



**KENYA ACADEMY OF SPORTS**  
*Beyond sporting talent*

---

# POLICY *for* SAFEGUARDING IN SPORTS

---



**german  
cooperation**  
DEUTSCHE ZUSAMMENARBEIT

Implemented by

**giz** Deutsche Gesellschaft  
für Internationale  
Zusammenarbeit (GIZ) GmbH





## FOREWORD

In the recent past, Kenyan sport has witnessed cases of athlete abuse and some even ending in tragic death. The worrisome trend has caught the country's attention and this needs to be addressed.

This trend in sports is unacceptable. My Ministry has undertaken to ensure our athletes are protected and cared for the best way possible. Hosting of the *Agnes Tirop* conference in January 2022 elucidated the need for stringent measures in the way athlete issues are handled.

A general outlook in our country reveals that most organisations and institutions involved in matters sports do not have underpinning guidelines on how to ensure safe practice of sports and how to handle victims of abuse and their perpetrators.

All stakeholders must join hands and move towards creating safeguards against harm and abuse in sports. Major organizations globally now officially recognize that children and vulnerable youth in sport can be at risk of exploitation and abuse. This has necessitated the development of vital tools with general guidelines for domestication by individual countries, federations.

This far, I would like to thank the Kenya Academy of Sports for pioneering this issue in our country. This policy will definitely serve as a benchmark and stepping stone towards a national safeguarding in sports policy.

**Hon. Amb. (Dr.) Amina Mohamed, EGH, CAV**  
**Cabinet Secretary,**  
**Ministry of Sports, Culture and Heritage.**



## **ACKNOWLEDGEMENT**

I take this opportunity to acknowledge each and every one who contributed towards the development of this policy. It is yet another milestone that ensures creation of a holistically safe environment for all children and vulnerable adults practising sports.

The process has involved stakeholders across the sports spectrum, specifically sports administrators and sports officials from federations, sports training academies, County sports officials, sports clubs and community-based Sport for Development (S4D) organisations. The Academy greatly appreciates the technical support from GIZ S4DA which enabled the development of this policy. It is hoped that this document will ably enhance our practices towards safeguarding children and other vulnerable persons from harm and abuse in sports at the Academy and all its affiliates.

**Dr. Doreen Odhiambo, PhD.**

**CHIEF EXECUTIVE OFFICER.**

## APPROVAL

This policy is written and produced for  
Kenya Academy of Sports  
P.O. Box 9056-00200  
Telephone: + 254 - 57 2501804 / 2058000  
Email: info@kas.or.ke  
Website: <http://www.kas.or.ke>

<b>Policy Title:</b>	The Kenya Academy of Sports Safeguarding in Sports Policy
<b>Policy Theme:</b>	This policy establishes the framework for protection of athletes and vulnerable adults involved in sports from harassment, harm or abuse.
<b>Policy Contact:</b>	CEO, Kenya Academy of Sports
<b>Date policy comes into effect:</b>	The first working day following the date of approval by the Council.
<b>Reference No:</b>	.....
<b>Status:</b>	.....

### Approved:

	Sign	Date	Minute
Chief Executive Officer	.....	.....	.....
Council Chairperson	.....	.....	.....

# TABLE OF CONTENTS

<b>FOREWORD</b>	<b>i</b>
<b>ACKNOWLEDGEMENTS</b>	<b>ii</b>
<b>APPROVAL</b>	<b>iii</b>
<b>ACRONYMS AND ABBREVIATIONS</b>	<b>v</b>
<b>PREAMBLE</b>	<b>vi</b>
A: About KAS	vi
B: Rationale	vii
<b>SECTION ONE- INTRODUCTION</b>	<b>1</b>
1.1 Overview	1
1.2 Background	1
1.3 Legal Context	3
1.4 Definitions	4
1.5 Objectives of the Policy	6
<b>SECTION TWO - POLICY OPERATION</b>	<b>7</b>
2.1 Scope	7
2.2 Roles & Responsibilities	7
2.3 Measures for Reporting & Responding to Concerns	9
<b>CHAPTER THREE - MONITORING AND EVALUATION</b>	<b>14</b>

