Procedures for Safeguarding Case Management

Version 3.0

Specific Definitions

The words and phrases used in these procedures that are defined terms (denoted by initial capital letters) shall have the following meanings:

"Abuse, Harassment and Exploitation" means abuse, harassment and exploitation as defined in Rugby Africa's Safeguarding Policy and further detail in Safeguarding Toolkit (guidance).

"Adult" means any person aged 18 years and over.

"Child(ren)" means any person under 18 years of age.

"Covered Persons" means all persons who fall within the scope of Rugby Africa's Safeguarding Policy.

"Prohibited Conduct" means conduct described in Rule 3 below.

"Safeguarding" means the measures taken to protect individuals from Abuse, Harassment or Exploitation.

"Safeguarding Case Management Group" means the group appointed pursuant to Rule 4 below.

"Safeguarding Case Investigative Panel or the Investigative Panel" means the group appointed pursuant to Rule 4 responsible for investigating safeguarding concerns.

"Safeguarding Case Adjudication Panel or the Adjudication Panel" refers to the panel appointed pursuant to Rule 4 responsible for adjudicating on safeguarding concerns.

"Safeguarding Concern" means any Prohibited Conduct or any concern, incident, suspicion, action, behaviour or failure to act in a way which has caused, or which causes, or which may cause Abuse, Harassment or Exploitation of an Adult or Child.

"Safeguarding Manager" the person appointed by Rugby Africa to manage their safeguarding concerns including providing administrative support to the Investigative and Adjudication Panels.

"Safeguarding Order" means measures to safeguard, limit and/or restrict (including but not limited to a suspension) an individual from all or any specific Rugby activity for such period and on such terms and conditions as considered appropriate as determined by the Safeguarding Case Adjudication Panel in accordance with these Safeguarding Procedures.

Preamble

Rugby Africa believes that the welfare of all participants in the sport is paramount. Everyone has the right to participate in the sport free from harassment, abuse, neglect, and exploitation. Rugby Africa will take all reasonable steps to prevent such harm and respond effectively to any safeguarding concerns.

These Safeguarding Procedures give Rugby Africa the power to make orders imposing safeguards, limitations and/or restrictions on individuals enabling Rugby Africa to fulfil this commitment, to respond effectively to any safeguarding concerns, ensuring that safe, happy and positive environments are created for individuals.

An independent Safeguarding Case Management Group will be appointed to investigate and make decisions in relation to safeguarding concerns. Member of the group will be appointed to Investigative Panels who will investigate reported safeguarding concerns whilst other members will be appointed to separate Adjudication Panels who will review investigations, assess risk, and make orders relating to safeguards, limitations and/or restrictions, sanctions and other matters.

Rugby Africa's Safeguarding Manager will receive safeguarding concerns and request that the Chairperson of the Safeguarding Case Management Group appoint members to separate Investigative and Adjudication Panels.

Members of the Case Management Group may sit as an Exceptional Material Panel from time to time in order to decide whether exceptional material which has not been sent to the individual who is the subject of a Safeguarding Concern is nevertheless sent to other members of the Adjudication Panel who will be responsible for reviewing the matter and deciding on the appropriate Safeguarding Order.

Decisions of the Adjudication Panel may be appealed to an Appeal Panel constituted under Rugby Africa's Judicial and Disciplinary Regulations.

1. Safeguarding Procedures

1.1. These Safeguarding Procedures are established to deal with Safeguarding Concerns in relation to covered persons.

1.2. Safeguarding Concerns may arise from prohibited conduct that took place at any time in the past or present and shall be dealt with pursuant to these procedures whenever that conduct occurred.

1.3. Member Unions must comply with Rugby Africa's Safeguarding Policy.

1.3.1. Save for the application of these Safeguarding Procedures, Member Unions are responsible for managing Safeguarding Concerns in their Country and for dealing with Safeguarding Concerns relating to Member Union Officials, players and player support personnel in their jurisdiction under their own Safeguarding policies and procedures. Rugby Africa's Safeguarding Policy requires Member Unions to adopt and implement procedures for the investigation and prosecution of reported Safeguarding Concerns in their territories.

