

Child Protection Policy

Effective **July 2008**

1. INTRODUCTION

The positive health benefits and expectations from participation in sport are well documented in literature, but this does not mean that all experiences in sport are positive. When parents send their children to a sport club, they expect the club to provide a safe, nurturing and enjoyable environment. They expect their children to be educated about sport, and through sport. They expect them to be encouraged to learn and to play, not to be abused in any way. Parents place their ultimate trust in sport organisations, their coaches and administrators, and organizations like SCORE thus have a responsibility to take steps to minimize the risk of abuse and deal with it should it occur.

2. THE POLICY & LEGAL FRAMEWORK FOR CHILD PROTECTION

The United Nations' Universal Declaration on Human Rights, the Convention on the Rights of the Child and the South African Charter of Physical Education and Sport all give recognition to the right of children to have the full opportunity for play which promotes their general culture and well being, and to have equal opportunities provided for cultural, artistic and recreational activities.

2.1 The International Convention on the Rights of the Child

Preamble

"Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance",

"Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community",

"Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity",

"Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children",

"Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

“Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child”,

“Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries”

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 3

3.1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

2.2 The Constitution of the Republic of South Africa

Section 28 of the South African Bill of Rights deals specifically with the rights of Children. Sub-section 1 provides that every child has the right-

- (d) to be protected from maltreatment, neglect, abuse or degradation.

Sub-section 2 provides that:

A child’s best interests are of paramount importance in every matter concerning the child.
Children thus have a constitutional right to appropriate care and to be protected from abuse.

2.3 Child Care Act, (74 of 1983); Child Care Amendment Act, (86 of 1991 & 13 of 1999)

The Act makes the sexual abuse of children a criminal offence. In terms of section 50(1)(a) and (b), it is also a criminal offence for a parent or guardian, or any person having the custody of a child, to –

- (a) ill-treat a child;
- (b) abandon a child.

2.4 National Sport and Recreation Act, (110 of 1998)

Paragraph 6 deals with National Sport & Recreation Federations:

6.1) The national sport and recreation federations must assume full responsibility for the safety issues within their sport and recreation disciplines.

3. WHAT IS ABUSE?

Child abuse is a general term used about situations where the child may experience harm. **SCORE differentiates between** different types of abuse: physical abuse, emotional abuse, sexual abuse and neglect.

3.1 Physical Abuse

Physical abuse is the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room, or inappropriately giving drugs to control behaviour.

3.2 Neglect

Neglect is the persistent failure to meet a child's physical and/or psychological needs, likely to result in significant harm. It may involve a parent or care-giver failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, failing to ensure access to appropriate medical care or treatment, lack of stimulation or lack of supervision. It may also include neglect of, or not responding to a child's basic emotional needs.

3.3 Sexual Abuse

Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening, and informed consent is not or cannot be given. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways. These acts constitute a criminal offence.

3.4 Emotional Abuse

Emotional abuse is the persistent emotional ill treatment of a child that causes severe adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Smothering a child's development through over-protection can also be a form of abuse. Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone. Domestic violence, adult mental health problems and parental substance misuse may expose children to emotional abuse.

These actions or failure to act must be **intentional**. That is, a parent/guardian/caregiver/adult/young person must willfully neglect a child.

4. ABUSE IN SPORT

Abuse is evidenced mostly in the form of behaviour by males towards females, and adults toward children. But it can also occur between males, between females, or as behaviour by females toward males. Mostly perpetrators are known to the child-athlete and belong to the sport environment. In a national research report on The Status of SA Women in Sport & Recreation: 1994-2004, Burnett (2004: 58) indicated that: "In all provinces, participants reported cases of sexual harassment and abuse by male coaches and authoritative figures."

4.1 Conditions that Favour Abuse in Sport

Sport is a particularly vulnerable activity because it often involves close relationships between adults and children, and usually these adults are in a position of trust and authority. The

relative social and legal freedom afforded to voluntary sport allows large numbers of youth to be entrusted to adults about whom parents know very little, other than their coaching qualifications perhaps. With coaches capable of exercising great power and authority over young people desperate to achieve success, the ingredients of the coaching situation lead to a potentially risky mix where children are susceptible to abuses of power by unscrupulous coaches.

If a sports club or organisation has no policy for preventing sexual exploitation then there is unlikely to be support for athletes who come forward with complaints. Before someone makes a formal complaint, they must have some confidence that the authorities and structures they are involved with or affiliated to will treat it fairly and confidentially.

Outside of sport, the potential for exploitative relationships developing is recognised and addressed by professional codes of conduct, as in the case of lawyers and medical doctors. Within sport it is regulated by International and National Federations' codes of conduct for coaches, as well as codes of conduct for sport officials and administrators. Additionally, specific codes of conduct regulate the behaviour of those, such as sport psychologists, sport scientists, sport medicine practitioners etc., who render support services to sport. These codes prohibit sexual relationships between the relevant professionals and their students/patients/ athletes.

The issue of sexual relationships between child (as well as adult) sport participants in unequal power relationships should be seen in the context of creating a safer sport environment. In the case of children, there is no doubt that such relationships are exploitative. Even if both parties are legally adult, such relationships can be exploitative because there is usually a disparity between the parties in terms of authority, maturity, status and dependence. Examples of this are employer-employee relationships, where employers have the power to hire and fire, or coach-athlete relationships, where coaches can influence the career opportunities of athletes, or athletes' sense of self-esteem.