## **ACRONYMS AND ABBREVIATIONS**

<b>KAS</b>	Kenya Academy of Sport
<b>IOC</b>	International Olympic Committee
<b>UN</b>	United Nations
<b>FIFA</b>	Fédération Internationale de Football Association
<b>MOE</b>	Ministry of Education
<b>MOSCH</b>	Ministry of Sports Culture and Heritage
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (a German Society for International Co-operation)
<b>UNICEF</b>	United Nations Children’s Fund, originally known as the United Nations International Children’s Emergency Fund
<b>UNESCO</b>	United Nations Educational, Scientific, & Cultural Organisation

## PREAMBLE

### A: About KAS

<b>Mandate:</b>	The Kenya Academy of Sports is a State Corporation established under Section 34 of the Sports Act No. 25 of 2013 (Rev. 2019), with a mandate to pursue elite sports performance through the establishment and management of sports training academies; talent identification and development; training of sports technical and administration personnel; as well as conducting/promoting research in sports.
<b>Vision:</b>	Global excellence in sports talent development
<b>Mission:</b>	To develop talent through establishment and management of sports academies, training and research for global competitiveness and sustainable socio-economic growth.
<b>Values:</b>	<ul style="list-style-type: none"><li>• Meritocracy</li><li>• Teamwork</li><li>• Professionalism</li><li>• Innovation</li><li>• Collaboration</li></ul>
<b>Functions:</b>	<ul style="list-style-type: none"><li>• To establish and manage sports training academies;</li><li>• To organize, administer and coordinate sports courses for technical and sports administration personnel;</li><li>• To promote research and development of talent in sports, in collaboration with institutions of higher learning, national sports organizations and other stakeholders;</li><li>• To collect, collate, store and disseminate tangible and intangible historical sports materials to the public, sports organizations, researchers, and institutions of learning.</li><li>• To receive and analyze data on training requirements from sports organizations.</li><li>• To link with other institutions and organizations for regular updates on the current sports trends.</li><li>• To perform any other function that may directly or indirectly contribute to the attainment of the foregoing.</li></ul>



## B: Rationale

As the International community endeavours to create safeguards in sports, efforts by IOC, FIFA, WA, Kazan Action Plan, African Union Sports Council and other initiatives have led to significant leap towards the development of policies in safeguarding in sports. Kenya being a sporting nation with great potential in sports talent, needs to align to the international trends regarding safeguarding in sports.

The findings of a study conducted by Kenya Academy of Sports (KAS) in February 2020 to assess the need for safeguarding of athletes in sports revealed a significantly high prevalence of athletes' maltreatment in Kenya. Furthermore, a Baseline Study conducted by KAS in July 2020 to assess the status of safeguarding practice in Kenya, found that 35% of sports organizations did not have safeguarding guidelines while those that had, lacked mechanisms for enforcing the same.

The Kenya Academy of Sports in exercise of its mandate deals directly with young athletes who need to be safeguarded from harassment, harm or abuse of their rights and privileges. This policy therefore seeks to provide a guiding framework to enhance the practice of safeguarding in sports in Kenya.

## SECTION ONE- INTRODUCTION

### 1.1 Overview.

This section deals with the background, legal context, objectives of the policy and definitions.

### 1.2 Background

#### **Right to safe sport.**

a. All persons who participate in sport in Kenya have the right to enjoy a safe and supportive sport environment as it is in such conditions that athletes are most likely to flourish and optimize their sporting performance. Harassment, abuse, and exploitation (non-accidental harm or violence) are violations of human rights, regardless of cultural setting, that damage both individual and organizational health.

#### **Incidences of non-accidental harm.**

b. Whilst sport offers significant potential for personal and social benefits, this potential is undermined where non-accidental harm occurs. Harassment, abuse and exploitation, which may be both sexual and non-sexual in nature occurs in sport worldwide. In sport, non-accidental harm gives rise to suffering for athletes and others, and to legal, financial and moral liabilities for sport organizations. No country and no sport are immune to these problems which occur at every level of performance and participation.

