents, including, but not limited to, emotional support and referral to counselling services, assistance in navigating legal or statutory reporting process and protection from retaliation or victimisation.

15. CRIMINAL CONVICTIONS & FINDINGS OF FACT

- 15.1 SAMCA shall establish that an incident of harassment and abuse has occurred where:
 - 15.1.1 A SAMCA participant is convicted of a criminal offence; or



- 15.1.2 The IOC/IPC/CWG, or another recognised regulatory body has determined that an allegation of harassment or abuse against a SAMCA participant is proven;
- 15.1.3 The SAMCA Disciplinary Committee 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 SAMCA activities.

16. RETENTION OF RECORDS

- 16.1 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;
- 16.2 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;
- 16.3 Any other records relating to other complaints will be retained for a period of 3 years unless a similar complaint arises within that period.

17. SAFE RECRUITMENT OF OFFICIALS & VOLUNTEERS

- 17.1 The following policies and procedures are aimed at ensuring all reasonable steps are taken during the recruitment of officials and volunteers to prevent unsuitable individuals from working in the sport.
- 17.2 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;
- 17.3 Vetting of officials and volunteers includes, but may not be limited to, the submission of the following documentation:
 - 17.3.1 Police clearance certificates,
 - 17.3.2 Declarations confirming no convictions,
 - 17.3.3 Two referee checks, and



17.3.4 Participation in interviews assessing safeguarding attitudes.

17.4 Vetting must be renewed every three years.

17.5 One-off volunteers with limited, supervised contact may be exempt from full vetting. However, if their role evolves into regular contact, full vetting procedures must be applied. Supervisors must ensure these volunteers are briefed on safeguarding expectations. Refer to section 17.10 below.

17.6 Although the vast majority of staff and volunteers that work in this 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;

17.7 SAMCA 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.

17.8 The Children's Act:

17.8.1 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;

17.8.2 All staff and volunteers in this sport who have regular contact with children must declare whether or not their name appears in Part B of the National Child Protection Register.

17.9 The Criminal Law (Sexual Offences and Related Matters) Amendment Act:

17.9.1 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;



- 17.9.2 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; OR (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.
- 17.9.3 SAMCA and its members are employers for the purpose of 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.
- 17.9.4 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.
- 17.9.5 All officials and volunteers of SAMCA with regular contact with children and persons with a physical or mental disability are employees for the purposes of the CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended.
- 17.9.6 SAMCA 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.



- 17.9.7 SAMCA 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 (officials and volunteers) of SAMCA 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.
- 17.9.8 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.
- 17.9.9 SAMCA 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 SAMCA 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 SAMCA 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, through communication to SASCOC, 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 SAMCA 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.



- 17.9.10 SAMCA 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 (officials and volunteers) in order to prevent unsuitable individuals from working with children, young people, persons with a mental; disability and other vulnerable adults are:
- 17.9.10.1 That all potential and existing employees (officials and volunteers) must submit a declaration form, completed yearly and submitted before the 31st of March of every year for record purposes;
 - 17.9.10.2 The Declaration form will require the person to disclose 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;
 - 17.9.10.3 The Declaration form will require the person to disclose that they do not have a criminal record and have not been convicted of a criminal offence.
- 17.9.11 SAMCA 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 (officials and volunteers) must be investigated before a decision is made to appoint a new employee (official or volunteer); or to continue to employ an existing employee (official or volunteer).
- 17.9.12 If a concern has arisen during the vetting of existing employees (official or volunteers) regarding their suitability to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults, SAMCA or its members may suspend the employee (official and volunteer) from all or some of their duties whilst an investigation is conducted.
- 17.9.13 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.



17.10 One-off Volunteers:

- 17.10.1 All employees, whether official and/or volunteers of SAMCA or its members will be required to complete the SAMCA 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;
- 17.10.2 Where once-off volunteering leads 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.
- 17.10.3 In considering the person's qualifications and experience for the role:
 - 17.10.3.1 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;
 - 17.10.3.2 Assessing attitudes and commitment to safeguarding;
 - 17.10.3.3 Assessing their previous experience of working with children both inside and outside of sport;
 - 17.10.3.4 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;
 - 17.10.3.5 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.

18. MONITORING AND EVALUATION

- 18.1 The SAMCA Safeguarding Policy shall be reviewed biennially to ensure alignment with national and international safeguarding standards.
- 18.2 The SAMCA National Executive shall conduct annual compliance audits of Provincial and Regional Associations to assess implementation, training, reporting, and vetting practices.
- 18.3 Non-compliance shall be addressed through corrective action plans or disciplinary measures.