



Hills Juniors

Hills Junior Baseball Association, Inc.

Version 1.0

ChildSafe Handbook

ChildSafe Policy & Guidelines

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Child-Safe Policy SUMMARY

Volunteers play an important part in helping kids grow and develop. Without volunteers and their parent organisations, many of the activities and services that kids need and enjoy would not be available. When an organisation has the best interests of children and young people in mind, it means kids will feel safe, protected and welcome in the workplace.

Each of the requirements below have been taken from the guidelines at <http://www.kids.nsw.gov.au>

The League shall always endeavour to ensure that children:-

- ◆ Feel safe and protected from harm;
- ◆ Have a say in planning activities and other decisions that affect them;
- ◆ Are listened to;
- ◆ Are respected; and
- ◆ Have their best interests considered and upheld.

To achieve these goals, The League shall:-

- ◆ Establish clear position descriptions for volunteers;
We comply with this by publishing Duty Statements for each Team Official involved in Teams under The League's control.
- ◆ Complete interviews and referee checks;
We comply with this by requiring an interview process for all applicants involved in selection as Team Officials, and by requiring provision from applicants of at least two referees.
- ◆ Implement professional behaviour standards through codes of conduct or similar guidelines;
We require all Representative Team Officials to assent to the NSWBL Code of Conduct prior to applying for a position with a Representative Team. We require all Club Officials to assent to our own Code of Conduct to participate in HJBA competitions.
- ◆ Develop child protection and complaint management policies;
Our Child Protection Policy is contained within this Statement. Our Complaint Management Policy is to publish the name and contact details of our Child Protection Officer ([Denice Conyard](#), phone 9999-1996) who will discharge her responsibilities in accordance with the principles contained at www.kids.nsw.gov.au.
- ◆ Maintain supervision and support for volunteers working with kids;
We comply with this by publishing Duty Statements for each Team Official, and by providing access to our Child Protection Officer ([Denice Conyard](#), phone 9999-1996) who is qualified to advise if required.
- ◆ Provide child protection training for staff and volunteers;
Training is available through contact with our Child Protection Officer or directly from www.kids.nsw.gov.au.
- ◆ Have ongoing training on duty of care, occupational health and safety, volunteer rights and responsibilities and confidentiality.
Again, training is available through contact with our Child Protection Officer or directly from www.kids.nsw.gov.au.

Indicators of Child Abuse....

The following list contains acknowledged indicators of child abuse. **One indicator alone may not indicate that a child has been abused or neglected.** You should also consider other, more benign, factors which may have led to one or more of these indicators.

- ◆ Bruising, especially to the face, head or neck.
- ◆ Multiple injuries such as bruises, burns or fractures.
- ◆ An injury left untreated.
- ◆ Differing versions of how an injury occurred.
- ◆ A child or relative speaking out about abuse.
- ◆ A child, by talking about someone else being abused, may actually mean himself or herself.
- ◆ Descriptions of sexual behaviour inappropriate for the child at his/her current age.
- ◆ A high level of distrust of other people, particularly adults.
- ◆ Being unable to relate appropriately to adults and/or other children.
- ◆ Exhibiting extreme attention-seeking, bullying or other aggressiveness.
- ◆ Seeking indiscriminate or inappropriate adult affection.

Improper Adult Conduct of a Sexual Nature....

This is misconduct which does not fit into the strict definition of "sexual abuse". It is **unwarranted, unsolicited unreciprocated** behaviour such as:-

- ◆ Sexual or smutty jokes,
- ◆ Personally offensive verbal comments or gestures,
- ◆ Physical contact such as patting, pinching, or putting an arm around a child's body,
- ◆ Requests or demands for sexual activity or contact.
- ◆ Otherwise inappropriate behaviour when children are present.

NOTE:-

Improper conduct may be unintentional (ie:- the individual may not be aware that any behaviour is causing offence). Similar distress could be caused by both intentional and unintentional improper conduct. Remember that if not addressed, improper conduct can easily escalate to sexual assault.

Notification Procedures.

Verbal notification must be made to the CPO as soon as possible. The following information should be provided by the complainant...

- ◆ Name, description and home address of the child involved.
- ◆ Any other known details such as age of the child, school attended, name of siblings etc.
- ◆ The need for an interpreter if applicable.
- ◆ Full details of conversations, events and observations which led to the report
- ◆ Any other relevant information.
- ◆ Your contact name and telephone number.
- ◆ A written follow-up, ideally within 24 hours of the verbal report.

