

Legal Benchmark Report

Assessment of Safeguarding Policies and Procedures Implemented in European Sport Organisations

Ilva Biedre, Guilherme Campos de Moraes,
Gustavo Harada, Daniela Negreda



Building European Safe Sport Together: Assessment of Safeguarding Policies and Procedures Implemented in European Sport Organisations

Ilva Biedre, Guilherme Campos de Moraes, Gustavo Harada, Daniela Negreda

Correspondence: info@ignitx.events

BESST Project Partners:

European Olympic Academies – Soenke Schadwinkel, Katrin Wallmann

IGNITX – Ilva Biedre, Gustavo Harada, Daniela Negreda, Guilherme Campos de Moraes

Akademija Rudi Hiti – Alenka Hiti, Andreja McQuarrie

Windesheim University of Applied Sciences – Nicolette Schipper-van Veldhoven, Marleen Haandrikman

UEFA Foundation for Children – Carine Nkoue

NOC*NSF – Erik van Haaren

National Olympic Committee of Slovenia – Polona Samec, Peter Dokl

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Summary of Work Package 2

The Work Package 2 (hereinafter WP2) of the project “Building European Safe Sport Together” (BESST) aims to build an integrated legal framework for European sports organisations, considering their unique characteristics and capabilities. The WP2 focuses on three client categories: National Olympic Committees (NOCs), National Federations (NF), and Clubs. The final objective is to develop a detailed and comprehensive framework to facilitate the introduction of safeguarding strategy by European sport organisations.

Data Collection Methodology

The data collection process involved three methodologies: survey (questionnaire followed by interviews), secondary data gathering, and desk research. These are complementary methods aiming to provide a comprehensive understanding of the current state of affairs.

Reporting Methodology

The Legal Benchmark Report, hereby presented, systematically and critically analyses data collected through desk research and secondary data gathering. The objective of this report is to:

1. systematise the legal materials collected,
2. identify trends, good practices and challenges, and
3. provide insights into safeguarding legal frameworks within sport organisations.

The legal benchmark report is presented in English.

Project introduction

The Building European Safe Sport Together (BESST) project aims:

1. to develop a modern definition of harassment and abuse in sport, with an extensive literature review of the most recent studies.
2. to equip and educate sports organisations on their role in the battle against harassment and abuse in sport.
3. to provide the sports organisations in Europe with an awareness and education tool kit, facilitating the entities to use their communications channels to educate their communities about harassment and abuse.
4. to develop a legal framework and policies and procedures proposal for European sports events organisers.

The project is divided into different work packages. This report is integral part of the Work Package 2 (WP2), which presents 2 main objectives:

1. *to build an integrated legal framework for European sports organisations taking into consideration their different particularities and capabilities.*

The 3 different levels of clients that will be studied are:

- National Olympic Committees/Umbrella National Governing Body (i.e., NOC*NSF, Swiss Olympic), hereinafter referred to “National Olympic Committee” or “NOC”
 - National Federations
 - Clubs
2. *to develop a detailed and comprehensive legal framework to facilitate the introduction of safeguarding strategies by European sport organisations within these three client categories.*

This report is one of the deliverables of WP2, the Benchmark Report. Other deliverables also from WP2 are the NOC and NF Survey Reports and Legal Frameworks.

General considerations

According to the established methodology, the desk research was conducted exclusively from publicly available sources, such as the official websites of sport organisations. The focus is on organisations based in one of the European Union countries and, secondarily, the relevant initiatives in other countries at the forefront of safeguarding initiatives.

The data was collected within a specific timeframe, from May 15 to June 16, 2023, and do not consider any other rules and regulations implemented after it. While this approach provides valuable insights, it is essential to note that the data collected may not encompass the entirety of available information, but it does cover a substantial and relevant portion of what is currently in force at the time. As such, the project team recognises that the findings present a comprehensive but not exhaustive list of safeguarding practices.

The process of gathering data through desk research encountered challenges due to the lack of universal consensus on defining transgressive behaviour in sports, a concern addressed in BESST’s Work Package 1. As a result, different keywords and search strategies were employed to access the most relevant information. Additionally, some sports organisations choose not to disclose specific policies and applicable rules to the general public, leading to difficulties in locating specific safeguarding policies and procedures or other relevant information on their official websites.

Moreover, the language barrier presented a hurdle in the data collection process. Data was collected in English, French, Spanish, Portuguese and Dutch.

An essential aspect of the desk research is its contribution to understanding how each country's sports system is organised and how safeguarding is addressed and responded to within the national governance structure. This comprehensive analysis involves government and private organisations, whether directly related to sports or not. It acknowledges the unique internal dynamics of various sport organisation and intends to ensure that the legal framework to be developed can be effectively adopted and tailored to suit distinct contexts.

The decision to integrate the benchmarking findings by country, focusing on NOCs, NFs, and clubs collectively rather than building separate reports for each, fosters a more reader-friendly, interactive, and coherent representation of the safeguarding landscape across Europe. Most organisations influence and are influenced by each other within the national context, making it unproductive to break down them into separate documents.

As for the NFs, national bodies responsible for athletics, football, gymnastics, aquatics and ice sports were considered. Regarding clubs, not much data was found, which is highlighted later. Afterwards, data produced by the International Olympic Committee (IOC), the Association of National Olympic Committees (ANOC) and IFs are also presented, followed by relevant data produced by other organisations outside the Olympic movement.

During the desk research, it was observed that various sports organisations adopt diverse approaches to safeguarding policies. While some organisations develop comprehensive safeguarding policies that encompass all participants (or covered persons), others focus specifically on child safeguarding. The research team also acknowledges that some excerpts constitute ipsius litteris reproduction of the rules and regulations and/or free translations.

As a result, within the legal benchmark report, each policy is categorised according to its scope, distinguishing between those that pertain exclusively to child safeguarding, generic policies covering all participants, or population-specific documents targeting specific groups. This differentiation provides a nuanced understanding of the safeguarding measures implemented by different organisations, enabling a more reliable analysis and comparison.

In summary, the following report conducted as a result of the legal benchmarking desk research conducted under Work Package 2 presents a comprehensive overview of safeguarding practices within European sports organisations, though not exhaustive due to the complexities of the subject matter and the limitations in data accessibility.

Benchmark Reporting

Identified trends

Diverse legislative frameworks and lack of uniformity

A significant challenge in establishing safeguarding regulations at the national level lies in the multitude of applicable national legislations and the absence of a universally accepted understanding of the issue. This lack of uniformity impacts how reports are received, cases are managed, information is shared, individuals are protected, and the sports community's capacity to intervene effectively.

Varied measures and sanctions

Most national organisations incorporate various measures and sanctions into their regulations, despite limitations found in clubs to sanction their participants. The large majority of organisations with sanctioning power provide avenues for appealing decisions.

Binding and scope of application

One general challenge in sport is holding non-members accountable. Many participants lack a contractual link with the organisation, significantly limiting jurisdiction. This includes, for example, scenarios involving amateur athletes and parental involvement in the sporting context.

Government-funded safeguarding structures

Countries adopting a more publicist approach to sport or implementing national strategies tend to rely on government-funded and centralised structures to address and respond to safeguarding-related cases. These strategies often emerge in response to investigations and high-profile transgressive behaviour scandals within the sports community.

Complex national strategies

Countries with established national strategies have developed intricate and tailored initiatives to address safeguarding issues. These initiatives provide more specialised expertise and financial resources to support participants in comparison with individual organisational approaches.

Educational and training programs

National strategies include coordinated educational and training programs, which are crucial for cultivating an ethical sporting culture and guiding participants toward responsible behaviour.

Interagency collaboration

Effective safeguarding efforts require coordination and cooperation with various organisations inside and outside the sports context. This includes law enforcement authorities, child protection agencies, health and social services, integrity bodies, statutory agencies and others.

Government and international influence

The prevalence of safeguarding policies and procedures within sports organisations is directly linked to the government or the concerned international federation influence.

Providing turn-key tools

International federations and governments play a significant role in promoting safeguarding by offering templates, guides, and resources in multiple languages. Initiatives such as those

developed by the IOC, FIG/FIFA, and the US SafeSport Center directly impacts the prevalence of specific safeguarding regulations in the NOCs, NFs and clubs.

Limited data on clubs

Data regarding safeguarding in clubs is relatively scarce in some countries, especially for organisations not mandated by national legislation or international federation's measures to establish safeguarding regulations.

Volunteer-led safeguarding roles

Primarily at the club level, volunteers often fill safeguarding-specific positions, emphasising the importance of accessible training and resources for these individuals.

Challenges in assessing implementation

The scarcity of publicly available sports disciplinary decisions related to sexual harassment and abuse complicates assessments of how regulations are applied. This opacity may raise questions about whether organisations effectively implement existing measures or adequately communicate their decisions.

Conflicts of interest

The landscape at the national level in Europe remains largely dependent on the executive members of sport organisations, with only a handful of exceptions. The Swiss, Estonian, and Dutch frameworks represent a crucial initial stride towards mitigating potential conflicts of interest within decision-making processes.

Lack of safeguarding specific regulations

There is a lack of explicit policies addressing transgressive behaviour in many organisations, which are relevant for addressing the issue considering the challenges and particularities.

Trauma-informed approach

Sports organisations are slowly recognising the need for trauma-informed approaches to safeguarding. However, evidence suggests that few organisations have actually implemented such practices, with a lack of relevant data indicating that trauma-informed policies are not widely established or prioritised within the context.

Lack of remedies beyond sanctioning

While sanctions remain a common response to safeguarding breaches, there is an emerging trend where a minority of sports organisations are exploring alternative remedy avenues.

Ambiguity of the scope

Many organisations do not explicitly clarify which behaviours are subject to sanctions, generally placing harassment and abuse under a broader umbrella of “unethical behaviour” or “interpersonal violence”. This lack of precision represents ambiguity and presents a significant concern regarding the capacity to sanction.

In conclusion, the landscape of safeguarding regulatory frameworks at the national level in sport organisations is diverse and have been evolving in the last few years, influenced by a complex interplay of legislative, organisational, and international factors. Addressing these challenges and fostering collaboration between various stakeholders will be pivotal in promoting safe and ethical environments for participants, considering that much more needs to be done to safeguard the participants.

Key findings per Organisation

National Olympic Committees

Portugal

In Portugal, the Comitê Olímpico de Portugal (COP), or Olympic Committee of Portugal, has implemented a mandatory Code of Good Conduct to address workplace harassment according to the national Labour Code. This policy applies to employees and collaborators of the COP but does not extend to direct participants in sports activities, and there is no provision for anonymity in reporting. Additionally, an Ethics Council, aligned with the International Olympic Committee's Ethics Code, oversees complaints and potential sanctions.

Norway

The Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF) have implemented a policy to ensure zero tolerance for discrimination and harassment in sports. NIF focuses on streamlining the reporting process for sexual harassment and abuse cases to create a safer environment for victims and those suspecting incidents. The guidelines aim to assist sports clubs in handling such cases efficiently by offering clear procedures, support, and care for affected individuals. They also provide insights into different aspects of handling harassment and abuse, including sanctions and safeguarding officer contact, promoting open communication.

Spain

The Spanish National Olympic Committee (COE) has a protocol in place which addresses sexual harassment and abuse cases within the Spanish Olympic Committee's delegations and personnel. However, many other developments occurred in the country as the document is dated 2014. The protocol applies to both minors and adults and outlines procedures for reporting, investigation, and sanctions. It begins with the victim's communication, followed by

the Delegado de Protección (protection delegate) assessment and potential measures, including support, legal actions, or application of the Code of Ethics of the Spanish Olympic Committee. An Ethics Committee serves as an advisory body without sanctioning power, dealing with violations according to the Code of Ethics of the International Olympic Committee.

Estonia

The Estonian NOC established the Estonian Center for Integrity in Sports (ESTCIS) to address various integrity issues independently, including safeguarding. It collaborates with the Social Insurance Board and the Estonian Sports Training and Information Foundation to monitor compliance with child protection regulations for coaches. ESTCIS plans to introduce a code of conduct for preventing and handling abuse and harassment cases in sports. It has a Safeguarding Officer and advisory boards responsible for safeguarding-related issues. Educational materials and support are available in multiple languages, promoting comprehensive integrity in Estonian sports. The ESTCIS was initially the national National Anti-Doping Organisation (NADO).

Finland

The Finnish Center for Integrity in Sports (FINCIS), established in 2016, changing the structure of the former NADO, plays a pivotal role in upholding ethical standards in sports. Funded primarily by the Ministry of Education and Culture's lottery funds, FINCIS collaborates with various stakeholders to prevent inappropriate behaviour in sports and promote ethical sporting practices. Recently, the Finnish Olympic Committee adopted a centralised disciplinary system for sports. As defined in these rules, FINCIS is responsible for investigating serious ethical violations in sports and submitting disciplinary requirements to an independent disciplinary committee coordinated by the Olympic Committee. FINCIS may dismiss cases over five years old.

Ireland

Sport Ireland has developed a Safeguarding Guidance for Children & Young People in Sport, aligning with national legislation. This document supports their national governing bodies and clubs in fulfilling their child safeguarding and child protection responsibilities. It adheres to Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI), and The Children First Act 2015 (ROI). Sport Ireland's initiative emphasises a strong commitment to safeguarding children and young people in sports and provides guidance on legal requirements and best practices.

England

Sport England¹ is dedicated to safeguarding within its territory. Their Safeguarding Advisory Panel, composed of individuals with first-hand abuse experience and experts in combating

¹ Sport England (and Sport Ireland further) is a statutory authority that supervises and partially funds the development of sport in the territory, not exercising the role of NOC, but being a relevant actor in this context.

abuse, offers guidance to Sport England and its funded organisations on safeguarding matters. Reporting protocols are emphasised, including immediate actions for child safeguarding, such as contacting emergency services and the National Society for the Prevention of Cruelty to Children (NSPCC) helpline. Sport England is committed to improving how they address abuse based on insights from the Whyte Review and mandates that UK Sport-funded sports employ Sport Integrity for investigating misconduct. They continue developing the Safeguarding Case Management Programme in partnership with Sport Resolutions UK and LimeCulture, providing support to their national federations. The Sport Integrity platform, independent of governing bodies, offers confidential reporting and investigation services, ensuring a safer sporting environment.

Switzerland

Swiss Olympic, the umbrella association for Swiss sport and the Swiss NOC, has recently implemented the Statutes on Ethics in Swiss Sport to address ethics incidents across all sports. These statutes apply to sports organisations, their members, and other relevant entities. They establish rules for reporting, investigations, sanctions, and appeals. Sanctions may include warnings, bans, removal from positions, exclusion, fines, and explicitly presented in the Statutes. Swiss Sport Integrity (SSI), an independent reporting and investigation office, was created to handle ethics issues, and collaborate with various sports organisations. A 10-year statute of limitations applies, which begins on the 18th birthday of the minor concerned. It is also worth highlighting the comprehensive list of breaches related to non-retaliation provisions and the duty to cooperate with investigations that methods to be applied regarding personal inspection of personal information and electronic devices. SSI coordinates with other sports organisations and authorities, and breaches of the statutes may result in disciplinary measures. The statutes on ethics became mandatory for all sports organisations in Switzerland.

Netherlands

The Nederlands Olympisch Comité*Nederlandse Sport Federatie (NOC*NSF) in the Netherlands acts as the NOC and an umbrella organisation for sports. They operate the Centrum Veilige Sport Nederland (CSVN), a hub for addressing integrity issues in sports. The CSVN offers support and guidance for individuals reporting incidents or seeking assistance. Confidential advisors provide personal guidance to victims, accused individuals, and reporters. The CSVN collaborates with sport associations, maintains a Case Management System Sport (CMSS), and promotes safe sports practices through education and training. NOC*NSF also enforces the basic safety requirements for clubs. Educational and training programs, mechanisms of protection, non-retaliation, and guidelines for the publication of decisions by sport organisations are in place to ensure transparency and accountability in addressing integrity issues. Furthermore, prosecutors to deal with sexual violence cases is a mandatory requirement for national federations who receive funds from the NOC*NSF. Investigations and disciplinary cases are handled under the purview of another body, the Institute of Sport Rechtspraak (ISR).

National Federations

The upcoming paragraphs offer an overview of how each country either imposes or directs national sports federations to tackle safeguarding concerns, followed by details on specific initiatives undertaken by these federations.

Norway

In Norway, the Idrettspolitisk Dokument serves as the general policy document for Norwegian sport and mandates a zero-tolerance approach to harassment and abuse within the sport. This means that they must be addressed promptly by sport organisations.

In addition to this overarching policy, sport federations in Norway have the authority to establish their own set of rules that elaborate on safeguarding provisions within their specific sports. These rules can include adjustments related to age limits and geographical considerations. These rules must be approved by the Norges idrettsforbund's Executive Board or authorised entities.

National Federations are obliged to adopt sanction provisions for violations of the Provisions on Children's Sports. In cases of repeated or serious violations, the matter must be reported to the NIF Adjudication Committee. Each sports federation is individually responsible for ensuring that these safeguarding provisions are effectively communicated, implemented, and enforced within their respective sports and disciplines.

Spain

Spain has taken legislative measures to address child and youth sexual abuse in sports and has outlined specific obligations for national sport federations. The Delegados de Protección (Protection Delegates) play a crucial role in implementing protection strategies and should have specific training in preventing transgressive behaviour.

Additionally, entities conducting sports or leisure activities with minors must provide specific training in the prevention and detection of violence against children and adolescents. This includes applying action protocols adopted by public administrations, monitoring compliance with these protocols, and designating protection delegates for minors to report concerns.

Recent legislation (Law 39/2022) mandates that Spanish sports federations and professional leagues must establish prevention and action protocols for discrimination, abuse, sexual harassment, and harassment based on sex or authority. The Spanish Sports Council (CSD) is expected to provide protocols to these organisations to ensure compliance, although the status of implementation is not entirely clear.

France

In France, national sport federations are under the supervision of the Minister responsible for Sports. Approval by the State is required for federations to execute a public service mission. In

order to obtain state aid, federations must adopt statutes that include specific provisions related to sports ethics and disciplinary regulations following standard regulations.

A notable safeguarding initiative in France is the introduction of integrity checks (contrôle d'honorabilité) for volunteer educators and management team members. These checks aim to verify that individuals in certain functions do not have convictions that would prohibit them from exercising these roles.

A resource called "Vade-mecum" has been developed to help sports organisations, including federations, respond to sexual and gender-based violence cases. It provides guidance on actions to take when reporting violence of a sexual nature committed by licensed members. Criminal, administrative, and disciplinary proceedings are conducted independently but coordinated when necessary.

Communication of decisions is done confidentially to relevant authorities, and enforcement of sanctions, including suspension or bans, is ensured. There is also an emphasis on providing preventive support to victims and monitoring their well-being.

Portugal

In Portugal, national sports federations are obligated by the national legal framework for sport federations to establish disciplinary regulations on sports ethics. However, these regulations do not explicitly address harassment and sexual abuse as actions to be sanctioned. Therefore, the legal framework focuses on the general aspects of sports ethics without specific provisions for safeguarding in this context.

Switzerland

In Switzerland, the Swiss Sport Integrity (SSI) is established to handle reports of maltreatment and abuse within the context of national sports federations and organisations. The SSI investigates various types of violations, including discrimination and psychological, physical, and sexual abuse.

National sports organisations are required to adopt and incorporate the Ethics Statutes into their rules and regulations. They are encouraged to collaborate with organisations and individuals who support and adhere to these ethical values.

Netherlands

The Netherlands places an emphasis on good sports governance through the Good Sports Governance Code, which applies to all national sports federations. This code promotes principles of responsibility, democracy, society, and transparency. National federations which receive funds from the NOC*NSF must have prosecutors appointed for sexual violence cases.

The Institute of Sport Rechtspraak (ISR) handles disciplinary cases on behalf of most (not all) national federations, administering justice for these organisations. Sanctions, including reprimands, bans, suspensions, and cancellations of membership, are imposed as appropriate.

As mentioned, the Centrum Veilige Sport Nederland / Safe Sport Center (CVSN) is a hub for discussing signals and reports from the sports community, offering comprehensive assistance, and maintaining a pool of qualified confidential advisers. The CVSN plays a crucial role in supporting individuals involved in incidents, including victims and accused individuals, while ensuring their files remain confidential.

Royal Belgian Football Association (RBFA)

The RBFA's safeguarding regulations primarily focus on prevention through education for staff members, coaches, and event managers. They emphasise conducting criminal background checks and informing all stakeholders, including players and parents, about safeguarding contact persons. The RBFA also implements a reaction procedure for addressing safeguarding risks. Since 2019, all employees, volunteers, players, and staff must adhere to the ethical code of RBFA, Voetbal Vlaanderen (VV), and L'Association des Clubs Francophones de Football (ACFF).

Real Federación Española de Gimnasia (RFEG)

RFEG recognises the need for a systematic approach to prevent harassment and abuse in sports. Their policy applies to all participants, including athletes, coaches, judges, and anyone representing RFEG. It mandates a duty to report any suspicions of harassment or abuse and ensures confidentiality and non-retaliation. The policy allows reporting to authorities if the case involves a criminal offence and considers disciplinary measures regardless of criminal proceedings. There's also a right to appeal decisions, and notably, there's no statute of limitations for reporting sexual abuse, with a focus on record keeping for safeguarding cases.

Fédération Française de Natation (FFN):

FFN maintains a specific procedure for safeguarding in swimming and collaborates with the Ministry of Sports to study procedures for suspending individuals when necessary. They have disciplinary regulations for initiating proceedings against alleged perpetrators and offer support to clubs and victims in legal procedures. FFN implements provisional measures for immediate protection and outlines reporting mechanisms to authorities and organisations. The policy has retroactive effects, and various accessory regulations are applicable.

Federação de Ginástica de Portugal (FDP):

The FDP's policy applies to all gymnastics organisations, participants, governing bodies, and employees, whether permanent, temporary, or voluntary. It highlights mandatory communication to the International Gymnastics Federation (FIG) for those found guilty of harassment and abuse. Roles and responsibilities are designated, and mandatory reporting of harassment or abuse is emphasised.

Federação Portuguesa de Futebol (FPF):

FPF maintains a reporting channel for integrity cases in compliance with EU Directive 2019/1937 and focuses on sexual harassment and abuse, with the specific applicable sanctions mentioned in their regulations. They specify a statute of limitations for disciplinary power, except for offences considered crimes (such as sexual abuse).

Clubs

The upcoming paragraphs offer an overview of how clubs are mandated to tackle safeguarding concerns in each country, followed by details on specific initiatives undertaken by these clubs.

Belgium

In Belgium's Walonnie region, a network of "Vivons Sport" referents and delegates has been established as a part of their safeguarding approach. This network involves ethics referents at the sports federation and association level, responsible for various missions, including promoting codes of sports ethics and ensuring compliance with legal obligations. "Vivons Sport" delegates operate within sports clubs, relaying concerns related to sports ethics, and supporting the implementation of actions proposed by the ethics network. They also feed the work of the Observatoire de l'éthique.

Particularly in football, safeguarding measures are overseen by Voetbal Vlaanderen, L'Association des Clubs Francophones de Football, and Pro League. These regional and national bodies work collaboratively to ensure a safe sports environment. They emphasise the appointment of safeguarding officers at club levels. These officers serve as points of contact for clubs and parents in safeguarding cases. Additionally, the emphasis is placed on conducting criminal background checks for employees, staff, and volunteers and providing clubs with templates for codes of conduct. Reaction plans for managing safeguarding cases are also part of the approach.

England

England places great importance on codes of conduct to govern the behaviour of staff, volunteers, parents, and children involved in sports clubs, with a worth highlighting the supportive work of the Child Protection Sport Unit. The country focuses on effective recruitment and selection procedures to ensure that unsuitable individuals are screened out. Safeguarding plans are used to bring together all safeguarding efforts within sports organisations, detailing safeguarding priorities and ongoing projects. Furthermore, clubs are encouraged to appoint designated safeguarding officers responsible for managing and reporting child protection concerns.

Ireland and Northern Ireland

Ireland and Northern Ireland adopt a collaborative approach to safeguarding, with Sport Ireland providing specific guidance for clubs. The emphasis is placed on developing procedures for

reporting child welfare concerns, and codes of conduct are recommended for different target groups within the clubs. Roles like Club Children's Officer, Relevant Person, and Designated Liaison Person are integral in ensuring the safeguarding of children in sports clubs. Promoting the widest dissemination of safeguarding guidance is a key aspect of their approach.

Norway

In Norway, the Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF) have streamlined guidelines for reporting and handling sexual harassment and abuse within sports clubs. Clubs are recommended to make coaches and members aware of these guidelines, promote ease of reporting, utilise educational tools, and treat all reports properly. Background checks and safeguards for those working with minors are mandated to ensure the safety of participants.

Spain

In Spain, particularly in football, the responsibility for implementing measures to protect participants from harassment and abuse lies with Autonomous Federations and individual clubs. Clubs are encouraged to ensure that all involved parties are aware of reporting procedures and adhere to policies designed to safeguard participants. Developing and enforcing codes of conduct is a key part of the strategy.

France

France has introduced integrity checks (contrôle d'honorabilité) for volunteers and management teams within sports associations, promoting a safer environment. Clubs are encouraged to report suspicions of harassment and abuse, and disciplinary measures, reporting procedures, and support for victims are provided to address these concerns effectively.

Portugal

In Portugal, the Federação de Ginástica de Portugal (FDP) emphasises that clubs are responsible for developing and implementing safeguarding policies and procedures. They are tasked with informing all relevant parties and ensuring a safeguarding plan is in place to protect gymnastics agents from harassment and abuse.