2. Application of the Safeguarding Procedures

2.1. The Safeguarding Procedures shall apply to and are binding on covered persons. Any person involved in Rugby Africa in any capacity is considered a "covered person" under Rugby Africa's safeguarding policy, either because they are protected by it or because they are bound by it. Covered persons include, but are not limited to, postholders, administrative staff, Member Unions, coaches, referees, officials, volunteers, technical staff, players and participants, contractors, consultants, and service providers.

2.2. Covered persons include any person(s) who is or has been the subject of a decision in relation to a Safeguarding Concern by a Member Union or other competent authority which may make decisions in relation to safeguarding players in the relevant jurisdiction and who (a) is believed by the Safeguarding Investigative Panel to be seeking to move to the Country or Territory of another Member Union to evade any ban, suspension or restriction from working in Rugby; or (b) is considered by the Safeguarding Case Investigative Panel to present a risk of harm to those involved in Rugby in the Country of another Member Union.

2.3. The Safeguarding Adjudication Panel shall decide in its absolute discretion whether to pursue a matter in accordance with Rugby Africa's jurisdiction, where:

2.3.1. A Member Union which has a policy and procedures for safeguarding participants, does not, in the opinion of Rugby Africa, safeguard such participant (e.g. by taking any disciplinary action).

2.3.2. A Member Union does not have a policy and procedures for safeguarding participants.

2.3.3. The safeguarding concern arises during a Rugby Africa Tournament or Activity.

3. Prohibited Conduct

3.1. The following conduct shall be considered to be behaviours that are subject to these Safeguarding Procedures:

3.1.1. Abuse, Harassment or Exploitation.

3.1.2. Any criminal offence or breach of any other applicable laws or regulations which would give rise to a Safeguarding Concern.

3.1.3. A breach of Rugby Africa's Safeguarding Policy or Code of Conduct.

3.1.4. A breach of the appropriate/relevant Member Union Safeguarding policy or code of conduct

3.1.5. Failure by a concerned person to report any Safeguarding Concern, suspicion or allegation.

3.1.6. Knowingly making or encouraging someone else to make, a false or misleading report of possible Prohibited Conduct is a breach of these Safeguarding Rules and will be dealt with in the same way as any other Prohibited Conduct

3.1.7. Abuse of process and/or breach of confidentiality in relation to a Safeguarding Concern.

3.1.8. Failing to comply with any Safeguarding Order; and/or assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Safeguarding Rules whether or not such attempt in fact results in a breach.

4. Management of Safeguarding Concerns

4.1. Rugby Africa's Safeguarding Manager is responsible for administration of the Procedures for Safeguarding Case Management.

4.2. Rugby Africa will establish a Safeguarding Case Management Group comprising a minimum of eight (8) and a maximum of twelve (12) qualified persons independent of Rugby Africa's Executive Council and Staff.

4.3. Rugby Africa will appoint one person with legal or judicial experience as the Chairperson of the Safeguarding Case Management Group.

4.4. Members of the Safeguarding Case Management Group will possess a range of suitable skills and cultural backgrounds. Suitable skills include legal or judicial experience (lawyers, magistrates, legal advisors), safeguarding / child protection / social work / welfare / psychology / social care experience, experience in dealing with sensitive / disciplinary issues or vulnerable people, familiarity with sport or sports administration (to understand context), and capacity for independent, fair, proportionate decision-making.

4.5. Individuals will be appointed for a specified term of four years and may serve for a maximum of three terms of four years.

4.6. All those appointed to the Case Management Group must be eligible in accordance with the Safeguarding Vetting Procedures and must be Independent.