Alleged Improper Conduct by a Team or Club Official...

If you suspect an official of improper conduct, you should follow the Notification Procedure above immediately. The CPO will instigate the appropriate procedure.

Child Abuse can be...

- ◆ Sexual Abuse. Any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching.
- ◆ Neglect occurs when a child is harmed by the failure to provide the child with the basic physical and emotional necessities of life.
- ◆ Physical abuse refers to non-accidental injury and/or harm to a child caused by an adult who is responsible for that child.
- ◆ Emotional abuse is behaviour by an adult which may psychologically harm a child, including verbal abuse and threats of abuse or excessive and unreasonable demands.

Confidentiality

The identity of the notifier is not to be revealed to any person or officer of any government department without the consent of the notifier. The Children (Care & Protection) Act 1987 makes provision for safeguarding the identity of a person making notification of suspected child abuse or neglect. No agency is allowed to disclose the identity of the notifier to the parent/guardian.



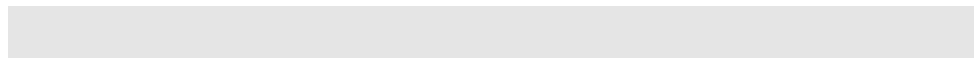
Hills Juniors

ChildSafe Policy & Guidelines

Section 1 - Child Protection and Intervention Policy

Section 2 - Notification Procedures for Allegations of Child Abuse

Hills Junior Baseball Association, Inc.



Child Protection & Intervention Policy

EXECUTIVE STATEMENT

The issue of child abuse is a complex problem that has an impact on all areas of society, including participation in sport and recreation activities.

The Wood Royal Commission into the NSW Police Service, led to increased community awareness of the significant number of child sexual assaults and incidents of abuse which occur. It also highlighted the need for the development and implementation of strategies to protect children from abusive situations.

Protecting children from abuse is a responsibility that we must all undertake. Through the implementation of strategies that assist in preventing child abuse from occurring, Hills Juniors has taken a pro-active role in relation to child protection and intervention. These strategies will help to foster a safe and positive environment for children and young people to participate in physical activities.

In addition, development of Child Protection and Intervention Policy and Guidelines provides Hills Juniors with an excellent risk management tool for developing prevention strategies and for the effective management of child abuse issues within sport.

Information contained in this document will create a framework and provide direction for staff, officials, coaches, volunteers, members and parents of children and young people involved with Hills Juniors, and our affiliated local clubs. It will help deliver a consistent approach to child abuse prevention at all levels of the sport and recreation industry.



14/8/10

Head of Organisation

Date

POLICY STATEMENT

Hills Juniors is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by Hills Juniors and its member bodies. Hills Juniors aims to promote a safe environment for all children and to assist all staff, officials, coaches, members and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

RATIONALE

The focus of the policy and guidelines is the prevention of child abuse in the sporting environment.

This policy and guidelines promote the care and protection of children participating in baseball, tee-ball and derivative game formats, and provide information and direction for employees, officials, coaches, volunteers and members of the organisation.

This policy and guidelines will assist Hills Juniors in establishing coordinated strategies for dealing with the problem of child abuse and neglect in a responsible, effective and consistent manner.

OBJECTIVES

Through the development of this policy Hills Juniors' objectives are to:

1. provide information to assist staff and volunteers in dealing with all forms of child abuse
2. provide comprehensive guidelines relating to risk minimisation and reporting/notification procedures
3. provide direction to all staff and volunteers regarding their legal responsibilities under child protection legislation
4. promote and adopt Hills Juniors' principles for child protection and intervention amongst staff, volunteers, coaches, members and parents of children participating in the organisation's programs and competitions.

SCOPE OF POLICY

The Child Protection & Intervention Policy of Hills Juniors is applicable to all management and staff (paid, voluntary, permanent or casual) of Hills Juniors, and its affiliated local clubs.

IMPLEMENTATION OF LEGISLATION

In order to implement the child protection legislation Hills Juniors will undertake to:

1. implement strategies and procedures that focus on the best interests of children and meet the requirements of child protection legislation
2. promote a safe and supportive environment for all children and young people participating in activities which come under the umbrella of Hills Juniors.
3. increase awareness and emphasise the importance of child protection issues in a sporting environment to all those involved with the activities of Hills Juniors. This includes administrators, coaches, officials, athletes, parents and their children.
4. ensure that all staff of Hills Juniors are aware of their responsibilities arising from recent child protection legislation, in particular, the requirement under the Commission for Children and Young People Act 1998, to inform their employers if they have been convicted of a serious sex offence.