Netherlands

In the Netherlands, all sports organisations, including clubs, must comply with the Good Sports Governance Code. Preventive measures like criminal background checks and training for volunteers are recommended. Clubs are encouraged to have disciplinary regulations, codes of conduct, and designated safeguarding persons, according to the basic requirements in place.

These insights highlight diverse approaches to safeguarding in sports clubs across different countries, demonstrating the importance of tailored strategies to fit legislative frameworks and cultural contexts, all aimed at ensuring the safety and well-being of participants in sport.

National organisations, such as the CSPU and the US sport national governing bodies, have developed templates, guides, and tools for clubs, underlining the importance of safeguarding in sports, which is also found in the European football context supported by UEFA. These resources are aimed at helping clubs meet regulatory requirements, including training and prevention policies. Codes of conduct are promoted to set clear expectations for behaviour within clubs, ensuring a safer sports environment. See some of them below.

Swansea FC (Wales)

Swansea FC demonstrates a strong commitment to safeguarding by strictly adhering to policies and procedures regulated by authorities such as the Premier League, English Football League (EFL), the Football Association, NSPCC, and local safeguarding boards. Deviations from these established practices are handled under directives from the governing bodies. The club maintains a comprehensive Adults at Risk and Children's Safeguarding Policies and clearly outlines roles and responsibilities within the organisation. Key figures, such as the Head of Safeguarding and Head of Player Care, play critical roles in ensuring compliance, documentation maintenance, and reporting. The policy also highlights the Club's dedication to creating opportunities for adults at risk to participate safely in various activities related to Swansea FC and its academy. Recruitment procedures are stringent, involving Disclosure and Barring Service (DBS) checks and references, ensuring that individuals with unsuitable backgrounds are not permitted to work with adults at risk.

Haddon Township Rowing (HTRC) (USA)

Haddon Township Rowing's (HTRC) SafeSport Policy reflects its commitment to safeguarding in alignment with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. The policy applies to coaches, employees, board members, volunteers with regular contact with minor athletes, and participating athletes. HTRC places a strong emphasis on prevention training, requiring specific groups to complete SafeSport online Core Training before engaging with rowers. Recruitment procedures involve personal interviews, reference checks, and criminal background checks for applicants. Additionally, board members are required to disclose any criminal history related to the safeguarding topics, with non-disclosure leading to membership revocation. The policy sets strict guidelines against stalking, isolation, and denying support, ensuring a safe and healthy environment for all involved.

Dynamo Swim Club (USA)

Dynamo Swim Club diligently implements the Minor Athlete Abuse Prevention Policy (MAAPP) in line with USA Swimming regulations, and it is mandatory for all members, including athletes, parents/legal guardians, coaches, and non-athlete members. The policy defines key terms such as "Adult Participants" and "In-Program Contact" to establish clear boundaries regarding interactions between adults and minor athletes. It emphasises parental consent for the publication of photographs of swimmers under 18 and respects the right of parents to refuse consent. This policy ensures that every individual involved in Dynamo Swim Club undergoes appropriate screening, including criminal background checks and Safesport training. The club

maintains strict guidelines regarding the disclosure of criminal history for board members and employees. It fosters transparency by encouraging self-disclosure and prohibits any emotionally dependent or intimate relationships between adults and children involved in club-related activities.

Manchester City Football Club (England)

Manchester City's SafeAtCity Policy sets clear operating standards for everyone involved in club activities, including employees, parents/carers, and third parties. The policy aligns with the City Football Group (CFG) Safeguarding Policy and ensures adherence to local regulations. It obliges all employees and third-party workers to report concerns related to children or adults at risk. Non-compliance may result in disciplinary action. The policy emphasises reporting to relevant authorities and complies with data protection laws. Manchester City keeps meticulous records of incidents and concerns reported to its Safeguarding team and may involve external agencies, such as the Premier League and local authorities, as needed. Recruitment procedures involve DBS checks, and the club maintains a comprehensive set of policies under its safeguarding umbrella, covering areas like General Data Protection Regulation (GDPR), whistleblowing, and anti-bullying. It prohibits any emotionally dependent or intimate relationships between club staff and children involved in club activities.

Gillingham Football Club LTD (England)

Gillingham Football Club's commitment to safeguarding is evident through its partnership with the Children's Services Department and Local Safeguarding Children Boards (LSCBs). The club follows the latest HM Government guidance and adheres to procedures outlined in "Working Together to Safeguard Children (2013)." It places a strong emphasis on reporting concerns related to child safety to appropriate authorities, including the club's Welfare Officer and, if necessary, statutory agencies such as the Police or Children's Services Department. The Safeguarding Officer ensures compliance with Football Association policies and procedures, including the requirement for all staff to undergo a Disclosure and Barring Service (DBS) check and attend FA Safeguarding workshops. The club maintains a thorough investigation process involving referrals to local authorities, the Police, and potential suspensions. Codes of conduct set clear working practices and responsibilities for staff, and a strict Photography Policy ensures that no photos or videos are taken of children or young people without parental consent. Gillingham Football Club's commitment to safeguarding extends to its strong emphasis on recruitment, reporting procedures, and codes of conduct to create a safe environment for children and young people involved in the club's activities.

1. National strategies

Belgium

Belgium is largely regulated on child protection issues. At the federal level, the Penal Code punishes sexual abuse and harassment, with stiffer penalties when it comes to child victims. It sanctions inhuman or degrading treatment but also any sexual abuse of minors. Sexual crimes against minors are now imprescriptible (a complaint can be filed, and an aggressor convicted even years after the facts).

Wallonia-Brussels Federation (FWB)

At the regional level, the Wallonia-Brussels Federation (FWB) adopted, in 2004, a Decree on Assistance to Child Victims of Abuse and, in 2018, a three-year plan for the prevention of abuse, in which committed to its respect, the General Administration of Sport and Culture.

The FWB also adopted a Decree on the Code of Prevention, Youth Assistance and Youth Protection (January 18, 2018). It is essential to note that the main philosophy of the help and protection of young people in FWB aims to offer a non-judicial response to children and young people in difficulty or in danger and promotes actions of prevention.

On the initiative of the Minister of Sports, the Committee for Higher Education, Social Advancement Education, Research, University Hospitals, Sports, Youth, Youth Assistance, Maisons de Justice et de la Promotion de Bruxelles of the FWB has adopted a decree aimed in particular at strengthening awareness and the fight against harassment in sports.

The decree of the Government of the French community of April 21, 2022, fixing the functioning of the Observatoire de l'éthique in physical and sports activities and the allowances for its members as well as the functioning of the ethics network, a call for the appointment of an ethics officer (Référént Éthique) within all recognised sports federations and associations was sent out on May 2, 2022.

Roles and responsibilities

To achieve this objective, the decree first provides for the establishment of the Observatoire de l'éthique. This body of reflection and impetus will have the mission of giving opinions, and formulating proposals and recommendations to the government. It will also maintain a permanent dialogue with the players in the sports movement (federations, associations, etc.) as well as operators active in areas related to sports ethics such as Yakapa, SOS Children or Unia.

The decree also creates "Vivons sport" referents and "Vivons sport" delegates. In summary, the ethics network are based on the "Vivons Sport" referents appointed at the level of sports federations and associations. These referents organise a network of "Vivons Sport" delegates appointed at the sports club level. The "Vivons sport" referents are responsible for several missions.

In addition to the network, they will feed the work of the Observatoire based on feedback from the field while relaying the recommendations of this body to sports federations and associations. They also promote and raise awareness of the Code of Sports Ethics.

The "Vivons sport" delegates establishes within each club within which they will carry out missions quite similar to those of the aforementioned referents but at their club's level. On the front line, they relay to their referent(s) all issues relating to sports ethics as well as the initiatives taken to promote it. They also ensure the promotion and implementation of the actions carried out by their federation or proposed by the ethics network.

Like the referents at the level of sports federations and associations, the "Vivons sport" delegates, finally, are responsible for verifying compliance by clubs, federations and sports associations with the legal obligation to hold an extract from the criminal record (the former certificate of good morals and morals) type II (provided for any activity of activity or supervision with minors) by the administrative and sports executives to carry out their activity. They ensure the promotion of the Code of Ethics to the members and athletes of their club.

The designation of an ethics referent is an obligation in the context of the recognition of sports federations and associations, and all of them can be found on the following link: <https://www.sport-adepts.be/index.php?id=referents-ethique>.

Regulations

According to its Ethics Charter, The Ethics Committee of the FWB examines any act contravening the spirit of sport. Moreover, the aforementioned decree establishes the obligation for sports federations/associations to include this Ethics Charter in their regulations.² Specific training, currently provided to managers of training centers, is also planned for ethics referents. Finally, the reform establishes the obligation, for administrative and sports executives within federations/associations as well as within clubs, to have a type II certificate of good conduct and morals.

The Wallonia-Brussels Federation, jointly with L'Administration générale du Sport (Adeps)³, has just released the brochure "Tous acteurs, tous responsable"⁴, created in order to inform, raise awareness and support how to properly handle violence-based concerns in sports.

It has been used the term violence in this context. According to it, an act of violence, regardless of its form, can be defined as anything that can cause actual or potential harm to the individual for their health, survival, development or dignity. Violence can be defined as the intentional use of physical force, threat or intimidation to harm a person or cause physical or psychological harm. Violence can be manifested personally, interpersonally or institutionally.

² Available at: <https://www.sport-adepts.be/index.php?id=ethique-sportive>

³ L'Administration générale du Sport (Adeps) has the mission of promoting, organising, encouraging and supervising physical and sporting activities among the population of Wallonia and the Brussels-Capital Region.

⁴ Available at: <https://www.sport-adepts.be/index.php?id=violence-en-milieu-sportif>

With a collaborative approach with several organisations that deal with violence on a regular basis, the document proposes that in case of a case related to violence, the individual should contact the referent ethic within the sport organisations and also recommend the partner organisations mentioned further.

Other definitions that are worth highlighting that are not necessarily addressed by other sports organisations are:

- a. Protected criteria⁵: nationality, alleged race, skin color, ancestry or national or ethnic origin, age, sexual orientation, religious or philosophical belief, disability, sex and similar criteria such as pregnancy, childbirth and motherhood, or even gender reassignment, gender identity and gender expression, marital status, birth, wealth, political belief, language, current or future state of health, a physical or genetic characteristic, social origin or union conviction.
- b. Cyberviolence/Cyberbullying⁶: aggressive, intentional act perpetrated by an individual or a group of individuals by means of electronic information and communication technologies, in a repeated manner against a victim or a group.
- c. Gender-based harassment: undesirable behavior which is linked to sex and which has the purpose or effect of undermining the dignity of the person and creating an intimidating, hostile, degrading, humiliating or offensive environment:
- d. Sexism⁷: Any act, gesture, visual representation, oral or written statement, practice or behavior based on the idea that a person or a group of people is inferior because of their sex, committed in the public or private sphere, online or offline, with the purpose or effect: to harm the inherent dignity or rights of a person or group of people; or cause harm or suffering of a physical, sexual, psychological or socio-economic nature to any person or group of persons; or create an intimidating, hostile, degrading, humiliating or offensive environment; or to obstruct the emancipation and full realisation of the human rights of a person or a group of people; or to maintain and reinforce gender stereotypes.

Partner organisations

- o YAPAKA: Maltreatment prevention program of the Ministry of the Wallonia-Brussels Federation
- o SOS VIOL: Reception service for victims with legal and psychological support as well as a social service.
- o UNIA: Independent public service for combating discrimination and promoting equal opportunities.

⁵ According to the Decree of the French Community of December 12, 2008 relating to the fight against certain forms of discrimination.

⁶ According to the Decree of the French Community of December 12, 2008 relating to the fight against certain forms of discrimination.

⁷ According to the Decree of the French Community of December 12, 2008 relating to the fight against certain forms of discrimination.

- SOS Enfant: Service for the prevention and treatment of situations where children are victims of abuse.
- Administration générale des Maisons de Justice (AGMJ)- The main mission of the AGMJ is to contribute to a more inclusive society, by helping to take appropriate judicial decisions, supporting the litigant, executing judicial decisions, working on the reintegration of the perpetrator and supporting his request for discontinuance while preserving public safety during and after execution. Services available: mediation; provides reception, information and support for victims throughout the legal proceedings; organises 1st line social reception.
- Institut pour l'égalité des hommes et des femmes: Federal public institution that protects and promotes the equality of women and men.
- Tupeuxledire.be: Interactive platform for children and adults. As an awareness-raising tool, it aims to help answer delicate questions. A club or a federation can sign the benevolence charter and have the necessary support tools for the implementation of a child protection policy.
- Ecoute-Enfant is a service that answers, via the telephone, questions from children, adolescents, but also from anyone who wonders or worries about themselves or possibly others when a child is involved. The anonymity of the person calling the "Ecoute-Enfant" service is guaranteed.
- Ecoute-adulte: Volunteers are available to listen to anyone who feels the need or desire to speak, whatever their concerns.

Royal Belgian Football Association (RBFA)

Child Safeguarding in Football Program

Each football organisation has specific responsibilities and need to play their role in order to safeguard children in football at each level. These responsibilities are elaborated below in more detail.

The RBFA is responsible for the organisation of the national youth teams. They organise training camps, detection days, match days and tournaments for young people who are selected for the national youth teams. The RBFA's safeguarding actions focus on prevention by education staff members, coaches and event managers about safeguarding measures, performing background checks and inform all players and their parents about the safeguarding contact persons of the federation and learn players to recognise possible safeguarding risk situations.

Furthermore, the RBFA will implement a reaction procedure that will be applied when facing safeguarding risks. Since 2019 all the employees, volunteers, players and staff also need to respect the ethical code of the RBFA, Voetbal Vlaanderen (VV), and L'Association des Clubs Francophones de Football (ACFF). Breaches on this ethical code can be sanctioned after examination by HR team of the RBFA or the Integrity Commission.

Voetbal Vlaanderen

Voetbal Vlaanderen (VV) is responsible for the organisation of amateur (youth) football and elite football schools in Flanders, the Dutch-community part of Belgium. They organise several grassroots events like foot festivals and are also in direct contact with the Flemish football clubs that need to apply to policies and regulations designed by VV.

VV also organizes the Dutch courses for trainers and referees. Finally, they have the responsibility to organise the elite youth football school education in collaboration with the elite sport schools. Voetbal Vlaanderen's safeguarding actions focus on 1) safeguarding during their own events, 2) safeguarding at football clubs, and 3) safeguarding at elite football schools. They implement both preventive and reactive measures at every level.

L'Association des Clubs Francophones de Football (ACFF)

L'Association des Clubs Francophones de Football (ACFF) is responsible for the organisation of amateur (youth) football and elite football schools in Brussels and Wallonia, the French-speaking part of Belgium.

They organise several grassroots events like footfestivals and are also in direct contact with the Walloon and Brussels football clubs that need to apply to policies and regulations designed by ACFF. Furthermore, ACFF also organises courses for trainers and referees. Finally, they have the responsibility to organize the elite youth football school education in collaboration with the elite sport schools.

ACFF's safeguarding actions focus on 1) safeguarding during their own events, 2) safeguarding at football clubs, and 3) safeguarding at elite football schools. They implement both preventive and reactive measures at every level.

Pro League

The Pro League is responsible for the organisation of Belgian professional Football. It does so by coordinating championships, either league or cup-related. It also brings together the professional football clubs, which are represented in the management bodies.

The Pro League operates independently of those clubs but is at their service. As far as elite youth are concerned, the competence lies within the Pro League and the policy is based on UEFA Article 23 of the licensing regulations: "The licence applicant must establish and apply measures, in line with any relevant UEFA guidelines, to protect, safeguard and ensure the welfare of youth players and ensure they are in a safe environment when participating in activities organised by the licence applicant".

To guarantee uniformity, the Pro League joins the policy & initiatives of the regional wings competent for regular youth training. The Pro League will establish a Safeguarding focal point, that can address and react to specific cases connected to Pro League clubs. The Safeguarding focal point is supposed to be trained with at least one course regarding the responsibilities and how to handle sensitive safeguarding cases.

Furthermore, the Pro League cooperates with the RBFA on the national level and coordinate regularly with both wings of amateur football Voetbal Vlaanderen and ACFF, to ensure the welfare of youth players and to ensure that they are in a safe environment when participating in activities. They use the UEFA definition of safeguarding⁸ and the responsibilities of each organisation are listed below.

Roles and responsibilities

Safeguarding Officer

Every federation has its own safeguarding officer and these are known by all employees, staff, and volunteers. Safeguarding officers are trained professionals who followed at least one course on their responsibilities and how to handle sensitive safeguarding cases.

Furthermore, every elite sport school/national youth team has its own safeguarding officer who is the primary contact for the federation safeguarding officer. He or she organises an introduction for parents and staff about safeguarding and the main contact point.

Specific responsibilities/federation:

- RBFA: Introduction of safeguarding focal points in each national youth team.
- Voetbal Vlaanderen: Introduction of safeguarding focal points in each elite football school and the Yellow Flames team.
- ACFF: Introduction of safeguarding focal points in each elite football school.

Criminal Background Check

Perform a criminal background check (model 2 Belgian juridical system) of every employee and volunteer who is responsible for events/activities for children and every staff member, including volunteers who is involved with children at elite sport schools/national youth teams. Repeat this check every year.

Specific responsibilities/federation:

- RBFA: Background checks of all staff members of the national teams.
- Voetbal Vlaanderen: Background checks of all staff who are active in the elite sport schools/Yellow Flames.
- ACFF: Background checks of all staff who are active in the elite sport schools.

Regulations

Ethics Code

Further communicate and present the ethical code to all employees, staff and employees via different activities and educational sessions/tools (e-learning).

⁸ See: <https://uefafoundation.org/wp-content/uploads/2020/08/uefa-toolkit-english-5ed7b80c36150-5f3797b9f1008.pdf>

Specific responsibilities/federation:

- RBFA: Inform all staff members of the national teams about the ethical code on a regular base.
- Voetbal Vlaanderen: Inform all staff who are active in the elite sport schools/ Yellow Flames about the ethical code on a regular base.
- ACFF: Inform all staff who are active in the elite sport schools about the ethical code on a regular base.
- Pro League: will research the possibilities to create an ethical code for their organisation.

Code of Conduct

Design a specific code of conduct for every employee, staff member and volunteer who organizes events/ activities for children.

Specific responsibilities/federation:

- RBFA: Implement the code of conduct for staff and players of national youth teams and staff who are responsible for the organisation of events involving young children.
- Voetbal Vlaanderen: Implement the code of conduct for staff and players of elite sport schools, Yellow Flames and staff who are responsible for the organisation of events involving young children.
- ACFF: Implement the code of conduct for staff and players of elite sport schools and staff who are responsible for the organisation of events involving young children.
- Pro League: Implement the code of conduct for staff who are responsible for the organisation of events involving young children (e.g. Schoolscup).

Reaction plan

Every federation has its own reaction protocol when there is a case inside the organisation with an employee/volunteer/staff member/player and others. Involved people must know the protocol and respect the steps that have to be taken.

The four organisations form a ‘best practice and reflect expert’ group where the safeguarding focal point is present. This group has two roles:

1. Report on preventative measures taken by the federation
2. Discuss difficult cases in a confidential way with other safeguarding focal points

Specific responsibilities/federation:

- RBFA: Implement reaction protocol for cases within the national youth teams.
- Voetbal Vlaanderen: Implement reaction protocol for cases within the organisation, elite football schools, Yellow Flames and Flemish football clubs.
- ACFF: Implement reaction protocol for cases within the organisation, elite football schools, and Walloon & Brussels football clubs.

- Pro League: Implement reaction protocol for cases within the organisation and professional football clubs.

Clubs

As mentioned above, Voetbal Vlaanderen and ACFF, the regional federations, and Pro League, the organization of professional football clubs, are responsible for taking measures regarding safeguarding football clubs. Voetbal Vlaanderen provides measures for Dutch amateur football clubs in Flanders and Brussels. ACFF is responsible for the French amateur football clubs in Wallonia and Brussels. The Pro League focuses on actions for professional football clubs. Find below a specific overview of their actions regarding clubs.

Roles and responsibilities

Safeguarding Officer

Each federation has a Federation safeguarding officer whom clubs and parents can contact for help and advice on safeguarding cases. Each federation will motivate its clubs to appoint a safeguarding officer at the club by providing education for these persons.

Criminal Background Check

Each federation motivates their clubs to perform the criminal background check of their employees, staff and volunteers before hiring someone by underlining the importance of this during safeguarding workshops for clubs.

Regulations

Code of Conduct

Each federation will provide templates of a code of conduct that clubs can adapt and publish on their website.

Reaction plan

Each federation provides a reaction plan for managing cases at clubs that fall under their responsibilities.

England

Sport England

Safeguarding Advisory Panel

Sport England has established an Advisory Panel comprising individuals with lived experience of abuse, and others with experience of working in organisations hoping to combat abuse. It provides advice and support to Sport England and, where appropriate, funded organisations on aspects relating to safeguarding in sport.

Reporting

The official website of Sport England indicates in cases involving child, you call the emergency services on 999 and also the NSPCC helpline on 0808 800 5000 to report immediate risks. They highlight that it is not up to the person to decide whether or not a child has been abused, but to report concerns appropriately.

If there's no immediate danger to the child and they're not injured:

- If the individual to report is affiliated to a national governing body, they refer to their safeguarding procedures about who to report the concerns to. If this isn't available, report it via their complaints procedure or ring their main contact number.
- If the club or activity isn't affiliated to a governing body, it can seek support from your Active Partnership or the local children's social care (social services).
- If there's no one else available to help, contact the local police.

Support is available through the national governing body (if there is one place), statutory social care services and the NSPCC, as well as directly from the Child Protection in Sport Unit.

If the adult is in immediate danger or requires medical attention, they indicated to call the emergency services on 999.

Some commitments have been made in the last months based on learnings and insight from the Whyte Review, an independent report that was co-commissioned by Sport England and UK Sport in 2020 following allegations of abuse and mistreatment in the sport of gymnastics.⁹

The Whyte Review concluded in the summer of 2022, with its Final Report outlining a series of recommendations for the sport of gymnastics as well as highlighting areas where improvements could be made across the wider sporting system.

According to the UK Sport and Sport England's Policy Response to the Whyte Review (January, 2023)¹⁰, all sports in receipt of UK Sport funding will be required to use Sport Integrity, the new independent disclosure and investigations service, to investigate allegations of bullying, discrimination, harassment, or abuse in high-performance programmes.

Moreover, Sport England will continue to develop the Safeguarding Case Management Programme in partnership with Sport Resolutions UK and the LimeCulture Community Interest Company. Launched in 2019 to help sporting organisations access expert support in relation to safeguarding concerns and referrals, the programme is now offering support to 43 National Governing Bodies.

⁹ See: <https://www.sportengland.org/guidance-and-support/safeguarding/whyte-review>

¹⁰ See: <https://www.uk-sport.gov.uk/news/2023/01/16/uk-sport-and-sport-england-move-to-strengthen-safeguarding-and-welfare-across-sport>

Sport Integrity platform

The service is operated by two organisations that are independent of the national governing bodies, UK Sport and other funding bodies. These organisations are Crimestoppers, which operates the reporting service, and Sport Resolutions, which conducts the investigations.

Sport Integrity is an independent reporting service and investigation capability to provide all members of the funded High-Performance System with the confidence to report unacceptable behaviour and for it to be independently investigated.

Crimestoppers is an independent charity providing confidential reporting services to a range of sectors to support individuals to report wrongdoing and crime. Sport Resolutions is a UK-based independent, not-for-profit dispute resolution service for sport, offering arbitration, mediation, tribunal, and expert opinion.

It does not replace national governing body (NGB) disciplinary and grievance processes; but provides an optional service to deliver those elements that are best performed by an independent body/forum. The aim of the service is to provide athlete support personnel and athletes a confidential route to disclose issues and to support national governing bodies with an independent investigation into any credible disclosure of unacceptable behaviour, allowing the national governing body to take the appropriate disciplinary or other, action as necessary.

Sport Resolution

The National Safeguarding Panel (NSP), under Sport Resolution, supports NGBs in the professional management of safeguarding complaints and concerns. It provides three key services: 1) Independent investigations and reviews into safeguarding complaints and concerns; 2) Independent arbitration in place of an NGB's disciplinary or appeals panel; and 3) Expert Risk Assessment of an individual's suitability to work with children and adults at risk.

The NSP works in tandem with NGB safeguarding systems and provides professional support in cases of significant complexity or seriousness, which present risks to children, young people, adults at risk or to the reputation of a sport. The NSP is also appropriate in cases where an independent and "arms-length" approach is required.

The NSP is not intended to replace the need for NGBs to establish their own policies, procedures, and systems for dealing with child safeguarding complaints and concerns.

Safeguarding Case Management Programme (SCMP)

The NSPCC Child Protection in Sport Unit (CSPU) has established an integrated Case Management Model for safeguarding complaints and concerns. With the support of Sport England and the National Lottery, Sport Resolutions is providing case management assistance to NGBs in relation to safeguarding matters. This service is called the Safeguarding Case Management Programme (SCMP).

The SCMP is designed to complement and not replace the safeguarding function of participating NGBs. The Programme will provide all participating NGBs access to expert safeguarding and legal support from members of the National Safeguarding Panel (NSP), at no cost to those NGBs, in the following areas:

Initial advice and assistance following a referral or disclosure

NGBs may contact Sport Resolutions in the initial stages of a referral to seek guidance and advice from the NSP on how to respond to the raising of a safeguarding concern.