4.7. A Safeguarding Case Management Group member can be assigned to either a Safeguarding Case Investigative Panel (hereinafter referred to as the Investigative Panel) or a Safeguarding Case Adjudication Panel (hereinafter referred to as the Adjudication Panel) for any safeguarding matter but cannot serve on both panels for the same case.

4.8. Membership of an Investigative Panel will comprise of Rugby Africa's Safeguarding Manager and two (2) members of the Safeguarding Case Management Group.

4.9. Membership of an Adjudication Panel will compromise three (3) members of the Safeguarding Case Management Group of which one (1) shall have will possess legal or judicial experience and will be appointed as the Panel Chairperson.

4.10. The Investigative Panel and Adjudication Panel will meet as often as necessary to consider any Safeguarding Concerns which arise under these Safeguarding Procedures.

4.11. The Chairperson of the Safeguarding Case Management Group may sit as a single member of an Investigative Panel or an Adjudication Panels in appropriate cases.

4.12. No member of the Safeguarding Case Management Group may be appointed to an Investigative Panel or an Adjudication Panel if they:

4.12.1. Are no longer Eligible in accordance with the Vetting Rules.

4.12.2. Have any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or

4.12.3. have had any prior involvement with any fact or aspect of the case; or are of the same nationality as a person being investigated for or that is the victim of a Safeguarding Concern; or

4.12.4. Are someone whose impartiality or independence could reasonably be questioned (as determined by the Chairperson).

4.13. If a member of the Safeguarding Case Management Group is, for whatever reason, unable, unwilling or unfit to continue to sit on an Investigative Panel or an Adjudication Panel, the Chairperson may in their absolute discretion appoint another member of the Safeguarding Case Management Group to replace that member in that case.

5. Safeguarding Concerns

5.1. Any alleged Safeguarding Concern relating to a covered person must be reported to Rugby Africa's Safeguarding Manager as soon as reasonably possible.

5.2. In addition to any reported Safeguarding Concern, Rugby Africa's Safeguarding Manager may consider any information that has come to their attention by whatever means that indicates (on its own or with other information) a possible Safeguarding Concern.

5.3. Safeguarding concerns can be reported through any Rugby Africa's safeguarding reporting channels, as published on the Rugby Africa website, which include:

5.3.1. A designated phone number and / or email address SafeSport@rugbyafrique.com .

5.3.2. An online reporting form.

5.3.3. A Safeguarding Report Form which can be emailed or mailed to Rugby Africa's Safeguarding Manager.

5.3.4. Reporting in person to a designated safeguarding officer including at a Member Union or at a Rugby Africa Tournament.

5.4. The Rugby Africa Safeguarding Manager shall acknowledge receipt of the report and, as far as reasonably possible, conduct an initial review within 24 hours.

6. Initial Review

6.1. Rugby Africa's Safeguarding Manager will carry out an initial review of the information promptly in order to determine if the alleged Safeguarding Concern falls within these Safeguarding Procedures.

6.2. As part of the initial review, Rugby Africa's Safeguarding Manager will:

6.2.1. assess if the alleged victim(s) is in immediate danger and if so, inform local police or law enforcement at the affected person's location.

6.2.2. review any mandatory reporting requirements relating to the Safeguarding Concern in the country where the alleged victim is located and if so will report the matter to the relevant authorities.

7. Investigative Panel

7.1. Following receipt of a Safeguarding Concern, Rugby Africa's Safeguarding Manager will request that the Chairperson of the Safeguarding Case Management Group appoints two members to an Investigative Panel whom together with the Safeguarding Manager will manage the investigative phase in respect of the concern.

7.2. The Investigative Panel will review the reported concern and determine whether to:

7.2.1. Refer the case to the police, other relevant authorities and/or regulatory bodies where the concern meets the relevant criminal threshold or there are mandatory reporting requirements, if not already done during the initial review.

7.2.2. Refer the case to the relevant Member Union for the case to be managed under the Member Union's safeguarding and disciplinary policies.

