



# **SAFEGUARDING REGULATIONS**

## 1. INTRODUCTION

- 1.1 Basketball England is the national governing body ("**NGB**") responsible for regulating within its jurisdiction all the disciplines of the sport of basketball in England (including 5v5, 3v3, disability basketball and walking basketball) ("**Basketball**").
- 1.2 These Safeguarding Regulations (the "**Regulations**") reflect the safeguarding ethos of Basketball England (a company limited by guarantee, incorporated and registered in England and Wales with company number 01429756 whose registered office is at Etihad Campus Rowsley Street, Gate 13, Manchester, England, M11 3FF).
- 1.3 Basketball England has a duty of care to all participants, and it recognises its moral, legal and regulatory responsibility to safeguard and promote the welfare of all Children and Adults at Risk. Upon that basis, Basketball England's approach to safeguarding is underpinned by legislation, statutory and regulatory guidance and current best practice.
- 1.4 Basketball England is dedicated to taking all reasonable steps to make it as difficult as possible for any form of Abuse of Children and Adults at Risk to take place in both physical and online environments and the Regulations form part of those efforts to ensure safeguarding is firmly embedded in the values and practices of Basketball England.
- 1.5 In furtherance of this commitment, the Regulations include provisions for identifying potential risks and continued suitability in respect of Staff working with or coming into contact with Children and/or Adults at Risk. The Regulations also provide guidance for responding to Concerns of poor or unprofessional conduct, which may indicate that a member of Staff poses a risk of harm to Children and/or Adults at Risk.
- 1.6 Basketball England is committed to working closely with the Local Authority Designated Officer ("**LADO**") to ensure safeguarding is prioritised and that high standards of safeguarding practice are in place across all areas of the NGB and that all Concerns are taken seriously and responded to swiftly, fairly and appropriately.
- 1.7 Basketball England undertakes to make available (on request) electronic copies of the Regulations as amended from time to time. Electronic copies of the Regulations are available on the Basketball England website (the "**Website**"). The Website will also contain contact details in the event that (i) any person is unable to download the Regulations; and/or (ii) any person requires the Regulations in another form, for example, in large print. All requests will be considered on their merits on a case-by-case basis. In circumstances where an individual has been classified as having an intellectual impairment, Basketball England shall use all reasonable endeavours to communicate the contents of the Regulations to such individual in the most appropriate manner and form in liaison with the parent of, or other person with responsibility for such individual.

## 2. DEFINITIONS AND RULES OF INTERPRETATION

2.1 The following definitions apply in the Regulations:

**Abuse:** any form of harm or maltreatment of a Child. There are four main types of Abuse: Emotional Abuse, Physical Abuse, Sexual Abuse and Neglect. Other forms of Abuse may include Discriminatory Abuse or Psychological Abuse;

**Adult:** a person over the age of 18 years old;

**Adult at Risk:** any person aged 18 or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and is experiencing, or at risk of, abuse or neglect, and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. This may include people with learning disabilities, sensory impairments, mental health needs, older people and people with a physical and/or mental or impairment. It may also include people who are affected by the circumstances that they are living in, for example, experiencing domestic violence. An individual's level of vulnerability to harm may vary over time depending on the circumstances they are in and their needs at that time;

**Affiliated Member:**

a Club or League sanctioned by and/or falling under the jurisdiction of Basketball England which has undergone the affiliation process;

**Appeals Policy:**

Basketball England's Appeals Policy as in place from time to time;

**Applicable Laws:**

any and all: (i) laws, statutes, regulations, decisions, rulings, directives, codes of practice, government policies, enactments or instruments (including national, regional, local or principal laws, regulations or by-laws of any kind whatsoever) relevant to the Regulations;

**Basketball Laws:**

the rules and regulations from time to time in force of any confederation, governing body, national association or league under the auspices of FIBA and/or British Basketball to the extent that they relate or apply to Basketball England;

**British Basketball:**

formerly known as the British Basketball Federation, the NGB responsible for basketball within Great Britain and for teams representing Great Britain which compete internationally;