Investigations

With the support of Sport England, the NSP Members launched the new Investigation Guide and templates for NGBs, National Safeguarding Panel (NSP)¹¹ members and other relevant parties. This guide has been developed to assist NGB Lead Safeguarding Officers and their Case Management Teams and members of the National Safeguarding Panel in the conduct of safeguarding investigations that they undertake as part of their role.

This resource has been produced as part of the Sport England CSMP project, which is supported by National Lottery funding, and provides participating NGBs with end-to-end case management support from Sport Resolutions staff and access to expert safeguarding support services from its NSP members.

The purpose of the Investigation Guide is to provide a comprehensive guide to undertaking safeguarding investigations and to provide consistency of practice amongst investigators. The Guide covers how to approach an investigation and sets out matters that will need to be considered, or completed, at each investigation stage. The aim of the Guide is also to assist in providing a fair and transparent process that will benefit victims and survivors and those who may be the subject of safeguarding concerns or allegations.

The templates comprise a collection of pro forma documents for use in any safeguarding investigation and are available for download in Microsoft Word format.

Making a request for arbitration to the NSP

NGBs that wish to refer matters to the NSP for arbitration should amend their rules by including part or all of the following wording:

The following matters arising under these Rules shall be submitted for determination by the National Safeguarding Panel (NSP) c/o Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 3351039) in accordance with the NSP Rules, as amended from time to time, which Rules are deemed to be incorporated by - reference to this clause:

¹¹ See: <https://www.sportresolutions.com/news/view/sport-resolutions-has-developed-a-safeguarding-investigation-guide-and-templates-with-the-support-of-sport-england>

- *allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a child or children and/or places them at risk;*
- *an application that a Provisional Suspension, arising from concerns or allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a child or children and/or places them at risk, should not be imposed (or be lifted);*
- *an appeal brought against any finding of fact and/or decision made under these Rules regarding the conduct of a person which directly or indirectly adversely affects the welfare and safety of a child or children and/or places them at risk.*

If an NGB has not amended its rules to provide for direct referral, it may still make a request for arbitration in writing to the NSP. The NSP secretariat may require the NGB and the individual who is alleged to be in breach of the NGB's rules to enter into an arbitration agreement to confer jurisdiction on the NSP where this is necessary to bind all parties to the arbitration process.

Provision of independent first instance and appeal panels

A specialist and independent arbitration service operated by Sport Resolutions to which sports organisations can refer matters concerning the conduct of individuals involved in children's participation in sport.

The NSP replaces the need for NGBs to have their own disciplinary or appeals panels to determine such matters and provides a procedural framework for the management of cases, overseen by a President.

The NSP arbitration service includes:

- appointment of an independent panel of three arbitrators, comprising an experienced legal chair and two specialist members;
- case management support and guidance for all parties in accordance with child-centred NSP procedural rules;
- specific support and guidance for any children or young people and their parents involved in proceedings and for individuals who are alleged to have breached NGB rules;
- provision of case directions which set out the timetable and procedure to be followed;
- organisation of the hearing- including any "special measures" requirements considered appropriate by the NSP;
- drafting and distribution of a detailed written decision of the NSP with reasons;
- oversight by the NSP President who is an experienced High Court judge and family barrister with specific expertise in child safeguarding issues.

To refer matters to the NSP for arbitration, NGBs will need to confer jurisdiction on the NSP by either: amending their rules or entering into an arbitration agreement on a case-by-case basis.

Maintaining integrity of the process

In providing these services, Sport Resolutions will ensure that there is appropriate separation where needed in relation to the support provided by NSP members. For example, NSP members will either provide initial advice and/or investigation support or they will be eligible for nomination to a hearing panel.

The two groups will be ring-fenced to ensure that individuals appointed to a panel will not have had any prior involvement or knowledge of the matter before them and further, they will not have provided or be permitted to provide any advice or investigation support to any other NGB on the Programme.

According to Sport Resolutions, benefits of this process would include fair, independent, expert and transparent; time and cost-effective; complies with rules of natural justice; uniform approach; engender confidence with all parties, including athletes and coaches; reduces the likelihood of complaint or later challenge; provides an opportunity to collect and collate data on prevalence and trends.

LimeCulture Community Interest Company (CIC) is working with Sport Resolutions to project manage the Safeguarding Case Management Programme and is available to offer support and advice throughout the process.

Procedural Rules of the National Safeguarding Panel of Sport Resolutions (“the NSP Rules”)

The NSP can be requested to hear and determine by way of arbitration any of the following matters concerning the conduct of any person connected to the NGB and which involves the participation of children or adults at risk in sport, including:

- 1.2.1 any circumstances or situation where it is alleged their rules and regulations have been breached and/or that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a child, children or an adult, or adults at risk and/or places them at risk; and/or
- 1.2.2 the “Provisional Suspension” of a person who is subject to its rules and regulations pending determination of any matters set out in Rule
- 1.2.1; and/or 1.2.3 an appeal brought against any finding of fact and/or decision made (whether by the NGB or by another body appointed by the NGB) regarding any matter referred to in rules 1.2.1 or 1.2.2.

Risk Management and Sanctions (Rule 11.1)

Where the Tribunal determines that the Respondent has presented or presents a risk to the welfare of children or an adult at risk, the Tribunal shall impose such sanctions and/or risk management measures as seem fair and just, due consideration being given to the NGB’s own rules and regulations.

Appeals

Any NGB or other sports organisation which makes reference to the NSP in its rules and regulations may refer cases to it. Additionally, individuals who are the subject of an NGB decision may also appeal to the NSP but only where the NGB rules allow for the NSP to hear such an appeal. A party may appeal an NSP Arbitral Tribunal's decision to an Appeal Tribunal.

Report to authorities

According to the Practical Guide to Undertaking Safeguarding Investigations implemented by Sport Resolutions, allegations may be referred to the Police for two reasons: to consider the need for police to investigate an alleged crime; or to enable information sharing and aid decision-making relating to potential risk to children.

A referral to police will or may be appropriate in the following circumstances concerning: allegations of a sexual assault or abuse of a child or adult at risk; assault of a child or adult at risk; wilful neglect of a child; or any other conduct which may amount to a criminal offence.

Relevant legislation

The legislative framework and statutory guidance for protecting children and adult at risk includes: Children Acts 1989 and 2004; Sexual Offences Act 2003 (SOA 2003); Mental Capacity Act 2005 (MCA 2005); Working Together to Safeguard Children 2008 (WTSC), which deals expressly with NGBs; Rehabilitation of Offenders Act 1974 Safeguarding Vulnerable Groups Act 2006, Protection of Freedoms Act 2012 and the Disclosure and Barring Service; Care Act 2014; Children and Social Work Act 2017.

National Society for the Prevention of Cruelty to Children (NSCPC)

NSCPC is a leading children's charity in the UK, specialising in child protection and dedicated to protecting children today to prevent abuse tomorrow. They're the only UK children's charity with statutory powers, which means that they can take action to safeguard children at risk of abuse.

The Child Protection in Sport Unit (CPSU) is part of the NSPCC and is funded by Sport England, Sport Northern Ireland, Sport Wales, UK Sport and The Football Association (in Scotland, there's a similar partnership between Children 1st and Sport Scotland).

The CPSU was founded in 2001 in response to a series of high-profile cases of abuse of young athletes. They work to help improve safeguarding and child protection practices within sport organisations, to ensure all children and young people are safe while participating in sport and physical activity at all levels.

They work by supporting sports organisations to follow our standards assessment processes to safeguarding children in sport guiding sports organisations through an annual review process to ensure standards are embedded across their work providing expert safeguarding and child protection advice to all developing and delivering sports specific training and resources

commissioning and supporting safeguarding research to develop understanding and an evidence base.

The CPSU have developed a case management tool¹² looks at each element of an effective case management process to help organisations with their own process. These elements include: introduction; reporting concerns; case management groups; referral to statutory agencies; investigation and risk assessment; decision making; outcomes; appeals.

Reporting to authorities

Where concerns are about child abuse, this may lead to a referral to children's services who may involve the police. If concerns are about poor practice, the NGB or Active Partnerships' procedures will define the course of action to address this.

Codes of conduct

Codes of conduct for staff and volunteers, parents and guardians, and children and young people should also be developed to ensure all those involved in the club are clear on what behaviour is expected and what will not be tolerated. Templates are provided.

Recruitment process

Effective recruitment and selection procedures for staff and volunteers to help screen out and discourage those who are not suitable from joining the club or organisation. For more information, see their safer recruitment topic page.¹³ The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

Reporting (whistleblowing support)

The NSPCC has a whistleblowing advice line to support professionals who have concerns about how child protection issues are being handled in their own or another organisation.

National governing bodies (NGBs)

Sport England, Sport Northern Ireland and Sport Wales have each developed guidance regarding which sports they recognise and how to apply to become a recognised sport. The CPSU website provides the contact on all the sport's national governing bodies.

Safeguarding plan

The safeguarding plan should bring together all of the safeguarding work taking place within the organisation or club. This should include any safeguarding priorities, ongoing projects and

¹² See: <https://thecpsu.org.uk/case-management-tool/>; The resources that the Child Protection in Sport Unit provide includes also Implementing and Unaccompanied Child Policy, Third Party Use of Facilities, additional resources and their online Self-Assessment Tool.

¹³ See: <https://thecpsu.org.uk/help-advice/topics/safer-recruitment/>

areas for development as well as the day-to-day work. The CSPU guide to writing a safeguarding plan is available.

Roles and responsibilities

Each club should also have someone with a designated safeguarding role, such as a club welfare officer. All concerns about a child should be reported to the club welfare officer or national safeguarding lead, following the NGBs or Active Partnerships (previously County Sports Partnerships) procedures.

- Club welfare officer / Club safeguarding officer- The person within a sports club with primary responsibility for managing and reporting concerns about children and for putting into place procedures to safeguard children in the club. A sample job description for a club welfare officer is provided in the website.
- Regional welfare officer / Regional safeguarding officer- The person within a sports organisation with primary responsibility for managing and reporting concerns about children and for putting into place procedures to safeguard children in the county structure, and supporting club welfare officers where relevant. Also known as county welfare officers. A sample job description for a county or regional welfare officer is provided.
- National Lead safeguarding officer / National Lead child protection officer - The designated person within a sports organisation with primary responsibility for managing and reporting concerns about children and for putting into place procedures to safeguard children in the organisation, including supporting club, county and regional welfare officers, where relevant. A sample job description for a lead safeguarding officer.
- Case management group- The role of a case management group (CMG) is to manage the sports organisation's initial response to reported concerns about the welfare or abuse of children and young people, and potential risks from adults or other young people. This includes: 1) the level at which the concern will be dealt with (from local to national); 2) which procedures will be used and; 3) whether or not the concerns should be discussed with or referred to statutory agencies. The CMG should also monitor progress on cases and report to the organisation's senior management or board on issues arising from cases and trends that require management action.
- Board safeguarding champion- The role of board safeguarding champion is to lead and inform safeguarding discussion and planning within board meetings, to ensure the board prioritise these discussions and resource appropriately. They're the link between the lead safeguarding officer and the board. The person in this role should have an understanding of their organisation's safeguarding structure and procedures as well as having strategic insight into safeguarding and child protection issues.

This role includes: supporting the NGB to maintain the safeguarding standards and embedding good practice; to drive the development and implementation of the safeguarding action plan; to ensure safeguarding is embedded within the work, discussions and decisions of the board; promoting the importance of developing a

culture of listening to young people within and through NGB policies, procedures and services; providing support, check and challenge to the NGB safeguarding lead through regular meetings and discussions; promoting safeguarding at a strategic level to the wider network.

- Children's social care / Children's services- The statutory organisation responsible for responding to concerns about children and leading investigations about child abuse in partnership with the police. Also known as social services.
- Local Safeguarding Partnerships (LSPs)- Local Safeguarding Partnerships (formerly Local Safeguarding Children Boards or LSCBs) are responsible for local arrangements for protecting children and young people. They provide inter-agency guidelines for child protection. Further information on the role of an LSP is outlined on the NSPCC website: Child protection in England – Legislation, policy and guidance.
- Designated Officer (previously known as a LADO) – England and Wales- A Designated Officer, or a team of officers, work within children's services departments and are responsible for the management and oversight of allegations. They should be alerted to all cases in which it is alleged that a person who works with children (in a paid, unpaid, volunteer, casual, agency or self-employed capacity) has: behaved in a way that has harmed, or may have harmed, a child; possibly committed a criminal offence against children; related to or behaved towards a child or children in a way that indicates they are unsuitable to work with children.

The Designated Officer should support the organisation with advice and guidance from the initial phase of a concern arising to the conclusion of the case, whether or not a police investigation continues. Links to the Local Safeguarding Partnerships for each region can be found on the Safe Activities for Everyone (SAFE) website.

Related documents:

CPSU provides a template to be used to create an incident reporting form and a template safeguarding policy statement for organisations to use and adapt to make it clear to staff, parents and children what they will do to keep children safe.

Non-recent abuse / historical abuse

The CPSU offers a briefing outlining how to respond to reports of non-recent abuse. Following their guidance, many counties have produced relevant documents regarding it within the UK. They highlight that It is crucial that all reports of non-recent abuse be addressed thoroughly and sensitively for several reasons.¹⁴

¹⁴ See: <https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/non-recent-abuse/#reporting>

Partnerships

There are 43 active partnerships across England (formerly known as county sports partnerships), which work collaboratively with local partners to increase participation in sport and physical activity. For further information, see the CSPU website.

The government's Working Together to Safeguard Children guidance identifies an organisation's statutory safeguarding responsibilities. In England, local authorities that provide services for children (including sport, culture and leisure services) have responsibilities to ensure what they do factors in the need to safeguard and promote the welfare of children.

Operators who have been contracted by the local authority to manage facilities on their behalf shares these safeguarding responsibilities.

- Ann Craft Trust- Ann Craft Trust is national charity which exists to minimise the risk of abuse of disabled children and adults at risk. They support organisations to safeguard disabled children and adults at risk and minimise the risk of harm.
- Her Majesty's Prisons and Probation Service- It is an executive agency of the Ministry of Justice (MOJ) responsible for correctional services in England and Wales and they provide a Risk of Serious Harm Guidance 2020. It is a targeting public authorities having as objective to emphasise the importance of actuarial risk assessment tools; provides guidance for writing risk management plans and; provides visual summary documents for risk assessment in the field. It goes beyond the scope of this project, however it would be an important further stage for a sport organisation to consider implementing to manage safeguarding risks.

Estonia

Estonian Center for Integrity in Sports (ESTCIS)

The Estonian Center for Integrity in Sports (ESTCIS)¹⁵ is an independent, national, not-for-profit foundation working for and on behalf of athletes, players, coaches, parents, officials and administrators. ESTCIS was established by the Estonian Olympic Committee in 2019. In addition to safeguarding, ESTCIS's remit has included knowledge in anti-doping, match-fixing, abuse and spectator safety.

ESTCIS was, at first, the Estonian NADO (then EADA) and was established by the EOC in 2007. To avoid creating a new coordinating body to address other integrity issues, it was decided to expand the authority of the existing EADA. According to the Estonian Foundations Act, the purpose of the foundation cannot be changed, therefore in 2019, the EOC established a new

¹⁵ See <https://eadse.ee/>

foundation with extended authorities- EADSE (ESTCIS), which merged with the existing EADA in 2021.

In cooperation with the Social Insurance Board, the Estonian Sports Training and Information Foundation monitors the compliance of approx. 5,000 coaches with § 20 of Estonian Child Protection Act, according to which a ban on acting with children is imposed for certain crimes or misdemeanours. The problem is the exchange of information when reaching court decisions with employers and trainers' register administrators. A code of conduct for the prevention and handling the cases of abuse and harassment for coaches and support personnel seems to have been planned since 2021.

The permanent structure contains a Safeguarding Officer and 2 (two) independent advisory boards that have responsibilities related to safeguarding, which are the Disciplinary Board and the Appellation Board. The activities of the ESTCIS are reviewed by the supervisory board consisting of four members. Educational materials are provided in Russian and Estonian.

Finland

Finnish Center for Integrity in Sports (FINCIS)

The Finnish Center for Integrity in Sports (FINCIS) was established in January, 2016 after extensive studies by the Ministry of Education and Culture, which decided to change the structure of the Finnish NADO. It is a non-profit organisation that receives its mainly supported financially by the Ministry of Education and Culture's lottery funds.

The objective of FINCIS' operations is to prevent inappropriate behaviour in sports in cooperation with other operators and to promote ethically sound sports culture. In addition, FINCIS supports ethics in sports in cooperation with other parties and actively initiates and participates in discussions.

In the spring of 2021, the Finnish Olympic Committee adopted disciplinary rules for serious ethical violations, in other words, a centralised disciplinary system for sports. As defined in these rules, FINCIS is responsible for investigating serious ethical violations in sports and submitting disciplinary requirements to an independent disciplinary committee coordinated by the Olympic Committee.

Statute of limitations

FINCIS may dismiss the case as inadmissible or as not requiring disciplinary action if the alleged infringement is more than five years old. In addition, FINCIS does not investigate civil claims for disciplinary action or cases subject to sporting rules.

Cooperation

Tukinainen is a national victim support centre that provides support and guidance for people who have been sexually assaulted or abused. It provides guidance for their families, cooperation, consultation and training for professionals, authorities, organisations and educational institutions in a variety of fields.

France

In France, sports federations are placed under the supervision of the Ministry of Sports (Minister Delegate in charge of Sports), except for school and university sports federations and unions, which are placed under the supervision of the Minister Delegate in charge of National Education.

Since 2020, the Ministry of Sports engages a national strategy whose objectives are:

- to organize the collection of reports through a dedicated national unit and to process them more efficiently by improving the care of victims;
- to systematize the control of good repute of supervisors and operators of physical and sports activity establishments;
- to set up concerted prevention plans;
- to generalize the training of all stakeholders in the field of sport;
- and, finally, to encourage initiatives for the reconstruction of victims of violence through sport.

A distinction should be made between sport federations simply approved by the State and sport federations that are delegated a public service mission.

To be approved and thus participate in the execution of a public service mission, federations must adopt statutes comprising certain mandatory provisions and disciplinary regulations in accordance with standard regulations. The approval is a condition for obtaining state aid, whether financial or human resources.

The delegated federations, which must necessarily be approved, are in charge of carrying out a public service mission entrusted by the French State. As such, they have a monopoly, in particular, to organise the competitions at the end of which the international, national, and regional departmental titles are issued and to make the corresponding selections. The Ministry of Sports grants the delegation to a single federation in a given discipline. Delegated federations are able to create a professional league to manage professional sport.

Contrôle d'honorabilité (integrity check)/recruitment

In 2020, following the national convention on the prevention of sexual violence in sport, the Ministry of Sports made a commitment to generalise the integrity check of volunteer educators

and members of management teams. sports associations. This check is called *contrôle d'honorabilité*. The integrity check aims to verify that the persons who exercise certain functions have not been convicted for acts prohibiting them from exercising them.

The French Sports Code sports code provides that (i) the functions of supervision/oversight, exercised on a paid or voluntary basis, and (ii) the functions of operators of physical and sporting activity establishments cannot be exercised by persons who have been convicted of certain crimes or offences, according to the articles L.212-9 and L.322-1.

- The supervisors/oversighters are all people, adults or minors, who carry out, on a voluntary basis, a sports coaching activity (face-to-face teaching). Are concerned: (i) all coaches, graduates or not; (ii) coaches in period of training and education; (iii) assistants and facilitators, graduates or not. For supervisors working on a paid basis, the control is exercised by the State services when issuing the professional card and annual checks. They, therefore, do not fall within the federal control system.
- The operators of physical activity and sports establishments are the persons, major or minor, who run an association, namely: (i) members of the Steering Committee/Board of Directors or similar and (ii) people who exercise responsibility within the club, departmental and regional committees or the Federation, on a paid or voluntary basis (ie., sport director, general manager).

The federations are responsible for sending the Ministry of Sports a file summarising the list of persons concerned by the integrity check. The Ministry then crosses this file with the automated judicial file of perpetrators of sexual and violent offences (FIJAISV), that of the criminal record (bulletin n°2) and that of executives prohibited from exercising any function in sports and/or involving youth in general (articles L.212-13 of the sports code or L.227-11 of the social action and family code). If it is positive, the result of the crossing is then communicated to the federation, which takes the appropriate measures to enforce the prohibitions noted.

The implementation of the control mechanisms relies primarily on the clubs. It must indicate the personal data and information concerning the persons subject to the control, in addition to the category to which the licensee belongs and the place of birth. This operation is carried out under the responsibility of the president of the club.

If a person is involved in two or more clubs, the entry must be made in each club. The communication of these personal data is mandatory, and the organisation cannot oppose it. If he/she refuses, he cannot hold the position of manager and/or manager.

Vade-mecum

The “Vade-mecum pour mieux repérer et réagir face aux violences à caractère sexuel dans le champ du sport”¹⁶ was published as a tool intended primarily for the personnel under the

¹⁶ See: <https://www.sports.gouv.fr/sites/default/files/2023-03/vade-mecum-pr-vention-violences-sexuelles--5318.pdf>

Ministry of Sports who are responsible for acting, whatever the functions performed, in decentralised services, in establishments or within sports federations.

More specifically, it is part of an approach to support individuals and organisations who are particularly confronted with a situation of sexual and gender-based violence. It is a first-level awareness-raising tool piloted by the sports department, which is aimed primarily at ministry personnel who work within decentralised services, establishments and sports federations (national technical departments, and in particular referents and referents in the fight against sexual violence).

Regarding sport federations, it generally presents the actions to be taken by a federation in the event of a report reporting violence of a sexual nature (rape, sexual assault other than rape, sexual harassment) that could be committed by a licensed member of the federation.

The report can be at the initiative of the victim directly (and/or his lawyer), a third party (club, association, comrade, his legal representative if the victim is a minor, etc.), the disclosure of the existence of criminal and/or administrative proceedings.

Criminal, administrative and disciplinary proceedings may be opened simultaneously but are independent and pursue different objectives. Disciplinary proceedings may also be initiated simultaneously at club and/or federation level.

According to the Vade-Mecum, the federation should not seek to answer the question “Are the facts quoted true or false”, this role belonging exclusively to justice. A federation must ask itself the following questions: “Does the person in question represent a risk to the physical and mental health of practitioners or the preservation of the ethics of the discipline and the protection of clubs and licensees”? If so, what steps should be taken?

It mainly covers the case of a federal disciplinary procedure (therefore, does not concern the disciplinary procedures provided for by the labour code) and does not distinguish the cases according to the profiles of the respondents (educator, EAPS operator, etc.).

It also highlights two cases in which either the potential wrongdoer is identified or not.

Investigation

A body of the federation appoints the person responsible for collecting evidences, they must not be members of the disciplinary body and cannot have a direct or indirect interest in the case. After receiving the victim's report, it is advisable to hear all the people likely to provide information that could help your investigation progress: for example, practitioners under the authority of the person in question, the parents, educators and sport managers in relation to it.

The latter will also be interviewed and may ask you also to audition the people of their choice. Please note that all those interviewed should be reminded that the procedure must remain

confidential, which implies that they cannot communicate the content of this exchange to anyone.

Disciplinary procedure

The disciplinary hearing, the deliberation, the sanction, notice of charge, and appeal. The disciplinary body must rule on the basis of the elements submitted to it. It notes the facts and judges their seriousness with regard to the ethics inherent in the functioning of the federation and the necessary protection of clubs and licensees. In the event that the elements are not sufficient, the disciplinary body may take a decision to exonerate or suspend proceedings pending the outcome of the criminal and/or administrative proceedings.

In order to prevent the violence from continuing, it is advisable to ensure several complementary steps:

Communication of the decision

Whatever the nature of the decision, it should be transmitted to the authorities, namely the sports administration via the SIGNAL-SPORTS unit and the prosecution via the public prosecutor. However, this decision remains confidential and cannot be communicated outside of these bodies.

The decision is notified to the victim and may be published in the official database of the federation, anonymously or not, in whole or in part, only after notification of the decision concerned to the persons who were the subject of it and after exhaustion of the means of appeal internal to the federation. Particular attention must be paid to respecting the privacy of the person targeted by the procedure, the victim and any other person concerned by the case.

Enforcement of the decision

If a suspension or a ban decision is taken, the federation must then ensure that it is enforced. To do this, it can, for example, keep a watch on the file of licensees and/or find out whether the person concerned is not returning to his former club or to another club.

If the expelled individual fails to respect the expulsion and tries to participate in federation-related activities again, the federation reserves the right to take further actions. This could include legal or disciplinary proceedings against the person for their non-compliance.

Prevention and victim support

Even though the content of the case must remain confidential, preventive actions must be put in place to prevent these facts or similar facts from happening again. Particular attention must be paid to the resumption or continuity of the practice of victims who so wish. If they want to continue their activity but within a different structure, the federation can support them in this regard by facilitating their transfer from one club to another.

From a psychological and medical point of view, it is quite possible and normal, but not obligatory, that the victim shows signs of distress (see sheet dealing with warning signals). The supervising team must monitor their behavior and that of those around them in order to alert them if these signs show distress such that emergency treatment is necessary (scarification, suicide attempt, significant eating disorders, etc).

Criminal or civil proceedings are to be initiated

Two scenarios arise in the criminal context:

1st case: the club, the departmental committee, the league or the federation will file a complaint if the actions of the athlete have directly affected them.