Although exploitative relationships between adults in sport may not necessarily be unlawful, and therefore may not carry the risk of vicarious liability for a sport organisation, administrators have a moral obligation to discourage such relationships because of the damage that they can do to the more vulnerable party. Such damage can affect sport performance and the future involvement of the athlete in sport. There is also the possibility that if coercion is a factor, such relationships can amount to unlawful harassment, thus having consequences for the liability of the organisation. Sex with a minor, whether involving a minor of the same or opposite sex, constitutes a criminal offence, which must be reported to the police.

5. Why is a Child Protection Policy Necessary for SCORE?

It is of the utmost importance that SCORE, as an organisation working for and with children, has a Child Protection Policy in place to **safeguard children** from any type of abuse as far as possible and to **minimise the risk** of abuse where it exists.

This is particularly important for those individuals who come into contact with children through SCORE's programmes, being primarily the SCORE volunteers, SCORE staff and invited visitors to SCORE programs and events.

SCORE maintains that ANY abuse is **unacceptable** and nearly always **preventable**.

Thus SCORE as an organization is obliged to take every necessary precaution to prevent abuse and inform others of its position.

In addition to signing this policy, and in order to further minimize the risk of abuse, all SCORE staff and volunteers will also be requested to provide a **police clearance certificate** and or details of any criminal convictions during recruitment/appointment.

6. To whom does this Policy apply?

The policy applies to **any and all individuals** who work for SCORE and work within SCORE programs and/or activities as **SCORE Volunteers** and/or **SCORE Staff Members**, as well as to **SCORE Board Members**.

The policy also applies to all **invited visitors** to SCORE programs or on site visits. These visitors may not have access to any children involved in SCORE activities unless accompanied by a SCORE volunteer or staff member.

7. Procedures in Case of Abuse

Any and all instances of abuse and/or suspicions of abuse MUST be reported.

7.1 Reporting of Child Abuse by Someone Outside the Organisation

If a SCORE Staff Member or Volunteer **suspects** that a child is being **abused by an educator, coach, community sports leader or other people**, he/she must follow the procedure described below:

- Note the **date and time** you identified the abuse;
- Note the **reason** for suspecting abuse; and
- Report your concerns to the **Head of Programmes**, who will report the matter to the **Executive Director**

SCORE will then report the matter to the relevant authorities, and will cooperate at all times with police should there be a criminal investigation.

7.2 Reporting of Child Abuse by Someone Inside the Organisation

If a SCORE Staff Member or Volunteer **suspects** that a child is being **abused by a SCORE staff member or volunteer**, the following procedure is applicable:

- Note the **date and time** the suspected abuse was identified;
- Note the **reason** for suspecting abuse; and
- Report the matter to the **Executive Director**, who will report the matter to the **Chairperson of the Board**

Disciplinary steps will be taken to deal with the situation according to SCORE's Personnel Policy. ANY staff person found to have abused a child while they were a staff member/volunteer at SCORE will be subject to immediate dismissal following this investigation.

SCORE may decide to begin legal action against the former staff person/volunteer and will cooperate at all times with police should there be a criminal investigation.

8. Implementation of the Policy

All SCORE Board members, staff members, and volunteers are obliged to sign the SCORE Child Protection Policy and are obliged to adhere to all of its contents.

The SCORE Child Protection Policy shall also be made known to all **invited visitors** to SCORE programs. All SCORE Staff Members and Volunteers are **obliged to inform** invited visitors about the policy and have a copy of the policy available for such visitors. If the **Policy**

is in **any way violated** by a SCORE program visitor, the Visitor will be removed from activity and legal action may follow.

9. The Confidentiality Issue

9.1 Confidentiality and Children

The issue of confidentiality is of the **utmost importance** when dealing with issues and concerns regarding possible **abuse**. SCORE must **exercise extreme vigilance** in protecting information and must **pass on this information** via the **reporting process** as described. Any matters regarding the abuse or the matter in general must only be discussed within the above mentioned reporting structure. The status of the child suspected of being abused should not be disclosed to any persons outside of the reporting structure without the informed written consent of the child.

It must also be noted that when working with children, the issue of confidentiality becomes even more difficult. When a child **discloses abuse**, the person who is party to the disclosure **cannot promise to keep any secrets** since they are under obligation to report the abuse. For this reason, it is essential to make clear the fact that it **may not be possible** to keep such information **wholly confidential**. Ideally this should be done before any such matter arises. A **written document or statement** could be used to get the **child's permission** to share the information with **selected other people** according to the reporting process. This process must be **discussed with the child** to ensure that he/she knows what to expect at all times.

9.2 Confidential Record Keeping

Any **concerns, allegations** or **disclosure** must be **written down** at the time or as soon as possible after the concern has been raised. Records must be **signed and dated**.

Records must be **kept in a safe place** which is **not accessible to those outside the reporting process**. Records must be **locked** away. Information may only be **shared with relevant parties** and it must always be done in such a way that **confidentiality is maintained**.

10. Declaration of Acceptance

SCORE considers **acceptance** of the contents of the SCORE Child Protection Policy a **precondition** of any formal relationship with SCORE for any and all persons working for SCORE as SCORE Volunteers, SCORE Staff Members or SCORE Board Members.

This policy should be **signed and dated before commencement** of this relationship.

SCORE will keep the Declaration of Acceptance **on file**. All SCORE volunteers, staff and Board members will be provided with a copy of the policy for their own safe keeping.

10.1 Declaration

I hereby declare that I have read and understand the SCORE Child Protection Policy and agree to abide by its contents

Signature: _____

Date: _____ / ____ / ____

Name in full: _____