**Bullying:**

|                                   |  |
|-----------------------------------|--|
| <b>Case Management Group:</b>     | <p>a form of Emotional Abuse whereby a Child or Adult at Risk is discriminated against;</p> <p>a group convened by Basketball England to support the Safeguarding Team in considering and determining how a safeguarding case arising from a Concern shall be dealt with;</p>  |
| <b>Child/Children:</b>            |  |
| <b>Child Sexual Exploitation:</b> | <p>a person under the age of 18;</p> <p>a form of Child Sexual Abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a Child into sexual activity usually in exchange for something the victim needs or wants;</p>   |
| <b>Club:</b>                      |  |
| <b>Club Welfare Officer:</b>      | <p>a basketball club affiliated with and an Affiliated Member of Basketball England competing in England under the auspices of Basketball England;</p>   |
| <b>Concern:</b>                   | <p>the welfare officer (also known as the safeguarding officer) appointed by a Club to lead its safeguarding initiatives;</p>  |
| <b>Cyber Bullying:</b>            | <p>fear, worry or concern that a Child or Adult at Risk may be at risk of Abuse;</p> <p>a form of online Emotional Abuse whereby a Child or Adult at Risk is discriminated against;</p> <p>all applicable laws relating to data protection, the processing of personal data and privacy, including: the Data Protection Act 2018, the General Data Protection Regulation (EU) 2016/679 (EU GDPR) and UK GDPR, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications), and any other data protection and/or privacy legislation applicable in the UK from time to time, (each as amended, updated, replaced or re-enacted from time to time and including all subordinate legislation made from time to time under or giving effect to the same) and references to “controller”, “personal data”, “special category data”, “process”, “processing” and “supervisory authority” have the meanings set out in, and will be interpreted in accordance with, such applicable laws;</p> |
| <b>Disciplinary Code:</b>         |  |
| <b>Disciplinary Team:</b>         |  |
| <b>Discriminatory Abuse:</b>      | <p>Basketball England’s disciplinary code as in place from time to time;</p>   |

|                                 |  |
|---------------------------------|--|
| <b>Emotional Abuse:</b>         | Basketball England's disciplinary team convened to determine disciplinary matters (including safeguarding matters – where appropriate);  |
| <b>Extremism:</b>               | including racist, sexist, that based on a Child's or Adult at Risk's disability, or other protected personal characteristic as defined in the Equality Act 2010, as well as other forms of harassment, slurs or similar unfair treatment;  |
| <b>FIBA:</b>                    | the persistent emotional maltreatment of a Child or Adult at Risk such as to cause severe and persistent adverse effects;  |
| <b>Free Member:</b>             | vocal or active opposition to fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs;  |
| <b>High-Profile Individual:</b> | the International Basketball Federation which governs the sport of basketball worldwide;   |
| <b>League:</b>                  | a person who has free membership of Basketball England which typically includes fans, followers, parents, medics, league organisers, administrators and others who do not require a Licence;   |
| <b>Licence:</b>                 | players, former players, "legends", Club shareholders, statutory directors, senior leadership team, senior executives, senior Basketball leads (e.g., a head coach of an England team) and those with associated and/or engaged by Basketball England who are well known in the public domain and have "celebrity" status; |
| <b>Licensed Activity:</b>       | a basketball league affiliated with and an Affiliated Member of Basketball England including local leagues, schools, colleges, university leagues and the National Basketball League;  |
| <b>Licensed Member:</b>         | a licence granted by Basketball England to Licensed Members in order for them to undertake and/or participate in Licensed Activity;  |
| <b>Member:</b>                  | basketball related activity sanctioned by and/or falling under the jurisdiction of Basketball England which requires a Licence;  |
| <b>Membership:</b>              | a person (including but not limited to a player, coach, referee, table official, team follower, bench personnel and/or statistician) who   |