2nd case: they may also file a civil action if the athlete's actions harm the interests of the club, the departmental committee, the league or the federation. This possibility is provided for in Article L.131-10 of the Sports Code, under which "The approved federations may exercise the rights granted to civil parties with regard to offences causing direct or indirect damage to the collective interests of their licensees and the sports associations and societies that are members thereof", implemented according to the terms of the statutes of the federation. A condition is therefore necessary in this case: the fact that the alleged offence is likely to cause them harm.

Fédération Française de Football (FFF)

The Charte d'Éthique et de Déontologie du Football¹⁷ address the topic. According to the Chart(er), it is up to the organisation to prevent any discrimination and to guarantee that no offence can be made on the dignity or integrity of a person, whether in the form of violence (physical or psychological), harassment or any other hostile act the purpose of which is to isolate or ostracise a person or affect their dignity.

In addition, each participant in Football should be assured of being able to play their role effectively, without being bothered by deviant behaviour, in particular physical violence (blows, injuries) or psychological violence (threats, intimidation) which endangers health or mental balance and go against everyone's development.

Disciplinary regulations

The FFF's General Regulations,¹⁸ established pursuant to Articles L. 131-8 and R. 131-3 of the Sports Code,¹⁹ describe on its article 12bis the National Council of Ethics and Deontology. It ensures compliance with the rules of ethics, professional conduct, prevention and handling of conflicts of interest. It is made up of 7 members appointed by the Executive Committee, including 2 members presented by the L.F.P., 2 members presented by the L.F.A. and 3 members

¹⁷ See: <https://media.fff.fr/uploads/document/31f96dafb32716761b981fe363e86748.pdf>

¹⁸ See: <https://media.fff.fr/uploads/document/3b82ec28bd72f34b0d577250887c68bd.pdf>

¹⁹ See: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071318/

presented by the F.F.F.. The Executive Committee also appoints the President of the National Council of Ethics and Deontology.

The Disciplinary Regulations, on its item 3.3 relating to the provisions relating to the disciplinary body of first instance also place the National Council of Ethics and Deontology as a disciplinary body of first instance. As the auarantor of the Charter of Ethics and Deontology of Football, this council has a predominant responsibility in many areas. In particular, he must seize, within the framework of its power of independent appreciation, when it notes a behaviour contrary to the Charter of Ethics and Deontology of Football, the competent disciplinary body so that it rules on the file and, if necessary, sanctions the observed behaviour. Nevertheless, there is no such provision applied specifically to the Council related to safeguarding.

Sanctions

Generically, with respect to sanctions, the Disciplinary regulations provide that the following disciplinary sanctions may be imposed on a subject natural person, such as a fine not exceeding 45,000 euros; suspension entailing the impossibility for the natural person to enjoy the rights conferred on him by his license(s), namely in particular to participate in the management of the sports bodies of football and their activities; the prohibition to participate directly or indirectly in the organisation and running of meetings organised or authorised by the competent authorities; permanent ban; the prohibition for a limited period of being licensed by the FFF; compensation for the material damage caused; ineligibility in time for the governing bodies: this automatically entails the revocation of the mandate(s) in progress.

These penalties may be, with the agreement of the person concerned, replaced or supplemented by the performance of activities of general interest, for a period which may not exceed one sporting season. Activities of general interest correspond to activities of organisation of competitions, supervision, arbitration, initiation or prevention and promotion of the values of sport for the benefit of the F.F.F., the Leagues and Districts, the Professional Football League or a club other than the one on which the person concerned belongs, or a charitable association. Any disciplinary sanction is subject to appeal, according to the Disciplinary Regulations.

Fédération Française de Athletisme (FFA)

According to the Charte d'Ethique et de Deontologie de l'Athletisme,²⁰ precisely the Rules Relating to Behavioral Deviance (Article 4): Sexual/sexist harassment and sexual abuse behavioural deviance, even in certain cases of criminal offences, contrary to the values of athletics, which must be combated and punished when they are committed by persons subject to the Charte. The Disciplinary Regulations²¹ are established pursuant to Articles L. 131-8 and R. 131-3 of the French Sports Code, as follows.

²⁰ See: <https://www.athle.fr/Reglement/charteethique.pdf>

²¹ See: <https://www.athle.fr/Reglement/Reglement-Disciplinaire-2019.pdf>

Scope

One or more disciplinary bodies of first instance and one or more disciplinary appeal bodies vested with disciplinary power with regard to: (i) associations affiliated to the federation; (2) licensees of the federation; (iii) holders of titles allowing participation in the sporting activities of the federation; (iv) organisations which, without having as their object the practice of one or more disciplines of the federation, contribute to the development of one or more of these; (v) clubs; (vi) any member, agent, employee or volunteer of these sports associations and clubs acting as a manager or de facto licensee.

Disciplinary body

Disciplinary proceedings are initiated by the President of the FFA or by the Ethics and Deontology Committee of the FFA, which seizes the president of the disciplinary body of the first instance.

Investigation

Any disciplinary case may be the subject of an investigation by the decision of the president of the disciplinary body. The persons authorised to investigate disciplinary cases, who may be employees of the FFA or its decentralised bodies, are appointed by the President of the FFA. They are chosen either from natural persons, or employees and licensees of legal persons, or because of their competence with regard to the facts subject of the proceedings.

In this capacity and for the purposes of investigating the affairs for which they are responsible, they are delegated by the president of the federation for all correspondence relating to the accomplishment of their mission.

Sanctions

The applicable sanctions are: warning; reprimand; fine, when this fine is imposed on a natural person, it cannot exceed an amount of 45,000 euros; a temporary or permanent ban on participating in sporting events organised or authorised by the FFA; temporary or permanent ban on participating directly or indirectly in the organisation and running of competitions and sporting events organised or authorised by the FFA; a ban on the exercise of a function; a temporary withdrawal of the license; a ban for a fixed period on being dismissed from the federation or joining it; life ban; ineligibility for a fixed term to the governing bodies; prohibition to be a member of a disciplinary body for a fixed period.

Appeal

The prosecuted person and, where applicable, the legal representative, counsel or lawyer as well as the President of the FFA may appeal the decision of the first instance disciplinary body to the appeals body.

Fédération Française de Natation (FFN)

Unlike the other French NFs, the FFN maintains a specific procedure in case of suspicion of sexual violence in the swimming environment, which includes sexual abuse and other correlated violence, harassment and hazing. The email and phone number contact of the responsible for those matters are available on the organization website.

Beyond the systematic reporting to prosecutors of suspicions of violence, the FFN collaborates with the Ministry of Sports and its decentralised services to study the procedures for suspending the exercise of the individuals concerned.

Disciplinary regulations

At the same time, proceedings are systematically initiated against the alleged perpetrators, giving rise to sanctions decided by the federal disciplinary bodies when the facts are established.

Support

The FFN is available to clubs and victims to support them in the legal procedures required by these revelations and to put the victims in contact with lawyers specialised in this field.

Provisional measures

As soon as a sport manager becomes aware of such facts, he must take the necessary decisions to ensure the safety of the alleged victim, in particular by removing the alleged perpetrator via a provisional measure.

For reasons of confidentiality of the procedure, in order to protect the persons involved while waiting for the initiation of the necessary measures, the disclosure of information to the media cannot be done without the agreement of the legal representative of the FFN.

The FFN asks any licensee who would have knowledge of a crime/offence revealed by the press to bring it to him as quickly as possible.

Case management group

A priority situation management group would then meet to accompany the club concerned and to determine the follow-up to be given. This group is composed of: President of the FFN; the General Director of the FFN; the Administrative and Financial Director of the FFN; the legal officer; the elected member of the regional or departmental steering committee (national gold), and the Communication Director.

Report to authorities and/or other organisations

Once informed, the President/Sexual Violence Officer (from FFN or Regional League) must choose between 3 options.

After examination, the facts suggest that a crime / misdemeanour may have been committed:

1. They reports the facts to the Public Prosecutor;
2. They inform the Ministry of Sports (signalsport@sports.gouv.fr) and the Departmental Directorate (DD) of the place of residence and/or dismissal of the presumed culprit;
3. They inform the President/Sexual Violence Officer of the LR or the FFN;
4. They request the initiation of disciplinary proceedings with the President of the FFN;
5. They inform if necessary, the partner associations of the FFN (Colosse Aux pieds d'argile and Les Papillons).

After examination, the facts suggest that a fault may have been committed but that it is not a crime / misdemeanor.

1. They inform the Departmental Directorate (DD) of the place of residence and/or dismissal of the alleged;
2. They inform the President/Sexual Violence Officer of the LR or the FFN of the case;
3. They initiate disciplinary proceedings;
4. They inform, if necessary, the partner associations of the FFN (Colosse aux pieds d'argile and Papillons).

After examination, the facts are not sufficiently clearly characterised:

1. They inform the President of the LR, the FFN, and the CD of the case;
2. They justify the dismissal of this file.

Provisional measures

In parallel with the referral to the Federal Disciplinary Body, the President of the FFN can pronounce a provisional measure against the person prosecuted. It is worth mentioning that the President (FFN, LR or CD) is considered to be a constituted authority because the FFN, like the LRs and CDs, ensures the execution of public service missions. As such, each President has a duty to report in accordance with Article 40 of the Code of Criminal Procedure.²²

Disciplinary procedures in the Federal Disciplinary Body context

Disciplinary proceedings are initiated against the accused person (provisional measures are allowed) and follow the sequence:

1. Instruction of the file (instructor appointed by the president of the FFN). Summons of the accused person.
2. Submission of the investigation report in view of the elements of the file and any information collected by any means, and after having heard all persons, the hearing seems useful.
3. Federal Disciplinary Body Hearing.

²² See: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/

4. Decision of the Federal Disciplinary Body followed by notification of the decision to the person prosecuted + information to the president of the club, of the FFN, DTN of the FFN, President of the LR, legal manager of the FFN.

The decisions can be dismissal or sanctioning (warning, suspension, ban, etc.). From the initiation of disciplinary proceedings, the Federal Disciplinary Body has a maximum of 10 weeks to render its decision.

Appeal

The sanctioned person and/or the President of the FFN may appeal the decision to the General Appeals Body, which has a maximum of 4 months to render its decision. There are many possible consequences of the procedure before the administrative courts, offering the opportunity to the decision be appealed and reviewed.

- Once the sanction has been notified, the sanctioned person can contact the CNOSF Mediation Conference to contest the decision.
- In the event of failure of the conciliation procedure before the CNOSF, the sanctioned person may seize the Administrative Court with territorial jurisdiction in order to contest the decision again.
- Once the Administrative Court has rendered the judgment, the person concerned or the FFN may appeal it to the Administrative Court of Appeal.
- Once the decision has been rendered by the Administrative Court of Appeal, the person concerned or the FFN may appeal to the Council of State.

Fédération Française des Sports de Glace (FFSG)

A specific norm regulates the disciplinary provisions. These disciplinary regulations come into force after their adoption by the Federal Council, according to the French Sports Code, which is mandatory for all the national federations, as mentioned above.

Scope

A disciplinary body of first instance and a disciplinary body of appeal are hereby established, vested with disciplinary power with regard to:

- Groups affiliated to the Federation;
- Members and licensees of the Federation;
- Holders of titles allowing participation in the sporting activities of the Federation;
- Profit-making organisations whose object is the practice of one or more disciplines of the Federation and which it authorises to licenses issuing;
- Organisations which, without having as their object the practice of one or more disciplines of the Federation, contribute to the development of one or more of these; sports societies*;

- Any member, agent, employee or volunteer of these associations and sports companies, acting as de jure or de facto managers of the latter;
- Any natural person having the behaviour of a de facto licensee, i.e. any natural person whose practice or action would justify the holder of a license within the meaning of the acts of the Federation.

Disciplinary regulations

Disciplinary proceedings are initiated by the President of the Federation, on his initiative or at the request of the Federal Council. They can also be initiated directly by the Ethics and Deontology Committee.

Investigation

Disciplinary cases relating to acts of violence must necessarily be investigated.

The President of the Federation designates the persons authorised to carry out the investigation of disciplinary cases. They are freely chosen from among the licensees of the Federation or outside them, because of their competence with regard to the facts subject of the proceedings.

In this capacity and for the purposes of investigating the cases for which they are responsible, they are delegated by the President of the Federation or, where applicable, of its decentralised bodies for all correspondence relating to the accomplishment of their mission, hear any person whose hearing seems useful and ask any person for information necessary for the procedure. There is also a provision regarding conflicts of interest to prevent certain individuals from being appointed.

Decision and communication

According to what has been found by the instruction stage, the disciplinary body should make a reasoned decision. The decision or the extract from the minutes constituting the decision is notified to the person prosecuted or, where applicable, to its legal representative or to the for-profit organisation, club or sports company with which it has a legal link. The decision or extract from the minutes is concomitantly notified to the President of the Federation, who ensures its publication when it has been ordered and informs, in any case, the Committee of Ethics and Deontology of the Federation as well as the members of the governing bodies of the Federation. The latter is bound by the duty of confidentiality stipulated in Article 16.3 of the Internal Regulations when the decision has not been published.

Appeal

The person prosecuted and, where applicable, his legal representative, his adviser or his lawyer, as well as the President of the Federation (either on his initiative or at the request of the President of the Federal Council) or the Ethics and Deontology Committee when he was at the initiative of the proceedings, may appeal the decision of the body disciplinary first instance.

Sanctions

The applicable sanctions encompass:

- Warning;
- Reprimand;
- Fine;
- A temporary or permanent ban on participating in sporting events organised or authorised by the federation;
- A temporary or permanent ban on participating or attending, directly or indirectly, to the organisation or conduct of the sports competitions and events of any kind authorised or organised by the federation;
- A ban on the exercise of a function;
- A temporary withdrawal of the license for the duration of the ban;
- A ban for a fixed period on being dismissed from the federation or to join it;
- Deregistration from the “groupement” or termination of the license for the licensee;
- Ineligibility for a fixed term for governing bodies;
- The revocation of the mandate or the prohibition to belong for a determined period to a governing body, a disciplinary body or any commission of the federation or its deconcentrated bodies.

One or more penalties may be chosen from the penalties listed above in compliance with the principle of proportionality. They are pronounced in consideration of the seriousness of the facts and the behaviour of their author.

Fédération Française de Gymnastique (FFG)

These disciplinary regulations are established pursuant to articles L.131-8 and R.131-3 of the sports code, however, the document available dates 2017, before the implementation of the national strategy.

Ireland and Northern Ireland

Sport Ireland and Sport Northern Ireland

Sport Ireland has developed a Safeguarding Guidance for Children & Young People in Sport to specifically support National Governing Bodies of Sport (NGBs) and clubs to ensure they can meet their child safeguarding and child protection responsibilities.

The document is underpinned by national policy and legislation in the Republic of Ireland (ROI) Children First: National Guidance for the Protection and Welfare of Children 2017, and the requirements under The Children First Act 2015, and in Northern Ireland – the Children (NI) Order and Cooperating to Safeguarding Children and Young People 2017.

Risk assessment

Sport Ireland and Sport NI in consultation with the Children in Sport Group have designed a sport-specific risk assessment template which is available to the National Governing Bodies of Sport, Local Sports Partnerships and other sporting organisations.

As stated in the Children First Act 2015 (ROI) the risk assessment is a legal requirement that must be undertaken by the providers of relevant services who engage in sporting activities with children and young people in Ireland. In Northern Ireland, there is an expectation that all regulated activities have robust safeguarding procedures in place. Though not a legal requirement, this is often linked to public funding.

Recruitment

A procedure for the safe recruitment and selection of workers and volunteers to work with children is a specified procedure under the Children First Act 2015 (ROI) and Keeping Safe- Our Duty to Care resource pack. Ensuring the individual completes their vetting with either the National Vetting Bureau or Access NI through the relevant Sport's Governing Body prior to working with children or vulnerable people, called Garda Vetting.

Training

Every sport should have a procedure in place for the provision of information and training that ensures compliance with the Children First Act 2015 (ROI) Section 11(3) and can be used as part of the training plan required as a good practice in Northern Ireland.

The National Governing Body is responsible for overseeing the adoption and implementation of this guidance, the legal requirements set out by Children First (ROI) and the good practice guidelines and standards in NI by all its affiliated members. All sports clubs should work closely with their governing body of each sport.

Reporting

The procedure in ROI for reporting child protection or welfare concerns to the The Child and Family Agency (Tusla) is a specified procedure under the Children First Act 2015 (ROI) and should be done online following a discussion with Tusla staff. In Northern Ireland there is a standard Understanding the Needs of Children and Young People in NI (UNIOCNI) form for statutory agencies, however voluntary sports can complete their own proforma. It is recommended best practice that any telephone referral is followed up in writing. In Northern Ireland the NSPCC helpline is available at any time to discuss any worry.

Regardless of how a concern comes to a coach/volunteer's attention, it must be reported to the Designated Liaison Person (DLP). The Designated Liaison Person (DLP), in consultation with the person who raised the concern, will decide if reasonable grounds for concern exist. If reasonable grounds for concern exist, the Designated Liaison Person will report to a Tusla duty social worker.

All organisations/clubs should have procedures in place and publicly available for reporting any concerns about the welfare or protection of a child that arise.

Disciplinary regulations

Each organisation/club should ensure that it has adequate disciplinary, complaints and appeals procedures in place. It is important to note that the investigation of suspected child abuse is the responsibility of the Statutory Authorities and should not be undertaken by Club Children's Officers/ Designated Liaison Person's or other organisation/club Sports Leaders. The standard reporting procedure outlined in the Statutory Authorities guidelines should be followed by each sports club/organisation and adhered to by its members.

Code of conduct

A code of conduct should be in place for administrators, coaches, officials, players and parents, outlining the agreed standard of behaviour for everyone.

Roles and responsibilities

- National Children's Officer (NCO)- Each sport governing body should appoint a National Children's Officer. The National Children's Officer should be a member of the Executive Committee, or have access to the committee and its accompanying documents, to ensure that children's interests are kept on, and influence the decisions of, the agenda of the Governing Body.
- Club Children's Officer (CCO)- They act as a resource with regard to children's issues. In summary, Children's Officers should review current policies in relation to young people, check that all activities are safe and fun, and inform adults of how to deal with any concerns that may arise in relation to the protection of children and young people. S/he is the link between the children and the adults in the club. The Children's Officer should be a member of or have access to, the Club Management Committee and should be introduced to the young people in an appropriate forum, taking responsibility for monitoring and reporting to the Club Management Committee.
- Relevant Person- For Clubs/organisations that operate in Republic of Ireland they must appoint a Relevant Person. Defined in the Children First Act 2015 (ROI) as a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's Child Safeguarding Statement.
- Designated Liaison Person- Each NGB/Club must appoint a Designated Liaison Person (DLP). This person may or may not also fulfil the role of Children's Officer. The DLP is a resource for volunteers/coaches and should ensure that the clubs reporting procedures are followed. The DLP reports any suspected cases of child neglect or abuse to the Duty Social Worker in Child and Family Agency/Túsla or an Garda Síochána/ Gateway team or PSNI.
- Mandated Person- It is a person named under schedule 2 of Children First Act 2015 (ROI). They have a legal responsibility to report concerns or allegations that reach or exceed the threshold of harm of abuse to the Tusla (refer to National Governing

Body/Club for list of mandated persons). Mandated persons have two main legal obligations under the Children First Act 2015 (ROI). These are: To report the harm of children above a defined threshold to Tusla; To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

- Sport Ireland and Sport Northern Ireland – They must ensure the widest possible dissemination of the safeguarding guidance and ask that this guidance is adopted and implemented by all sports clubs/ organisations. This approach is based on the need for All-Island consistency in the advice offered to clubs, Sports Leaders, parents/guardians, children, and in particular, National Governing Bodies of Sport who are responsible for the administration of their sports.

Relevant legislations

There are several key pieces of legislation that relate to child welfare and protection. Below is list of the legislation that is applicable in the area of Safeguarding and Child Protection: Child Care Act 1991, Protections for Persons Reporting Child Abuse Act 1998, Criminal Justice (Withholding of Information on Offences Against Children & Vulnerable Persons) ACT 2012, National Vetting Bureau (Children & Vulnerable Persons) Acts 2012–2016, Children First Act 2015, Criminal Law (Sexual Offences) Act 2017, Child protection in Northern Ireland Legislation, policy and guidance; General Data Protection Regulation (GDPR).

Netherlands

Nederlands Olympisch Comité* Nederlandse Sport Federatie (NOC*NSF)

The Nederlands Olympisch Comité* Nederlandse Sport Federatie” (NOC*NSF), is the overall coordinator of a national sport that also functions as the Dutch NOC and NPC. It is the umbrella organisation for sports in the Netherlands.

The Good Sports Governance Code

All sports organisations in the Netherlands are expected to comply with the code of good sports management. Based on the four essential principles of responsibility, democracy, society and transparency, sports organisations use the code to develop strong and conscious boards with a clear course. The Code was last revised in 2021.

Handbook of Laws and Regulations (VSK Tucht recht Geschillenbeslechting)

Disciplinary regulations

A sports club should include a disciplinary regulation in its statutes. This disciplinary law then binds their members through their membership of the association (pursuant to Article 2:27 paragraph 4 of the Civil Code (BW)).

Diverse regulations and codes of conduct are deliberated on by the NOC*NSF board, which comprises national federations with voting power. What is approved becomes mandatory for all the governing bodies, either within the sport organisations or the Institute of Sport Rechtspraak (see below).

Not every violation of the disciplinary rules automatically leads to a disciplinary case in the Netherlands. In the case of less serious violations, which do not involve a criminal offense, the parties often come to an agreement. Sometimes a mediator or mediator can work on it. This is an independent person who guides the conversation and helps both parties to reach a solution.

Anyone who has observed a violation of the disciplinary rules can report it. In addition to the association and individual association members, a sports association itself can also report a violation. Crimes should always be reported to the police.

Institute of Sport Rechtspraak (ISR)

In the Netherlands, most sports associations are affiliated with the Institute of Sport Rechtspraak (ISR). The ISR handles disciplinary cases for the affiliated (sports) organisations and thus administers justice on behalf of the sports associations.

Not all sports disciplinary cases are handled by the ISR. Usually, the sports association itself rules on sport-specific matters such as match-related violations and the ISR is called in cases of doping, match-fixing and sexual harassment and abuse.

Sanctions

The possible sanctions are described in the applicable disciplinary regulations, which apply within the ISR or within the national governing bodies. It is up to the disciplinary committee to judge whether someone is guilty and, if so, to impose an appropriate penalty.

The below punishments apply only to the sports federation where the accused is an ISR member.

- a reprimand;
- the prohibition to participate in one or more activities of the sports association for a certain period of time;
- the prohibition to exercise certain membership rights for a specified period;
- the prohibition to exercise one or more functions in the sports association for a specific period;
- a full suspension for a specified period;
- a cancellation (disqualification) as a member of the sports association.
- If the accused is a minor, a Halt Sport and Behavior training may also be imposed for violations of general disciplinary law.

ISR and KNVB, the Dutch football federation, halt can also take advantage of the Halt-Offices services, which are alternatives ways of punishing juvenile offenders for minor crimes.

Appeal

In the Netherlands, it is possible to appeal against the decision to the appeals committee within ISR.

If it is not possible to appeal (for example, if the organisation does not have an appeals committee), in some cases, an appeal to the Court of Arbitration for Sport (CAS) in Switzerland is possible. The sport organisation must then lay down this possibility of appeal to the CAS.

Criminal behaviours

Criminal law applies to every person. As a result, it is quite possible that both a disciplinary and a criminal measure can be imposed in the event of misconduct. The following crimes in the Netherlands (Penal Code) are also considered transgressive behaviours within the sport context:

- offences against morals, including abuse, rape, child pornography;
- abuse
- negligently causing death or bodily injury;
- insult and discrimination.

If someone has knowledge of an offence or crime, they are authorised to report it to the police, and there is an obligation to report certain crimes. This mainly concerns cases in which lives are (are) endangered.

Binding individuals and sport organisations

This is made by membership or agreement/contract.

Triage

Triage is the selection procedure by which the complaints regarding sexual harassment in sport, intended for ISR, are classified into categories. This classification has consequences for the way in which the complaint is handled procedurally. A decision of the triage committee means that it classifies written complaints addressed to the ISR into:

- a. handle complaint by the sexual harassment chamber of the ISR;
- b. complaint can be handled through mediation by the sports association and, or sport club.
- c. complaint can be handled by means of a conversation between the parties involved;
- d. complaint does not meet the formal requirements for a complaint;
- e. the complaint must also be reported to the police.

Committee of inquiry commissioned by the board of a sports association

The sport association can usually set up its own committees. Whether the sport association is allowed to do this depends on the association's regulations.

The ISR Regulations on Sexual Harassment also mention the possibility of a committee of inquiry commissioned by the ISR chamber to investigate sexual harassment further, see below.

Some organisations also have an integrity committee that investigates match-fixing, for example. This shows whether a committee of inquiry can be set up, on behalf of which body the committee of inquiry operates and what duties and powers are assigned to the committee. A committee of inquiry usually works on behalf of the board.

After the conclusion of the investigation, the committee draws up a report. The committee submits this report with its findings to the board. The committee advises the board on the next steps to be taken. The committee therefore does not settle disputes. The board of the sports association decides whether to adopt the advice. The decision may include advising the organisation to take disciplinary measures and, or to settle the dispute through mediation, to start a disciplinary case, or to report the matter to the police.

The ISR's Regulations on Sexual Harassment also mention a commission of inquiry. This committee can be set up after a report of sexual harassment prior to the oral hearing of the disciplinary case. This committee investigates the facts and circumstances. After completing the investigation, the committee reports sexual harassment to the chamber. This investigation will be considered in the disciplinary case.

