



CRICKET
SOUTH AFRICA

POLICY

CHILD PROTECTION/ SAFEGUARDING

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The purpose of this document is to outline the methods employed by Cricket South Africa (“herewith CSA”) in order to prevent and safeguard all child participants from harassment, harm and abuse in the game of cricket. To have a reactive component to limit harm occurring, as well as having measures in place to report, investigate and deal with suspicions and incidents.

Consideration was given to all relevant regulations and best practice. Management is required to revise the policy and procedures as and when the need arises.

All CSA employees are responsible for familiarizing themselves with this policy and understanding their positive obligations in relation to complying with this policy.

The policies will be audited by Internal audit on a regular basis to allow for regular updates and flexibility to address any pressing issues and to ensure policies remain relevant with the changing practices with laws and regulations.

The Board will review policies every three years, should no matters arise under normal circumstances.

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1. Reference List

1.1 The following legislative and regulatory framework is relevant to this policy:

- a) Constitution, 1996
- b) Children’s Act 38 of 2005;
- c) Sexual Offences Act 32 of 2007
- d) The Protection of Children in Sport by Professor Paul Singh, 2006;
- e) International Safeguards for Children in Sport;

1.2 The following policies are in place at CSA and should be read in conjunction with this policy:

- a) Code of Ethics Policy
- b) Fraud and Corruption Policy
- c) Harassment Policy
- d) HR Work Practice Manual
- e) IT Information Protection Policy
- f) POPIA Complaints Policy
- g) Retention of Private Information Policy
- h) Whistleblowing Policy

1.3 Any references in this policy to an Act, policy and/or agreement shall be to such Act, policy and/or agreement as amended from time to time.

2. Definitions

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|----------------------------------|--|
| Child: | any person under the age of 18 years |
| Complainant: | the alleged victim of an abuse or sexual offence |
| Disciplinary proceedings: | proceedings initiated by CSA to investigate and have a hearing in relation to an alleged act of abuse against a child. |
| Accused: | a person alleged to have committed an act of abuse or a sexual offence against a child |
| Employee: | a person employed full time or part time by Cricket SA or its Members Affiliates whether as coach or an administrator |
| Volunteer: | a person involved in all cricket related activities whether as a coach/ administrator/umpire/scorer etc. |

3. Introduction

Cricket South Africa (CSA) gives recognition to the right of children to have the full opportunity to play the game of cricket which promotes their wellbeing and development. A child means every human being below the age of eighteen. Until the late 1990s/early 2000s, very few sports organisations had put in place systems and structures to respond to complaints about the behavior of adults or other young people working with children withing sports. Therefore, CSA undertakes to place focus on children’s rights and protect all children under

its care and responsibility from maltreatment, neglect, abuse, all forms of sexual exploitation, sexual assault, discrimination based on gender, race, age, ethnicity, ability, sexual orientation and religious beliefs.

4. Statement

All children have the right to participate in cricket in a safe and enjoyable environment. Everyday thousands of children participate in cricket, for majority of them, this is a positive experience that develops social networks, confidence, skills and knowledge of the game. For others, the experience is negative due to rights violations that affect their wellbeing and create unsafe environments.

Child safeguarding in cricket, is a set of actions that help to ensure all children participating in the game of cricket have a positive experience, are safe from harm and abuse.

5. Scope and Objective

The purpose of the policy is to prevent and safeguard all child participants from harassment, harm and abuse in the game of cricket. To have a reactive component to limit harm occurring, as well as having measures in place to report, investigate and deal with suspicions and incidents.

6. Applicability

The policy applies to, but not limited to all children, coaches, volunteers, umpires, administrators, organisers of cricket events, CSA employees and parents of children participating in CSA organised activities:

- Cricket weeks and festivals
- Coaching clinics and programmes (including practices, games etc.)
- To all participants in cricket programmes
- To alleged incidents of harassment, abuse and neglect