EXPECTATIONS

Administrators, coaches, officials, members and volunteers often have a high level of contact with children in the sporting environment and play a major part in the successful operation of sporting activities.

Coaches and officials are often seen as role models. They have significant influence on the children they come into contact with and therefore have significant responsibilities.

Hills Juniors expects that all administrators, coaches and officials whether paid or unpaid, who participate in organised sport under the banner of this Organisation will commit to implementing risk management strategies developed by Hills Juniors for child protection and intervention.

P O L I C Y
R E V I E W

Hills Juniors Child Protection and Intervention Policy and Guidelines will be reviewed annually and updated in line with any legislative changes that have significant impact on the manner in which child protection and intervention issues are to be dealt with.



Signed _____ Date 14/8/10
Head of Organisation

Notification Procedures for Allegations of Child Abuse

R A T I O N A L E

Hills Juniors acknowledges that issues regarding child abuse and the reporting of allegations of child abuse are highly sensitive, and should be dealt with in a confidential manner.

Hills Juniors has developed these notification procedures to ensure that confidentiality is maintained throughout the process and that consistent procedures for reporting are encouraged.

Hills Juniors will be proactive in its role to protect children and encourage an open environment that allows employees and members to be aware of their rights and responsibilities within the Organisation.

C H I L D P R O T E C T I O N O F F I C E R

To deal appropriately with these issues and to ensure that the confidentiality of all parties involved is maintained, one person within Hills Juniors will be designated as the child protection officer.

The child protection officer is responsible for reporting any allegations of child abuse that occur in Hills Juniors to the local branch of Community Services, and the NSW Police Service. If the child protection officer is not available then the most senior person within Hills Juniors should be notified.

Child Protection Officer:

Name: Denice Conyard

Phone: (02) 9999-1996

E-mail: manooka@bigpond.com

W H A T S H O U L D B E R E P O R T E D ?

Some incidents **may seem minor**, however, they may in fact reveal more serious concerns of misconduct or a pattern of behaviour that requires further scrutiny. All people associated with Hills Juniors should be aware of the indicators for child abuse and sexual abuse so that they may make an informed decision on what to report.

If you have reasonable grounds to suspect that a child participating in any organised activities conducted by Hills Juniors is at risk, report the matter to the child protection officer.

W R I T T E N N O T I F I C A T I O N

Verbal notification of alleged child abuse must be followed up in writing within 24 hours to Community Services using the child protection notification form provided.

I N V E S T I G A T I O N

If an incident of child abuse occurs in Hills Juniors it is not the responsibility of persons within Hills Juniors to take it upon themselves to determine whether the allegation is true or false. This responsibility belongs with Community Services and the Courts.

Depending on the nature of the allegations and the extent of the situation, Community Service will determine the manner in which the matter will be investigated. This may involve the NSW Police Service.

CONFIDENTIALITY

All matters regarding allegations of child abuse are to be treated as confidential. The person designated as the child protection officer is the contact person for any incident involving allegations of child abuse. This is essential for confidentiality. Confidentiality protects all individuals involved:

- the alleged victim
- the alleged offender, and
- the person making the notification.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998

Under the **Commission for Children and Young People Act 1998**, Hills Juniors is required to:

1. notify the Commission for Children and Young People of the name and other identifying details of any employee against whom relevant disciplinary proceedings have been completed by Hills Juniors irrespective of the findings (except where the allegation has been proven to be vexatious, mischievous or false).
2. provide details of child abuse allegations/convictions against employees to the Commission
3. notify the Commission of any applicants for child-related employment, rejected as a result of risks identified through the background check processes
4. ensure that records of all information required to be submitted to the Commission for Children and Young People are retained by Hills Juniors

Under the **Commission for Children and Young People Act 1998**
Hills Juniors

1. **will not** commence employing a person in a child-related position without first requiring them to sign the Applicant Declaration and Consent form (if paid) or the Volunteer/Student Declaration form (if unpaid).
2. **will not** commence employing, or continue to employ, in child-related employment, a person that has been identified as a 'prohibited person'.

CONTACT DETAILS

Community Services helpline: 13 21 11

Police Assistance Line: 13 14 44



Working with Children **CHECK**

To the Club Secretary...