Prosecutor

Not only does the ISR have prosecutors in place, but also most national federations after the NOC*NSF determine the appointment of a prosecutor for doping and sexual violence as a minimum quality requirement in order to receive funding from the NOC.

Sometimes the plaintiff can also reach a settlement with the prosecutor. It is possible to settle the case without a disciplinary sanction, for example, by means of a fine.

Mediation

Mediation is also accommodated within the ISR. A mediator can only be appointed if he/she is MfN certified. The MfN (Mediators' Federation of the Netherlands) only accepts qualified mediators who meet the quality requirements of the Quality Mediators Foundation (Stichting Kwaliteit Mediators, SKM), such as recognised training, permanent education, rules of conduct and subjection to disciplinary law.

Arbitration

The ISR also provides arbitration for other types of disputes. Some sports associations prefer the resolution of disputes between members by their own arbitration committee. This is the case, for example, with the KNVB.

Other relevant supportive documents

The Handbook also provides some annexes, such as:

- Preventive measures for clubs;
- Template of agreement on submission of statutes and regulations of sport organisations;
- Template of volunteer agreement;
- Guide for complaint or report of sexual harassment;
- Schematic overview of dispute resolution;
- Rules of conduct for supervisors in sports.

Communication and publication of decisions

NOC*NSF has drawn up the 'Publication of disciplinary law decisions for sports associations' guideline.

Centrum Veilige Sport Nederland, CVSN (Netherlands Safe Sport Centre)

The Centrum Veilige Sport Nederland / Safe Sport Center (CSVN) is part of NOC*NSF as an umbrella organisation of the sports associations and is available free of charge to all members. The CSVN addresses any questions, doubts, or reports that may arise. Their responsibilities include listening attentively, offering guidance, and assisting in finding the best solutions.

Athletes, trainers, administrators, confidential contact persons, concerned parents, and professionals are all welcome to seek their support. The CSVN is not only a hotline for sports that fall under NOC*NSF. A number of other sports-related organisations, such as ENVOZ, NRZ, NABV Airsoft and the Krajicek Foundation can also contact them.

Working in collaboration with sports associations, the CSVN utilises the Case Management System Sport (CMSS), a national administration system, to gain a comprehensive overview of sports-related issues. With appropriate permissions, they can share information to address concerns better. The case manager of the Center always discusses this with the reporter.

SpeakUp is the online chat available from People InTouch. The chat gives the opportunity to have anonymous contact with the Center or the relevant sports association through a unique access code. In addition to chatting, it's also possible to upload documents or leave a voicemail. They are not able trace the sender, unless an identification name is provided.

The CSVN acts as a hub for discussing signals and reports from across the entire sports community alongside the association board and its own sports association. Formal reporting can be made to the clubs, national federations, or the ISR.

To ensure comprehensive assistance, the CSVN maintains a pool of qualified and trained confidential advisers. These advisers provide support to individuals involved in incidents, including victims and accused persons. Furthermore, the CSVN serves as a knowledge hub for sports associations and federations, providing advice, implementing policies, and offering information related to incident prevention and management.

Their collaborative efforts extend to local initiatives and municipal sports companies, where they promote safe sports practices and maintain a vast network of social workers and police

contacts for additional support if needed. In addition, the CSVN provides E-learning available on various themes for managers, executives and athletes of clubs.

All employees who handle confidential information have signed a Professional Charter with NOC*NSF. Independence, working method, confidentiality and professional code are thus formally established.

Reporting

According to the CSVN, Directors and supervisors/trainers/coaches of sports clubs are obliged to report suspicions of sexual harassment and abuse. Supervisors report to the board of the club, and the board of the club reports to the disciplinary prosecutor of their own sports association.

Confidential advisors

Case managers do the initial reception and, together with the reporter, they discuss the use of a confidential adviser for personal guidance. The confidential advisers are intended for victims, accused persons and other reporters who are confronted with transgressive behaviour in sport. Using a confidential adviser is free for everyone who falls under the NOC*NSF umbrella.

All confidential advisers of the Center for Safe Sport are certified. They have also signed a Professional Charter with NOC*NSF, whereby independence, working method, confidentiality, and the professional code are formally established. NOC*NSF has no influence on or access to the guidance and files of the CSVN. Sport federations, clubs and the ISR also have no access to the confidential advisor's files.

Basic Social Safety Requirements for Clubs

The Basic Social Safety Requirements, established by the NOC*NSF, help sports clubs meet the four requirements as a club. This model consists of four basic requirements that a sports club should at least meet: VOGs for volunteers who work with vulnerable target groups (such as children and athletes with a disability), the sport code of conduct, appointing a confidential contact person and training trainer/coaches.

Certificate of Good Conduct - Verklaring omtrent gedrag (VOG)

One of the preventive measures that a club can take is applying for a Verklaring omtrent gedrag (VOG) for executives/volunteers. A VOG is also known as a 'proof of good behaviour', the past behaviour of that person does not pose any objection to, for example, being allowed to work with minors and other vulnerable target groups at a sports club.

A VOG is a statement showing that someone has no criminal record or that the criminal record does not constitute an obstacle to the performance of a certain task or position. It is advisable to reapply for a VOG every three years. After applying for the VOG as a measure, clubs can rely

on the CSVN which offers diverse support, such as inspirational sessions, a workshop, and others.

Other preventive measures in this regard recommended by the CSVN are requesting references and checking any disciplinary decisions/sanctions in the field of sexual harassment and abuse (to be checked via the VCP – see below). The CSVN clarify that this is not a guarantee of a safe environment, but it does show that the club is willing to take the safety of its members, volunteers and visitors seriously and knows the background of its executives/volunteers.

Confidential contact person - De vertrouwenscontactpersoon (VCP)

The CSVN has its own confidential contact person, and is accessible to everyone within the sport with questions and/or concerns about possible transgressive behaviour. A confidential contact person listens, thinks along and knows the sport network, but is not a social worker and does not investigate incidents himself.

The VCP at an association is generally a volunteer. It is recommended to appoint a man and a woman in this role. The VCP conducts a confidential conversation, which therefore does not guarantee the secrecy of this role. A professional confidant can do a large part of the work in secrecy. The VCP of the association is aware of the danger of possible mixing of roles and tasks. For example, a medical doctor or a policeperson cannot fulfil this role because of the responsibility of their own work.

The CSVN recommends that each sports club also have a point of contact within the association who is also familiar with the culture and structure of the club. In addition, the VCP is important as a sparring partner for the board and as a booster and guarantor of preventive policy. The CSVN offers special training to become a confidential contact person at the association.

Code of Conducts

A code of conduct gives direction to desired behaviour at the club. Sports federations, NOC*NSF and the Ministry of Health, Welfare and Sport have developed codes of conduct for various target groups in sport. Sports associations are free to adapt these codes of conduct, so that they are more in line with their own sports environment. The association must also communicate the code of conduct to all members annually, and their participants are demanded to sign it and comply with the rules.

Education and training for trainers and coaches

Clubs must ensure that trainers and coaches have followed specific e-learning courses (for more experienced trainer-coaches).

Other supportive organisations

Victim Support Netherlands

They help after crimes, traffic accidents, disasters and calamities. They offer (anonymous) conversation and emotional support, help in the criminal justice process or when applying for compensation following damage caused by violence. They can also work to recommend what is the best individual remedy, such as therapy or treatment with a psychologist or psychiatrist. Victim Support Netherlands has a broad network and guides victims there if necessary.

The lawyers at Victim Support Netherlands have been trained in sports disciplinary law, especially for sports. They can therefore guide during a disciplinary process at the Institute of Sport Rechtspraak (ISR). For example, they can read the declaration form, they can assist during a hearing for investigation, and can recommend an objection to decisions.

Victim Support Netherlands is the central point of contact for care and referral for sports. CSVN works closely with them so that counseling for victims becomes as simple as possible. The employees are aware of the sports context and know their way around.

FIER Sports Chat

The FIER chat is intended for children, young people and adults participants or who are active as a volunteer, trainers or coaches in sports. FIER is connected to the CSVN. Nevertheless, the chat at the FIER is confidential. In consultation with the person, FIER can ask the coordinator of the CSVN for extra support. FIER staff can also put the person in direct contact with a case manager from the CSVN. The FIER is available when the CSVN is not.

Network of psychologists and psychiatrists at TeamNL

A network of sports psychologists and psychiatrists is available for top athletes who are or have been active in sports via TeamNL of NOC*NSF. They work confidentially and do not share data that they are not given permission for. The case managers and confidential advisers of the CSVN work confidentially and separately from Team ZL.

Norway

Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF)

NIF is an umbrella organisation which organises all national sports federations in Norway.

Idrettspolitisk Dokument (2015-2019)

The NIF's general policy document states that "Norwegian sport shall ensure zero-tolerance for any form of discrimination and harassment within sport" (item 6.4)²³, which means that there shall always be a reaction from sport organisations.

Regulations

Regarding how to deal with a case, NIF has implemented guidelines to address cases of sexual harassment and abuse, focusing on making the reporting process more accessible for both victims and those suspecting such incidents. By streamlining the reporting mechanisms, the committee aims to create a safer environment where individuals feel encouraged and supported to come forward with their concerns.

Additionally, the guidelines aim to ease the burden on sport clubs by providing clear-cut advice and step-by-step procedures for handling such cases. This approach ensures that sport clubs have a structured framework to follow, enabling a more efficient and effective response to incidents of sexual harassment and abuse within their organisations.

These measures reflect the committee's commitment to fostering a culture of safety and accountability within Norwegian sports, ultimately contributing to a more robust and integrated safeguarding framework.

The guideline offers comprehensive insights into handling various aspects related to harassment and abuse within sports clubs. It covers how to address direct experiences and reported incidents, emphasising the responsibility of sports clubs in preventing and addressing such cases.

Additionally, it provides the NIF understanding of harassment and abuse while outlining how to proper case-handling procedures, including the maintenance of a case log. The guideline emphasises the careful handling of sensitive information and the importance of supporting and caring for individuals impacted by these incidents. Understanding different reactions and implementing appropriate sanctions are also mentioned. Finally, it shares the NIF's safeguarding officer contact to promote open communication on dealing properly with sensitive matters.

Clubs

Apart from it, NIF recommends clubs: (1) Make coaches aware (i.e. addressing the topic at coach meetings and mentioning the Guidelines in contracts); (2) Make it easier (for victims and others) to report (addressing the topic at athlete-meetings / parents-meetings); (3) Use the educational

²³ The zero-tolerance approach is also highlighted on the recent released long-term plan for Norwegian sports: Idretten Vil! Langtidsplan 2023–2027. See: https://www.idrettsforbundet.no/siteassets/idrettsforbundet/idrettenvil2023-2027/pdf/idretten-vil_langtidsplan-for-norsk-idrett-20232027.pdf

tools provided and provide online information about how to report; (4) Take all reports seriously and handle cases properly (adopting procedures for dealing with cases).

Children's Rights in Sports and Provisions on Children's Sports

The Children's Rights in Sports and Provisions on Children's Sports have been adopted by the NIF's General Assembly of the Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF). They clarify the recommendations on how to develop positive activities for every child as an individual and are based on the UN Convention on the Rights of the Child. Children's sports are defined as sporting activities for children up to 12 years of age.

The provisions were first adopted in 1987 and were later revised in 2007, 2015 and 2019, and they regulate competitions offered to children. This is done by facilitating a natural progression in how far children should travel, what competitions children are permitted to take part in, and how awards, ranking and results lists should be used. There are also separate provisions on how to sanction or punish any violations of the provisions.

The Provisions on Children's Sports regulate competitions in children's sports. One of the intentions is to reduce the time and costs spent on travelling to and from activities. Sports clubs are therefore encouraged to follow the same principles for training and other activities in children's sports.

Roles and responsibilities

Sports federations may issue their own set of rules which elaborate upon these provisions within the framework of their particular sport(s). This includes defining local and regional competitions and, under special circumstances, making adjustments regarding age limits and geography. The rules must be approved by NIF's Executive Board or those given authorisation by NIF's Executive Board to grant approval.

Sports federations are obliged to adopt sanction provisions for violations of the Provisions on Children's Sports in their own match and competition regulations, including the authority to impose fines on sports clubs and to deprive athletes of the right to participate in competitions. Any sanctions must be in accordance with section 11-2 of NIF's laws. If repeated or serious violations of the provisions occur, the case must be reported to the NIF Adjudication Committee.

Each sports federation is responsible for ensuring that the provisions and rights are made known, implemented and enforced in their sports and disciplines.

Sports clubs that organise children's sports must appoint a specific person (either elected or employed) who holds the responsibility for children's sports in that club. See further details under the section on the person responsible for children's sports.

All sports clubs in Norway are required to obtain a certificate of good conduct from the police for anyone with responsibility for minors (children under the age of 18) or for people with

disabilities. You can find more information (in Norwegian) at:
www.idrettsforbundet.no/klubbguiden/politiattest

In addition to rights and provisions on children's sports, NIF, including all sports organisations, federations and clubs work daily to ensure a safe environment and safeguarding of children. Efforts include Board resolution on child protection, participation in the Enlarged Partial Agreement on Sport (EPAS)²⁴ project on child safeguarding and instituting Child Safeguarding Officers at the central levels of the organisation, as well as e-learning and communications on child safeguarding to all sports clubs.

Portugal

According to the national legal framework for sport federations, they are required to establish disciplinary regulations that define offenses and sanctions related to sports ethics due to their status as public utility entities. However, harassment and sexual abuse are not explicitly included in the actions to be sanctioned.

Comitê Olímpico de Portugal (COP)

The Olympic Committee of Portugal (COP) is a non-profit organisation of public utility. With a view to complying with the employer's duties, namely the provisions of article 127, paragraph 1, point k), of the national Labor Code adopted a Code of Good Conduct for addressing harassment at the workplace.²⁵

Scope

The Code is applicable to all its employees and collaborators. It is worth remembering that this institutional policy is mandatory for certain organisations in Portugal but does not target direct participants in sports activities.

Mandatory reporting

All employees and collaborators are obliged to report or denounce all practices of harassment in the workplace that they become aware of and that are based on actual facts, it being possible that false reports are sanctioned under legal terms. The complaint must be formally addressed, in writing, to the Director General or, in exceptional cases, to the President.

²⁴ The Council of Europe established the Enlarged Partial Agreement on Sport (EPAS) in 2017. It provides a platform for intergovernmental sports co-operation between the public authorities of its member states. It also encourages dialogue between public authorities, sports federations and NGOs. This contributes to better governance, with the aim of making sport more ethical, more inclusive and safer.

²⁵ See: <https://comiteolimpicoportugal.pt/documentos/regulamentos/>

Responsibilities

If the practice of harassment in the workplace is verified, the Portuguese Olympic Committee can be sanctioned under legal terms and the aggressor, as well as, if applicable, the hierarchical superior who has consented to such practices, will be subject to disciplinary proceedings.

The NOC is obliged to initiate disciplinary proceedings whenever it becomes aware of alleged situations of harassment under the terms and for the purposes of the provisions of the Labor Code.

Statute of limitations

The right to exercise disciplinary power on the part of the Portuguese Olympic Committee expires 1 year after the practice of harassment.

Lack of anonymity

Both the victim can file a complaint, and any employee or collaborator must denounce the practice of harassment, provided that the interveners are identified, including their own. Thus, there is no possibility of anonymous reporting.

Provisional measures

The employee or collaborator may be suspended from their activities preventively.

Appeal

The sanctioned person may appeal the decision to the NOC President.

Ethics Council

It is worth mentioning the existence of an Ethics Code and an Ethics Commission, which material law is the Ethics Code of the IOC.

The Ethics Council is responsible for instructing, assessing and investigating complaints regarding non-compliance with violations of the Code of Ethics of the International Olympic Committee and, if necessary, applying and proposing the application of sanctions provided for in the COP Statutes, in the exercise of its disciplinary power in compliance with the provisions set out in the Regulations of the Ethics Council of the Portuguese Olympic Committee.

Federação de Desportos de Inverno de Portugal (FDI)

The FDI maintains a policy similar to the one maintained by the NOC, which goes back to being an off-the-shelf document and is applied only in the workplace environment.

Federação de Ginástica de Portugal (FDP)

The FDP maintains a specific policy for the topic²⁶, recently published in February 2023.

Scope

The policy applies to all gymnastics organisations, managers, gymnasts, coaches, judges, medical teams and any other agents that participate in FGP events, as well as in events where FGP and Portugal are represented. It also applies to all members of FGP's governing bodies, and its employees, whether permanent, temporary or voluntary, acting on behalf of FGP, in Portugal or abroad.

Mandatory communication to the IF

The policy makes it clear that in accordance with the statutes of the International Gymnastics Federation (FIG), approved by the General Assembly and which entered into force on 1 January 2023, the FGP is obliged to communicate to the FIG the identity of any participant found guilty of harassment and/or abuse in any activity related to Gymnastics, by any judicial or disciplinary authority.

Roles and responsibilities

The bodies responsible for dealing with this topic are the Board, the Disciplinary Board and the Justice Board, with a Safeguarding Officer being appointed. They are supposed to ensure the quality of the content created, the dissemination of programs of interest and education and good practices for reinforcing the rules and codes of the FGP regarding safeguarding.

The policy cites that clubs and associations affiliated with the FGP are responsible for

- Developing and implementing a policy and procedures to safeguard and protect their gymnastics agents against harassment and abuse;
- Inform all relevant parties of the procedures contained in its policies and procedures;
- Ensure there is a safeguarding plan and case-reporting procedure based on the policy.²⁷

Mandatory reporting

Any participant who has reason to believe that another participant has suffered or is suffering harassment or abuse in gymnastics has a duty to report it to the FGP. It is possible to report a case through the FDP website, in person at the entity, by telephone or by email, with specific e-mails available for gymnasts, coaches and judges. It is not possible to determine if it is possible to make a confidential, anonymous contact and who will be the recipient of the report.

Case management

Furthermore, it is not possible to state how cases are managed internally and who is the specific body to adjudicate the matter. However, it is incumbent upon the Disciplinary Board to assess

²⁶ See: <https://www.ginastica.org/safeguarding>

²⁷ The policy does not determine the sanction in case of breach of responsibility.

and punish, in accordance with the law and federal regulations, all disciplinary offenses in sports matters, imputed to natural or legal persons subject to the disciplinary power of the FGP.

Appeal

An appeal to the FPG Board of Justice is possible.

Federação Portuguesa de Futebol (FPF)

The FPF maintains a reporting channel for integrity cases, in accordance with Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019, on the protection of people who report violations of Union law. Therefore, anonymity and confidentiality are guaranteed.

Disciplinary regulations

The organisation also has a Disciplinary Council, whose members are all law graduates, and is organised into two sections, one for professional sports and the other for non-professional ones. Each area has its own disciplinary regulation, with that of the professional area being approved within the Portuguese Professional Football League and ratified by the General Assembly and that of the non-professional being approved by the board of the NF.

It is incumbent upon the Disciplinary Council to assess and decide, in accordance with the applicable law and regulations, all offences attributed to persons subject to the disciplinary power of the FPF and Liga Portuguesa de Futebol Profissional (National League) within the scope of the specific powers of each one of them.

Appeal

The decision can be appealed to the so-called Council of Justice, an appealing body under the FPF structure.

Scope and sanctions

Sexual harassment and abuse are mentioned in the Disciplinary Regulations. As there is no specific safeguarding policy, safeguarding cases are managed in the same way as any other disciplinary breach. Players and managers are expressly mentioned, punished with suspension of one month to one year or, in the case of abuse, 3 to 5 years, being possible to apply even outside the field of play.

As a manager, it is understood that the holder of a body or representative of an organisation, or whoever has the authority to exercise control of the sporting activity and the sporting director or equivalent.

Statute of limitations

The disciplinary power expires after 5 years from the date of the disciplinary breach (statute of limitations). If the fact qualified as a disciplinary offence is also considered a crime, the applicable limitation period is that of the crime in question.

Observatório Nacional da Violência contra os/as Atletas (ObNVA)

The Observatório Nacional da Violência contra Atletas / National Observatory of Violence against Athletes (ObNVA) is an initiative of the University of Maia/Maiêutica in collaboration with Associação Plano i, which aims to establish itself as an anonymous platform for collecting information on situations of violence against athletes.

ObNVA has as partner entities the Portuguese Institute of Sport and Youth, the High Authority for the Prevention and Combat of Violence in Sport, the Portuguese Olympic Committee, the Order of Portuguese Psychologists and the Confederation of Coaches of Portugal.

Spain

Sexual abuse and harassment are considered crimes by the Spanish Penal Code (L.O.10/1995 of November 23 of the Penal Code, L.O. 11/1999 of April 30).

Consejo Superior de Deportes (CSD)

In 2013, the Spanish Senate adopted an agreement to urge the Government to adopt measures to prevent child and youth sexual abuse in sport. Specifically, it was requested to raise awareness among sports agents about the different forms of sexual violence that take place in this area; implement strategies to prevent child and youth sexual abuse in Spanish sports organisations; promote the development and application of ethical and conduct codes for coaches, trainers, and other personnel in the sports field, whether they work with adults or minors; and launch, in collaboration with the Spanish sports federations, training courses for coaches and sports personnel, to prevent and detect cases of sexual abuse.

In order to deepen prevention, detection and action against sexual violence in sport and boost social awareness in this area, the Superior Council of Sports has drawn up a new protocol for action against sexual violence for its application in High-Performance Centres (CAR) and in all the installations of the CSD.²⁸

Important roles are performed by the Delegados de Protección (Protection Delegates), who lead the entire protection strategy for participants in the CAR. They must be people close to participants, and have specific training in terms of preventing sexual violence.

Moreover, there is in place a multidisciplinary Comité Asesor (Advisory Committee) that proposes to the Dirección General de Deportes to adopt measures that it considers appropriate

²⁸ See: <https://www.csd.gob.es/es/csd/protocolo-de-actuacion-frente-la-violencia-sexual>

in relation to the conduct of sexual violence, depending on the seriousness of it, and in any case, respecting the decisions adopted by the competent authorities.

On the other hand, those who work in entities that regularly carry out sports or leisure activities with minors must receive specific training in the prevention and detection of any form of violence against children and adolescents, as well as to adequately address the different physical and intellectual aptitudes and capacities of children and adolescents with disabilities for the promotion and development of sports inclusive (Article 45). In particular, it is established that said entities are obliged to:

- Apply the action protocols adopted by Public Administrations in the field of sports and leisure.
- Implement a monitoring system to ensure compliance with the previous protocols in relation to the protection of minors.
- Promote the active participation of children and adolescents in all aspects of their training and comprehensive development.
- Promote and strengthen relationships and communication between sports organisations and families, or those who perform guardianship, guardianship or foster care functions.
- Designate the figure of “protection delegate” to whom minors can go to express their concerns and worries.
- Adopt the necessary measures so that the practice of sport, physical activity, culture and leisure is not a scenario of discrimination based on sexual orientation, sexual identity or gender expression, working with children and adolescents, as well as with their families and professionals, in rejecting the use of insults and degrading and discriminatory expressions.

In accordance with the recently published Law 39/2022, of December 30, the Spanish sports federations and professional leagues must have a prevention and action protocol for situations of discrimination, abuse or sexual harassment and harassment based on sex or authority in the sense of those, which must be made available to the participating sports entities of the different competitions, for their subscription by these.

In order to comply with what was previously agreed upon, the CSD is supposed to provide a protocol to the Spanish sports federations and professional leagues, within the indicated terms. It is not clear if the already implemented already fulfils the mandate.

According to this protocol, it will be necessary to consider the sanctioning body dependent on the CSD for any action that could be considered discrimination, abuse or sexual harassment and/or harassment for reasons of sex or authority, to be sanctioned as a serious offence in view of it established in article 105.

It is not possible to obtain the status of beneficiary or entity contributing to public aid or subsidies, as provided for in article 13.2 of Law 38/2003, for the purpose of receiving public aid

to promote their objectives, sports federations and professional leagues that do not have a prevention and action protocol for situations of discrimination, abuse or sexual harassment based on sex or authority.

The CSD, responsible for the performance of the General State Administration in the field of sports, has expressed its willingness to act in a responsible and effective way and has implemented a series of measures of different nature aimed at raising awareness in the sports environment, as well as preventing, detecting and avoiding such situations, promoting the adoption of protocols as present in the scope of the Spanish federated sport, which are complemented with a similar protocol for competitions in which teams from the Spanish Olympic Committee participate.

Spanish National Olympic Committee (COE)

Protocolo para la prevención, detección y actuación frente al acoso y abuso sexual.

The protocol was approved by the Executive Committee of the COE on 11/25/2014, not necessarily in agreement with the other actions that took place after this period in the country.

Scope

The Protocol is applicable to athletes, coaches and other people who form part of the delegations of the Spanish Olympic Committee, as well as their own personnel, regarding acts that take place during concentrations and sporting events in those who participate in teams of the Committee Olympic Spanish.

This Protocol is aimed at both minors and adults, considering different procedures in each case, which must be taken into consideration the special condition of vulnerability of children, children and adolescents.

Reporting

The procedure begins with verbal or written communication formulated by the victim, her legal representative, or any person aware of sexual abuse. If the communication is formulated verbally, subsequent ratification in writing will be sought, whenever possible. It can also be started when the Protection Delegate is aware of possible victims or sexual abuse in any other way.

The Protection Delegate will immediately inform the President of the Spanish Olympic Committee and obtain as much information as possible to make a first assessment.