7.2.3. Refer the complaint to another organization where such organisation has jurisdiction such as a National Sports Integrity body.

7.2.4. Proceed with an internal investigation.

7.2.5. Issue an interim protective order including the suspension of an accused person from participation in the sport.

7.2.6. Issue a warning or reminder where a case is considered a low-level concern.

7.2.7. Dismiss the complaint if there is insufficient evidence or it is insufficiently serious to require further action.

8. Interim Protective Measures

8.1. An Investigative Panel may impose interim protective measures, including the provisional suspension of a person from participation in the sport, where one or more of the following circumstances apply:

8.1.1. The person is believed to present a risk to participants in the sport.

8.1.2. The integrity and proper functioning of Rugby Africa, its Member Unions, or partners is placed at risk.

8.1.3. The persons ongoing presence may hinder investigations into the concern that has been raised.

8.2. Interim protective measures will remain in place during the period of investigation into the matter. Following completion of the investigation, interim protective measures may be confirmed by an Adjudication Panel, modified, or set aside.

9. Investigation

9.1. The Investigative Panel will approve the Safeguarding Manager or a suitably qualified independent investigator to conduct an internal investigation into the reported concern.

9.2. Grounds do not need to be given for the initiation of an investigation into a Safeguarding Concern, and the decision may not be contested.

9.3. As soon as reasonably practical following commencement of any investigation, the Investigation Panel shall take reasonable steps to inform the victim(s), and where appropriate the whistleblower if a separate person, of the processes under these Safeguarding Procedures, including the roles of the Investigative Panel, Adjudication Panel and any Appeal Panel appointed to hear appeals from its decisions.

In addition, the Safeguarding Manager will take reasonable steps to keep the victims and whistleblowers appraised from time to time of the progress of the matter and the outcomes of it.

9.4. All covered persons shall cooperate fully, promptly and in good faith with any safeguarding investigation conducted under these procedures. For the purpose of a safeguarding investigation, Rugby Africa (or any investigator or panel appointed by it) may require any person subject to its jurisdiction to:
a) provide information, written explanations or statements
b) produce documents, records, communications or other relevant material (whether in physical or electronic form)
c) attend interviews or meetings (in person or remotely)
d) identify and facilitate access to relevant witnesses or evidence

Such requests shall be proportionate and limited to matters reasonably connected to the investigation.

9.5. The duty to cooperate applies regardless of resignation, deregistration, suspension, transfer to another Member Union, or cessation of involvement in rugby, where the alleged conduct occurred during the period of jurisdiction.

9.6. Failure, refusal, or unreasonable delay in complying with a request made under these procedures — including providing false, misleading or incomplete information — shall constitute a separate and independent breach of these procedures and may result in disciplinary action, irrespective of the outcome of the underlying safeguarding matter.

9.7. The investigator shall report back to the Safeguarding Investigative Panel in writing with their findings and recommendations.

9.8. The Safeguarding Investigative Panel will take all reasonable steps to commence and carry out the investigation promptly and without any undue delay.

9.9. Investigations will be conducted using a trauma informed approach which prioritises the physical and emotional safety of victim(s) and seeks to avoid re-traumatization during the process.

9.10. Where a reported concern has been referred to the police or law enforcement, care will be taken by the investigator not to compromise any legal investigation. The appointed investigator will liaise with the investigating officer from the police/law enforcement to ensure that the internal investigation can proceed safely.

9.11. Rugby Africa may suspend or defer a safeguarding investigation, in whole or in part, where continuing the investigation would prejudice or interfere with an ongoing criminal investigation, judicial proceedings, or other official inquiry. An investigation may also be suspended where there are other legitimate and reasonable grounds

demonstrating that concurrent proceedings would be inappropriate, unfair, or contrary to the interests of justice.