It is a legal requirement that you comply with the Child Protection legislation. This covers all people in child-related "employment", whether paid or not, and thus includes team officials like coaches, managers and even scorers. It probably also includes canteen workers, grounds staff and basically anyone who works for your club and thereby has (or might have, at any time and in any circumstances) access to a child or children. Compliance requires a volunteer to sign the statement on this form and lodge it with you (the Club). That is the minimum requirement.

Note that although The League requires you to secure these Declarations from your volunteers, the responsibility of keeping the forms is yours, and not The League's. Your volunteers work for your club, not for The League. Volunteers who work for The League (eg: representative coaches) will be required to supply The League with a fresh and independent Declaration. Volunteers need sign a Declaration once only, at the start of their participation. That form is valid for the term of their involvement with your club. Should a volunteer leave your club for a season or more and then come back later, they need to sign a new Declaration.

The League itself observes a Child-Safe Policy which is published on our website. Further information is available at the NSW Government's Commission for Children & Young People: <http://www.kids.nsw.gov.au/check/>

To the Volunteer...

You need to sign this declaration because it is a legal requirement of your participation. Instead of completing this form, you may make your declaration online at <https://check.kids.nsw.gov.au/volunteer-declaration.php>

VOLUNTEER/STUDENT DECLARATION **(Previously: "PROHIBITED EMPLOYMENT DECLARATION")**

CHILD PROTECTION (PROHIBITED EMPLOYMENT) ACT 1998

The Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a Prohibited Person) or a Registrable Person under the Child Protection (Offenders Registration) Act 2000, to apply for, undertake or remain in, child-related employment. It does not apply if an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal or the Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.



It is an offence for a prohibited person to apply for, attempt to obtain, undertake or remain in child-related employment, **or to sign this declaration**. A prohibited person is a person who is convicted of the following (whether in NSW or elsewhere):

- ◆ murder of a child
- ◆ serious sex offence, including carnal knowledge
- ◆ child-related personal violence offence (an offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a child)
- ◆ indecency offences punishable by imprisonment of 12 months or more
- ◆ kidnapping (unless the offender is or has been the child's parent or carer)
- ◆ offences connected with child prostitution
- ◆ possession, distribution or publication of child pornography; or
- ◆ attempt, conspiracy or incitement to commit the above offences.

A prohibited person includes a Registrable person under the Child Protection (Offenders Registration) Act 2000.

A conviction includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

Child-related employment means any employment (paid or unpaid), where at least one of the essential duties of the position involves direct contact with children, where that contact is not directly supervised. Section 3 of the Child Protection (Prohibited Employment) Act 1998 describes child-related employment in several categories, but specifically related to your participation within Hills Juniors or an affiliated club: "...in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership".

Declaration:

- ◆ I have read and understood the information above about prohibited persons. I am aware that it is an offence to make a false statement on this form.
- ◆ I declare that I am not a prohibited person under the Commission for Children and Young People Act 1998 or a Registrable Person under the Child Protection (Offenders Registration) Act 2000.
- ◆ I consent to the Commission for Children and Young People checking my relevant criminal records, to verify these statements. I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

(Full Name)

Signature & Date

Previous name or Alias			
Residential Address			
Contact Details			
Date & Place of birth	Home Phone	Mobile	E-mail address
Photo ID provided	Date of Birth	Town/Suburb	Country
Photo ID provided	Type (Passport, Drivers License etc)	State/Country of issue	Document number

My Home Club is:-

Photo ID sighted – Name, date & signature of a Club or League official

	Gender ...	M	F
I am a parent/guardian of a child participating in Hills Juniors or an affiliated club ...		Yes	No
I am a volunteer or student on placement ...		Yes	No



Hills Juniors

Online Training GUIDANCE

From now on, we're requiring team coaches and managers to demonstrate their knowledge of Child Protection laws.