|                             |   |
|-----------------------------|---|
| <b>Online Safety:</b>       | <p>requires a Licence in order to carry out Licenced Activity;</p> <p>a member of Basketball England (including but not limited to a Free Member, Licenced Member and/or Affiliated Member;</p>   |
| <b>Physical Abuse:</b>      | <p>membership of Basketball England in accordance with Basketball England's Membership Terms and Conditions as in place from time to time;</p> <p>the persistent failure to meet a Child's or Adult at Risk's basic physical and/or psychological needs, likely to result in the serious impairment of the Child's or Adult at Risk's health or development;</p>                  |
| <b>Position of Trust:</b>   | <p>(also known as internet safety, e-safety or cyber safety) refers to the act of staying safe online and the safe and responsible use of technology. This includes the use of the internet and also other means of communication using electronic media, for example social media, text or other messaging applications, gaming devices, email, etc.;</p>                        |
| <b>Psychological Abuse:</b> | <p>a form of Abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a Child or Adult at Risk. Physical harm may also be caused when a parent, or other person with parental responsibility fabricates the symptoms of, or deliberately induces, illness in a Child or Adult at Risk;</p> |
| <b>Radicalisation:</b>      | <p>roles where the post holder has power and authority and may have key influence in the life of others (including Children and Adults at Risk);</p>  |
| <b>Safeguarding Team:</b>   | <p>including Emotional Abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, Verbal Abuse, isolation or withdrawal from services or supportive networks;</p>  |
| <b>Staff:</b>               | <p>the process by which a person comes to support or engage with Terrorism and forms of Extremism leading to Terrorism;</p> <p>Basketball England's safeguarding team responsible for safeguarding matters under Basketball England's jurisdiction;</p>   |
| <b>Terrorism:</b>           |   |
| <b>Verbal Abuse:</b>        |   |

**Vulnerability:**

forcing or enticing a Child or Adult at Risk to take part in sexual activities, not necessarily involving a high level of violence, whether or not the Child or Adult at Risk is aware of what is happening. The activities may involve physical contact as well as non-contact activities, such as grooming. Child Sexual Exploitation is a form of Sexual Abuse;

any person acting for or on behalf of Basketball England in an official role whether as an employee, volunteer, casual workers or staff, consultant or otherwise;

an action that endangers or causes serious violence to a person/ people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause;

verbal maltreatment of a Child or Adult at Risk; and

being susceptible to additional risks of harm or Abuse including but not limited to racism, Radicalisation and in need of special care, support, or protection.

### 3. **PURPOSE**

- 3.1 The purpose of the Regulations is to provide a framework for raising and managing Concerns. This includes identifying potential risks and continued suitability in respect of Members and Staff working with or coming into contact with Children and/or Adults at Risk.

### 4. **APPLICATION OF THE REGULATIONS**

- 4.1 The Regulations came into effect on 10<sup>th</sup> December 2024

- 4.2 The Regulations shall apply to:

4.2.1 all Members;

4.2.2 all Staff; and

4.2.3 all training camps, activities, events or competitions wholly within the jurisdiction of Basketball England.

- 4.3 The Regulations shall not apply to:

4.3.1 Non-Members;

4.3.2 members of Basketball Scotland, Basketball Wales, Basketball Northern Ireland, British Basketball and/or any other body outside of Basketball England's jurisdiction; and

4.3.3 training camps, other activities, or competitions wholly within the jurisdiction of Basketball Scotland, Basketball Wales, Basketball Northern Ireland, British Basketball, FIBA and/or any other body outside of Basketball England's jurisdiction.

### 5. **POWER TO CHANGE, RESCIND OR ADD TO THE PROVISIONS OF THE REGULATIONS**

- 5.1 In the event an issue arises that is not foreseen in the Regulations, it will be addressed by Basketball England in a manner that protects and promotes the objectives identified in the Regulations.

- 5.2 Basketball England is committed to reviewing the Regulations periodically which may be amended from time to time by Basketball England.

### 6. **LAWS**

- 6.1 The laws of England and Wales shall apply to the Regulations.

### 7. **MEMBER OBLIGATIONS**

- 7.1 In addition to the duties and obligations arising under any other Basketball England policies or procedures under which they may be subject, all Members shall:

7.1.1 accept the moral, legal and regulatory responsibility to provide a duty of care for Children and Adults at Risk to safeguard their wellbeing, and to protect them from Abuse;

7.1.2 behave in accordance with the expected standards of behaviour including those contained within the Code of Conduct as in place from time to time;