Sanctions and other measures

The Advisory Committee must meet urgently to evaluate the report and proposal of the Protection Delegate, who will attend the Committee meeting with but without voting power. If the Advisory Committee concludes the existence of a possible incident of sexual abuse, it will adopt one of the following measures:

- Support, support and advice to the affected person
- Communication with the Juzgado de Guardia or the Fiscalía in relation to sexual abuse in the case of minors.

It could also be applied according to the current legislation, the Code of Ethics of the Spanish Olympic Committee and the norms that regulate each of the reference competitions.

When the Protection Delegate receives a communication about a possible incident of sexual abuse affecting a minor, it will be communicated immediately to the President of the Spanish Olympic Committee, who will transfer the heirs to the Juvenile Inspectorate, in those cases in which it is a situation carried out against minors.

In virtue of the Spanish Olympic Committee regulations, an Ethics Committee was created, which acts as an advisory body without sanctioning power for the decision-making bodies of the Spanish Olympic Committee.

Real Federación Española de Gimnasia (RFRG)

Política de salvaguardia y protección

The Real Federación Española de Gimnasia (RFEG) recognises that the prevention of harassment and abuse in sports requires a systematic and coordinated approach both at the national and international level, working together with the CSD, the Fédération Internationale de Gymnastique (FIG), EG, Fundación ANAR.

The RFEG also recognises the work that FIG has done at the international level, which is committed to the principles of safe sports and good governance and has developed a policy for the prevention of harassment and abuse within gymnastics (see further). It requires that each member federation adopt and implement its own policies and appropriate procedures, whether independently or in association with the NOC or the relevant government organisation.

Scope

The policy applies to all athletes, their entourage, including among others coaches, judges, agents, medical personnel, and any person who acts in the name of the Real Federación Española de Gimnasia as directors, employees, administrators or members, whether employed, contracted or voluntary.

It applies during any activity in which the participant is representing the Real Federación Española de Gimnasia or in connection with any activity in which the participant is representing the Real Federación Española de Gimnasia.

In the event that a participant has a work contract with the Real Federación Española de Gimnasia and an incident of harassment or abuse occurs in relation to her work position, labour procedures will apply. However, when a participant is sanctioned due to labour procedures, this

can be addressed within the framework of these procedures to the extent that it impacts the suitability of the participant to continue taking part outside of their labour relationship.

Any incident of harassment or abuse committed against a child must be reported to the security coordinator, Comisión 3vecesno, social services or inspectorate of minors according to the procedure in accordance with article 16 of the law of minors or the RFEG protocols.

Roles and responsibilities

The RFEG takes responsibility to safeguard against harassment and abuse to all participants by means of (not exhaustive):

- Assume effective leadership to promote and apply the policy and incorporate a focus on non-tolerance of harassment and abuse.
- Identify several responsible people to evaluate and respond to safeguarding concerns.
- Develop and implement a code of conduct that establishes behaviours and limits for all participants, regardless of their age, they must yield accounts.
- Ensure that all participants understand and comply with the FIG's policy, procedures and code of conduct when representing the Real Federación Española de Gimnasia in FIG events.
- Share information with relevant interested parties
- Respond to all incidents or problems, and provide adequate support to the person(s) involved, including the person who reported the problem.
- Ensure that all problems are recorded in a confidential, detailed and accurate manner and that they are archived securely; and guarantee the existence of solid safeguarding provisions and procedures (see list), including background checks to avoid appointing unsuitable people to positions of authority.

Each Autonomous Federation and its clubs must guarantee that:

- Effective measures have been taken to protect participants from harassment and abuse within the club.
- All those involved are aware of the harassment and abuse reporting procedures, and that any concerns are communicated to their RFEG safety and security coordinators.
- Every participant representing the club in an event of the RFEG understands and complies with the policy, procedures and code of conduct applicable.

Duty of reporting

Any participant who has reason to believe that another participant has suffered or is suffering harassment or abuse in relation to their role in the sport has the duty to report this to the RFEG. Failure to comply with the policy and procedures will be investigated and may ultimately result in disciplinary action against those affected.

The reporting mechanisms are as follows:

- In writing

- By phone or email to the RFEG
- In-person to the responsible person

Confidentiality, sharing information and non-retaliation principles

Whenever possible, the identity of the complainant will be kept confidential. Information will only be disclosed to organisations and individuals on a "need-to-know" basis. Any person who is a party to the information must also ensure that confidentiality is maintained unless the information becomes a matter of public record.

Any person who files a report in good faith should not be subject to retaliation or other adverse consequences for making the report. A person who intentionally files a false, vexatious, vindictive, or frivolous report will not be protected.

Reporting to authorities

If the report is considered to be a criminal offence, the responsible person(s) will promptly refer the matter to the police and other relevant authorities or regulatory bodies.

Provisional measures

The RFEG may impose provisional measures, including the suspension of the participant when one or more of the following circumstances occur:

- The participant is believed to pose a significant risk to other participants.
- The reputation of the sport is in danger.
- The permanent presence of participants can hinder investigations.

Investigation

In most cases, the Royal Spanish Gymnastics Federation will delay internal investigations until the outcome of the criminal process is known. Once the police have referred back the matter, the aim will be to conclude investigations in a timely manner.

Where an internal investigation is required, the RFEG will commission an independent investigator to carry out the investigation in accordance with these procedures and within an appropriate timeframe agreed upon by the person or persons responsible.

All disciplinary procedures, including the right to appeal, will be carried out in accordance with the RFEG Security Protocol and the RFEG Disciplinary Regulations.

Standard of proof

The standard of proof for such procedures is the balance of probabilities. Consequently, the RFEG may seek to take disciplinary measures regardless of the outcome of any criminal proceedings.

Sanctions

The RFEG Disciplinary Committee or the Comisión 3vecesno may consider, separately or together, depending on the nature and severity of the conduct and whether there are aggravating or mitigating circumstances, the following:

Written or oral apology;

- Formal warning;
- Penalty fee;
- Risk assessment;
- Course and/or supervision
- Temporary suspension
- Termination of membership, license, agreement or contrac]; or
- Any other sanction that the RFEG Disciplinary Committee or the Comisión does not consider appropriate to the circumstances.

The RFEG establishes that an incident of harassment and abuse has occurred when: an FN participant is convicted of a criminal offence, or the FIG or the Autonomous Federation has determined that a complaint of harassment or abuse against an FN participant is proven.

The RFEG Disciplinary Committee or the Comisión may apply the FIG sanction to some or all of the activities or determine its own sanction(s).

Right to appeal

Any person found to have harassed or abused another participant will have the right to appeal the decision. Appeals must be submitted in writing to the Spanish Sports Administrative Court within the legal deadlines.

Statute of limitations

When there is a non-recent abuse case, the person responsible for safeguarding must clarify whether there is a current risk for the participants and inform the person about their right to file an official complaint to the police.

The policy does not establish a specific time limit for reporting sexual abuse; any serious report of abuse in the patient will be subject to the procedures.

Record keeping

Any information on practical cases or reports of accidents and abuse that may indicate that a participant in a trustworthy position is not able to work or be a volunteer in sports will be kept while the participant remains active in sports or for 10 years, so which is longer, even if it was not possible at the moment when the information was communicated for the first time to initiate any formal procedure.

Any other record relating to other complaints will be kept for a period of 3 years, unless a similar complaint arises within that period.

Other applicable regulations

The following are the RFEF main policies directly related to the provisions contained in these standards:

- Childhood safeguard and protection policy
- Ethical code
- Security protocol against violence in sports, and RFEF sexual abuse prevention protocol.
- Safe hiring/Proof of criminal records.
- Health, safety and well-being policy.
- Equality policy.
- Complaints and disciplinary policy.
- Data protection policy.
- Employee manual.

Real Federación Española de Natación (RFEN)

Protocolo de la Real Federación Española de Natación para la prevención, detección y actuación frente al acoso, abuso y violencia

Following the prementioned guidelines from the Senate in 2013, the Real Federación Española de Natación (as well as the other national federations) has in place its own protocol regarding the topic.

Scope

The Protocol is applicable to staff and athletes, as well as others who provide services to the RFEN in terms of acts that take place during activities and sporting events in which the Federation participates.

Roles and responsibilities

To address situations of harassment and sexual abuse, the President of the RFEN will appoint:

- The Delegado de Protección, among people close to athletes, knowledgeable about the sporting environment and with special sensitivity and communication capacity to deal with the topics of this Protocol.
- An Advisory Committee comprised of the President of the Federation, who will preside over it, and the members of the Federation (Preferably with knowledge in Law, Psychology or Medicine).

Reporting

The procedure begins with verbal or written communication formulated by the victim, her legal representative, or any person aware of sexual abuse. If the communication is formulated verbally, subsequent ratification in writing will be sought, whenever possible.

It can also be started when the Protection Delegate is aware of possible victims or sexual abuse in any other way. To facilitate communication, the Federation will enable an electronic mail account. The Protection Delegate will immediately inform the President of the Federation and obtain as much information as possible to carry out a first assessment.

Sanctions and other measures

The measures to be taken by the Advisory Committee are the same as those foreseen for the COE.

Real Federación Española de Fútbol (RFEF)

The Real Federación Española de Fútbol maintains a protocol like the other federations, following what appears to be a template also used by the others, in accordance with the guidelines of the Senate in 2013.

The RFEF also maintains an active Code of Ethics that presents in its article 26 personal abuse and abuse in all its manifestations as unacceptable conduct within the scope of football. However, the Ethics Council, guardian of such a document, has no disciplinary power but only an advisory and recommendatory power.

Real Federación Española de Atletismo (RFEA).

Normas Reguladoras del Procedimiento Sancionador de Salvaguarda y Protección RFEA

The procedures for safeguarding and protecting minors and adults apply to the Royal Spanish Athletics Federation (under the RFEA), the Autonomous Federations (under the FFAA) and all organisations, clubs, and public and private entities that have a relationship with RFEA.

The RFEA has formally implemented a “zero tolerance” policy to protect people. RFEA undertakes to act independently of the intervention of the competent public authorities, or the result of any criminal proceeding. Their responsibility extends to developing and applying coherent and transparent procedures to facilitate the reporting and management of safeguarding problems.

Spanish Athletics Integrity Unit

Spanish Athletics Integrity Unit is a body created in the RFEA to ensure the integrity and cleanliness of athletics. It is composed of the Comité de Verificación, the Safeguard and Protection Advisory Committee, the Protection Delegate, the Disciplinary Committee, the Appeals Body, and the Alternative Conflict Resolution Committee.

The UIAE complete review, appeal, disciplinary, instruction, and mediation functions according to the case and it is made up of a cast of professionals from different fields: lawyers, psychologists, social workers, mediators, etc.

The president of the UIEA will designate, in this case, the professionals who must form the commissions or committees.

Reviews of the policy and procedures are planned to be conducted by the Spanish Athletics Integrity Unit, at the UIAE, on an ongoing basis.

Scope

The procedures apply to:

- All participants, any person who works in activities or competitions (contract or volunteer, employee, managers, coaches, technicians, judges, officials, organisers and athlete representatives, licensed). Both from the RFEA, autonomous federations and clubs that adhere to the RFEA policy.
- All athletes, athlete representatives and athlete support teams who take part in competitions organised by the RFEA or FFAA.
- All members of the RFEA and FFAA (including athletes, athlete representatives, support staff, coaches, technicians, judges, managers) involved in courses, training activities, competitions, training or concentrations within the out of Spain.

In the case of activities or competitions outside of Spain, they will remain subject to policies, codes of conduct and protection procedures from the time they leave until they return to Spain.

Measures can be taken when it is suspected that the conduct of an organisation, including an individual who may:

- have caused harm to a minor or an adult at risk.
- represents a real risk or the potential for harm to minors or adults.
- not be suitable for working or relating with minors or adults.

It will remain at the discretion of the Delegado, with the agreement of the Safeguarding and Protection Advisory Committee, if it begins or continues with an investigation per the Safeguarding regulatory standards when the complainant does not consent for the reporter identity to be revealed.

Retroactive effect

The policy will have a retroactive effect and can be applied in relation to conducts that occurred before the implementation of the procedures, always that there are current effects in the present and/or constituting a risk for athletes and other participants.

Confidentiality and anonymity

All matters processed under RFEA policies, codes of conduct or safeguarding and protection procedures is considered confidential and all measures and procedures necessary for their confidentiality will be adopted (as far as possible and according to each particular case) and will be used only for the purposes of the safeguarding procedures.

Cases can be reported in person to the Delegado de Protección or forwarded to the RFEA reporting channel.

Background (criminal) check

For the sake of the policy, criminal antecedents are considered as the person convicted of a crime against a minor or an adult at risk, the existence of a record for a crime of any nature against a minor or an adult at risk.

No person who has committed crimes of a sexual nature or gender violence will be able to process their license with the RFEA. He/she will not be able to perform delegate functions nor any other function directly linked to athletics in which minors or adults at risk are present.

The Delegado de Protección, or the Safeguarding and Protection Advisory Committee, may impose an immediate suspension, commensurate and proportionate to the severity of the decision.

Provisional measures

The RFEA Delegado de Protección has the power to impose an immediate provisional suspension until the conclusion of the procedure if it considers it appropriate to ban a person from any participation in athletics activities or competitions that involve access to minors or adults at risk. Any failure to comply with a provisional suspension will be grounds for disciplinary action.

Case management

There are two kinds of cases, level 1 and level 2.

Level 1 is any conduct or behavior that the Safeguarding and Protection Advisory Committee determines can be satisfactorily addressed by:

- A corrective action, such as corrective advice
- Additional training or educational program
- A written warning
- The monitoring of the person in question, without the need for further investigation.

Level 2 is considered to be all safeguard cases that are related to a possible crime or criminal reproach. The Protection Delegate of the RFEA or the FFAA, or the Advisory Committee can immediately move a case to level 2, if it is determined that a more detailed investigation is necessary, or a level of latent risk is perceived.

Mediation

Mediation is possible as an alternative and restorative resolution in some cases, taking into account the seriousness of the facts and the circumstances that arise in the case.

Duty to cooperate

Any failure to collaborate in the investigation may be grounds for disciplinary action according to the Disciplinary Rules of the RFEA or the FFAA. Similarly, a provisional suspension may be imposed until that person, club, or organisation has complied with any request.

Sanctions

The possible applicable sanctions, among others, will be the following:

- Prohibit the accused from participating in any or all activities related to athletics, under such terms as deemed appropriate, for a specific period or permanently.
- Suspend, revoke or impose access restrictions for a specific or permanent period of time ranging from one month to two years.
- Suspend, revoke or impose restrictions on a Respondent's federative license or affiliation for a specific period of time or permanently, ranging from one month to two years.
- Revoke or suspend the Respondent's license within a period of between one month and two years.
- Restrict or prohibit the Respondent from participating in a competition, activity or any other event under the tutelage of the RFEA or the FFAA, for a specific period of time, between one month and two years.
- Require the RFEA or the FFAA to withdraw the aid they may receive in the event that the accused was a judge, athlete or coach in a period between one month and two years.
- Impose a written warning describing the obligations to be met by the accused before he can return to athletics.
- Require the accused to complete a probationary period in a period between one month and two years.
- Require the accused to undergo training, or be supervised and work with a tutor, or psychologist for a specific period of time ranging from one month to two years.
- Extend the period of any temporary suspension until the moment in which the accused has complied with the required requirements or any other decision made by the Advisory Committee.
- Make any other decision that the Advisory Committee considers appropriate, taking into account the circumstances that occur in each case.
- Transfer the case to the Sports Disciplinary Committee of the RFEA or the corresponding FA.

Appeal

Any individual subject to a ban or suspension may request the Committee to review his or her case at any time, provided that he/she provides new evidence or evidence that is significant or relevant to the case.

The President of the RFEA Integrity Unit will designate three people to form the appeal body, and will appoint one of them as president of the Panel.

Enforcement of decisions

All those subject to the scope of application of the RFEA and FFAA safeguard policies are obliged to comply with the resolutions issued by the decision-making bodies. Failure to comply will give rise to disciplinary proceedings for a severe infraction.

Athletes, clubs and organisations and members must take all necessary measures to ensure compliance with any provisional suspension and any resolution or decision adopted in the case.

Communication of decisions

The RFEA and the FFAA may publish decisions and sanctions adopted to the extent it deems necessary, to protect minors and adults at risk and enforce decisions and sanctions. In any case, the personal data protection rules will be complied with as always determined by the regulations in force applicable.

Reporting to authorities

When a person is accused of a criminal offence or is under investigation by legally authorised protection agencies for behaviour covered by established procedures, the consideration of their case may be temporarily suspended until the outcome of those procedures or investigations is known.

Applicable regulations

The following RFEA documents address the topic:

- RFEA Safeguarding and Protection Policy.
- Policy for the Protection of Minors and Adolescents.
- Procedures and guidelines for the protection of minors and adolescents.
- Ethical and conduct codes.
- Adult Protection Policy.
- Procedures and guidelines for the protection of adults.
- Action protocol against sexual violence and discrimination.
- Disciplinary and Sanctioning Regulations.
- Safeguard and Protection Procedures.

Switzerland

Swiss Olympic

Swiss Olympic is both the umbrella association for Swiss sport and the Swiss National Olympic Committee

On November 26, 2021, the highest body of Swiss Olympic (Sports Parliament) passed the Swiss Olympic Statutes on Ethics in Swiss Sport with a unanimous decision. As of January 2022, Swiss Sport Integrity (SSI), the independent reporting and investigation office for ethics incidents in Swiss sport, started operations.

The Statutes on Ethics in Swiss Sport is a set of rules that applies to all sports and implements the ethical standards of the Swiss Sports Ethics Charter. Abuses and grievances in sports can be reported, investigated and sanctioned based on the Ethics statutes.

Swiss Sport Integrity (SSI)

SSI is funded by the Swiss Confederation and Swiss Olympic and replaces the reporting offices of the Swiss Olympic. The SSI advice centre is responsible for handling reports of maltreatment and abuse.

The independent foundation SSI receives and investigates potential breaches. It includes:

- Discrimination and unequal treatment;
- Violation of psychological integrity;
- Violation of physical integrity;
- Violation of sexual integrity and;
- Neglect of a duty of care.

Scope

The Statutes on Ethics apply to the following organisations and persons:

Sports organisations:

- a. Swiss Olympic;
- b. Member federations and partner organisations of Swiss Olympic;
- c. The direct and indirect member organisations of the organisations specified under (b) (e.g. affiliated and subsidiary, regional or cantonal federations or associations, sections, clubs);
- d. Organisations which endorse and adhere to these Statutes voluntarily.

Natural persons:

- a. Members of a sports organisation;
- b. People who perform a role in an organ or a working group of a sports organisation;
- c. People who apply for a position in a sports organisation;

- d. Employees and representatives of a sports organisation or an organisation according to paragraphs 2 and 3 of the Statutes;
- e. Athletes competing in a sport organised by a sports organisation or preparing to compete;
- f. Support and supervisory staff of athletes according to (e) (e.g. coaches, sports doctors, physiotherapists, technical and/or mental training advisers and coaches, nutritionists, sports psychologists);
- g. Referees, umpires and judges, technical delegates or other people who perform a role in connection with sporting events according to (e);
- h. Persons holding a Swiss Olympic Card and, in the case of card-holders who are minors (under the age of 18), also their legal guardians and people with parental authority;
- i. Persons who endorse and adhere to these Statutes voluntarily.

Swiss Olympic and its member federations ensure that the organisations and persons mentioned above agree to abide by these Ethics Statutes through their membership or through corresponding declarations.

Functional and territorial scope of application

The Statutes are applicable to any conduct of the organisations and people referred above in Switzerland or abroad, in so far as said conduct is connected with engaging in sport or may have an effect on sport and its standing and image among the general public.

Infringements of other federation or association regulations, which do not constitute an ethics violation or abuse within the scope, are investigated and decided upon according to the procedures of the competent national and international sports organisation (eg., doping).

If a breach of these Ethics Statutes also falls within the area of jurisdiction of other sports organisations, then Swiss Sport Integrity and the other sports organisations coordinate with each other, exchange information as far as possible and permissible, take into account any current investigations underway and sanctions imposed by the other organs and avoid duplication and parallel courses of action.

Crimes and other law-regulated matters

Infringements with respect to subject matters laid down in law, such as crimes, are, in principle, investigated and subject to sanctions imposed by the competent authorities. It is possible for an investigation to be carried out by SSI Integrity in parallel to criminal proceedings. If conduct constitutes an infringement which may be relevant both under criminal law and regarding the Ethics Statutes, SSI seeks collaboration with the competent authorities in so far as this is legally permissible and possible.

Incitement, aiding and abetting, and attempted violations

A breach of the Ethics Statutes is committed by anyone who incites others to breach the regulations or helps others to do so. An attempted violation of ethics is also regarded as a breach.

Adoption and ensuring application of the Statutes

Swiss Olympic, its member federations and partner organisations undertake to adopt and incorporate the Ethics Statutes into their rules and regulations by adapting their statutes and ensuring that their direct and indirect members (e.g. affiliated and subsidiary, regional or cantonal federations, sections, clubs) also adopt and incorporate the Ethics Statutes and ensure their application by their members, employees and representatives.

Sport organisations should always publish the latest version of the Statutes on their web pages by adding a relevant link to the website of SSI.

The sports organisations will, as far as possible and reasonable, collaborate only with organisations (which) and people (who) agree to abide by these Statutes or declare their support for and adherence to the values which correspond at least to those underlying the Statutes.

In the case of agreements (contracts) with personal support and supervisory staff, coaches, sports doctors and advisers from other fields of expertise who are not subject to the Statutes, athletes and their parents are required to ensure that those persons comply voluntarily with these Statutes or undertake to adhere to values which correspond at least to those underlying these Statutes.

Abolishment of other rules

At the same time, the member federations of Swiss Olympic abolish existing rules and regulations with the same subject matter as these Statutes.

Information and prevention

By means of suitable information and prevention measures, the sports organisations ensure that the direct and indirect members subject to these Statutes, as well as persons entrusted with responsibilities in sport, are familiar with and follow the ethical principles and values underlying these Statutes. This also includes, in particular, the parents and legal guardians of or persons with parental authority for athletes who are minors (under the age of 18).

Duty to cooperate (investigations)

Organisations and persons subject to the Statutes are under an obligation to participate in and cooperate with investigations into ethics violations or abuses, in so far as they are requested to do so by Swiss Sport Integrity or the Disciplinary Chamber and no overriding personal interests

or third party interests, which must be proven by the person concerned, constitute an obstacle to that participation and cooperation.

The extent of the obligation to participate and cooperate is proportionate to its or his/her position and status within organised Swiss sport. Without prejudice to the applicable provisions of data protection and personality rights.

In so far as Swiss Sport Integrity considers an ethics violation or an instance of abuse to be likely, there is an obligation to participate and cooperate, which includes, in particular, providing personal information that the person under suspicion has stored on personal electronic data carriers (mobile phones, tablets and/or laptops or PCs, including e-mails and social media accounts).

A person obliged to participate and cooperate does not have to provide any information with which he/she may incriminate him/herself.

Reporting

Reporting obligation of persons with a special welfare and supervisory role

People subject to it who hold a particular welfare or supervisory position in a sports organisation, e.g. as coaches, support or supervisory staff and assistants, as direct or indirect superiors of support staff or as superiors of employees in sport organisations, are under an obligation to bring to the attention of SSI any identified violations of ethics.

Reports to authorities, sport organisations or recognised ethics platforms are regarded as reports within the meaning of this provision.

Exceptions to this rule are people subject to a professional duty of confidentiality. In the case of a possible risk to child welfare, they are, however, required to exercise the right to notify the authorities under Article 314c of the Swiss Code of Civil Law.

Reporting channels

Anyone can report ethics violations or abuses to SSI by any means of communication. A sports organisation that receives reports of an ethics violation must forward them to SSI.

SSI can also be contacted for the purpose of an initial consultation. They listen to the person reporting, inform him/her of possible courses of action and the procedure and may recommend a more in-depth consultation with an appropriate advisory office. An initial consultation is not a prerequisite for examination by SSI of a possible ethics violation.

Swiss Sport Integrity may, with the agreement of all concerned, take steps to solve, by consensus, the problem which has given rise to the report. The agreement of all concerned is deemed to constitute their waiving of the right to call into question the neutrality of SSI due to the participation of its employees in the agreed steps and the insights gained in the process.

Preliminary examination and triage

Swiss Sport Integrity verifies whether it is competent to investigate the reported facts and may reject reports which are obviously unfounded or abusive.

If, in the context of the preliminary examination, it is determined that the reported suspicion of an ethics violation or abuse concerns employees or the organisation of SSI and there is a risk that conflicts of interest could compromise the investigation, the report should be forwarded to the Disciplinary Chamber for investigation.

The Statutes also highlight how the reports are conducted during the investigation and the possible involvement of other organisations or the abandonment of it.

Report to other organisations

If the report gives reason to suspect an offence or an unethical or unprofessional act, Swiss Sport Integrity informs the person reporting thereof and forwards the report to the criminal prosecution authorities or to the competent professional association.

Disciplinary decisions

The Disciplinary Chamber of Swiss Sport (Disciplinary Chamber) imposes the appropriate sanctions. The Disciplinary Chamber consists of around 20 judges (lawyers and medical experts). The Sports Parliament selects them (Swiss Olympic General Assembly).

The Disciplinary Chamber examines the investigation report and hears the parties concerned, pronouncing an appropriate disciplinary measure if needed. Applications from SSI do not bind the Disciplinary Chamber.

Enforcement of the decision

If the relevant sports organisation refuses to endorse an implementing agreement, Swiss Olympic may impose its measures unilaterally, and a different procedure is in place in case of abuse committed by Swiss Olympic or its employees.