9.12. Rugby Africa may determine that a safeguarding investigation and/or disciplinary proceedings continue notwithstanding the existence of related criminal investigations or judicial proceedings, where it considers that doing so is appropriate and necessary to protect participants, safeguard the integrity of the sport, or serve the interests of justice. In making such determination, Rugby Africa shall have regard to the risk of prejudice to any criminal process, the rights of the respondent, the welfare of any affected person, and the need for timely safeguarding action.

9.13. The investigator may request information from the police or any other relevant body.

9.14. The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses.

9.15. The investigator will prepare a report which includes relevant evidence and recommendations on action to be taken.

9.16. The Investigative Panel shall consider the investigator's report and determine whether:

9.16.1. There is a case to answer, and the matter should be referred to an Adjudication Panel.

9.16.2. The case requires further investigation.

9.16.3. A risk assessment requires to be completed.

9.16.4. Instructions, advice, or guidance is provided to the relevant parties.

9.16.5. No further action need be taken.

9.17. Where there is a case to answer, the Investigative Panel will prepare a charge sheet for submission to the Adjudication Panel.

10. Adjudication Panel

10.1. The role of the Adjudication Panel is to:

10.1.1. review investigations by and recommendations made by the Investigative Panel and review representations from the individual who is the subject of an investigation (hereafter referred to as the respondent).

10.1.2. review and ratify interim protective measures or impose new protective measures.

1.1.1. request further information to be provided or further investigations to be made by the Investigative Panel. The Adjudication Panel may ask for further information to be provided or further investigations to be conducted where they do not consider the information to be sufficient to enable them to make a

decision as to the risk a person poses and/or the extent of Safeguarding Order or other orders and/or sanctions that could be imposed and/or how any risk could be mitigated. This may not extend to investigating matters outside of the jurisdiction of either Rugby Africa or the Investigative Panel.

1.1.2. determine all procedural matters for the conduct of a case it is considering pursuant to the following procedures.

1.1.3. decide whether to allow the respondent to address it in person pursuant to the following procedures.

1.1.4. make decisions in relation to exceptional material pursuant to the following procedures.

1.1.5. consider the recommendations of the Investigative Panel and make final Safeguarding Orders, other orders and/or sanctions pursuant to following procedures.

10.2. The Adjudication Panel has the power to make orders imposing safeguards, limitations and/or restrictions sanctions and other matters against covered persons.

10.3. The Adjudication Panel will review investigations by the Investigative Panel, assess risk and make orders relating to safeguards, limitations and/or restrictions, sanctions and other matters.

10.4. The Adjudication Panel will review interim protective orders, may extend such orders, dismiss them or impose new interim orders.

10.5. Decisions of the Adjudication Panel may be appealed to an Appeals Panel constituted under Rugby Africa's Judicial and Disciplinary Regulations.

11. Adjudication Panel Procedures

11.1. The Adjudication Panel may ask for further information to be provided or further investigations to be conducted where they do not consider the information to be sufficient to enable them to make a decision as to the risk a person poses and/or the extent of Safeguarding Order or other orders and/or sanctions that could be imposed and/or how any risk could be mitigated. This may not extend to investigating matters outside of the jurisdiction of either Rugby Africa or the Investigative Panel.

11.2. The Adjudication Panel will determine all procedural matters for the conduct of a case it is considering. Unless the Adjudication Panel in its discretion exceptionally allows the individual and a representative of the Safeguarding Case Investigative Panel and/or any victim or witness to address it in person, the case shall be considered on the basis of the following written material and documentary evidence only:

11.2.1. the written notification and all written material and documentary evidence provided with it by the Investigative Panel to the respondent;.

11.2.2. the reply, if any, and all other written material and documentary evidence submitted by the respondent in response to the written notification; and

11.2.3. any further written material and documentary evidence provided by the Investigative Panel to the respondent subsequent to the written notification; and

11.2.4. any response from the respondent to such further written material and documentary evidence and all other written material and documentary evidence submitted with that response.