#### **Shared responsibility.**

c. Everyone in sport shares the responsibility to identify and prevent harassment, abuse and exploitation and to develop a culture of dignity, respect and safety in sport.

d. Sport organizations are gatekeepers to safety and should demonstrate strong leadership in identifying and eradicating harmful practices. A healthy sport system that empowers athletes can contribute to the prevention of harassment, abuse and exploitation inside and outside sport.

e. There is a duty to protect, respect and fulfil the human rights of all involved in the delivery of physical education, physical activity and sport.

f. Some sports programmes involve increased risk to children and vulnerable adults such as programmes for elite young athletes or sport for development programmes that work with vulnerable children and adults. All sports organizations have a responsibility to ensure that participants can play sport in a safe environment free from harassment, harm, abuse or exploitation.

g. Millions of children, young people and vulnerable adults take part in sporting activities every day across the world for various reasons. These include; recreation, for fun, for development and future career either as talented athletes, as coaches or as officials. Sport may also be used as a vehicle for diverting young people from antisocial or criminal behaviour.

**Shared responsibility.**

- h. Around the world in recent years, victims of all forms of violence in sport have started to get their voices heard and responded to. Previously, there has been little questioning of the perception that sport is only a force for good. Whilst internationally, there has been a growing effort in sport since the 1990s to ensure sports organizations had put in place systems and structures to safeguard participants from no-accidental harm and to respond to complaints, Africa has been slow to adopt international standards of safeguarding in sport. The adoption of this policy will establish Kenya Academy of Sports as a leader in the safeguarding of participants in sport in Kenya.
- i. Safeguarding is the responsibility of organizations to make sure their staff, volunteers, operations, and programmes do no harm to children or other vulnerable groups, or expose them to harassment, abuse, or exploitation. It is best practice to think about how we always safeguard everyone in our organizations including protecting staff and volunteers from inappropriate behaviour such as bullying and harassment.
- j. Harassment, abuse, or exploitation also referred to as Harassment, harm or abuse takes place worldwide in all cultures and environments. There is growing evidence of recent and non-recent incidents of Harassment, harm or abuse occurring at all levels of sport.

**Need for protective measures**

- k. Harassment, harm or abuse in sport is recognized as a problem globally including in Kenya and although any participant in sport can be affected, research confirms that some groups are especially vulnerable including children, women and athletes living with disability.
- l. Harassment, abuse, or exploitation can have significant long-term negative impacts on athlete participation and performance as well as general health and well-being, particularly if the athlete has not been able to disclose their experiences or access support
- m. There is a higher risk of harassment, abuse or exploitation occurring where there is lack of protective measures in place. This means that those who have the motivation to cause harm to others can do so without restrictions and consequences.

**Purpose.**

- n. The eventual purpose of this policy is to embed measures in the Kenya Academy of Sports and all sports organizations affiliated to KAS, aimed at safeguarding all who participate in sport.