- 7.1.3 respect and promote the rights, wishes and feelings of Children and Adults at Risk;
- 7.1.4 recognise that some Children and Adults at Risk may face additional barriers to getting help because of additional Vulnerabilities which could include their ethnicity, gender, age, religion, disability, sexual orientation, social background or culture. There should be awareness that these characteristics may mean that they are at greater risk of Abuse because of factors such as prejudice, discrimination, reduced ability to resist or report Abuse, communication barriers or myths based on stereotypes;
- 7.1.5 respond appropriately to any Concerns;
- 7.1.6 read, accept and abide by the Regulations as well as all other Basketball England policies and procedures as in place from time to time including:
  - 7.1.6.1 Safeguarding Policy; and
  - 7.1.6.2 Membership Terms and Conditions.
- 7.2 All policies are available to access via the following link(s): [Integrity | Basketball England](#)
- 7.3 In the event that a Concern is reported, the Member(s) subject to the Concern, must comply with all requirements to participate in any safeguarding investigation.
- 8. **CLUB OBLIGATIONS**
- 8.1 All Clubs must satisfy Basketball England's Minimum Operating Standards as in place from time to time.
- 8.2 In accordance with the Membership Terms and Conditions [Registering New Clubs | Basketball England](#); all Clubs must have a Club Welfare Officer.
- 8.3 All Clubs must ensure its Club Welfare Officer undergoes safe recruitment checks (including an enhanced criminal record DBS).
- 8.4 All Club's must ensure its Club Welfare Officer shall familiarise themselves with the Club's safeguarding policies, procedures (including Basketball England's Safeguarding Policy and the Regulations) and all expected standards of behaviour.
- 8.5 If the Club has Child members and/or undertakes any activities involving Children, the following are mandatory requirements for the Club Welfare Officer:
  - 8.5.1 complete the Basketball England safeguarding course within six months of their appointment;
  - 8.5.2 complete refresher training at appropriate levels (as provided by Basketball England from time to time); and
  - 8.5.3 complete the Basketball England Welfare Officer course within six months of their appointment.
- 9. **STAFF OBLIGATIONS**
- 9.1 In addition to the duties and obligations arising under any other contracts or policies under which they may be subject, all Staff shall:

- 9.1.1 accept the moral, legal and regulatory responsibility to provide a duty of care for Children and Adults at Risk to safeguard their wellbeing, and to protect them from Abuse;
- 9.1.2 behave in accordance with the expected standards of behaviour including those contained within the Code of Conduct as in place from time to time;
- 9.1.3 respect and promote the rights, wishes and feelings of Children and Adults at Risk;
- 9.1.4 recognise that some Children and Adults at Risk may face additional barriers to getting help because of additional Vulnerabilities which could include their ethnicity, gender, age, religion, disability, sexual orientation, social background or culture. There should be awareness that these characteristics may mean that they are at greater risk of Abuse because of factors such as prejudice, discrimination, reduced ability to resist or report Abuse, communication barriers or myths based on stereotypes;
- 9.1.5 read, accept and abide by the Regulations as well as all other Basketball England policies and procedures as in place from time to time including the Safeguarding Policy;
- 9.1.6 create a safe culture and environment;
- 9.1.7 challenge all inappropriate behaviour and report any breaches of the Regulations by Members and other members of Staff;
- 9.1.8 respect and promote the rights, wishes and feelings including the right to personal privacy of Children and Adults at Risk; and
- 9.1.9 listen to and respect Children and Adults at Risk at all times and respond appropriately to any Concerns in accordance with the Regulations.

## 10. **PROHIBITED BEHAVIOUR**

### 10.1 Members and Staff must never:

- 10.1.1 allow Concerns to go unreported;
- 10.1.2 engage in behaviour that is in any way abusive, harmful, negligent or exploitive;
- 10.1.3 make inappropriate promises;
- 10.1.4 use any type of physical punishment;
- 10.1.5 act in any way which may be perceived as threatening, intrusive, intimidating patronising or belittling;
- 10.1.6 use inappropriate language, including sarcastic remarks, insensitive, derogatory or sexually suggestive comments;
- 10.1.7 engage in any sexual activity, promote or encourage sexual activity, expose Children and/or Adults at Risk to any form of sexual content / image / activity;
- 10.1.8 subject anyone to any form of treatment that is harmful, abusive, humiliating or degrading;

