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## Cayman Islands Government

### MINISTRY OF COMMUNITY AFFAIRS, YOUTH AND SPORTS

#### **CHILD ABUSE PREVENTION POLICY FOR NATIONAL SPORTS ASSOCIATIONS**

The following sets out the process to be followed by National Sports Associations in relation to child abuse matters. It seeks to meet the reporting requirements of the Children Law (2012 Revision) and to provide for the minimum standards for the vetting of Officials of all National Sporting Associations.

#### **Definitions**

1. **“Child Abuse”** is defined as:
  - a) **Sexual abuse** of a child; or
  - b) **Physical or emotional abuse or neglect of the child** which:
    - I. causes a child to suffer or is likely to cause a child to suffer; physical or psychological injury which is detrimental to the child’s wellbeing; or
    - II. places the child’s physical or psychological development in jeopardy.
2. A **“child”** is defined as someone under the age of 18 years.
3. **“Official”** shall include any coach, volunteer, umpire or any other official of the National Sports Association (“NSA”) including Child Protection Officers.
4. A **Volunteer** is any person engaged in the administration or practice of the sport but not including donors to the National Sports Association.
5. **National Sports Association** is defined as the governing body of a sport in the Cayman Islands, which is recognized by the Cayman Islands Government and the International Governing Body of the particular sport.

#### **Legal Requirement to Notify – Children Law (2012 Revision) (Section 32A):**

Section 32A of the Children Law (2012 Revision) makes it mandatory for certain people, including Officials, to report suspicions of child abuse to the Department of Children and Family Services (“DCFS”). This policy sets out the process for reporting.

A person who contravenes this section 32A of the Children Law, commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year

or both.

### **Appointments of Child Protection Officers**

The NSA shall appoint a Child Protection Officer (“NSA Child Protection Officer”) who shall:

- (a) Ensure that each Member Club within the NSA has appropriately trained and appointed Club Child Protection Officers (“Club Child Protection Officer”); and
- (b) Undertake the responsibilities of the Club Child Protection Officer when no such officer is available.

Club Child Protection Officers are responsible for facilitating the reporting of suspicions of child abuse from any Official or member of the NSA, to the Department of Children and Family Services (“DCFS”).

The NSA shall publish the name and contact details of its Child Protection Officer and ensure that all of its members are aware of this information.

### **Training**

Every NSA Child Protection Officer and Club Child Protection Officer will complete Child Abuse Prevention Training through DCFS before taking up their role.

DCFS will offer Child Abuse Prevention Training for Officials at least twice per year. Every Official will complete the training at the first available training session after taking up their role as an Official.

Every NSA Child Protection Officer, Club Child Protection Officer and Official will complete refresher Child Abuse Prevention Training provided by DCFS at least once every two years.

### **Process for Reporting Suspicions of Child Abuse**

If an Official has a reasonable suspicion that a child has been or is being abused or neglected, and the suspicion is formed in the course of the Official’s work with the NSA or a Member Club, that Official shall:

- (a) notify the Club Child Protection Officer of the suspicion as soon as practicable after he/she forms the suspicion. This should be on the same day that the suspicion is formed.
- (b) provide the Club Child Protection Officer with a written statement of the observations along with information and opinions on which the suspicion is based on the DCFS approved notification form (“notification form”) (attached as “Appendix A”)
- (c) Provide the Club Child Protection Officer with the Official’s contact details. Such details are to be kept confidential and may only be passed on to the NSA Child Protection Officer and DCFS.

Upon receiving a notification from an Official, the Club Child Protection Officer shall:

- (a) Ensure the Official has the notification form for recording details of the concerns.
- (b) Assist the Official to complete and compile the information required for the notification form.

- (c) Make contact with DCFS via:
  - a. A telephone referral between 8.30am and 5.00pm Monday to Friday (excluding public holidays) to the Intake Unit at DCFS on 949 0290 or by calling 911 at all other times; or
  - b. By email to [DCFSIntake@gov.ky](mailto:DCFSIntake@gov.ky)

as soon as practicable and in any event, on the same day as the notification is received from the Official. Any telephone referral must be followed by an email of the notification form within 24 hours.

- (d) Ideally make contact with DCFS in the presence of the Official. However, if this is not possible, the Club Child Protection Officer must immediately notify the Official that the notification has been forwarded to DCFS. This would ideally be by way of the Official being copied in on any email to DCFS.
- (e) Immediately provide the NSA Child Protection Officer with a copy of the notification form.

Upon receiving a copy of the notification from the Club Protection Officer, the NSA Child Protection Officer shall:

- (f) Provide any assistance that the Club Child Protection Officer may request in terms of dealing with the notification or the child for whom there is concern;
- (g) Immediately report to the Technical Director and President (or Vice President in the absence of the President) that a notification has been made to DCFS, but not the details of the notification.

If the Club Child Protection Officer is unavailable, or the suspicion arises during an event governed directly by the NSA rather than a Member Club, the Official will report the notification directly to the NSA Child Protection Officer who will then undertake the steps set out for the Club Protection Officer above.

If the NSA Child Protection Officer is unavailable the Technical Director will fulfil their role.

In the unlikely event that the Official cannot make contact with the Club Child Protection Officer, NSA Child Protection Officer or Technical Director on the day upon which they form their suspicion, the Official will notify DCFS directly.