11.3. In exercising its discretion as to whether to exceptionally allow the respondent and a representative of the Investigative Panel to address it in person, whether that be as a result of an application made by either party or otherwise, or to hear from a witness or victim, the Adjudication Panel will give consideration, inter alia, to the following factors:

11.3.1. whether the Safeguarding Order or other order and/or sanction under consideration would affect the individual's paid employment or engagement within Rugby, in which case the individual and the representative of the Safeguarding Case Investigative Panel will be entitled to address the Safeguarding Case Adjudication Panel in person.

11.3.2. whether any protective measures need to be put in place should the Safeguarding Case Adjudication Panel decide to hear from a victim or witness who is willing to address it in person.

11.3.3. whether exceptional material is to be put before the Adjudication Panel.

11.4. If the Adjudication Panel allows a respondent and a representative of the Investigative Panel to address it in person in accordance, those involved with the case are entitled to be represented by legal counsel and/or any other representative(s) before the Adjudication Panel at their own expense.

12. Exceptional Material

12.1. As a general rule the Adjudication Panel may not consider any material (written, photographic, video, electronic or audio evidence) which is provided either by the Investigative Panel as a result of its investigation or by the respondent which the other party has not seen and had a reasonable opportunity to respond to.

12.2. In exceptional circumstances, the Investigative Panel may make an application for permission to submit material to the Adjudication Panel that has not been sent to the individual ("exceptional material") where the Investigative Panel considers that

the exceptional material should not be sent to the individual for any one or more of the following reasons:

12.2.1. revealing it to the respondent may create a risk of harm to any person(s);

12.2.2. and/or revealing it to the respondent may amount to a criminal offence or otherwise be unlawful.

12.3. The Safeguarding Manager must give the respondent fourteen (14) days' notice of an application by the Investigative Panel to submit exceptional material unless doing so may:

12.3.1. create a risk of harm to any person(s);

12.3.2. and/or amount to a criminal offence or otherwise be unlawful.

12.4. On receipt of an application relating to exceptional material from the Investigative Panel, the Chairperson will appoint one or more members of the Safeguarding Case Management Group to sit as an exceptional material panel ("Exceptional Material Panel") to decide to allow or reject the application in whole or in part.

12.5. If the application is allowed, then the Exceptional Material Panel must consider whether the material should be redacted (in whole or in part) and whether a summary of the material should be provided as an alternative or in addition to the redacted version.

12.6. A person who sits on an Exceptional Material Panel determining an application, may not be a member of the Investigative or Adjudication Panels assigned to the case.

13. Final Safeguarding Orders, other order and/or Sanctions

13.1. Following the completion of an investigation by the Investigative Panel and review of all written material before it, the Adjudication Panel will consider the recommendation of the Investigative Panel (including if it recommends a final Safeguarding Order or other orders and/or sanction be imposed) and reach a decision accordingly.

13.2. The Adjudication Panel may decide to accept the Investigative Panel's recommendation, vary or reject it. The Adjudication Panel may also refer the matter back to the Investigative Panel for further investigation. The Adjudication Panel may increase, decrease or remove any existing interim Safeguarding Order or other order and/or sanction imposed or vary any of the terms or conditions related to an existing interim Safeguarding Order or other order and/or sanction.

13.3. The Adjudication Panel may decide to impose a final Safeguarding Order or other order and/or sanction for a specific period of time or for an indefinite period of time. If the final Safeguarding Order or other order and/or sanction is for an indefinite period of time, a condition may be imposed prescribing how long (if ever) before

the individual may apply for the final Safeguarding Order or other order and/or sanction be reviewed and potentially lifted.

13.4. The Adjudication Panel may decide to impose conditions in a final Safeguarding Order or other order and/or sanction in relation to an individual's continuing participation in certain Rugby activities including specifying in relation to which types of players or other person the participation may be allowed. The Adjudication Panel may also impose a requirement to attend a training course relevant to any Safeguarding Concern raised and/or any Safeguarding Order made within a specified period of time before returning to Rugby activity.

