



GHANA

**BADMINTON
SAFEGUARDING**

PROCEDURES

(As amended on 3rd December 2022)

Definitions

Bar – A restriction imposed on an individual's involvement in Ghana Badminton in such Terms as are determined by the Safeguarding Review Panel.

Child – This means a person under the age of eighteen years as defined by the Children Act 560 and the 1992 Constitution. Children means more than one child.

DBS – This means the Disclosure and Barring Service.

Offence – This means a criminal offence.

National Compliance Manager (NCM) – A person designated to manage safeguarding matters on behalf of Ghana Badminton.

Regulated Activity – This means the statutory definition of the term as set out in the Children's Act 506 which in summary is teaching, training, instruction, care or supervision of Children, carried out by the same person frequently (once a week or more often), or on four or more days in a 30 day period, or overnight.

Safeguarding Review Panel (SRP) – A panel appointed pursuant to this Procedure for the purpose of dealing with DBS matters and safeguarding breaches, complainant or referrals.

Introduction

1.1 Ghana Badminton ("BAG") has jurisdiction to deal with any member of BAG as well as any others actively involved in Olympic badminton in Ghana (including but not limited to players, coaches, officials, BAG Officers, volunteers and parents or guardians of members) in relation to breaches of BAG's Safeguarding Policy and/or any safeguarding concerns.

1.2 The purpose of this Procedure is to provide a mechanism for dealing with safeguarding concerns. The Procedure is supplemented by the BAG Safeguarding Policy, the BAG Safeguarding Guidance and the BAG Disclosure and Barring Service Policy. This Procedure should be read in accordance with the BAG Disciplinary Code of Conduct.

1.3 All safeguarding concerns must be reported as soon as possible to a Club, Divisional or Regional Welfare Officer or to the National Compliance Manager ("NCM").

1.4 BAG shall not be liable to any individual, club or organization for any loss (howsoever caused, whether direct, indirect, economic or consequential, including but not limited, to loss of profit or opportunity) suffered as a direct or indirect result of a suspension, bar, exclusion or condition imposed in connection with this Procedure.

2. Safeguarding Review Panel

2.1 The NCM will engage a Safeguarding Review Panel ("SRP") in the following circumstance;

i) If the NCM receives notification from the Disclosure and Barring Service ("DBS") in relation to an individual within Regulated Activity; or

ii) Upon receipt of a concern or referral relating to a safeguarding matter;

Or

iii) On notification of a breach of the BAG Safeguarding Policy or

Guidance.

2.2 The SRP will comprise of a Chairman and athlete representative and at least one other person. All members of the SRP should have experience in dealing with safeguarding and sport matters.

2.3 The SRP may conduct meetings in person, via telephone, video link or on email, depending on the nature and the seriousness of the matters.

2.4 The SRP have the power to:

i) Issue or endorse Interim Suspensions;

ii) Impose Permanent and Fixed Term Bar;

iii) Make relevant determinations in relation to DBS applications;

iv) Suspend or remove BAG Membership or Licenses;

v) Direct that a matter be dealt with via disciplinary action;

vi) Impose conditions, including but not limited to supervision requirements; or the requirement to attend courses or training; and

vii) Make such orders as the SRP deem appropriate.

2.5 The SRP have the discretion to depart from this Procedure, if such a departure is both necessary and proportionate.

3. DBS process

3.1 All Coaches, Badminton Leaders, Badminton Tutors, Welfare Officers, Team Managers, Official Educators, Assessors, OICs and Designated Drivers are subjected to Disclosure and Barring Service (DBS) checks. For further information on roles which require DBS checks and the application process please refer to the BAG Disclosure and Barring Service policy.

3.2 DBS checks with BAG are valid for five years from date of issue or the date of an online service update check by Ghana Badminton. All adults who wish to continue work in a role which requires a DBS check must renew their DBS application prior to the expiry of the three year period.

3.3 If an individual, working in a role which requires a DBS check, receives a conviction or a caution for any offence they must notify BAG of the offence within 28 days of the date of the conviction or caution. They will usually be required to complete a new DBS check.

Referrals to the Safeguarding Review Panel

3.4 If BAG is notified of disclosures on an applicant's DBS check, which require a risk assessment before clearance, the NCM should refer the matter to a SRP for determination.