## 1.3 Legal Context

1. Sport is a fundamental right, as the right to play and to participate in sport has been embodied in United Nations (UN) instruments such as the Convention on the Rights of the Child; the Convention on the Elimination of all forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, the UNESCO Charter on Sport, Physical Education and Physical Activity, Kazan Action Plan and Kenya Physical Education and Sports Policy 2021. It is recognized as a right, which all Governments should make available to their people. All role-players in Kenyan sport should fulfill their responsibilities in this regard.
2. Members of the Commonwealth have affirmed that maximizing the positive impact of sport in society requires collective action to promote good governance, protect human rights and especially safeguard all sports participants from abuse and Harassment, harm or abuse.
3. The International Olympic Committee (IOC) Consensus Statement: Harassment and Abuse in Sport (2016) highlights that “It is incumbent upon all stakeholders in sport both to adopt general principles for safe sport ... and to implement and monitor policies and procedures for safe sport ... which state that: all athletes have a right to be treated with respect, protected from Harassment, harm or abuse ...” The IOC Basic Universal Principles of Good Governance encompass safeguarding and makes it compulsory for organizations that belong to the Olympic movement to adopt these principles, implement relevant measures, and monitor compliance.
4. The African Union Agenda 2063 has the aspiration for the continent: An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children. It is envisaged that by 2063 all the citizens of Africa will be actively involved in decision making in all aspects. Africa shall be an inclusive continent where no child, woman or man will be left behind or excluded because of gender, political affiliation, religion, ethnic affiliation, locality, age, or other factors. All the citizens of Africa will be actively involved in decision making in all matters that affect them.
5. The African Union has identified the broader use of sport as a vehicle for development, integration, and social cohesion, in particular focusing on youth, girls and women in Africa, as well as a tool for cooperation, solidarity, progress and the development of the continent.
6. The Constitution of Kenya guarantees rights and freedoms of every person in Kenya including the right to freedom and security of the person, the right to human dignity and freedom from discrimination. The rights which are set out in Kenya’s Bill of Rights include protection from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment, punishment and hazardous or exploitative labour.
7. The Constitution of Kenya also recognizes that a child’s best interests are of paramount importance in every matter concerning the child. Kenya has ratified the United Nations Convention on the Rights of the Child and has implemented the convention through the development of policies, legal and institutional frameworks. This policy supports the rights of the child by implementing measures aimed at safeguarding children participating in sport.
8. The Sports Act 2013 (Rev. 2019) empowers the Kenya Academy of Sports to establish and manage sports training academies across the country, whose clientele are mainly young athletes. Through collaboration and coordination with the Sports Disputes Tribunal, the Sports Registrar and the Kenyan legal justice system, the Kenya Academy of Sports will endeavour to enforce compliance of safeguards in sports.

## 1.4 Definitions.

<b>Safeguarding:</b>	Policies and practices that organizations employ to keep children and vulnerable adults safe from harassment, harm or abuse, and to promote their well-being.
<b>Non-accidental violence:</b>	<ol style="list-style-type: none"><li>1. Can be expressed in five forms which may occur in combination or in isolation. These are defined in the IOC Consensus Statement (2016) as follows:<ol style="list-style-type: none"><li><b>a) Psychological abuse</b><p>Any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment, which may diminish an individual sense of identity, dignity, and self-worth</p></li><li><b>b) Physical abuse</b><p>Any deliberate and unwelcome act – such as punching, beating, kicking, biting, and burning – that causes physical trauma or injury. Such acts include forced or inappropriate physical activity (e.g. age, or physically inappropriate training loads, when injured or in pain), forced alcohol consumption or forced doping practices.</p></li><li><b>c) Sexual harassment</b><p>Any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Sexual harassment can take the form of sexual abuse.</p></li><li><b>d) Sexual abuse</b><p>Conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/ manipulated or is not or cannot be given.</p></li><li><b>e) Neglect</b><p>The failure of a coach or other person with a duty of care towards the athlete to provide a minimum level of care, which may cause harm, allow harm, or create an imminent danger of harm.</p></li></ol></li></ol>
	<ol style="list-style-type: none"><li>2. Harassment, harm or abuse can be based on any grounds including race or ethnic origin, culture, religion or belief, gender, sexual orientation, age, disability, socio-economic status, physical attributes, and athletic ability. It can include a one-off incident or a series of actions. It may be in-person or in a digital environment. Harassment may be intentional, unsolicited and/or coercive.</li><li>3. Harassment, harm or abuse often results from an abuse of authority, meaning the misuse of power by people in positions of trust, influence, or authority (perceived or actual) against another individual.</li><li>4. Some athletes may also carry out acts of Harassment, harm or abuse. For young people under the age of eighteen, peer abuse describes incidents when an athlete is exploited, bullied, cyber-bullied and/or harmed by another athlete or group of athletes of similar age.</li></ol>

**Harassment and abuse:**

The means and methods by which harassment and abuse is carried out include - contact, non-contact, verbal and via electronic communications. It may involve deliberate acts as well as failure to act and omissions or may take the form of grooming, trafficking, financial abuse, bullying or hazing which are defined as follows:

**a) Grooming**

Grooming in sport involves slowly gaining trust before systematically breaking down interpersonal barriers. Athletes can become trapped into compliance because they trust and like, or even love, their abusers. Grooming works by mixing positive behaviour with elements of abuse. Children and young people can be groomed online or in-person, by a stranger or by someone they know - a family member, friend, or a professional.