13.5. The Adjudication Panel has the remit to impose any final Safeguarding Order or other order and/or sanction they consider appropriate in the circumstances and is not limited in its choices.

14. Appeals

14.1. The individual who is the subject of a Safeguarding Order (whether interim or final) or other order and/or sanction by the Investigative Panel and Adjudication Panel may appeal such decision under Rugby Africa's Disciplinary and Appeal Tribunal Rules.

14.2. To bring an appeal under Rugby Africa's Disciplinary and Appeal Tribunal Rules, the individual must give notice in writing to the Disciplinary and Appeals Tribunal within fourteen (14) days of notification of the Safeguarding Order or other order and/or sanction. The notice must include the grounds for the appeal together with any supporting documentation.

14.3. On lodging an appeal an individual will have fourteen (14) days to provide any additional information to be considered by the Appeal Panel ("submission period"). The Safeguarding Manager may then submit any information it wishes to rely on within fourteen (14) days after the end of the individual's submission period.

14.4. Any sanctions imposed by the Investigative Panel and Adjudication Panel will remain in force until the matter is considered and a decision issued by the Appeal Panel constituted under the Disciplinary and Appeal Tribunal Rules.

14.5. Rugby Africa may appeal any decision of the Investigative Panel and Adjudication Panel to the Disciplinary and Appeals Tribunal within fourteen (14) days of the decision and will have a further fourteen (14) days to provide any additional information to be considered by the Appeal Panel ("submission period"). The individual may then submit any information they wish to rely on within fourteen (14) days after the end of Rugby Africa's submission period.

14.6. Where an appeal is lodged within the fourteen (14) day deadline, an Appeal Panel shall be set up, and the appeal process and hearing shall be conducted in accordance with the Judicial and Disciplinary Regulations.

14.7. The chair of the Appeal Panel may make any directions concerning the conduct of the appeal hearing including with regard to the provision of evidence by the victim of a Safeguarding Concern as they consider appropriate.

14.8. The appeal shall be limited to consideration of whether the decision by the Investigative Panel or Adjudication Panel to impose a Safeguarding Order or other order and/or sanction is one that has no reasonable basis in all of the circumstances.

14.9. The Appeal Panel shall have the powers in relation to Safeguarding Orders set out in the Judicial and Disciplinary Regulations.

14.10. In the event that an appeal is partially or wholly successful, the Appeals Panel shall communicate the amended Safeguarding Order or other order and/or sanction to the appellant. Should the Appeals Panel decide to remit the matter back to the Investigative Panel or Adjudication Panel for further consideration, the Investigative Panel will consider the next steps and communicate these to the appellant.

14.11. The decision of the Appeal Panel will be final, and binding and no further appeal will be allowed.

15. Non-Recent Abuse

15.1. Rugby Africa recognises that concerns or disclosures of abuse may arise many years after an incident occurred. All reports of non-recent abuse will be taken seriously and handled with the same care, sensitivity, and commitment to safeguarding as current cases. Individuals are encouraged to come forward whenever they feel able, regardless of how much time has passed since the alleged incident.

15.2. While criminal or civil statutes of limitation may restrict certain legal proceedings, these limitations do not affect Rugby Africa's responsibility to act on safeguarding concerns. The organisation may initiate internal safeguarding procedures, risk assessments, or disciplinary action at any time—irrespective of when the alleged abuse took place—where there is a reasonable concern that a person poses or may pose a risk to children or adults at risk.

15.3. Where allegations involve possible criminal conduct, Rugby Africa will refer or assist the affected person(s) to report the matter to the relevant statutory authorities (e.g., police, child protection services, or equivalent), even in circumstances where statutory time limits may prevent prosecution. Decisions about criminal or regulatory action rest solely with the competent authorities.

15.4. Rugby Africa will offer or signpost appropriate support services to anyone affected by non-recent abuse, including counselling or advocacy services. Individuals will be treated respectfully and listened to without judgement, recognising the emotional difficulty involved in raising concerns from the past.