3.5 Prior to making a referral to a SRP, the NCM has the power to determine that disclosures on an applicant's DBS check do not require a risk assessment, by virtue of the fact that they are not sufficiently serious. In making this determination the NCM will take into consideration the factors set out in paragraph 3.12.

3.6 If the NCM makes a determination that the disclosures on an applicant's DBS do not require a risk assessment the individual can be cleared to continue in their role upon notification.

3.7 Where an applicant's DBS disclosures are referred to the SRP, the applicant cannot commence or continue in a role requiring a DBS check until such time as the SRP has made a final determination and cleared the applicant to continue.

The review process

3.8 If the NCM makes a referral to the SRP, the NCM must write to the applicant concerned notifying them that a referral has been made and requesting an explanation in relation to any disclosures on their DBS portfolio.

3.9 The applicant will have 28 days from receipt of the written notification to respond.

The response should set out an explanation or any relevant details in relation to their DBS disclosures and include any references which the individual wishes to rely upon.

3.10 If the applicant wishes to request an oral hearing, in order to make their representations, they must write to the NCM to request such a hearing within 14 days from receipt of the written notification.

3.11 Following the receipt of the relevant information from the applicant or upon the expiry of 28 days from the notification date, a SRP should be convened to determine whether or not the applicant should be cleared, or if further actions are required.

3.12 The SRP in making their determination may take into consideration the following factors;

- i) The age of the applicant's relevant previous convictions;
- ii) The nature of the applicant's relevant previous conviction;
- iii) The risk posed to children by the applicant's relevant previous convictions; and
- iv) Whether or not the applicant is an appropriate role model within the sport.

3.13 If the SRP decide not to clear an applicant, the applicant should be notified as soon as reasonably practicable, with the reasons for the SRP's decision.

.14 The Applicant will have 14 days from the date of notification of the SRP's decision to lodge an appeal. The process in relation to appeals is set out below in paragraph 7.

3.15 If the SRP decide to clear an applicant, the individual can continue in their role upon notification.

3.16 The SRP have the right to require an individual to complete courses or training, or be subject to a period of supervision before clearance, if imposing a training or supervision period is necessary and proportionate.

4. The investigation of a safeguarding referral or concern

4.1 Save where they are not independent of the subject matter of a referral or concern (as to which, see paragraph 4.5) all matters will be referred in the first instance to the NCM.

4.2 The NCM will acknowledge receipt of the concern or referral within 28 days.

Following such initial consideration, the NCM will decide whether:

The referral or concern is clearly vexatious or frivolous, in which case it will not be considered further; or

ii) The referral or concern should be investigated by the club concerned on behalf of BAG; or

iii) The referral or concern should be investigated by the region concerned on behalf of BAG; or

iv) The referral or concern should be investigated by BAG itself.

4.3 The above decision is one to be taken by NCM, having considered all relevant information including but not limited to the nature of the allegation, its seriousness,

the role or position of the individual against whom the concern or referral is made, and the resources reasonably available to investigate the concern.

4.4 All concerns or referrals involving serious harm, sexual conduct and immediate risk must be investigated by BAG.

4.5 If the NCM is not independent of the complainant, or the subject of a concern or referral, then they shall declare this immediately. Arrangements will then be made for an appropriate employee of BAG or independent investigator to investigate. Equally, if for any reason the NCM is unable to complete the investigation, an alternative appropriate employee or independent investigator will be appointed to complete it.

4.6 All investigations shall be carried out in a manner proportionate to all the circumstances, including the nature and seriousness of the allegation made, the role or position of the subject of the concern or referral and the resources reasonably available to investigate the concern. When practicable, all persons concerned by the concern (including any important witnesses) should be contacted in order for their account of events to be made available and considered.

4.7 The subject matter of the concern or referral shall always be provided with a full opportunity to respond and provide his or her account of events and comments in relation to it.

4.8 BAG may require any individual who is subject to an investigation to provide information or attend a meeting in order to determine whether or not there is a case to answer.

4.9 Information gathered in the course of an investigation shall be recorded and retained for such period as is necessary and proportionate and in accordance with Data Protection legislation.