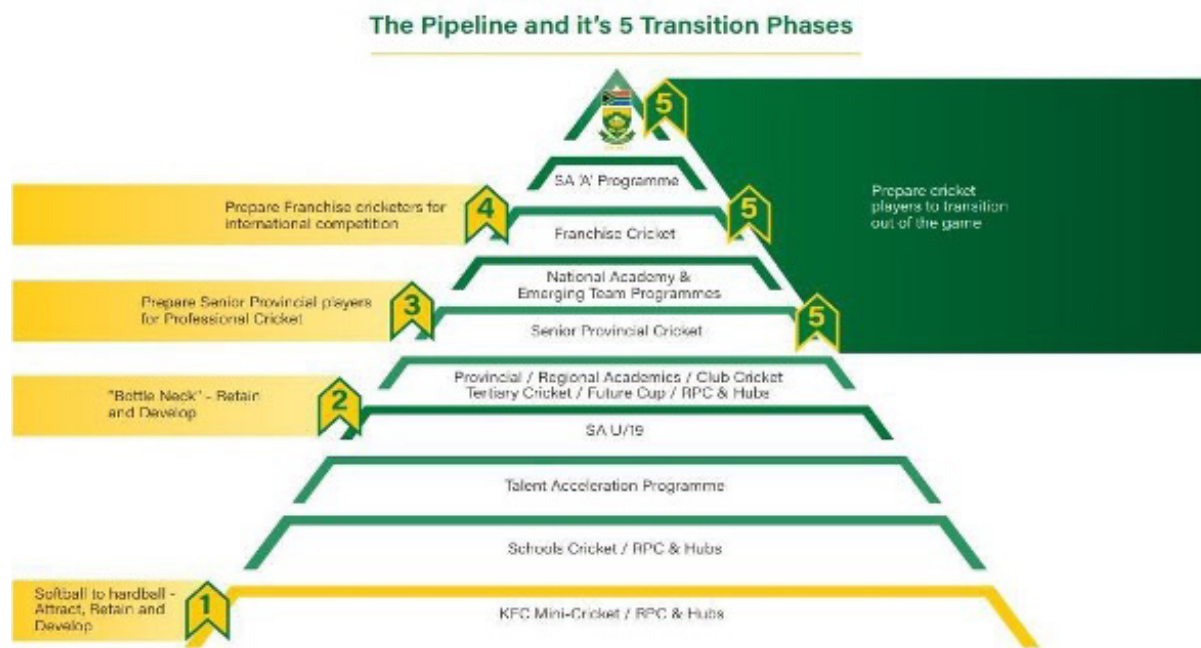
7. Policy Information

7.1 Application

All proceedings, actions or decisions in a matter concerning a cricketer must:

- a) Respect, protect, promote and fulfil the child's rights as set out in the Bill of Rights;
- b) Respect and protect the best interests of the child which shall be of paramount importance in every matter concerning the child;
- c) Respect the child's inherent dignity;
- d) Respect the child's privacy;
- e) Treat the child fairly and equitably;
- f) Protect the child from unfair discrimination on any ground;

- g) Recognize a child’s need for development and to engage in play and other recreational activities appropriate to the child’s age; and
- h) Recognise a child’s disability and create an enabling environment to respond to the special needs that the child has.



7.2 What is abuse?

The Children’s Act, in the definitions section, defines abuse in the following manner:

‘**abuse**’, in relation to a child, means any form of harm or ill-treatment inflicted on a child, and includes:

Physical

Physical abuse is the deliberate physical injury to a child, or the willful 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 behavior.

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 caregiver 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.

Sexual

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.

Emotional

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.

7.3 Safeguards

All formal complaints will be treated fairly and confidentially.

CSA Responsibilities:

In any matter concerning an alleged abuse or sexual violation of a child:

- a) Identify the different role players that should be involved in a multi-level approach to tackle the problem;
- b) Get key role players to acknowledge the problem;
- c) A person who has parental responsibilities and rights in respect of that child, including caregivers and the Department of Social Development of children in alternative care, must be informed and given an opportunity to express their views in any matter concerning the child;
- d) An approach which is conducive to conciliation and problem-solving should be followed and confrontational approach should be avoided;
- e) A delay in any action or decision to be taken must be avoided as far as possible;
- f) A person who has parental responsibilities and rights in respect of that child must be informed of any action or decision taken.
- g) Where a disciplinary hearing takes place, the following protective measures must be put in place:
 - i. The child must be accompanied by his or her parent or a person designated by the parent or other suitable care giver at the disciplinary proceedings, unless good cause can be shown by CSA for the continuation of the proceedings in the absence of the parent, designated person or care giver.
 - ii. Whenever disciplinary proceedings are pending before CSA and it appears that such proceedings would expose the victim or a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, CSA may, if practicable, appoint a competent person as an intermediary in order to enable such victim or witness to give his or her evidence through an intermediary;

- iii. The chief-examination, cross -examination or re-examination of a victim or witness for whom an intermediary has been appointed must not take place in any manner other than through the intermediary;
- iv. An intermediary may, unless CSA directs otherwise convey the general purport of any question to the relevant victim or witness
- h) Where the accused is found guilty, during the disciplinary proceedings he/she can be sanctioned by CSA and notwithstanding that at the same time the person could be found guilty by the court of law. These two processes are not mutually exclusive.
- i) CSA must ensure that accused' details are added in the CSA register of offenders, and submitted to the relevant sport regulators and law enforcements.
- j) Where the accused is found guilty by CSA and not by the court, the accused will be listed in the CSA' register of offenders.
- k) Where the accused is found guilty by CSA, CSA may also make a finding that such perpetrator is unsuitable to work with children and submit his/her details to the Child Protection Register as per section 120 of the Children's Act.
- l) The reporting of a case to and process by CSA does not prevent the child and his parents/ guardians from laying criminal charges

7.4 Best interest of the child

The factors to be considered in the best interest of the child when addressing matters should be:

- a) The nature of the personal relationship between the child and his/her parent/caregiver;
- b) The attitude of the caregiver/parent towards the child; and the exercise of parental responsibilities and right in respect of the child;
- c) The capacity of the parent/caregiver to provide the needs of the child, including emotional needs;
- d) The protection of the child from the accused;
- e) The likely effect on the child from the ordeal and professional services to be provided to the child and/or caregiver.

