



## GolfRSA Safeguarding Policy

### Supplement 2: Reporting Protocols and Procedures

[Version: January 2024]

1. The following protocols apply to any incidents, concerns, allegations or disclosures of harassment and abuse brought to the attention of GolfRSA (herein referred to as “**complaints**”).
2. If a complaint of harassment or abuse is perpetrated by or against a child or an adult, any action taken must be in accordance with the GolfRSA Safeguarding policy.
3. Any participant who has reported that an incident of harassment or abuse involved a person or persons belonging to another organization or unconnected to the sport will be provided with support from GolfRSA.

#### Reporting Concerns

4. Concerns may fall into two categories:
  - Where harm is happening in the context of the sport of golf;
  - Where harm is happening towards someone connected with the sport of golf; but is occurring at home or in a context outside of the sport.
5. Concerns could be with regard to a:
  - Current Situation;
  - Past (Historical) Situation.
6. Concerns might be about:
  - Maltreatment (Harassment or Sexual, Physical, Emotional Abuse or Neglect);
  - Poor Practice;
  - Perceived Failure of an Organisation to Safeguard.
7. Anyone can report an incident of harassment or abuse. Mechanisms for receiving the information are as follows:

- (a) In writing using the GolfRSA template form;
  - (b) By phone or email to a National, Union, Club or event Safeguarding Officer(s);
  - (c) In person to a National, Union, Club, or Event Safeguarding Officer(s).
  - (d) It is noted here that GolfRSA will have a confidential reporting landing page on its website [see [www.golfrsa.co.za](http://www.golfrsa.co.za)] and this shall go directly to both a male and female National Safeguarding Officer.
8. Due to the need for confidentiality and to expedite safeguarding complaints in order to protect children and adults from harassment, abuse or poor practice, the GolfRSA normal communication lines from Club to Union to GolfRSA National Office are set aside. A GolfRSA Club or event Safeguarding Officer should report safeguarding concerns directly to the GolfRSA National Safeguarding Officer (s). This ensures that only those people that need to know how to help protect a participant from harassment, abuse or poor practice are informed of the concern and that the concern can be dealt with expeditiously.
9. In situations where the child or adult is considered to be in immediate danger it will be necessary to notify the SAPS or social services.
10. In situations where there is no immediate danger your duty of care is to refer the concerns to the most appropriate person or organisation to take action. This may be a GolfRSA National, Union, Club or event Safeguarding Officer.
11. Reports of concern should be recorded using the GolfRSA Safeguarding Report Form (Appendix C).
12. The GolfRSA, Union, Club or event Safeguarding Officer will take responsibility for referring the complaint to:
- Local SAPS where a crime is suspected of having taken place;
  - Local social services where a child or adult is suspected of being at risk and requiring support and protection;
  - The National GolfRSA Safeguarding Officer(s).

#### Assessment of Complaints

13. Any complaints pursuant to this policy received by the GolfRSA will be referred to the GolfRSA National Safeguarding Officer(s) who is the first point of contact for complaints and concerns under this procedure.
14. The GolfRSA National Safeguarding Officer(s) will make an initial assessment of the complaint to determine the nature of the concern and whether the matter relates to a participant under GolfRSA jurisdiction.
15. If the complaint is believed to be a criminal offence, the GolfRSA Safeguarding Officer(s) will refer the matter to the Police and other relevant authorities and/or regulatory bodies without delay.
16. In most cases, GolfRSA will delay internal investigations until the outcome of a criminal

proceeding is known. Once a matter has been referred back from the police, the objective will be to conclude any investigations in a timely manner.

17. The GolfRSA National Safeguarding Officer will take responsibility for referring the complaint to:
  - SAPS where a crime is suspected of having taken place;
  - Social services where a child or adult is suspected of being at risk and requiring support and protection;
  - Case Management Group where unacceptable behaviour or poor practice is suspected of taking place in the context of golfing activity.
18. Where an investigation is being conducted by SAPS or social services, GolfRSA will only take action in consultation with the statutory authorities. GolfRSA has the right to suspend a person against whom allegations have been made pending the outcome of an investigation by the SAPS or social services or any resulting criminal proceedings.
19. GolfRSA may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances applies:
  - The participant is believed to present a significant risk to other participants;
  - The reputation of the sport is at risk; and/or
  - The participants ongoing presence may hinder investigations.
20. If the complaint is not considered to be a matter for the police, the GolfRSA Safeguarding Officer(s) should:
  - Refer the complaint to another organisation; or
  - Refer the matter to the GolfRSA Case Management Group;
21. The GolfRSA Case Management Group will consider the complaint and should determine to:
  - Proceed with an internal investigation; or
  - Resolve the matter informally; or
  - Dismiss the complaint as unfounded or as insufficiently serious to require any action by GolfRSA.
22. Where an internal investigation is required, the GolfRSA Case Management Group shall instruct an independent investigator to carry out the investigation in accordance with these procedures and to an appropriate timeline agreed by the GolfRSA Case Management Group.
23. In a case of unacceptable behaviour or poor practice, where the GolfRSA Case Management Group having considered the report of the investigating officer(s) deem there is a case to answer, GolfRSA will implement the disciplinary process. This process consists of a disciplinary hearing and an appeals process. Disciplinary and appeals hearings shall be heard by an independent panel appointed by GolfRSA or other appropriate body.

24. The GolfRSA Safeguarding Officer(s) will assess whether any of the affected parties require support and arrange for support to be provided where deemed appropriate.
25. Where complaints, investigations or disciplinary hearings are conducted at club or Union level, the outcome of these cases must be submitted to the National Safeguarding Officer. This ensures that any trends across different sectors are able to be identified.