Provisional measures

SSI may, on application from a party or by virtue of its own office, take any provisional measures which it deems necessary or appropriate, including the provisional suspension of a person from his/her sports-related roles for the duration of the procedure and it can happen even before the parties concerned have been notified of the application. Objections to these measures are possible.

Appeal

Appeals may be made against decisions of the Disciplinary Chamber to the Court of Arbitration for Sport (CAS).

Principles of the procedures (anonymity, confidentiality, information sharing...)

To protect the person reporting, anonymous reports can also be made. Anonymity means, in particular, that Swiss Sport Integrity, the Disciplinary Chamber, the sports organisations concerned and Swiss Olympic must not be informed about the identity of the person reporting unless he/she consents to his/her identity being made known (if necessary, only to a limited extent).

Swiss Sport Integrity also treats as confidential non-anonymous reports and the identity of witnesses and persons called to provide information. According to the need-to-know principle, persons called to provide information will be passed on to people only in so far as they need such information to fulfil the obligations of their role and assume their responsibilities.

People and sport organisations are informed in good time and comprehensively about the accusations against them and can state their position regarding the accusations made against them. SSI and/or the Disciplinary Chamber must ensure that persons who report anonymously or otherwise have access to support and assistance if required and appropriate.

Protection and non-retaliation

Persons who, in good faith, report an ethics violation or abuse or who, to the best of their knowledge, provide information in a procedure of SSI or of the Disciplinary Chamber must not be penalised or discriminated against for doing so.

The following breaches of the provisions for the protection of the procedure may be subject to sanctions:

- Preventing, obstructing or influencing a procedure;
- Failure of a person in a particular welfare or supervisory position to report;
- Refusal to participate in and cooperate with a procedure;
- Deliberate disregard of the request of the reporting person to remain anonymous;
- Knowingly false, obviously unfounded or incorrect reports to the detriment of another person;
- Deliberate penalising of or discrimination against a person who has, in good faith, reported an ethics violation or has, to the best of his/her knowledge, provided information in a procedure of;
- Preventing, by violence, threats or intimidation, a report made in good faith.

Sanctions

Breaches may be subject to sanctions in the form of one or more of the following disciplinary measures:

- Warning;
- A temporary or, in the case of serious breaches, permanent ban on carrying out certain activities in organised sport (bans);

- Temporary or, in the case of serious breaches, permanent removal from a position within a body of a sports organisation (e.g. executive committee);
- Temporary or, in the case of serious breaches, permanent exclusion from a sports organisation;
- Fines of up to CHF 50,000.

Instead of or in addition to a disciplinary measure, the Disciplinary Chamber may order that a person found to be at fault be monitored or coached for a specified time limit by an independent supervisor or supervisory office.

Aggravating and mitigating factors

In determining the proportionality of the disciplinary measure, all deciding factors are taken into account, including the nature of the breach of these Statutes, the benefit of a deterrent effect in regard to similar misconduct, the participation and cooperation of the perpetrator in and with the investigation, the motives, the circumstances of the breach, the degree of fault of the perpetrator, the insight and remorse of the perpetrator and his/her efforts to compensate for or redress the consequences of the ethics violation. Aggravating and mitigating factors are also considered.

Further measures

Swiss Olympic and the sports organisations reserve the right to take further measures against the person concerned or the institution to which the person belongs, such as withdrawal of a coaching licence, withdrawal of a Swiss Olympic Card, withdrawal of a Swiss Olympic Label or reduction in financial contributions.

Further measures to redress and eliminate abuses may also be considered in the decision. Failure to adhere to the implementing agreement constitutes a breach of these Statutes. The persons responsible may be subject to sanctions in accordance with these Statutes.

Publication of the decisions

The Disciplinary Chamber sends the details of its decisions to the parties, the sports organisation concerned and Swiss Olympic. The Disciplinary Chamber and SSI may publish the decisions of the Disciplinary Chamber either in full or in the form of a media release as soon as they come into force and if there is a public interest in publication. At the same time, it takes into consideration the personality rights of the persons concerned.

SSI may inform sports organisations and the general public or the media about current investigation procedures underway, whilst protecting the personality rights of the parties to the procedure. It also may inform State criminal prosecution authorities about a particular instance of behaviour or act of a person not subject to these Statutes as soon as that behaviour or act, in all probability, constitutes a criminal offence.

Statute of limitations

The prosecution of breaches of these Statutes comes under the statute of limitations, lapsing after ten years. In the case of abusive acts against minors (persons under the age of 18), the limitation period of ten years begins on the 18th birthday of the minor concerned. The receipt of a report by SSI interrupts the limitation. The limitation period is suspended if criminal proceedings are instituted during that period.

SSI can also take part in the reappraisal of statute-barred (lapsed) breaches if they are serious and there is a public interest in the reappraisal. In order to fulfil this duty, SSI seeks collaboration with sport organisations, the political authorities and independent experts. Although imposing sanctions for statute-barred abuses is ruled out, applications may still be submitted for measures to redress and put an end to abuses.

Outside Europe

United States of America (USA)

US Center for Safe Sport

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 codified the U.S. Center for SafeSport, as the nation's safe sport organisation. It has the exclusive authority to resolve abuse and misconduct reports throughout the U.S. Olympic and Paralympic Movement. The Act also charged the Center with developing and enforcing policies, procedures, and training to prevent abuse and misconduct.

The Center's SafeSport Code governs all participants in the Movement, and the oversight authority helps us ensure all Olympic & Paralympic national governing bodies (NGBs) adhere to Minor Athlete Abuse Prevention Policies (MAAPP) that support athlete safety. SafeSport collaborates with law enforcement on reported investigations.

Database

The U.S. Center for SafeSport's Centralized Disciplinary Database is a resource designed to keep the public informed when individuals connected with the U.S. Olympic & Paralympic Movements are either subject to certain temporary restrictions pending investigation by the Center or are subject to certain sanctions after an investigation found them in violation of the SafeSport Code.

The database also contains certain eligibility decisions made by the NGBs, their Local Affiliated Organisations (LAO), or the U.S. Olympic & Paralympic Committee (USOPC), including those rendered prior to the establishment of the Center. If a sanction has run its course, the sanctioned person's name is removed from the public database, often leaving no public record of the allegation and sanction.

SafeSport Code

The SafeSport Code applies to all Participants (defined within) in the U.S. Olympic and Paralympic Movement, and the Center's authority related to the Movement derives from federal law. The most recent version became effective April 1, 2023. The U.S. Center for SafeSport now provides the SafeSport Code for the U.S. Olympic & Paralympic Movement in multiple languages, including Spanish, French, Chinese, and Japanese.

Jurisdiction and scope

The code applies to any individual who is seeking to be, currently is, or was at the time of any alleged Code violation:

- a. A member or license holder of an NGB, LOA/member clubs, or the USOPC;
- b. An employee or board member of an NGB, LAO/member clubs, or the USOPC;
- c. Within the governance or disciplinary jurisdiction of an NGB, LAO/member clubs, or the USOPC;
- d. Authorised, approved, or appointed by an NGB, LAO/member clubs, or the USOPC to have regular contact with or authority over Minor Athletes.

Local Affiliated Organisation (LAO) is considered a regional, state or local club or organisation directly affiliated with an NGB or affiliated with an NGB by its direct affiliation with a regional or state affiliate of said NGB. LAO does not include a regional, state, or local club or organisation that is only a member of a National Member Organisation of an NGB.

Mandatory reporting

An Adult Participant who fails to report actual or reasonably suspected Sexual Misconduct or Child Abuse to the Center and, when appropriate, to law enforcement may be subject to disciplinary action under the Center's resolution procedures and may also be subject to federal or state penalties.

In addition to constituting misconduct, filing a knowingly false allegation that a Participant engaged in Prohibited Conduct may violate state criminal law and civil defamation laws. Any Participant making a knowingly false allegation in a matter over which the Center exercises jurisdiction shall be subject to disciplinary action by the Center.

Reports may be made anonymously to the Center. Unless necessary to the Center's investigation or resolution of a matter, the Center does not disclose a Third-Party Reporter's personally identifying information.

Reports are received by phone 833-5US-SAFE (587-7233) or online through www.uscenterforsafesport.org/report-a-concern

Standard of proof

The Center bears the burden of gathering sufficient evidence to reach a determination, based on the preponderance of the evidence, that a Participant violated the Code. A “preponderance of the evidence” means “more likely than not.”

Statute of limitations

The Center assesses a Participant’s fitness to participate in sport. As past conduct informs current fitness, no criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent the Center from investigating, assessing, considering, and adjudicating any relevant conduct regardless of when it occurred.

Provisional measures and sanctions

The Center may implement Temporary Measures at any time.

One or more of the following sanctions may be imposed singularly or in combination: Written warning; Probation; Suspension or other eligibility restrictions; Ineligibility; Permanent Ineligibility; Other discretionary sanctions.

Final and binding decision (no right to appeal)

The arbitration decision shall be considered final and binding. The parties waive any right to challenge in court the arbitrator’s decision. Therefore, there is no way to appeal.

Minor Athlete Abuse Prevention Policies (MAAPP)

The MAAPP is a collection of proactive prevention and training policies for the U.S. Olympic & Paralympic Movement. It has three primary components: an Education and Training Policy, Required Prevention Policies and Recommended Prevention Policies.

The Center developed the MAAPP to assist National Governing Bodies (NGB), Paralympic Sport Organisations (PSO), Local Affiliated Organisations (LAC), the U.S. Olympic and Paralympic Committee (USOPC), and other individuals to whom these policies apply in meeting their obligations under federal law.

The Minor Athlete Abuse Prevention Policies (MAAPP) limits one-on-one adult/minor interactions and sets standards for training and sport settings that prevent abuse and misconduct. Sport organisations invested in keeping young athletes free of abuse are strongly encouraged to adopt the MAAPP—now required throughout the U.S. Olympic and Paralympic Movement.

In September 2020, the U.S. Center for SafeSport (the Center) published the Minor Athlete Abuse Prevention Policies (MAAPP) with Mandatory Components that NGBs, PSOs, and the USOPC were required to adopt. The document is based on the minimum mandatory

components of the Center’s Model MAAPP. Every Organisation may choose to go beyond these minimum requirements and set standards that are stricter.

Australia

National Integrity Framework

Since the commissioning of The Report of the Review of Australia’s Sports Integrity Arrangements (Wood Review) presented to the Australian Government in March 2018 and development of the Safeguarding the Integrity of Sport, which is the Government Response to the Wood Review released in February 2019²⁹, the national sporting landscape has changed significantly. The Wood Review recommendation of a national coordination body (Sport Integrity Australia) remains central to managing threats to the integrity of sport in Australia.

Following the release in 2020 of the Athlete A documentary regarding the alleged sexual abuse of young female gymnasts in the USA, the Australian Human Rights Commission (AHRC) undertook an independent review of gymnastics in Australia. Among its recommendations, the AHRC urged that all matters regarding child abuse and neglect, misconduct, bullying, sexual harassment and assault be investigated independently and externally of the sport.

As a result, the Australian Olympic Committee, Paralympics Australia and Commonwealth Games Australia worked together to introduce independent complaint-handling arrangements for sport integrity matters under the National Integrity Framework³⁰.

By the end of 2022, the Framework and the policies under it were adopted by 81 recognised National Sporting Organisations or National Sporting Organisations for people with Disability.

A review of the National Integrity Framework is being carried out, which has involved a wide-ranging consultation with sports and consideration of their work carried out under the Framework.

Investigation of Complaint Guidelines

The Investigation of Complaints Guidelines (the Guidelines) are for those who manage sport integrity-related matters within National Sporting Organisations (NSOs), State Sporting Organisations (SSOs) or association or community sporting club. The Guidelines are applicable to matters that are managed by the sports under the relevant complaints policy.

²⁹ See: <https://www.sportintegrity.gov.au/about-us/who-we-are/how-we-came-be>

³⁰ See: <https://www.sportintegrity.gov.au/what-we-do/national-integrity-framework>

The Guidelines provide guidance on the basic mechanics of an investigation for matters managed by sporting organisations and have been designed to promote procedural fairness in a potentially complex area of complaint investigation and management.

Complaint Management Systems

Sport organisations should have a system to record, collate and manage investigations from the time of complaint through to finalisation. Traditionally, this is referred to as a Complaint Management System (CMS).

Not all organisations have the need for complex CMS systems, however, they should ensure whatever system they have protects the information throughout the entirety of the complaint management process. This includes from the time of registration of complaints, the collation and management of information gathered as part of the investigation, personal information of those involved and the outcome of the investigation.

The procedures should also take into consideration the relevant privacy legislation/principles relevant to the State or Territory jurisdiction of the organisation, including appropriate protections to secure the information and deal with sensitive information.

Confidentiality and information sharing

All information regarding the complaint must be kept confidential and should not be disclosed to any third parties, unless otherwise required. If any information is intended to be disclosed to any third party not connected to the complaint, it is upon the organisation to ensure there is a legal right to do so before the information is released. The third party is also required to keep the information confidential and only use it for the purpose for which it is provided.

During, or perhaps following an investigation, a duty to disclose information may arise through both a civil and/or administrative context. For example, if a Respondent has substantiated an allegation and wishes to challenge that finding, the matter may end up within the sport's Appeals Tribunal or National Sport Tribunal.

Investigation

Whether a matter is being investigated informally or formally, there are several core principles that should be followed relating to the action or investigation of the complaint. These principles relate to:

- acknowledgement of complaint; triaging and identification of the actual behaviour (as far as practical);
- appointing a person to conduct/manage the investigation of complaint; notification to relevant parties (where required);
- documented and transparent investigation processes (to the degree required based on the complexity of the complaint);

- documented and accurate records of actions and conversations with relevant parties;
- documented and robust outcomes based on logical reasoning (as relevant to the complexity of each matter)

eSafety Commissioner

The eSafety Commissioner administers regulatory schemes dealing with cyberbullying or adult cyber abuse, which may constitute a criminal offence under federal legislation. The eSafety Commissioner can investigate cyberbullying of children, adult cyber abuse, and image-based abuse (sharing, or threatening to share, intimate images without the consent of the person shown), issue notices to individuals or service providers and, where required, take formal enforcement action.

Complaints about cyberbullying, adult cyber abuse, and image-based abuse can be made online via the eSafety website. For eSafety to issue a removal notice to an individual responsible for the online content, or an online service provider, an individual requesting such a notice must show that they have contacted the online service provider first asking for the relevant content to be removed.

If an individual or an online service provider does not respond to a removal notice issued by eSafety, they can seek formal enforcement by obtaining a court injunction or pursuing civil penalties.

2. Clubs

Swansea FC (Wales)

The Club strictly adheres to and rigorously pursues the policies, practices and procedures stipulated and regulated by the Premier League, English Football League (EFL), the FA, and the NSPCC, the Local Safeguarding Children Board and agencies involved with adults at risk. Any deviation from the practices and procedures in place is dealt with according to the directives of the Premier League, EFL, or the FA.

Swansea FC's Safeguarding Adults at Risk Policy and Procedures

The provisions of Swansea FC's Safeguarding Adults at Risk Policy and Procedures is highlighted below:

Reporting

Should any person experience, witness or become aware of a situation, which raises concerns around possible abuse or harm, or which constitutes a potential risk to a stakeholder of the Club, they should contact the Head of Safeguarding Carrington, the Head of Player Care or the Academy Safeguarding & EDI Officer.

Roles and responsibility

Head of Safeguarding

To provide effective Club-wide strategic leadership and management with a clear sense of direction and purpose that assists the Club to deliver its safeguarding strategy, vision, values, priorities, policies and aims to promote and protect the welfare of vulnerable groups. Among his duties are:

- Represent and regularly report to the Board on safeguarding policies, procedures and practices within the organisation;
- Maintain accurate, confidential and up-to-date documentation on all cases of safeguarding and child protection and report where required in line with GDPR regulations;
- Manage referrals to children's social-care services, Local Authority Designated Officers for Children and Adults at Risk (LADO), the police, the Premier League, the EFL, the FA and the FAW as and when required;
- Central point of contact for internal and external individuals and agencies; Ensure that all policies relating to safeguarding and welfare are signed off by the Board annually or when required due to a change in legislation or practice.

Head of Player Care (HPC):

To develop and manage a high-quality Player Care provision, including the integration process of new Players and their families to the Club, whilst providing ongoing care, assistance and support to current Players. Also, to provide a line with Club Departmental Heads to ensure a professional and cooperative working environment.

It is some of their their responsibility be the principal point of contact for the EFL/PL and relevant governing bodies for all matters relating to areas within Player Care and work with the Head of Safeguarding to ensure that the Academy is compliant with EPPP requirements for audit.

Academy Safeguarding & EDI Officer

To support the Head of Safeguarding to ensure continued safeguarding compliance, pro-actively promote and reaise awareness and assist with responding appropriately to safeguarding incidents, concerns and allegations.

Scope

The Club acknowledges and accepts it has a responsibility to create opportunities for “at risk” groups, which will include adults at risk to participate in a broad spectrum of activities at the Club. this includes activities and participants of the Swansea City AFC and the Swansea City AFC Academy.

The participation of adults at risk may be as players, coaches, employees, volunteers, officials, administrators or spectators. The Club is committed to managing and monitoring allegations of discrimination, harassment, abuse and bullying across all its activities.

It is considered abuse under their policy, discriminatory abuse and hate crime, cyber/internet bullying, modern-day slavery and trafficking, extremism, and radicalisation.

Applicable regulations

The Club is governed by the Laws of England and Wales (including any local byelaws) and the guidance provided by the Premier League, EFL, the FA and the FAW³¹.

Recruitment of personnel

All work offers to positions that involve working with adults at risk are subject to the outcome of satisfactory Disclosure and Barring Service (DBS) check at the level deemed suitable for the position offered and subject to appropriate references.

³¹ A policy template is provided by the Football Association of Wales so that you can add any in Wales can benefit of it.

The Club adheres to the Premier League and EFL disclosure eligibility guidance document and the Club's DBS Policy when completing DBS checks.

All offers of work are subject to the outcome of the screening process and, where applicable, set out in the initial job advertisement and the applicant's offer of work. Until a satisfactory DBS has been received, the member of staff will not be permitted to work with adults at risk or other vulnerable groups.

Should an individual's DBS reveal any previous or current convictions, the Club will consider whether the nature of the offence/offences renders the person concerned unsuitable for working with adults at risk or other vulnerable groups. A positive DBS will not necessarily result in a bar from work. The Rehabilitation of Offenders Act and Protection from Freedoms Act will be considered in all cases before a final decision is made.

Data protection

The Data Protection Policy adopted by the Club is said to be in line with current legislation.

Investigation

The policy ensures appropriate investigations and responses to concerns about abuse or harm within the Club, utilising the disciplinary process as appropriate. This will include working in partnership with the Police and other statutory agencies charged with investigating and resounding and with the adult who is believed to be at risk or believed to have been harmed.

Provisional measures

The Club has the power as part of its Disciplinary procedures to issue a suspension, pending a risk assessment where any one or more of the following applies:

- The individual fails to comply with any part of the Club's DBS process;
- The individual has engaged in 'Relevant Conduct' relating to adults at risk;
- The individual that has been barred by the DBS from engaging in 'Regulated Activity' relating to adults at risk;
- The individual has been convicted of, or made the subject of caution for, serious sexual/violent offences or any other offence that the Club believes to be relevant to the care of adults at risk (Relevant Offence);
- Following a risk assessment, the Club is satisfied on the balance of probabilities that the individual poses or may pose a risk of harm to adults at Risk.

Wales Safeguarding Procedures

In line with the Wales Safeguarding Procedures (S.126 of the Social Services and Wellbeing Act 2014), the Club should make a report to the Local Authority whenever there are concerns for an adult at risk who:

- Is experiencing or is at risk of abuse or neglect;
- Has needs for care and support (whether or not the authority is meeting any of those needs), and;
- As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

The Head of Safeguarding will take responsibility for reporting to the Local Authority. The Head of Safeguarding and/or Safeguarding team will also seek advice and assistance as and when appropriate. The Local Authority can assist with early help/intervention.

Confidentiality and information sharing

The advice for all staff at the Club is that no personal assurance of confidentiality should be given to an adult at risk or other vulnerable person. Decisions about what information is shared and with whom will be taken on a case-by-case basis.

The sharing of information should be:

- Necessary for the purpose it is being shared;
- Shared only with those who have a need for it;
- Be accurate and up to date;
- Be shared in a timely fashion;
- Be shared accurately;
- Be shared securely

The Club Data Protection Policy fully details how the Club manages the safe handling, retention and sharing of confidential information.

Haddon Township Rowing (HTRC) (USA)

HTRC's SafeSport Policy

HTRC's SafeSport policy is based on the template provided by US Rowing developed in response to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 which requires national governing bodies to implement prevention training and prevention policies.

Scope

HTRC's SafeSport Policy applies to the organisation's coaches, employees, Board of Directors, volunteers in frequent contact with minor athletes, and participating athletes. Among other terms found quite often in other policies, it is worth highlighting that is expressly prohibited stalking, isolation and denying attention and support.

Required training

The education and training requirements are intended to provide responsible individuals with the tools they need to create a safe and healthy environment. To this end, HTRC requires the following groups to complete SafeSports online Core Training prior to regular contact with a rower:

- Coaches; Members of the Board of Trustees;
- HTRC adult members/volunteers who have regular contact with a minor athlete(s) and/or who has authority over a minor athlete;
- HTRC athletes 18 years or older (considered adult athletes)

Additionally, these individuals must complete SafeSport's online refresher course annually and the SafeSport Training Core every 4 years.

Recruitment screening

For applicants

Applicants for employment must pass a formal screening process as a condition of hiring by HTRC that includes a personal interview, references and a criminal background check.

To deter applicants who may be at risk of abusing athletes, HTRC will inform all applicants about the Club's SafeSport Policy, including completing the SafeSport online training before direct engagement with rowers.

HTRC's Club Sport agreement with the HT School District requires all coaches employed through the District to undergo a criminal background check administered by the District. Coaches employed directly by HTRC must satisfy screening processes used by HTRC to identify appropriate candidates. At its discretion, HTRC may request references who can respond to specific questions regarding the applicant's professional experiences, demeanour and appropriateness for involvement with minor athletes and participants.

For board members

The application form for individuals interested in serving on the HTRC Board of Trustees will include a request for information regarding felony arrests, pleas of no contest and criminal convictions – especially if the criminal behaviour involved sex or violence. A criminal history is potentially disqualifying.

Each board member has the affirmative duty to disclose their criminal history. Failing to disclose or intentionally misrepresenting an arrest plea or conviction history is grounds for membership revocation or restriction, regardless of when the offence is discovered.

In the event a person is serving as a board member or employee is arrested, pleads, or is convicted after the screening process, they have an affirmative duty to disclose such information immediately to the HTRC Board.

Any employee applicant or potential board member who has been banned by another sport organisation as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification.

Dynamo Swim Club (USA)

Dynamo Swim Club's Minor Athlete Abuse Prevention Policy

As presented at the USA section (see below), the Dynamo Swim Club implement the Minor Athlete Abuse Prevention Policy in full, which is also mandatory for USA Swimming Zones, Local Swimming Committees and other member club. The Minor Athlete Abuse Prevention Policy must be reviewed and agreed to in writing by all athletes, parents/legal guardians, coaches and other non-athlete members of member clubs on an annual basis with such written agreement to be retained by the club or LSC, as applicable.

Definitions

Adult Participants for the scope of the MAAPP is considered to be any adult 18 years of age or older who is a:

- USA Swimming member, either athlete or non-athlete;
- Participating non-member (e.g., meet marshals, meet computer operators, timers, etc.);
- Authorised, approved or appointed by USA Swimming, Zones, Local Swimming Committees ("LSCs") or member clubs to have regular contact with (e.g., ongoing interactions during a 12-month period wherein the individual is in a role of active engagement) of authority over Minor Athletes; and/or
- Within the governance or disciplinary jurisdiction of USA Swimming, Zones, LSCs or member clubs.

In-Program Contact is any contact (including communications, interactions or activities) between an Adult Participant and any Minor Athlete(s) related to participation in sport. Examples include, but are not limited to: competition, practices, camps/clinics, training/instructional sessions, pre/post event meals or outings, team travel, video review, team- or sport-related team building activities, celebrations, award ceremonies, banquets, team- or sport-related fundraising or community services, sport education, competition site visits, conventions and/or summits.

Photography policy

The publishing of a photograph of a swimmer under 18 either on a notice board or in a published article or video recording (including video streaming) of swimming competitions (“publication”) should only be done with parents’ consent per the attached form.

A parent or guardian has a right of refuse to have children photographed. The exercise of this right of refusal cannot be used as grounds for refusing entry into a swimming competition.

Therefore, any photo that may go to press or on a notice board, be it through a member of the club or official photographer, should receive parental consent before publishing/displaying the photo, preferably in writing. A template form allowing parents to indicate refusal of consent is to be provided.

Manchester City Football Club (England)

SafeAtCity Policy

SafeAtCity policy provides a clear set of operating standards that their employees apply during all the club activities, alongside providing information about different types of abuse, advice on identifying problems, and guidance and procedures for use by those involved in delivering activities related to Manchester City. It also presents the standards and expectations.

Manchester City is a member of City Football Group (CFG). This means that this policy is aligned with the CFG Group Safeguarding Policy and adopts many of its principles whilst ensuring that local regulation is applied in the relevant settings.