15.5. All reports of non-recent abuse will be recorded securely, in accordance with data protection requirements, and retained as part of the organisation's safeguarding records. These records may be used to inform future safeguarding decisions and risk management.

16. Criminal Convictions and Member Union Findings of Fact

16.1. Rugby Africa shall establish that an incident of harassment, abuse, or exploitation has occurred where:

16.1.1. a participant is convicted of a criminal offence

16.1.2. a participant was found through civil proceedings on the balance of probability to have committed an act of harassment, abuse or exploitation

16.1.3. a Member Union or other organisation authorised to deal with a complaint under these procedures has determined that an allegation(s) of harassment or abuse against a covered person is/are proven.

16.2. An Adjudication Panel having considered any written representations made by the participant and any other affected parties, may further investigate the case if needed or determine based on the criminal conviction that it is appropriate for Rugby Africa to impose a sanction relating to Rugby Africa activities.

16.3. An Adjudication Panel may apply the Member Union sanction to some or all Rugby Africa activities or determine its own sanction(s).

16.4. Any sanction imposed by Rugby Africa shall be subject to a right of appeal in accordance with Rugby Africa's Judicial and Disciplinary Regulations.

17. Confidentiality

17.1. The members of the Investigative Panel, Adjudication Panel, Exceptional Materials Panel, or Appeals Panel must ensure that everything disclosed to them during the course of their duties remains confidential, including the facts of any case and any deliberations or decisions that are taken.

17.2. The members of the Investigative Panel, Adjudication Panel, Exceptional Materials Panel, or Appeals Panel must not disclose the existence of, or make any statements relating to:

17.2.1. any case that is before the Investigative Panel, Adjudication Panel, Exceptional Materials Panel, or Appeals Panel; or

17.2.2. any case that has been decided by the Adjudication Panel or Appeals Panel.

17.3. All cases dealt with under these Safeguarding Procedures must be kept confidential, and neither the Adjudication Panel, Appeals Panel, nor any Member Union, nor any person involved with any case may publicly comment on any facts

of a case. Any witnesses must keep confidential any document or information which they receive as a result of their participation in any such proceedings.

18. Decisions

18.1. Decisions of the Safeguarding Case Adjudication Panel and of any Appeal Panel must be made promptly and will be made in writing and sent to all parties involved.

18.2. Where a sanction is imposed, the decision will give the reasons for its imposition, details of the terms and conditions imposed, including the date it will take effect and the end date (if one has been prescribed), and information as to any right of appeal and the time within which any appeal must be lodged.

18.3. Decisions may be made public if it is considered appropriate to do so to protect participants, promote transparency and accountability, uphold the integrity of the sport, or serve the public interest.

18.4. Decisions may only made public following consultation with the individual(s) harmed by the Prohibited Conduct and the other agencies or organisations involved. If a matter is dismissed or an individual exonerated this may be made public only if the individual exonerated agrees to the disclosure.

18.5. Any published decision shall:

18.5.1. be proportionate and limited to information reasonably necessary to achieve the purpose of publication

18.5.2. exclude the identity and identifying details of victims, complainants, and minors

18.5.3. comply with applicable data protection and confidentiality obligations

18.5.4. omit sensitive information where publication would pose a risk to the welfare or safety of any person.

18.6. If the decision is not made public, any agencies or organisations who need to be, will be informed of the outcome of the matter, with clear rules regarding the confidentiality and disclosure of any of the information.

18.7. If local legislation requires the decision to be shared with other authorities or agencies, then this must be made clear to all parties that this will be done following the written decision of the Safeguarding Case Adjudication Panel or the Appeal Panel accordingly.

18.8. Rugby Africa will inform World Rugby and the appropriate Member Union(s) of decisions of the Safeguarding Case Adjudication Panel or the Appeal Panel accordingly. The Member Union will be advised about informing any clubs, associations or other organisations as appropriate.

ENDS