- 10.1.9 take, display, distribute or publish (e.g., on social media) any image (photographs or video) of Children and/or Adults at Risk on their personal devices;
  - 10.1.10 access, make, publish (e.g., online via social media), or distribute illegal Child Abuse / indecent content / images; and
  - 10.1.11 use one's position to gain access to data relating to Children and/or Adults at Risk, to use to one's own or others' advantage. Such data should only be used or shared with the purpose of protecting and supporting Children and/or Adults at Risk and to meet their needs.
- 10.2 In addition, Staff must never:
- 10.2.1 smoke (including vaping or use of e-cigarettes) or be under the influence of alcohol, illegal substances including solvents or drugs in the presence of Children and/or Adults at Risk, or while carrying out work duties;
  - 10.2.2 use Basketball England equipment to access pornography, or use of personal devices to access pornography when on duty;
  - 10.2.3 follow/friend/subscribe to any social media account of a Child and/or Adult at Risk from a personal account or account that is not fully endorsed by Basketball England; and
  - 10.2.4 invite a Child and/or Adult at Risk known to Staff via work to one's home or attend their home for social reasons. In the event of a pre-existing relationship or reason for this (e.g., the Child or Adult at Risk is related to the member of Staff or is a long-standing family friend), this must be disclosed in the appropriate manner to Basketball England's Safeguarding team via email to: [safeguardingbasketball@basketballengland.co.uk](mailto:safeguardingbasketball@basketballengland.co.uk)

## 11. LICENCED ACTIVITY

- 11.1 Where Licence requirements (for Licenced Memberships including roles such as coaching or officiating) stipulate a safeguarding course must be complete, it is mandatory that the Basketball England safeguarding course is completed. Completion of the course must also be recorded on the Basketball England Membership portal before any Licenced Activity may take place.
- 11.2 Any Licenced Member who requires a DBS check as part of their Licence requirements must provide a valid enhanced DBS certificate as part of their Membership application which in turn must be validated by Basketball England prior to commencing any Licenced Activity.
- 11.3 Basketball England safeguarding procedures are not an alternative route of addressing criminal offences and the relevant statutory authorities will be involved where appropriate and necessary.

## 12. DBS DISCLOSURES

- 12.1 Where a Member (including Club Welfare Officers) or Staff has undergone a DBS Check (including an Enhanced DBS Check with a check of the children's barred list) as required as part of their Membership and/or role; Basketball England reserves the right to disclose their DBS Certificate (where they consist of any caution, conviction, or statutory agency comment) with the Safeguarding Team.

- 12.2 If a Club becomes aware of a Member or Club Welfare Officer having undergone a DBS Check and the results of which have not been disclosed to Basketball England; a disclosure must be made immediately and within 24 hours. The Club must notify the Member or Club Welfare Officer of the disclosure prior to making it. The Club must not permit the Member or Club Welfare Officer to continue to have any contact or involvement with Children and/or Adults at Risk until such time as Basketball England has provided such permission, by way of written confirmation.
- 12.3 Following review of the disclosure, the Safeguarding Team, if deemed appropriate (for example where the DBS Certificate consists of any caution, conviction, or statutory agency comment), may convene a risk assessment meeting with the Member or Staff and in the case of a Club Welfare Officer both the Club Welfare Officer and a representative from the Club.
- 12.4 As part of the risk assessment meeting, the Member, Club Welfare Officer or Staff may be requested to provide further detail, explanation, and/or clarification to the Safeguarding Team. As part of this disclosure, the Member, Club Welfare Officer or Staff must share any decisions from any other body that may be relevant to this risk assessment and any other information considered appropriate by the Safeguarding Team when requested to do so.
- 12.5 In respect of the above, the Safeguarding Team and where necessary and appropriate, the Case Management Group may consider any such information when determining whether the individual should be cleared to work with children under Basketball England's jurisdiction.
- 12.6 Where Basketball England is aware a DBS Certificate contains information which is necessary to share with a Club, the subject of the DBS Certificate will be contacted prior to the disclosure.
- 12.7 If a person required to hold an Enhanced DBS Certificate is cautioned or convicted of an offence or is restricted from working with Children or Adults at Risk by any regulatory or governing body, they must notify the Safeguarding Team immediately and within 24 hours.
- 12.8 Where a Club or other individual becomes aware of a Member or Club Welfare Officer required to hold an Enhanced DBS Certificate having been cautioned or convicted of an offence or restricted from working with Children or Adults at Risk, they must notify the Safeguarding Team immediately and within 24 hours.
- 12.9 Basketball England reserves the right to request that the individual subject to the caution, conviction or restriction undergo a further DBS Check.
- 12.10 Where necessary Basketball England shall refer to the DBS for a decision on barring.