Scope

The policy applies to all persons managing, delivering, or engaging with Manchester City activity in all its formats and settings, including employees, parents/carers and third parties, including commercial partners, licence holders, contractors, consultants and grantees.

The policy applies to everyone employed by City Football Group, which includes Manchester City Football Club and City in the Community. In addition, all workers, including third party suppliers and/or service providers, are expected to follow the policy when they are carrying out any services on behalf of CFG.

Where Manchester City enters a commercial or contractual relationship with third parties, including commercial partners, licence holders, contractors, consultants and grantees, those organisations and/or individuals are also required to uphold the requirements and principles presented in the policy. These are also found in the Partnerships Safeguarding Manual.

The workforce is required to implement the requirements contained in the policy in conjunction with the Safeguarding Code of Conduct (presented as Appendix 6). This is acknowledged by all workers at the commencement of their employment or deployment.

Roles

As a member of the CFG, Manchester City's safeguarding operation is guided by the Group Safeguarding Strategy and Policy and implemented in accordance with local law and regulation. The Manchester City safeguarding operation is supported by the Group Head of Safeguarding and the Group's Safeguarding Support Officer.

The Senior Safeguarding Lead at Manchester City is accountable for ensuring the effectiveness of the policy and our compliance with it. The duties and responsibilities of the Senior Safeguarding Lead, CFG Group Head of Safeguarding and the MCFC Safeguarding Manager are detailed in the policy, including the liaison with the Designated Officer for the Local Authority (LADO)

Reporting

Everyone has a duty to report any concerns they have that relate to children or adults at risk, or the behaviour of an adult towards them. All workers are obliged to report incidents or concerns of malpractice where any member of the workforce has breached the law, club policy or protocol.

Failure to do so may result in disciplinary action. Reports must be made to the safeguarding team using a safeguarding referral form (presented as Appendix 8 of the policy).

Manchester City also applies the Football Association and Premier League's regulatory requirements for reporting safeguarding concerns where their thresholds are met – these are further detailed in the relevant regulations.

Reporting to authorities

Where serious concerns are raised and/or a criminal offence may have been committed, then the relevant authorities are informed. Where the Police decide that they will not take any further action, the local authority may still proceed with an investigation in conjunction with Manchester City.

The initial role of the Safeguarding team is to pass the information on to the relevant person or agency, in an efficient, timely and confidential manner. Where both the Police and social care services have decided to take no further action, Manchester City may undertake an internal investigation and involve relevant internal stakeholders. A Referral Management Group (RMG) should be convened in these instances.

Records and information sharing

Manchester City complies with the relevant legislation namely the Data Protection Act 2018 (DPA).

Manchester City keeps a record of all incidents and concerns reported to its Safeguarding team. Any such reports will be taken seriously and carefully recorded, acted upon where appropriate, and confidentially retained. Records will be regularly reviewed to identify patterns of behaviors that may give rise to concern.

The Safeguarding team may be required to report or refer these matters to another agency, such as the Premier League, Football Association, or local authority.

Recruitment

Members of the workforce are required to undergo a DBS check prior to taking up their role in accordance with the club's DBS procedures. All staff are required should they receive a conviction whilst employed, to inform a member of the HR team as soon as reasonably practicable after the incident. Full details of the club approach can be found in their Safer Recruitment Policy.

Other policies

This policy forms part of an overall set of policies and procedures that fall under our safeguarding umbrella. Other additional policies in place that underpin their practice: i. GDPR / Privacy Policy; ii. Whistleblowing Policy; iii. Disciplinary Policy; iv. Grievance Policy; v. Safer Recruitment Policy; vi. Lone Working Policy; vii. Safeguarding Code of Conduct; viii. Anti-bullying Policy; ix. Managing Allegations Policy; x. Social Media Policy; xi. ICT Acceptable Use Policy; xii. Email and internet use Policy.

Further considerations

This policy considers a child to be someone who is not yet 18, and as such any emotionally dependent, intimate or sexual relationship between a member of the workforce and a child involved in any Manchester City-related activity is prohibited and may be subject to:

- Disciplinary action; and/or
- Statutory or criminal referral on the basis of a breach of 'Position of Trust' legislation (i.e. Local Authority Designated Officer, children's services, and Police); and/or
- Consideration under the FA's Relationship of Trust regulations (see below).

Gillingham Football Club LTD (England)

Gillingham Football Club is committed to working together with Children's Services Department and Local Safeguarding Children Boards (LSCB's) in accordance with their procedures and in line with the most recent HM Government guidance - Working Together to Safeguard Children (2013).

Where the club believes, or is informed by a member of staff that circumstances exist which may harm a child(ren) or young person(s), or poses or may pose a risk of harm to them, it will refer the matter to The Club Welfare Officer and if deemed necessary.

The Welfare Officer will inform the Football Association (F.A.) Case Management Unit for investigation and action in accordance with the F.A. Disciplinary Procedures for safeguarding children and young people³² as amended from time to time, or if appropriate, to another statutory agency such as the Police or Children's Services Department for further investigation.

Roles

Safeguarding Officer / Club Welfare Officer

Gillingham Football Club in line with the FA policies and procedures has appointed a designated person to deal with first reports of poor practice or abuse.

This person will be known as the Safeguarding Officer but will perform the same functions as the FA's Club Welfare Officer. This falls in line with the recommendations from the Football League and the Premier League.

The Safeguarding Officer will receive the first reports of poor practice and or abuse and will liaise with the relevant services to report the concerns be it the Local Authority designated officer, the Police or the County FA Welfare Officer.

Recruitment

All staff whether they are full-time, casual or voluntary, should undergo a Disclosure and Barring Service (DBS) disclosure producing the necessary documents, which the certification should be renewed every three years. They also should have attended the FA Safeguarding workshop.

Any issues relating to concerns raised over disclosures on the DBS will be discussed in terms of the risk that disclosure poses to children by a panel made up of the Safeguarding Officer, Community Director and the Chairman. The owner of the DBS will also be invited to this meeting.

Reporting to other organisation

If there are concerns about a child a report should be made to the Club's Safeguarding Officer. If the issue is one of poor practice, then the Safeguarding Officer will either: deal with the matter internally or seek advice from the CFA Welfare Officer.

If the concern is one of abuse, then the Safeguarding Officer will either contact the Police or the Local Authority Designated Officer or both, depending on the nature of the concern. The

³² A policy template is provided by the Football FA so that you can add any in England can benefit of it. Having a proactive Club Welfare Officer is an integral requirement of this policy.

Safeguarding Officer will also contact the relevant CFA Welfare Officer and FA Case Manager if the concern is a football related one.

If the allegation is against the Safeguarding officer, then all information should be directed to the Chairman of the Football Club, who will take action as above. The same procedure will be in place if the Safeguarding Officer is absent. If the child needs immediate medical treatment, they should be taken to hospital or an ambulance called.

If the latter is the case, then the ambulance staff should be informed that there is a child protection concern. The Safeguarding Officer should then be informed to take the necessary actions (above).

Investigation

Once received the Safeguarding Officer will investigate the case and then bring in:

- Referral to the Local Authority Designated Officer (LADO);
- Referral to the Police if the case is of a serious enough nature;
- Suspension of the member of staff or volunteer whilst the investigation happens.
- The Safeguarding Officer or designated person shall also be responsible for contacting the parents / carers of the child.

Possible outcomes will be as follows:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

The Safeguarding Officer is responsible for the recording all safeguarding issues and updating records kept about the latter and any referrals made. These records will be kept in a locked cabinet and only accessible to the Safeguarding Officer.

Codes of conduct

All staff will be asked to sign codes of conduct which set out the working practices and parameters of their responsibilities and engagement.

Photography Policy

GFC does not allow photos or videos to be taken of children or young people unless there is specific parental/carer written consent. No personal cameras/phones etc. may be used to record such images. When the image is used GFC will not identify the name of the child / young person.

3. Other sport organisations

International Olympic Committee (IOC)

The Safeguarding Athletes from Harassment and Abuse in Sport IOC Toolkit released in 2017 serves as a comprehensive resource dedicated to aiding National Olympic Committees (NOCs) and International Federations (IFs) in the formulation of effective policies and procedures aimed at ensuring the safety and protection of athletes within the realm of sports.

What sets this toolkit apart is its meticulous approach to presenting actionable suggestions. The deliberate inclusion of a tiered system is rooted in the aspiration to facilitate broad accessibility and applicability, considering different contexts of applicability. The toolkit is fortified by IOC's consensus statement on harassment and abuse³³.

Association of National Olympic Committees (ANOC)

Cyberbullying and other transgressive behaviours that occur virtually were addressed by the Association of National Olympic Committees (ANOC) published an athlete safety guide focused on tools to protect and moderate Facebook Profile, Facebook Page and Instagram Account³⁴.

International Federations (IFs)

Numerous IFs have implemented tailored safeguarding policies for their activities, from either Summer and Winter Olympic sports³⁵ to other IOC-recognised ones³⁶.

It is worth highlighting the implementation of independent bodies to address safeguarding and other integrity issues, such as Athletics (World Athletics), Gymnastics (FIG), Biathlon (IBU) and Aquatics (World Aquatics).

³³ See: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Protecting-Clean-Athletes/Safeguarding/IOC-Consensus-Statement_Harassment-and-abuse-in-sport-2016.pdf

³⁴ See: <https://www.anocolympic.org/documents/>

³⁵ FIBA, FIFA, FIS, ICF, FIG, FIH, FIVB, IBU, IFSC, IJF, ITF, ITTF, World Aquatics, World Athletics, World Rowing, World Rugby, World Sailing, World Skate and others.

³⁶ IFF (Floorball), IFI (Icestock), IFMA (Muaythai), INF (Netball), IWWF (Watersky and Wakeboard), WAKO (Kickboxing), WBSC (Baseball and Softball), WFDF (Flying Disk).

Fédération Internationale de Football Association (FIFA)

FIFA Disciplinary Code (FDC) and FIFA Code of Ethics (FCE)

Among the specific amendments to both the FIFA Disciplinary Code (FDC) and FIFA Code of Ethics (FCE), 2023 edition, victims of sexual abuse or harassment are not subject to a limitation period (art. 13 of the FCE).

Member associations and confederations must now inform FIFA of any such decision they issue in order to enhance worldwide extension and if appropriate to assist or initiate further investigations (art. 24 par. 7 of the FCE).

FIFA can now entrust the investigations to an independent integrity expert, who will take on the tasks and duties previously performed by the FIFA administration (art. 61 par. 2 of the FCE and art. 36 of the FDC).

In a case of sexual abuse or harassment, the associations, confederations, and other organising sports bodies shall request that the Disciplinary Committee extend the sanctions they have imposed so as to have a worldwide effect (worldwide extension – art. 70, par. 1 of the FDC).

Sanctions (art. 24 of the FCE)

Persons bound by the FCE must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person (par. 3). Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited (par. 4).

Violation of art. 24 (protection of physical and mental integrity) shall be sanctioned with an appropriate fine of at least CHF 10,000 and a ban on taking part in any football-related activity for a minimum of two years. In cases of sexual exploitation or abuse, or in serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a minimum of ten years (par. 5).

Appeal (art. 24, par. 6 of the FCE)

Persons bound by the FCE who may have been the victim of potential sexual abuse or harassment may appeal before CAS against the decision rendered by the adjudicatory chamber in the related proceedings in accordance with the procedure defined in the Code.

They will, in particular, be provided with the decision, the final report of the investigatory chamber, as well as with any document or evidence produced by the parties before the adjudicatory chamber. Their deadline to appeal the relevant decision before CAS shall commence on the day of notification of those documents.

Reporting (art. 18, pars. 1-2 of the FCE)

Persons bound by the FCE who become aware of any infringements of the FCE shall inform, in writing, the secretariat and/or chairperson of the investigatory chamber of the Ethics Committee directly.

Failure to report such infringements shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

Confidentiality (art. 18, par. 1-3 of the FCE)

Depending on their function, information of a confidential nature divulged to persons bound by the Code while performing their duties shall be treated as confidential or secret by them, if the information is given with the understanding or communication of confidentiality and is consistent with FIFA principles (par. 1).

The obligation to respect confidentiality survives the termination of any relationship that subjects a person to the FCE (par. 2).

Violation of this article shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a maximum of two years (par. 3).

Duty of cooperation (art. 19 of the FCE)

Persons bound by the FCE shall assist and cooperate truthfully, fully and in good faith with the Ethics Committee at all times, regardless of whether they are involved in a particular matter as a party, as a witness, or in any other role (par. 1).

Violation of this article shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a maximum of two years (par. 6).

Child Safeguarding Toolkit for Member Associations

The Child Safeguarding Toolkit for Member Associations underpins FIFA work and that of the 211 Member Associations (MA) and the six confederations on child safeguarding. The toolkit's material was created through collaboration between the FIFA administration and the FIFA Child Safeguarding Working Group.

It provides a framework to help members consider how they can prevent any risk of harm to children in football and respond appropriately, as called for in the (FIFA Forward 2.0 Regulations, article 8, paragraph 1t). The toolkit recognises that many MAs already have good policies, procedures and training in place and builds on the great work of our partners around the world.

According to the document, each Member Association (MA) that interacts directly or indirectly with children bears the responsibility of taking all necessary actions to shield children from harm

within the football realm and foster their well-being. At a minimum, an organisational all-year-round policy within MA should:

- Receive approval from the executive committee or council and be accompanied by an action plan.
- Designate a lead officer responsible for child safeguarding.
- Encompass an exclusive internal steering group for safeguarding and/or an external advisory group to aid in developing, implementing, and monitoring the safeguarding measures.
- Undergo periodic evaluations, particularly in response to alterations in national laws or safeguarding protocols or in the aftermath of specific issues or cases. Incorporate precise definitions, such as those for a child, safeguarding, child protection, and abuse, aligned with the concerned national legislation.
- Enlist explicit policy declarations concerning the five safeguarding principles mentioned above.

As good practice, the document highlights the need for collaboration between a diverse group of experts and skilled people in and outside sport context, such as law enforcement, social services, health, education, child protection agencies, civil society and others. In addition, it should be based in a self-assessment and accompanied by an implementation plan.

Furthermore, it expresses the need for simple and clear language, children's input, and holding the stakeholders accountable.

The toolkit also provides a sample child safeguarding policy and implementation guide, a sample code of conduct for child, staff and volunteers, a risk assessment guide, a guidance note for an internal steering group and/or external advisory group, a sample role description for a safeguarding officer, a guidance on safe recruitment and screening procedures, a guidance on how to deal with concerns related to child abuse allegations, and others.

FIFA Consultation Process – International Safe Sport Entity

FIFA has also commissioned a consultation process to consider the creation of an international safe sport entity. The recommendations can be found throughout its final report³⁷.

³⁷ Beutler, I. (2021). Final report of the consultation process to consider the creation of an international safe sport entity. <https://digitalhub.fifa.com/m/26007b081f56ec2e/original/final-report-of-the-consultation-process-to-consider-the-creation-of-an-international-safe-sport-entity.pdf>

Fédération Internationale de Gymnastique (FIG)

Gymnastics Ethics Foundation

The Gymnastics Ethics Foundation is a foundation under the Swiss law created in 2019 by the Fédération Internationale de Gymnastique (FIG) following the Larry Nassar case and the FIG Working Group for the Prevention of Harassment and Abuse recommendations.

It was created to be a "professional and confidential environment for the resolution of breaches of ethics or non-compliance" (GEF, 2023), acknowledging safeguarding as a worldwide concern within the sport.

FIG Policy and Procedures, Code of Discipline and Statutes

GEF maintains in place a FIG Policy and Procedures for safeguarding and protecting participants in gymnastics and an Event Safeguarding framework.

Scope and jurisdiction (art. 5, of the Safeguarding policy)

The policy applies to all member federations and their representative gymnasts (athletes), members of the athlete entourage, coaches, judges, medical personnel participating in FIG activities, as well as FIG authorities all other persons including officers, directors, employees, agents, honorary members, officials, registered participants and volunteers acting on behalf of FIG (all referred to as a "participant").

If an incident of harassment and abuse is reported involving participants who are affiliated with the same NF, or if the incident occurs during an activity under the jurisdiction of that NF, the NF is responsible for addressing the incident. This is applicable if the NF has established policies and procedures to protect participants in accordance with the guidelines set by the FIG Policy.

When the alleged wrongdoer is a member of an NF that has implemented appropriate policies and procedures, the Gymnastics Ethics Foundation may decide to pass the case to that NF for resolution according to their established protocols.

In all other instances, the provisions of the FIG Policy and procedures along with the Gymnastics Ethics Foundation's Constitution and Operational Rules will be applicable. It includes situations where: (i) an NF with existing policies and procedures for participant protection fails, according to the judgment of the Gymnastics Ethics Foundation, to adequately ensure the safety of such participants (for example, by failing to take appropriate disciplinary actions); or (ii) an NF lacks the necessary policies and procedures for participant protection,

Reporting

The established reporting avenues include:

- GEF's independent helpdesk;

- FIG Athletes' Commission helpdesk or the Athletes' representative; or
- During World Championships or other major FIG events, if available, to the Event Safeguarding Officer.

Statute of limitations (art. 5, of the FIG Code of Discipline)

Any disciplinary proceedings under shall be commenced within the following time limits:

- for any act of a criminal nature: 12 years from the date of conviction;
- for any case involving sexual abuse 30 years from the date of occurrence;
- for any case involving abuse and/or harassment: 15 years from the date of occurrence or where the victim is a minor 15 years from the date he/she attains the age of 18;
- for any other infringement: 5 years from the date of occurrence.

Confidentiality

All information related to a reported case is treated confidentially treated as private. The GEF retains the right to share confidential information with relevant parties, authorities, or entities when it is necessary to adhere to the procedures or if not sharing such information could lead to harm to others.

Sanctions (art. 34, FIG Statutes)

Disciplinary measures which can be imposed amongst others on an NF, on a legal entity or on an individual are the following:

- the warning
- the blame
- the suspension of the Member Federation or the person concerned for one (1) or more official FIG events and other international events
- the proscription to take part in the FIG events and other international events for one given or unspecified duration
- the exclusion of any participation in the FIG activities and other international events for one given or unspecified duration
- the demotion of functions
- the withdrawal of a honorary title or distinction
- the cancellation of the brevets or diplomas awarded
- the financial fine
- the suspension for one (1) or more functions of a person elected within one of the FIG Governing Bodies and/or of a continental Union for one given or unspecified duration
- the suspension of a Member Federation for one given or unspecified duration
- the expulsion of a Member Federation for one given or unspecified duration
- the exclusion of an FIG person
- the cancellation of results of a competition
- the obligation to restore the financial benefits and prices received

- the disciplinary measures resulting from the anti-doping regulations
- or any other sanction which the GEF Disciplinary Commission or the Appeal Tribunal could propose.

All the sanctions taken can be published in the FIG bulletin or in any other official FIG publication. Any gymnast/athlete or official who is suspended or declared temporarily or permanently ineligible as a result of the Disciplinary and Ethics Procedures of the FIG, shall automatically be considered suspended by all Continental Unions, Regional Groups and Member Federations.

Mandatory communication

Affiliated national federations are obliged to communicate to the FIG Office the identity of any member convicted of harassment and/or abuse in relation with any Gymnastics activities by any judicial or disciplinary authority.

Appeal

The functions of the Appeal Tribunal are to hear and decide the appeals lodged by any federation, gymnast, judge, or other person directly affected by a decision of the Disciplinary Commission; and hear and decide appeals against sanctions imposed during competitions (as provided for under the FIG Statutes).

Investigations

GEF assigns an individual or a group of people to carry out the investigation when the allegation is potentially a rule violation. After the report considers the relevant evidence produced by the investigator, the findings are referred back to GEF, which determines whether the matter should be referred to the Disciplinary Commission or other measures should be taken.

It is also foreseen a case management list of experts to assist the Safeguarding Section on particular matters. Furthermore, the members of the case management group (and the Sections) can be challenged based on conflict of interest. The head of the organisation is responsible for prosecuting any matter within the Disciplinary Commission.

Provisional measures

During the investigation process, GEF has the capability to provisionally suspend a participant, thereby mitigating the risk of them potentially causing harm to others.

4. Beyond sport context

United Nations system

UN Special Rapporteur

The United Nations Human Rights Special Procedures (UN Special Rapporteur) published the “Playing it safe – a glimpse of the Report of the UN Special Rapporteur on the sale and sexual exploitation of children”.

They highlight recommendations to sports organisations and some steps to be taken and acknowledge that Entities and individuals in the sporting world of children are governed by the laws of the country in which they are active.

All involved in sports with children need to know what the laws are, and to know these laws will be enforced. According to it, those laws must call for background checks for anyone working directly with children in sport.

UNICEF

The International Safeguards for Children in Sport³⁸ initiative brings together organisations from six continents. These safeguards outline the things that should be put in place by any organisation providing sports activities to children and young people.

The International safeguards for children in sport should be viewed as guides, which facilitate an organisation’s journey towards safeguarding children, rather than an end in themselves.

Coordinated by UNICEF, the safeguards reflect international declarations, the United Nations Convention on the Rights of the Child, relevant legislation, government guidance, existing child protection and safeguarding standards, and good practice.

The International Standards for Safeguarding Children in Sport describe what organisations need to put in place if they are providing sports activities to children. It has been developed based on the experiences of over 50 organisations. These standards have been translated into 10 other languages and, despite being child-related, can be adapted to other groups.

According to the document, a safeguarding framework should encompass 8 Safeguards, namely:

1. Developing your policy
2. Procedures for responding to safeguarding concerns
3. Advice and support
4. Minimising risks to children

³⁸ See: <https://downloads.unicef.org.uk/wp-content/uploads/2014/10/International-Safeguards-for-Children-in-Sport-version-to-view-online.pdf>

5. Guidelines for behaviour
6. Recruiting, training and communicating
7. Working with partners
8. Monitoring and evaluating

5. Jurisprudence

There are only a few decisions made in the sport context that touch on safeguarding publicly available, such as the following ones:

Union Cycliste Internationale (Cycling)

Decision EC/2020/04

<https://assets.ctfassets.net/761l7gh5x5an/4saAhuUdxbpQwyEfFOt9i2/791f9bb7b1368ff98461bc866068de4e/decision-ec-2020-04.pdf>

Decision EC/2020/02

<https://assets.ctfassets.net/761l7gh5x5an/72tVAID1z9LUOjB3ZkZDWd/44bd481a4bbef3d3bc582dc8f9cf2c3b/decision-ec-2020-02.pdf>

Patrick Van Gansen case (decision made on 22 February 2021 not published)

<https://www.uci.org/pressrelease/decision-of-the-uci-disciplinary-commission-regarding-patrick-van-gansen/1n1gnYiKKhGFT80XqvT42i>

Fédération Internationale de Football Association (Football)

Keramuddin Karim – AFG (8 June 2019)

<https://digitalhub.fifa.com/m/625a94d6bf938ff5/original/p7rhsrk6ij9gxllhyriw-pdf.pdf>

Sayed Aghazada – AFG (8 October 2019)

<https://digitalhub.fifa.com/m/6d554fee99706528/original/s1s4rk3m2hhvk2hh0wls-pdf.pdf>

Yves Jean-Bart – HAI (18 November 2020)

<https://digitalhub.fifa.com/m/6f4218b8563dcbd4/original/xaioyv6quy6riqwdejsc-pdf.pdf>

Yvette Félix – HAI (08 March 2021)

<https://digitalhub.fifa.com/m/769e6ce8dbbb6a16/original/dt52kczfodqlelugxylv-pdf.pdf>

Court of Arbitration for Sport (CAS/TAS)

CAS 2018/A/5641 Cyril Sen v. ITTF

<https://jurisprudence.tas-cas.org/Shared%20Documents/5641.pdf>

CAS 2019/A/6388 Keramuddin Karim v. FIFA

https://sennferrero.com/descargaspdf/tas-cas/202010/CAS_2019.A.6388.pdf

CAS 2021/A/7661 Yves Jean-Bart v. FIFA

https://www.tas-cas.org/fileadmin/user_upload/Sentence_7661_publication_.pdf

6. International safeguarding legal (and policy) frameworks

This list was compiled by the “Final report of the consultation process to consider the creation of an international safe sport entity”³⁹, commissioned by FIFA in 2021.

Statutory Obligations in Addressing the Problem of Abuse in Sport

Council of Europe Convention on Action against Trafficking in Human Beings, 2005

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007 (the Lanzarote Convention)

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011 (the Istanbul Convention)

Council of Europe Enlarged Partial Agreement on Sport (EPAS) Guidelines on Sport Integrity, Action 3 of the Kazan Action Plan

Council of Europe Committee of Ministers Recommendation to Prevent and Combat Sexism, 2019

Council of Europe Conference of Ministers responsible for Sports, International Declaration on Human Rights and Sport (Tbilisi Declaration), 2018

Council of Europe Ministers of Sport Resolution No. 3/2000 on the Prevention of Sexual Harassment and Abuse of Women, Young People and Children in Sport

Council of Europe Recommendation on Gender Mainstreaming in Sport, 2015

Council of Europe Recommendation on Measures to Combat Discrimination on Ground of Sexual Orientation and Gender Identity, 2010

³⁹ Beutler, I. (2021). Final report of the consultation process to consider the creation of an international safe sport entity. <https://digitalhub.fifa.com/m/26007b081f56ec2e/original/final-report-of-the-consultation-process-to-consider-the-creation-of-an-international-safe-sport-entity.pdf>

European Commission, Study on Gender-Based Violence in Sport, 2016

European Commission, Recommendations on the protection of young athletes and safeguarding children's rights in sport, 2016

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