**b) Trafficking**

Where young athletes are recruited, moved, or transported and then exploited, forced to work, or sold. They are often moved away from their homes and forced to work.

**c) Financial Abuse**

Misappropriation of financial resources or abusive use of financial control, in the context of a relationship where there is an expectation of trust. Adults at risk, families living in poverty, women in unequal relationships and older persons can be at risk of financial abuse.

**d) Bullying**

Intentional behaviour usually repeated over time that hurts another individual or group.

**e) Hazing**

Hazing behavior is known to occur in many different types of social groups, including sports teams as a way of initiating a new person when they join the group or want to be socially accepted by their peers. This may involve harmful or humiliating actions that can lead to physical, sexual, or psychological harm

**Poor practice:**

1. Acts of Harassment, harm or abuse are more likely to occur in sporting environments where poor practice exists and is not challenged.
2. Poor practice is behaviour or in-action which may not always be immediately harmful, but which falls below required standards and/or codes of conduct and needs to be addressed.
3. It may lead to suspicions about an individual's motivation, even where no harm is intended such as being alone with a child or excessive or inappropriate touching. Poor practice can lead to a sporting environment that enables harassment, harm, or abuse to occur. Matters of poor practice should always be addressed to safeguard participants in sports.

<b>Complaint:</b>	Any incident, concern, allegation, or disclosure of harassment, harm, or abuse brought to the attention of KAS in accordance with this policy.
<b>Whistle blowing:</b>	When someone other than the affected person makes a complaint of Harassment, harm, or abuse relating to the conduct of an individual.

## 1.5 Objectives of the Policy

<b>Overall purpose:</b>	To ensure athletes and others taking part in sports can do so without fear of harassment, abuse, harm or exploitation.
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>i. To ensure everyone in sport understands that all forms of harassment, harm, and abuse are unacceptable and will not be tolerated.</li> <li>ii. To enable anyone who has witnessed or experienced harassment or abuse within sports to report the incident without fear of victimization or retaliation.</li> <li>iii. To ensure an appropriate and coordinated response to any incidents of harassment or abuse within or connected to participation in sport, irrespective of whether they arise at the national or international level.</li> <li>iv. To provide a framework for collaboration with the relevant authorities for effective implementation of safeguarding measures in sports.</li> </ul>

## SECTION TWO - POLICY OPERATION

### 2.1 Scope

- a. This policy applies to all sports organizations, sports persons and officials that are affiliated to Kenya Academy of Sports.
- b. The policy applies specifically to any incidents of harassment harm, and abuse that occur in Kenya Academy of Sports or activities of other organizations in which Kenya Academy of Sports is involved.
- c. Where a person participating in sport in any context is under a contract of employment by the Kenya Academy of Sports and an incident of harassment, harm or abuse occurs relating to their employed role, the employment procedures will apply. However, where a participant is sanctioned under employment procedures, this can be addressed under this policy to the extent that it impacts on the participant's suitability to continue to participate in sport outside of their employment relationship.
- d. Any incidents of harassment, harm or abuse that are perpetrated against a child must be reported to the Kenyan Police Service and Child Protection Services in accordance with legal requirements or to the Kenya Academy of Sports designated officer responsible for Safeguarding matters.

### 2.2 Roles & Responsibilities

- 2.2.1 KAS:** In implementing safeguarding arrangements and procedures to protect all participants in Sport from harassment, harm and abuse, the Kenya Academy of Sports shall:
- a. Establish a National Safeguarding Office at KAS Headquarters to coordinate safeguarding activities;
  - b. Provide effective leadership to promote and implement the policy and embed a no-tolerance approach to harassment, harm or abuse in Sport;
  - c. Appoint a National Safeguarding Officer and staff at KAS to manage the implementation of this policy and the reporting and management of cases of harassment, harm or abuse in sport.
  - d. Work with other relevant Government Agencies to implement a system for the reporting and management of cases of harassment, harm and abuse in sport.
  - e. Develop and implement codes of conduct and safeguarding guidelines for all Kenya Academy of Sport operations
  - f. Develop and distribute model codes of conduct and safeguarding guidelines for all sports organizations in Kenya affiliated to KAS through collaborations.