5. Consideration following investigation

5.1 At the conclusion of an investigation the NCM shall decide whether:

- i) There is no case to answer; or
- ii) The matter should be referred to a Safeguarding Review Panel; or
- iii) Further investigations are required in order to conclude whether or not there is a case to answer.

5.2 In reaching the decision the NCM is entitled to seek such advice as they consider appropriate.

5.3 Once the NCM has reached a decision, the NCM shall be notified to the complainant and all interested parties as soon as reasonably practicable.

5.4 If the NCM decides that the matter should be referred to the SRP, a panel should be set up as soon as practicable.

6. Interim suspensions and permanent or fixed-term bars

6.1 The SRP has the power to impose interim Suspensions and Permanent or Fixed Term Bars preventing an individual from participating in all or any Badminton activity, including from being present at a Badminton Club, Venue or Competition, in such terms as it considers necessary.

Definitions

6.2 An Interim Suspension is a suspension imposed on an individual before, during and pending the outcome of an investigation, following receipt of a safeguarding concern. (This Bar will usually be imposed during the investigation of a safeguarding concern)

6.3 A Fixed Term Bar is a Bar for a defined period, where the individual will be barred from undertaking such activity as the SRP deems appropriate. (This Bar will usually be imposed as a method of sanctioning an individual for insignificant breaches of the BAG Safeguarding Policy.)

6.4 A Permanent Bar is a Bar for an indefinite period where the individual will be barred from undertaking such activity as the SRP deems appropriate. (This Bar is will usually be used in cases involving serious breaches of the BAG Safeguarding Policy or conviction for serious offences.)

Criteria for imposing 1nterim Suspensions and Permanent and Fixed Term Bars

6.5 The SRP have the power to issue 1nterim Suspensions and Permanent or Fixed Term Bars upon an individual who meets one or more of the relevant criteria:

- i) The individual has been convicted of, charge with, or cautioned in relation to an offence;
- ii) The individual has received a bar, suspension or equivalent measure from a relevant authority or sporting organization;
- iii) The individual is being investigated by the Police, Social Welfare or any other relevant authority; or
- iv) the SRP has received information that causes it to believe the individual may pose a risk to child interim Suspensions

6.6 1nterim Suspensions may be issued without prior notice to the individual concerned, and prior to the conclusion of an investigation where the SRP considers the 1nterim Suspension should be imposed immediately.

6.7 An interim Suspension should only be imposed if the SRP is satisfied that such course of action is necessary having regard to the risk posed to children, if such a suspension was not implemented.

6.8 If the SRP decide to impose a Interim Suspension, it shall take immediate effect.

6.9 The Interim Suspension should be reviewed by the SRP at the earliest opportunity following the expiry of a six month period, from the date the suspension was imposed. The SRP should have consideration for 6.7 above when determining whether the Interim Suspension should be extended.

6.10 When the SRP imposes an Interim Suspension the NCM should notify the individual concerned in writing, setting out the reasons for the decision and informing the individual of their right to appeal, in accordance with paragraph 7.

Urgent Interim Suspensions

6.11 In cases where an urgent response is required the NCM may exercise the functions and powers of the SRP and issue a Interim Suspension.

6.12 Any decision taken by the NCM shall not be final until such time the SRP has approved the decision. However, a Interim Suspension imposed by the NCM shall take immediate effect.

6.13 The SRP has the power to endorse, modified, lift or make any such orders that are necessary when considering a Interim Suspension imposed by the NCM.

6.14 The SRP should review and/or approve an Interim Suspension imposed by the NCM, within 14 days of it being imposed.

Permanent Bar or Fixed Term Bars

6.15 Prior to the imposition of a Permanent Bar or Fixed Term Bar, the individual concerned shall be notified and provided with the opportunity to make written representations to the SRP.

6.16 If the individual wishes to request an oral hearing, in order to provide representations, they must write to the NCM to request such a hearing, within 14 days of notification that the SRP will be considering the matter.

6.17 Following the receipt of the relevant information from the applicant or upon the expiry of 28 days from the notification date, a SRP should be convened to determine whether or not a Permanent or Fixed Term Bar should be imposed.