#### Interim Measures

26. GolfRSA may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances applies:
  - The participant is believed to present a significant risk to other participants;
  - The reputation of the sport is at risk; and/or
  - The participants ongoing presence may hinder investigations.

#### Investigation

27. Where an internal investigation is required, GolfRSA shall instruct an independent investigator to carry out the investigation, in accordance with these procedures and to an appropriate timeline agreed by the GolfRSA National Safeguarding Officer(s).
28. Where relevant, the investigator may request information from the police and any other relevant organisations.
29. The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses.
30. The investigator shall prepare a report and include all relevant evidence for consideration by the GolfRSA Case Management Group who may determine that:
  - The matter is referred to an Independent Disciplinary Hearing for consideration;
  - Further investigations are instigated;
  - A risk assessment is completed;
  - Instructions, advice or guidance is provided to the relevant parties; and/or
  - No further action is taken.

#### Disciplinary & Appeals

31. Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the *GolfRSA Code of Conduct & Ethics Code and GolfRSA Disciplinary Code*.

32. The standard of proof for such proceedings is the civil standard of balance of probabilities. Consequently, GolfRSA may seek to take disciplinary action irrespective of the outcome of any criminal proceedings.
33. GolfRSA will provide appropriate support and guidance to ensure all participants understand the disciplinary and appeal procedures, especially if children are involved.
34. Where a disciplinary matter involves a Child or a Person with a Mental Disability, GolfRSA Safeguarding Officer(s), Investigator(s) and Independent Disciplinary or Appeals Panels must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.
35. Where a disciplinary matter involves a Child or a Person with a Mental Disability, the Chairman of the Independent Disciplinary or the Appeal Panel shall decide if the Panel should include at least one member who is suitably trained at dealing with Children or Persons with a Mental Disability.
36. Any interviews of a Child or a Person with a Mental Disability shall only be conducted by suitably trained and experienced persons nominated by the GolfRSA.
37. 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 Independent Disciplinary or Appeals Panel 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.
38. In all proceedings involving a Child or a Person with a Mental Disability, the Investigator(s) or Chair of the Independent Disciplinary or Appeals Panel may vary the standard directions set out in this policy and in order to take into account the needs of a Child or Person with a Mental Disability. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.
39. For the avoidance of doubt, the refusal of the Parent, Carer, Child or Person with a Mental Disability to co-operate shall not preclude GolfRSA from taking disciplinary action against the Child or Person with a Mental Disability in accordance with the GolfRSA Safeguarding Policy and Procedures.

#### Sanctions

40. Where it is determined that harassment or abuse has been committed, the Independent Disciplinary Panel who dealt with the matter shall impose an appropriate sanction upon the Participant.
41. The Independent Disciplinary Panel may consider, singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances to order the following:
  - Written or verbal apology;

- Formal warning;
  - Fine;
  - Risk assessment;
  - Training and/or supervision;
  - Temporary suspension;
  - Termination of membership, license, agreement or contract; or
  - Any other sanction that the Independent Disciplinary Panel considers appropriate in the circumstances.
42. Anyone who has been found to have harassed or abused another participant will have the right to appeal against the decision in accordance to the *GolfRSA Ethics and Disciplinary Code*. Intention and motivation to appeal must be made in writing to the GolfRSA in accordance to the procedures set out in the *GolfRSA Ethics and Disciplinary Code* following the receipt of notice of the decision of the Independent Disciplinary Panel.

#### Non-Recent Incidents

43. Serious allegations of sexual abuse may be made some time after the event. Where a non-recent allegation is made, the GolfRSA 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.
44. 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.

#### Criminal Convictions and Findings of Fact

45. GolfRSA shall establish that an incident of harassment and abuse has occurred where:
- A GolfRSA participant is convicted of a criminal offence; or
  - The R&A, USGA, IGF or a golf organisation affiliated to the GolfRSA or another recognised regulatory body has determined that an allegation(s) of harassment or abuse against a GolfRSA participant is/are proven.
46. The 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 GolfRSA activities.
47. The Independent Disciplinary Panel may apply R&A, USAGA or IGF sanctions to some or all of GolfRSA activities or determine its own sanction(s). Any sanction imposed by GolfRSA shall be subject to a right of appeal in accordance with the *GolfRSA Code of Conduct & Ethics Code and GolfRSA Disciplinary Code*.

### Confidentiality

48. Confidentiality is an important factor in the reporting, recording and processing of safeguarding concerns. The safeguarding concern should only be disclosed or discussed with those people within GolfRSA, members and affiliated clubs that need to know in order to manage the case and to safeguard the individual(s) from maltreatment.
49. The only information regarding a safeguarding concern that will be discussed with the GolfRSA Exco will be:
  - Gender of the complainant
  - Age of the complainant
  - Nature of the abuse

### **No other details may be disclosed**

50. Individuals receiving or having safeguarding concerns should avoid attempting to conduct enquiries into the concern. Our duty of care is to report the concerns to the appropriate person and/or organisation. This may be the SAPS, social services, or an appropriate Safeguarding Officer(s).

### Whistle Blowers

51. Although incidents can be reported directly by the affected individual, the term “whistle blowing” is used to describe a complaint relating to the conduct of an individual made by someone other than the affected person.
52. GolfRSA recognises that some individuals may be fearful of the consequences of making a complaint under these procedures, particularly where the perpetrator is in a position of authority. In these circumstances, where possible, the identity of the whistle blower will remain confidential.
53. Any person who makes a complaint in good faith must not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes a complaint that is false, vexatious, retaliatory or frivolous.

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