### 13. **DUTY TO REPORT**

- 13.1 Members and Staff are not expected to be experts at recognition of Child or Adult at Risk Abuse. However, they do have a responsibility to act if they have any Concerns about the behaviour of someone (an adult or another Child) towards a Child or Adult at Risk and to follow the reporting procedures in the Regulations.
- 13.2 Concerns may relate to poor practice where an adult's or another Child's behaviour is inappropriate and may be causing harm to a Child or Adult at Risk. In the application of the Regulations, poor practice includes any behaviour bringing Basketball into disrepute of a Child or Adult at Risk protection nature or contravening any Basketball Laws.

- 13.3 The Safeguarding Team is primarily responsible for working with Members and Staff to provide guidance and support in relation to any safeguarding Concerns or queries. Any safeguarding Concern relating to a Member or Staff conduct must be reported to the Safeguarding Team immediately and within 24-hours.
- 13.4 Basketball England will take any Concern seriously and no action will be taken (disciplinary or otherwise) for raising a Concern if it proves to be unfounded or does not merit action, provided the Concern was raised in good faith and not maliciously.
- 13.5 If a Concern comes to a Member's or Staff's attention "out of hours", the Concern must be reported to the Safeguarding Team immediately and within 24-hours. If the Child or Adult at Risk is in immediate danger, call 999 for local Police. If the Child or Adult at Risk is in need of immediate medical attention, contact 999 and request emergency medical services, informing them of your Concerns in relation to the alleged Abuse. Where possible Contact the parent(s), or other person with parental responsibility and inform them that emergency services/paramedics have been contacted due to the presenting injuries.
- 13.6 Concerns are to be reported to the Safeguarding Team via email at: [safeguardingbasketball@basketballengland.co.uk](mailto:safeguardingbasketball@basketballengland.co.uk)
- 13.7 Basketball England's obligations to take certain positive actions arise in response to two types of Concern:
- A. Concerns which meet any one of the Thresholds; and
  - B. Concerns which amount to Low-Level Concerns.

#### 14. **THRESHOLDS**

- 14.1 This means behaviour which might indicate that the Member of Staff may pose a risk of harm if they continue to participate or work in their present position or in any capacity with Children or Adults at Risk. This will be the case where the Concern meets any one of the below "Thresholds":

| <b>THRESHOLD</b>                                  |  |
|---|--|
| <b>HARM THRESHOLD</b>                             | a Member or Staff has behaved in a way that has harmed a Child or Adult at Risk, may have harmed a Child or Adult at Risk, or might lead to a Child or Adult at Risk being harmed. |
| <b>CRIMINAL THRESHOLD</b>                         | a Member or Staff has possibly committed a criminal offence against or related to a Child or Adult at Risk.  |
| <b>RISK OF HARM / TRANSFERABLE RISK THRESHOLD</b> | a Member or Staff has behaved towards a Child or Adult at Risk in a way that indicates that they may pose a risk of harm to a Child or Adult at Risk.                              |
| <b>SUITABILITY THRESHOLD</b>                      | where a Member or Staff has behaved or may have behaved in a way that indicates that they may not be suitable to work with Children or Adults at Risk.                             |

- 14.2 A "**Low-Level Concern**" is any Concern that an individual has acted towards a Child or Adult at Risk in a way that is inconsistent with the Regulations, Safeguarding Policy

and/or Code of Conduct but doesn't meet any of the Thresholds. The term "Low-level Concern" does not mean that it is insignificant.

14.3 Low-Level Concerns may as examples include:

14.3.1 being over friendly with Children; or

14.3.2 engaging on a one-to-one basis, in a secluded area, or behind a closed door;  
or

14.3.3 using inappropriate language, including insensitive, derogatory or sexually suggestive comments.

