



GolfRSA Safeguarding Policy

Supplement 3: Safe Recruiting & Vetting

[Version: January 2024]

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

Introduction

2. GolfRSA and its affiliated organisations, Unions and clubs 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.
3. All individuals involved in a golf activity 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.
4. 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.
5. All existing and new volunteers and employees working in roles that involve “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.
6. This Policy applies 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.
7. Although the vast majority of staff and volunteers that work in golf 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.

8. This Policy aims to safeguard all participants in the golf from harassment, abuse or exposure to poor practice. GolfRSA recognises that many of the participants in golf are children and that the sport also offers programmes and activities for children and adults with a mental disability. GolfRSA and its affiliated organisations, Unions and clubs have a statutory duty to vet staff and volunteers who have regular contact with children and/or persons with a mental disability.
9. GolfRSA 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 Act

10. **The Children's Act:** 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 because of non-disclosure.
11. No person managing or operating or who participates or assists in managing or operating an institution providing welfare services to children, including a child and youth care centre, a partial care facility, a shelter or drop-in centre or a school may allow a person whose name appears in Part B of the Register to work with or have access to children at the centre, facility, shelter or school, either as an employee, volunteer or in any other capacity.
12. All staff and volunteers in golf who have regular contact with children must declare whether or not their name appears in Part B of the National Child Protection Register.
13. GolfRSA and its affiliated organisations, Unions and clubs as employers are required to apply to the Department of Social Development for a certificate stating whether or not the particulars of an employee are recorded on Part B of the National Child Protection Register (Form 29). All employees (staff and volunteers) of GolfRSA or one of its affiliated organisations, Unions or clubs that may come into contact with children must be checked against Part B of the National Child Protection Register. Such vetting against the register must be done for all future employees and retrospectively for existing employees. This can be done directly with the Department of Social Development or through a reputable service provider.

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

14. **The Criminal Law (Sexual Offences and Related Matters) Amendment Act.** 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.
15. The *Criminal Law (Sexual Offences and Related Matters) Amendment Act* 32 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.

16. GolfRSA and its affiliated organisations, Unions and clubs are employers as defined in the *Criminal Law (Sexual Offences and Related Matters) Amendment Act* by virtue of the programmes and activities they deliver which include programmes and activities for children and persons with a mental disability.
17. The *Criminal Law (Sexual Offences and Related Matters) Amendment Act*, 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.
18. All staff and volunteers of GolfRSA and its affiliated organisations, Unions and clubs with regular contact with children and persons with a mental disability are employees as defined in the *Criminal Law (Sexual Offences and Related Matters) Amendment Act*.
19. GolfRSA and its affiliated organisations and clubs 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.
20. GolfRSA and its affiliated organisations, Unions and clubs 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 GolfRSA or one of its affiliated organisations or clubs that may come into contact with children or persons who are 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.
21. 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.

22. Although GolfRSA and its affiliated organisations, Unions and clubs do not appear to be a recognized organization for the purpose of accessing the National Child Protection Register, it is suggested that the employees still apply for a certificate of clearance. Whilst awaiting this clearance the onus is on the employee to declare in an affidavit if they are named on the register. This affidavit must be placed in the employee's file until such time as a clearance certificate from the Department of Social Development is received. Where GolfRSA and its affiliated organisations and clubs suspect an employee may have made a false declaration with regards 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.
23. Although GolfRSA and its affiliated organisations and clubs 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 GolfRSA and its affiliated organisations and clubs suspect an employee may have made a false declaration with regards 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.

Minimum Standards

24. GolfRSA sets 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, examples are detailed below.
25. That all potential and existing employees (staff and volunteers) must submit a police clearance certificate.
26. That all potential and existing employees (staff and volunteers) must also disclose via affidavit 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.
27. That all potential and existing employees (staff and volunteers) must provide the names of two referees who must provide a reference using the GolfRSA employee reference form.
28. GolfRSA and its affiliated organisations, Unions and clubs must implement the minimum standards to check the suitability of individuals from working with children, young people, persons with a mental 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; 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).

29. 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, GolfRSA or its affiliated organisation or club may suspend the employee (staff and volunteers) from all or some of their duties whilst an investigation is conducted. Employers should seek advice from a qualified human resources or employment legislation professional on whether paid employees should be suspended with or without pay until such time as an investigation has been concluded.
30. 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

31. All employees whether staff and volunteers of GolfRSA, its affiliated organisations, Unions and clubs will be required to complete the GolfRSA 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. Examples would be:
 - Parents or other volunteers helping out at a club fundraiser or event; or
 - Young people attending the club for a work experience less than once per month.
32. Where one-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.

Service Providers

33. All service providers for GolfRSA, its affiliated organisations and clubs who provide a service for longer than a one-off event or service will be required to complete the GolfRSA vetting procedures.
34. All service providers contracted for maintenance work should preferably conduct their work during hours where contact with children or vulnerable adults is limited.
35. All service providers contracted for work where they will be in contact with children or vulnerable adults will be required to sign an affidavit stating they do not appear on the Sexual Offences Register or Part B of the Child Protection Register and that they will abide by the GolfRSA Code of Conduct and Safeguarding Policy.

Parents

36. It is inappropriate to require parents, guardians or carers to undertake the GolfRSA vetting procedures where their only role is to care for their own child or where they are responsible for an adult who requires support and care. However, in the event that the individual in question

wishes to take on a role within the organisation or club that will bring responsibility for other children, young people, persons with a mental disability or other vulnerable adults the full vetting procedures must be applied.

Additional Recruitment Measures

37. The following additional measures may be implemented when interviewing for a role in the 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:
- Considering the person's qualifications and experience for the role;
 - Identifying a timeline of previous roles in golf, other sports, and any other role that involved working directly with children, young people, persons with a mental disability or other vulnerable adults;
 - Assessing attitudes and commitment to safeguarding;
 - Assessing their previous experience of working with children both inside and outside of golf;
 - Giving the applicant a scenario of a safeguarding nature such as child not being collected after a golf session and ask what they do in that circumstance;
 - 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.
38. In line with best practice, GolfRSA 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.

~