<p><b>2.2.1 KAS:</b></p>	<ul style="list-style-type: none"> <li>g. Develop and deliver safeguarding training for coaches and others with regular contact with children and other vulnerable groups in sport</li> <li>h. Develop and deliver training for designated safeguarding officers in sports organizations.</li> <li>i. Collect and collate data on safeguarding measures and incidents from Kenyan Sports Organizations and publish an annual report of safeguarding in Kenyan Sport.</li> <li>j. Commission research into non-accidental violence in sport in Kenya and collaborate with international research groups</li> <li>k. Establish a system of vetting technical and administrative personnel working in KAS, who have regular access to children and vulnerable groups.</li> <li>l. Work with relevant government agencies to publish a list of persons who have been disbarred by KAS from working in sport.</li> </ul>
<p><b>2.2.2 Sports Organizations affiliated to KAS:</b></p>	<p>All sports institutions and organizations affiliated to KAS have a role to play in safeguarding sports participants from harassment, harm and abuse, and are responsible for:</p> <ul style="list-style-type: none"> <li>a) Formulating Institutional Safeguarding Policies.</li> <li>b) Developing their own safeguarding procedures and implementing the measures.</li> </ul>
<p><b>2.2.3 Persons in Sports:</b></p>	<p>All persons working with children or vulnerable groups in a paid or voluntary position or who have regular access to children or vulnerable groups through sport have a role to play in safeguarding participants from harassment, harm and abuse, and are responsible for:</p> <ul style="list-style-type: none"> <li>a. Completing prescribed vetting procedures before working with children or vulnerable groups</li> <li>b. Declaring if their name is included on the offenders list</li> <li>c. Signing their organizations code of conduct and adhering to expected behavioral standards</li> <li>d. Following safeguarding guidelines as per the Safeguarding Policy of their sports organization</li> <li>e. Reporting concerns of Harassment, harm or abuse to their organizations safeguarding officer or where a child or vulnerable adult is in immediate danger to the Kenyan Police Service and Child Protection Services</li> <li>f. Reporting concerns of poor practice to their organizations safeguarding officer or concerns regarding the conduct of the organization's safeguarding officer to senior management</li> </ul>

## 2.3 Measures for Reporting & Responding to Concerns

<b>2.3.1 Reporting procedure.</b>	<ul style="list-style-type: none"><li>a. The following measures apply to any incidents, concerns, allegations, or disclosures of harassment, harm or abuse brought to the attention of KAS Safeguarding Office (herein referred to as “complaints”).<ul style="list-style-type: none"><li>i. The alleged perpetrator will be reported to the safeguarding officer of the institution for necessary action.</li><li>ii. Any participant who reports an incident of non-accidental harm involving a person or persons belonging to a national sports organization or federation or a person(s) unconnected to sport will be provided with support from KAS Safeguarding Office.</li><li>iii. Anyone can report an incident of harassment, harm or abuse.</li></ul></li><li>b. Mechanisms for receiving the information are as follows:<ul style="list-style-type: none"><li>i. In writing using the designated Safeguarding Report template form.</li><li>ii. By phone or email to KAS, or any other relevant authority</li><li>iii. In person to the designated safeguarding focal point person at KAS, or any other relevant authority.</li></ul></li><li>c. Any person who makes a complaint of harassment, harm or abuse to KAS, and believes the complaint has not been processed in accordance with the policy shall have the right to seek redress through the Criminal Justice System.</li><li>d. KAS encourages the reporting of all incidents of abuse, suspected non-accidental harm, bullying, harassment, discrimination, intimidation and neglect regardless of who the offender might be.</li></ul>
<b>2.3.2 Whistleblowing</b>	<ul style="list-style-type: none"><li>a. Although incidents can be reported directly by the affected individual, the term “whistle blowing” is used to describe a complaint relating to the conduct of an individual made by someone other than the affected person.</li><li>b. It is recognized that some individuals may be fearful of the consequences of making a complaint under these procedures, particularly where the perpetrator is in a position of authority. In these circumstances, where possible, the identity of the whistle blower will remain confidential.</li><li>c. Any person who makes a complaint in good faith must not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes a complaint that is false, vexatious, retaliatory, or frivolous</li></ul>