## 15. **RESPONSE TO CONCERNS**

15.1 The Safeguarding Team shall endeavour to ensure that the Child or Adult at Risk is protected and reassured and that any immediate harm is prevented and where required reported to the appropriate external agencies.

15.2 Following a Concern being reported, the Safeguarding Team will discuss the particulars of the Concern and consider the appropriate next steps.

15.3 If the Concern relates to a High-Profile Individual the Safeguarding Team shall inform Basketball England's Board immediately.

15.4 The Safeguarding Team may:

15.4.1 collate, gather and share information, including deciding in consultation with other agencies (including the LADO) whether a referral is to be made;

15.4.2 undertake a risk assessment;

15.4.3 ensure that the Child or Adult at Risk and the families affected are appropriately supported and updated;

15.4.4 ensure that any witnesses are supported and updated (where appropriate);

15.4.5 ensure that all affected parties understand the requirements for full confidentiality (so far as is practicable) during the process of investigation, prior to an outcome being achieved; and

15.4.6 ensure that the Concern where necessary and appropriate is referred to:

15.4.6.1 the Case Management Group; or

15.4.6.2 the Disciplinary Team; or

15.4.6.3 the LADO (as per statutory guidance); or

15.4.6.4 the Police; or

15.4.6.5 Sport Resolutions (an independent investigative body); or

15.4.6.6 British Basketball (in accordance with the Basketball Laws).

15.4.7 If a Concern is referred to the Case Management Group, they may, in turn refer the matter to the Disciplinary Team for consideration and determination.

15.4.8 Where a Police investigation concludes without a criminal disposal or finding of guilt, Basketball England reserves the right to conduct its own investigation in relation to a Concern. Such investigation may result in disciplinary action being taken in accordance with the Disciplinary Code.

## 16. **CASE MANAGEMENT GROUP**

16.1 The Case Management Group may be convened for the purposes of supporting the Safeguarding Team with investigating, and taking appropriate action following a Concern, in accordance with the Regulations.

16.2 Due to the nature of the Concerns envisaged and Basketball England's legal and regulatory obligations to respond rapidly to Concerns, the Case Management Group is not a fixed group of individuals.

16.3 The Case Management Group shall consist of a minimum of three people, drawn from:

16.3.1 Chief Executive Officer;

16.3.2 Lead Safeguarding Officer;

16.3.3 National Delivery Manager;

16.3.4 National Leagues representative;

16.3.5 National Teams representative;

16.3.6 Club representative;

16.3.7 Regional/Club Welfare Officer representative;

16.3.8 Police/Social Care/LADO;

16.3.9 Legal advisor;

16.3.10 Independent Safeguarding Advisor; and

16.3.11 where required, additional persons as deemed appropriate.

16.4 The purpose of the Case Management Group meeting is to support the Safeguarding Team with:

16.4.1 undertaking an initial risk assessment;

16.4.2 gathering more information as reasonably required, if the Concern is unclear or there is insufficient information;

16.4.3 identifying how the Concern shall be dealt with including whether the Concern should be referred to a statutory agency (e.g., the Police and/or the LADO);

16.4.4 advising on referrals of individuals to the Disclosure and Barring Service;

16.4.5 ensuring that the Child or Adult at Risk and the families affected are appropriately supported and updated;

- 16.4.6 ensuring that any witnesses are supported and updated (where appropriate);
- 16.4.7 ensuring that the Member of Staff who the Concern has been raised against is appropriately supported and updated;
- 16.4.8 ensuring that all affected parties understand the requirements for full confidentiality (so far as is practicable) during the process of investigation, prior to an outcome being achieved;
- 16.4.9 assess whether the person who is the subject of the Concern requires supervision, redeployment, relocation or suspension pending the outcome of the investigation (either for their own safety, for the safety of others, and/or due to reputational risk considerations) and how this will be managed; and
- 16.4.10 whether any further actions are required.

17. **HISTORIAL CONCERNS**

- 17.1 Reports of historical (i.e., non-recent) Concerns will be dealt with in the same manner as recent or current Concerns.