6.18 In determining whether to impose a Permanent or Fixed Term Bar the SRP may give consideration to the following factors;

- i) The nature of the allegation, conviction or conduct;
- ii) The risk posed to children or young athletes; and
- iii) Whether a Bar is necessary or desirable to protect children or young athletes from harm.

6.19 If the SRP decides to impose a Permanent or Fixed Term Bar, the NCM must inform the individual concerned as soon as reasonably practicable, setting out the reasons why the decision was made and informing the individual of their right to appeal.

6.20 BAG has the right to notify third parties of any Interim Suspension or Bar where it considers that it is necessary or appropriate to do so.

Permanent Bar and Fixed Term Bar reviews

6.21 The SRP may review a Bar at any time should they wish to do so. An individual subject to a Bar has no right to review, save for when a review date is stipulated within the terms of their Bar.

6.22 When imposing a Permanent Bar upon an individual, the SRP must include a review date, this date should be stipulated in the Bar notification.

6.23 Where a Permanent Bar has been imposed, following the expiry of the review period, the onus is on the individual who is the subject of the Bar to request a review hearing.

6.24 If the SRP imposes a Fixed-Term Bar, the Bar expires and is lifted on the end date, which should be stipulated within the Bar. A Fixed-Term Bar may be reviewed and lifted prior to the end date, in line with 6.21.

6.25 When reviewing a Bar the SRP has the power to:

- a) Lift the Bar, leading to its expiry;
- b) Amend the terms of a Bar;
- c) Order that a Bar should remain in force; or d) Increase the length of a Bar.

6.26 If the SRP, when reviewing a Bar, determine that there are grounds for increasing the length of a Bar, the individual concerned should be given the opportunity to provide representations.

6.27 If during the course of an individual's Permanent or Fixed Term Bar the SRP is informed that the individual has breached the terms of the Interim Suspension or Bar, the SRP has the power to review the Bar and may increase its length.

7 Appeals

7.1 Both BAG and the individual concerned have the right to appeal the decision of the SRP.

7.2 The party seeking to appeal will be the Appellant; the other party will be the Respondent.

7.3 To bring an appeal under these procedures the Appellant must send a written Notice of Appeal to the NCM within 14 days of the decision of the SRP. The notice should set out the grounds of appeal, any supporting documentation and why the appellant considers that the SRP's decision was wrong.

7.4 On receipt of the Notice of Appeal, and any supporting documentation, the NCM Shall, within 7 days, send a copy of the same to the Respondent.

7.5 The grounds of appeal for which a decision of the SRP may be challenged are as follows:

- (i) The decision of the SRP was irrational;
- (ii) The decision of the SRP was unreasonable in all the circumstances; or
- (iii) The SRP made a decision which was wrong in law.

7.6 The appellant shall also submit a fee of GH¢800, which shall be refunded if their appeal is successful, but shall otherwise be forfeited towards the costs of the appeal.

7.7 The NCM will instruct Sport Resolutions GH to appoint an independent appeal panel or chairman to case manage the appeal process. The Appellant and the Respondent will have the opportunity to object to the proposed member(s) of the appeal panel, with any such objection to be ruled upon by Sport Resolutions GH or someone appointed to do so by them.

7.8 The NCM will ensure the appeal panel at Sports Resolution is provided with all the relevant documentation.

7.9 The appeal shall ordinarily proceed by way of review of the SRP decision but may proceed by way of rehearing if either the Appellant or the Respondent so requests and the Chairman of the appeal panel considers it appropriate.

7.10 When determining the appeal, the appeal panel may uphold the decision of the SRP or may substitute its own decision for that of the SRP.

7.11 The parties shall bear their own costs of participating in any appeal.

8 Miscellaneous

8.1 BAG may amend this Procedure at any time, at its discretion, save that any such changes shall not apply to any concern, investigation or charge that has already been initiated.

8.2 Any deviation from any provision of this Procedure shall not invalidate any finding, Procedure or decision unless that deviation seriously and irremediably prejudices the position of one of the parties or the fairness of the process or outcome.

8.3 In line with the BAG code of conduct this Procedure is governed by the National Arbitration Act 38, 1961 and amounts to a binding agreement to arbitrate for the purposes of that Act.