### **Further Information About Reporting Suspicions of Child Abuse**

In deciding whether or not to report an incident or situation of suspected abuse to the Child Protection Officer, it is not required that the person making the report have proof that abuse has occurred. Any uncertainty in deciding to report suspicion should be resolved in favour of the child and a report should be made immediately.

The requirement to notify suspicion of child abuse applies whether or not the information was initially extended in confidence. This requirement also applies whether the information comes directly from the child or indirectly, from another Official or other member of the Association.

It is an Official's duty to report incidents or suspicions of child abuse; it is not the official's responsibility to investigate. In speaking with the child, the Official will take careful note of what is said and the context in which it is said. Care will be taken not to ask leading or unnecessary questions. Documentation of what is said (or of any injuries) is important. The child's own words must be used as much as possible.

There should be no attempt by the Child Protection Officer to question the child, as the role of investigation lies with DCFS and/or Family Support Unit (FSU) of Royal Cayman Islands Police Service (RCIPS). The child should be protected from repeated disclosures.

The Official referring the suspected case of child abuse must not unilaterally contact the parents. It is not the Official's responsibility to inform the parents of any report of suspected child abuse. Once a report is made to the DCFS, they will determine how the parents will be informed.

Given the sensitive nature of child abuse referrals, the Official and Child Protection Officer should expect only limited feedback following referral to DCFS. They may be contacted by the FSU and RCIPS as part of the investigative process.

Section 32C of the Children Law provides protection to the notifier and requires that the receiver of notification of suspected child abuse (DCFS) shall not disclose the identity of the notifier to any other person other than in the instance of communicating to another person acting in the course of official duty. Only in cases when the court is satisfied that the evidence is of critical importance in the proceedings and that failure to admit it would prejudice the proper administration of justice will a notifier be called to provide evidence. In these instances, NSA will support the Official by assigning another professional to accompany them at such hearing, subject to the authorisation of the Court.

NSA shall ensure that all NSA Officials are provided with information and training annually that will enable them to carry out their duty to report suspected child abuse or neglect. (Training is available from the DCFS).

In cases where the child has been escorted directly to the hospital, the Official will liaise with the medical authorities who will make the report to DCFS. The Official should still report to the Club or NSA Child Protection Officer that a notification has been made. The Official's role will then become one of child support.

### **Responsibilities of NSA/Club after referring cases of suspected Child Abuse:**

Following any report of suspected child abuse, the Official will assume a role of player support and advocacy as required. NSA will co-operate with DCFS and RCIPS throughout any investigation.

NSA shall assist DCFS by providing an appropriate interview space and arranging discreetly for the child to be interviewed. The DCFS worker may request that a NSA staff member be present during an interview to offer support to the child.

If it is necessary for DCFS staff to remove the child from an NSA session during the investigation, NSA will be provided with parental consent (either written or direct verbal).

Following investigation, NSA will participate if appropriate/required in DCFS case conferences and liaise with DCFS staff on behalf of the child as requested.

All information related to suspected child abuse cases shall be treated confidentially. NSA must provide a secure cabinet for the filing and maintaining of confidential information related to child abuse referrals. Any report initially made to a Club Child Protection Officer will not be stored by that officer, but will instead be stored by the NSA Child Protection Officer. All documentation related to child abuse reports or investigations shall be data protected.

***When following procedures for reporting suspected cases of child abuse, the safety and***

***welfare of the child will always dictate which course of action is to be pursued. Any uncertainty should always be resolved in favour of the child's best interest.***

### **Due diligence as part of the Child Abuse Prevention Policy**

This policy seeks to address the requirements of the Children Law once an incident of abuse is suspected. The policy also recognises that the prevention of abuse in the first instance is the preferred option. Therefore the following steps shall be taken by the NSA:

1. NSA will develop an application form which must be completed and signed by all Officials in its organisation. This application will be completed by:
  - a. All existing Officials involved with the NSA or one of its member clubs within three (3) months of the date of this Policy; and
  - b. All new Officials who join the NSA or one of its member clubs after the date of this Policy.
2. The completed application form must be accompanied by the following documents:
  - a. For Officials under the age of 18 years:
    - Two character references from a professional person in the Cayman Islands who is a non-family member. The reference provider must have known the applicant for a minimum of five years. Professionals include: Teachers, Justices of the Peace, Senior Public Servants, Doctors, Lawyers and or Members of the Legislative Assembly. For those who have been resident in the Cayman Islands for less than five (5) years, at least one reference must be from a professional in their last place of residence and have known the applicant for at least five (5) years.
    - A clearance from the DCFS dated within the last six months confirming that the applicant has not been or is not now the subject of any inquiry that would suggest that he or she poses a safety risk in working with children.
  - b. For adult Officials over the age of 18:
    - A police clearance certificate for working with children dated within the last six months.
    - Two characters references from a professional person in the Cayman Islands who is a non-family member. The reference provider must have known the applicant for a minimum of five years. Professionals include: Teachers, Justices of the Peace, Senior Public Servants, Doctors, Lawyers and or Members of the Legislative Assembly. For those who have been resident in the Cayman Islands for less than five (5) years, at least one reference must be from a professional in their last place of residence and have known the applicant for at least five (5) years.
    - A clearance from the DCFS dated within the last six months confirming that the applicant has not been or is not now the subject of any inquiry that would suggest that he or she poses a safety risk in working with children.