18. **SUSPENSION**

- 18.1 Basketball England may provisionally suspend a Member or Staff for the duration of any safeguarding investigation; provided that in such cases all reasonable endeavours will be used to complete the investigation as expeditiously as possible.
- 18.2 In determining whether a suspension should be imposed the following factors shall be considered:
  - 18.2.1 whether a person may be at risk of harm;
  - 18.2.2 whether the matters or offences alleged are of a serious nature; and/or
  - 18.2.3 whether a bar is necessary or desirable to protect a Child or Adult at Risk from harm.
- 18.3 The decision shall be based upon the available information which could suggest that on the balance of probability it is more likely than not that the person poses a risk.
- 18.4 Where a case has been referred to the Disciplinary Team in accordance with Regulation 15.4.6, it shall be the Disciplinary Team which determines whether a suspension should be imposed along with the nature of such suspension.
- 18.5 Where a Member or Staff is suspended they will be promptly notified in writing.
- 18.6 The notification shall include:
  - 18.6.1 the nature of the suspension;
  - 18.6.2 the reasons why the suspension has been imposed;
  - 18.6.3 if the Member is associated with a Club, confirmation that the Club shall also be notified of the suspension and reason(s) for it; and
  - 18.6.4 if the Member is a Club; the voting representative of the Club as recorded on Basketball England's Membership portal will be notified.



19. If appropriate, Basketball England may inform any relevant authority or other sports' governing body of the suspension.

## 20. **DISCIPLINARY PROCEEDINGS AND SANCTIONS**

20.1 Basketball England may take disciplinary action against a Member or Staff in accordance with the Regulations and/or the Disciplinary Code (as in place from time to time).

20.2 In such disciplinary proceedings, the person(s) charged may not challenge the validity of and/or any decision made under the Regulations and/or the Disciplinary Code.

20.3 In such disciplinary proceedings, the sanctions to be imposed, depending on all of the circumstances of the case shall be determined by the Disciplinary Team.

## 21. **APPEAL PROCESS**

21.1 Respondents shall be at liberty to submit an appeal against a decision reached by the Disciplinary Team in accordance with the Disciplinary Code and Appeals Policy (as in place from time to time).

## 22. **COMPLIANCE**

22.1 Members and Staff must cooperate in good faith with all processes afforded for under the Regulations.

22.2 In addition to the general power to monitor continuing compliance with the Regulations, Basketball England may investigate, at any time any circumstances that indicate actual or potential non-compliance with the Regulations.

22.3 Where necessary to safeguard the fairness and/or integrity of Basketball, Basketball England may provisionally suspend the Member pending resolution of the matter, provided that in such cases all reasonable endeavours will be used to complete the investigation as expeditiously as possible. Any such provisional suspension may not be appealed.

22.4 Any compliance related investigation shall be initiated in good faith and on reasonable grounds based on information derived from reliable sources.

## 23. **DATA PROTECTION AND CONFIDENTIALITY**

23.1 All Concerns arising under the Regulations and in particular all personal information provided to Basketball England under the Regulations will be dealt with in strict confidence at all times in accordance with the provisions of Data Protection Legislation and Basketball England policies as in place from time to time.

23.2 So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any process arising under the Regulations unless there is an overriding obligation in the interests of those involved and safety for such information to be shared with other interested parties. Any such information shared shall be on a need-to-know basis only.

23.3 All information and data relating to a case will be treated as sensitive (safeguarding) information and Basketball England will ensure at all times that it is processed as such in accordance with applicable Data Protection Legislation. The information covered by this Regulation 23 will not be used for any purpose not contemplated in the Regulations and will not be disclosed to any third party save as is strictly necessary

for the effective application and enforcement of the Regulations or otherwise as is required by law.

- 23.4 Basketball England will not comment publicly on the specific facts of a pending or decided case (as opposed to general descriptions of the process and science involved) except in response to public comments, where appropriate.

24. **MISCELLANEOUS**

- 24.1 In no circumstances will Basketball England, the Safeguarding Team, Case Management Group, the Disciplinary Team, or any of Basketball England's employees, officers, agents, representatives, or other persons involved in the administration of the Regulations be liable in any way for any acts done (or omitted to be done) in good faith in connection with the administration of the Regulations.