<p><b>2.3.3 Assessment of Complaints.</b></p>	<ul style="list-style-type: none"> <li>a. Every complaint shall be forwarded to the Safeguarding Committee established by KAS in line with the Safeguarding Policy provisions.</li> <li>b. The Safeguarding Committee shall be appointed by the Chief Executive Officer.</li> <li>c. Any complaints pursuant to this policy received by KAS will be referred to the responsible person(s) who is the first point of contact for complaints and concerns under this procedure.</li> <li>d. The responsible person(s) will make an initial assessment of the Complaint to determine the nature of the concern.</li> <li>e. If the complaint is believed to be a criminal offense, the responsible person(s) will refer the matter to the Police and other relevant authorities and/or regulatory bodies without delay.</li> <li>f. If the complaint is not considered to be a matter for the police, the responsible person(s) should determine whether: <ul style="list-style-type: none"> <li>i. The complaint requires to be referred to another competent organization</li> <li>ii. An independent investigation of the matter is required to determine if there is a case to answer</li> <li>iii. The complaint reflects poor practice and can be resolved informally</li> </ul> </li> <li>g. To dismiss the complaint as unfounded or as insufficiently serious as to require any action, the responsible person(s) will assess whether any of the affected parties require support and arrange for the same to be provided where deemed appropriate.</li> </ul>
<p><b>2.3.4 Interim Measures.</b></p>	<p>KAS may impose interim protective measures, including the suspension of the alleged perpetrator from KAS-related activities, where one or more of the following circumstances applies:</p> <ul style="list-style-type: none"> <li>i. The alleged perpetrator is believed to present a significant risk to other participants</li> <li>ii. The reputation of Sport or KAS is at risk and/ or</li> <li>iii. The alleged perpetrator’s ongoing presence may hinder investigations.</li> </ul>

**2.3.5 Investigation.**

- a) In most cases, the Safeguarding Committee will delay sanctions until the outcome of a criminal proceedings is known. Once a matter has been referred back from the police, the objective will be to conclude the case in a timely manner.
- b) Where further investigation is required, KAS Safeguarding Office shall engage an independent investigator to carry out the investigation in accordance with these procedures and to an appropriate timeline agreed by responsible person(s).
- c) Where relevant, the investigator may request information from the police and any other relevant organizations.
- d) The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses and minors.
- e) The investigator shall prepare a report and include all relevant evidence for consideration by the responsible person(s) who may determine that:
  - i. The complaint requires further investigation
  - ii. There is a case to answer and the complaint should be referred to the Sports Disputes Tribunal for adjudication
  - iii. The complaint constitutes poor practice and instructions, advice, or guidance is provided to the relevant parties.
  - or
  - iv. No further action should be taken

**2.3.6 Disciplinary and Appeals Proceedings.**

- a. Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the protocols of the Sports Disputes Tribunal and the provisions of this policy.
- b. The standard of proof for such proceedings is the civil standard of balance of probabilities. Consequently, the National Safeguarding Office may seek to take disciplinary action irrespective of the outcome of any criminal proceedings.
- c. National Safeguarding Office will provide appropriate support and guidance to ensure all participants understand the disciplinary and appeal procedures, especially if children are involved.

**2.3.7 Sanctions.**

- a. Where it is determined that Harassment, harm or abuse has been committed, the KAS Safeguarding Office shall impose an appropriate sanction upon the perpetrator.
- b. The KAS Safeguarding Office may consider, singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances the following:
  - i. Written or verbal apology
  - ii. Formal warning
  - iii. Fine
  - iv. Training and/or Supervision
  - v. Temporary suspension
  - vi. Termination of membership, license, agreement, contract, or registration.Or
  - vii. Any other sanction that the Safeguarding Committee considers appropriate in the circumstances.
- c. Anyone who have been found to have harassed or abused another participant will have the right to appeal against the decision. Appeals must be made in writing to the Sports Disputes Tribunal within the permissible time-period for appeal set out in the tribunal’s regulations.