Subject to section 129 of the Children's Act, a person who has no parental responsibilities and rights in respect of a child but who voluntarily cares for the child either indefinitely, temporary or partially may exercise any parental responsibilities and rights reasonably necessary to safeguard the child's health, well-being, and development if such consent cannot be reasonably obtained from the parent or guardian of the child. This includes consent to any medical examination or treatment of the child.

7.5 Communication and Reporting

Having an effective and consistent communications protocols between the Investigation group and stakeholders is important. Types of communications that may be considered in the event of an incident are as follows:

- a) Cricket Services Management;
- b) CSA Anonymous Hotline;
- c) Those charged with Governance (Board and CEO); and
- d) The relevant regulators and law enforcement. In this regard, reporting obligations in section 110 of the Children's Act and section 54 of the Sexual Offences Act must be complied with. See annexure B for contents of the two sections.
- e) It is the responsibility of all CSA employees, coaches, administrators, match officials and volunteers to immediately report all allegations or incidents of child abuse. If the coach, administrators, match official or volunteer has reason to believe that his/her immediate manager is involved, they are to report to the next level of management. This responsibility extends to reporting any contraventions of this policy.
- f) It is the responsibility of the relevant managers to ensure that all incidents and allegations of child abuse are reported immediately.
- g) All information received will be treated confidentially to the extent possible, while allowing a full investigation to be conducted into the accused. CSA reserves the right to pass on any information to the proper law enforcement agency in order that such entity may determine whether criminal charges are warranted.
- h) CSA also encourages CSA Representatives and/or members of the public who suspect child abuse to contact the CSA Hotline.
- i) CSA's Cricket Services department have the primary responsibility to coordinate the investigation of all suspected incidents of child abuse reported under this policy. In instance both parties are implicated the matter will be by HR in consultation with the Chief Executives.
- j) Depending on the nature of the particular incident and the availability and expertise of internal resources, CSA has the discretion to determine the nature and extent of any resources applied to the investigation process. Such discretion may only be exercised by unanimous agreement. Should CSA deem it necessary for the investigation to be outsourced to an external party, approval from the Chief Executive will be required.

8. Non-Compliance/Consequence management

Employees who do not conform to this policy will be subject to disciplinary action in terms of the applicable CSA disciplinary processes and procedures.

Annexure A

The Sexual Offences Act 32 of 2007

- 54 Obligation to report commission of sexual offences against children or persons who are mentally disable
- (1)(a) A person who has knowledge that a sexual offence has been committed against a child must report such knowledge immediately to a police official.
 - (a) A person who fails to report such knowledge as contemplated in paragraph (a), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.
- (2)(a) A person who has knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is mentally disabled must report such knowledge, reasonable belief or suspicion immediately to a police official.
 - (a) A person who fails to report such knowledge, reasonable belief or suspicion as contemplated in paragraph (a), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.
 - (b) A person who in good faith reports such reasonable belief or suspicion shall not be liable to any civil or criminal proceedings by reason of making such report.

Annexure B

The Children’s Act 38 of 2005

- 110. Reporting of abused or neglected child and child in need of care and protection.–
- (1) Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.
- (2) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or a police official.

- (3) A person referred to in subsection (1) or (2)– (a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or police official; and (b) who makes a report in good faith is not liable to civil action on the basis of the report.
- (4) A police official to whom a report has been made in terms of subsection (1) or (2) or who becomes aware of a child in need of care and protection must– (a) ensure the safety and well-being of the child concerned if the child’s safety or well-being is at risk; and (b) within 24 hours notify the provincial department of social development or a designated child protection organisation of the report and any steps that have been taken with regard to the child.
- (5) The provincial department of social development or designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4), must–
- ensure the safety and well-being of the child concerned, if the child’s safety or well-being is at risk;
 - make an initial assessment of the report;
 - unless the report is frivolous or obviously unfounded, investigate the truthfulness of the report or cause it to be investigated;
 - if the report is substantiated by such investigation, without delay initiate proceedings in terms of this Act for the protection of the child; and
 - submit such particulars as may be prescribed to the Director-General for inclusion in Part A of the National Child Protection Register.
- (6) A designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4) must report the matter to the relevant provincial department of social development.
- The provincial head of social development must monitor the progress of all matters reported to it in terms of paragraph (a).
- (7) The provincial department of social development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) may–
- take measures to assist the child, including counselling, mediation, prevention and early intervention services, family reconstruction and rehabilitation, behaviour modification, problem solving and referral to another suitably qualified person or organisation;
 - if he or she is satisfied that it is in the best interest of the child not to be removed from his or her home or place where he or she resides, but that the removal of the alleged offender from such home or place would secure the safety and well-being of the child, request a police official in the prescribed manner to take the steps referred to in section 153; or
 - deal with the child in the manner contemplated in sections 151, 152 or 155.

- (8) The provincial department of social development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) must report the possible commission of an offence to a police official.