**2.3.8 Non-Recent Incidents**

Serious allegations of sexual abuse may be made some time after the event. Where a non-recent allegation is made, the responsible person(s) within the organization should:

- a. Clarify whether there is a current risk to sports persons; and
- b. Advise the individual of their right to make a formal complaint to the Police and any other relevant authority.

This policy does not apply any specific limitation periods for sexual abuse and any serious allegation of non-recent abuse will be treated in accordance with these procedures

<p><b>2.3.9 Criminal Convictions &amp; Findings of Fact</b></p>	<ul style="list-style-type: none"> <li>a. KAS Safeguarding Office shall establish that an incident of Harassment, harm or abuse has occurred where: <ul style="list-style-type: none"> <li>i. A perpetrator is convicted of a criminal offence in Kenya or another jurisdiction</li> <li>or</li> <li>ii. A recognized sports or regulatory body has determined that an allegation(s) of harassment, harm or abuse against another person (s) is/are proven.</li> </ul> </li> <li>b. National Safeguarding Office having considered any representations made by the perpetrator and any other affected parties, may determine that it is appropriate to refer the case to the Sports Disputes Tribunal or to impose a sanction relating to the person’s sporting activities.</li> </ul>
<p><b>2.3.10 Confidentiality</b></p>	<ul style="list-style-type: none"> <li>a. KAS Safeguarding Office recognizes the sensitive and serious nature of harassment, harm and abuse.</li> <li>b. KAS shall keep all matters relating to a complaint confidential.</li> <li>c. Information will only be disclosed to those organisations and individuals on a “need to know” basis.</li> <li>d. Anyone who is party to information involved must also ensure that confidentiality is maintained unless the information becomes a matter of public record.</li> </ul>
<p><b>2.3.11 Data Protection</b></p>	<ul style="list-style-type: none"> <li>a. Any information relating to complaints of harassment, harm or abuse will be stored securely and in accordance with the Data Protection Act 2019.</li> <li>b. Any information about poor practice or complaints about harassment, harm or abuse that may indicate that a participant in a position of trust is unsuitable to work or volunteer in the sport will be retained for as long as the participant remains active in the sport or for 10 years, whichever is longer, even if it were not possible at the time that the information was first reported to instigate any formal proceeding.</li> <li>c. Any other records relating to other complaints will be retained for a period of three [3] years unless a similar complaint arises within that period.</li> <li>d. Any records relating to disciplinary action taken by National Safeguarding Office will be retained for a period of five [5] years after the sanction has lapsed.</li> </ul>

<b>3.1 Records.</b>	<ol style="list-style-type: none"> <li>a. KAS shall monitor the policy by keeping records of cases brought and their outcomes.</li> <li>b. KAS shall retain records of the outcomes of disciplinary tribunals conducted under this policy and will retain such records for a period of ten [10] years after the sanction has lapsed.</li> </ol>
<b>3.2 Reports</b>	<ol style="list-style-type: none"> <li>a. KAS shall receive and analyze comments from all institutions and organizations affiliated to KAS on the ease of implementation and effect of the policy.</li> <li>b. Every sports organization affiliated to KAS shall submit quarterly reports on the status of safeguarding to the KAS Safeguarding Office.</li> <li>c. KAS shall publish an annual report of Safeguarding in Sport in Kenya.</li> </ol>
<b>3.3 Review.</b>	<p>This policy and these procedures will be regularly reviewed:</p> <ol style="list-style-type: none"> <li>i. In accordance with changes in legislation and guidance on the protection of children and vulnerable adults in sports.</li> <li>ii. Following any issues or concerns raised about the protection of children and vulnerable adults in sports in Kenya.</li> <li>iii. In all other circumstances at least every three years.</li> <li>iv. Internal reviews shall be with the support of appropriately qualified external consultants or agencies.</li> </ol>
<b>3.4 Workshops</b>	<p>Every year, KAS shall conduct Safeguarding sensitization and training workshops, during which stakeholders shall also evaluate performance in safeguarding initiatives of the year preceding.</p>