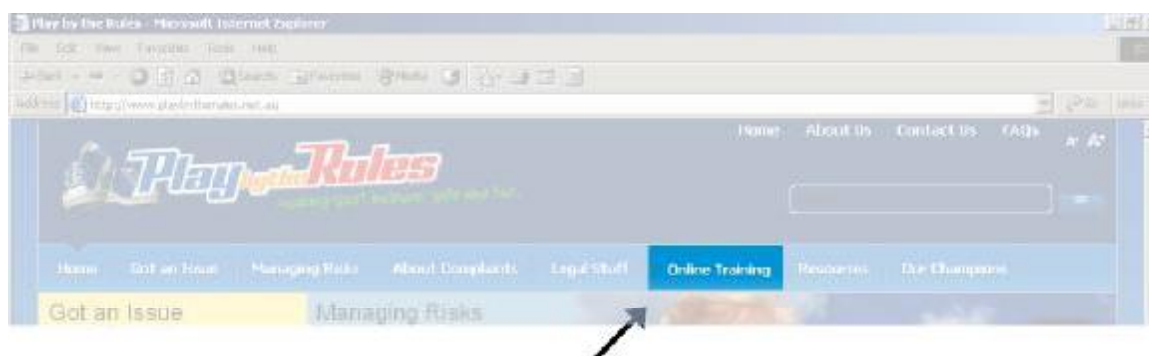


This policy involves all adults named on Team Rosters for all clubs within Hills Juniors, and for all age groups and grades.

To comply, you must complete a short online course, and pass a test. Once you do, the website will generate a Certificate, which you should either print or save and then provide to your club. It will be held on file by your club. There is no need to submit it to Hills Juniors.

Step 1. Go to www.playbytherules.net.au

Step 2. Select "Online Training" from the top menu ...



Step 3. Scroll down to the "New Users" area. Click where indicated to register ...



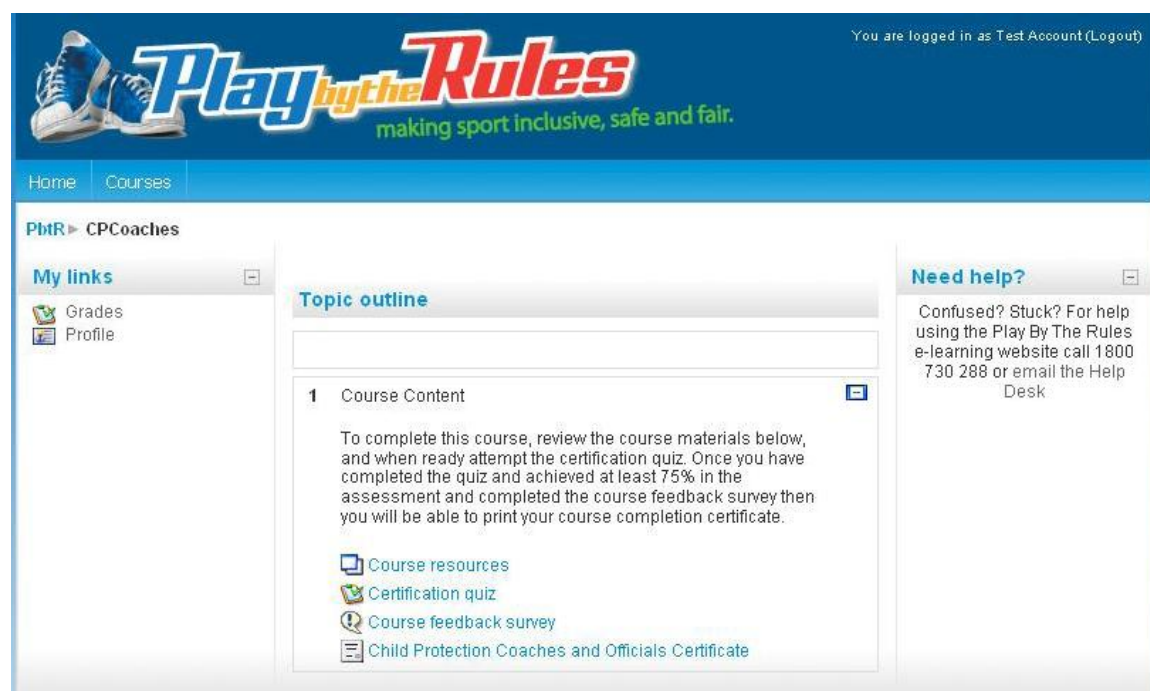
Step 4. Complete the form that will load. Once you submit it, an email will be sent to you for confirmation. Click the "Continue" button in your browser first, and then go to your email and click the link they gave you. You should now have a screen that is headed:-

Welcome to the Play by the Rules online training site

Scroll down. You will see a list of courses at the bottom of this page. The one you need to complete is called “Child Protection – Coaches and Officials” in the NSW section ...



Step 5. Follow the on-screen instructions. It's all well explained from here on. The screen you should see now looks something like this ...



Start by clicking on “Course Resources”, where you will learn about each module. Once you’re comfortable with the material, select “Certification Quiz” and complete the exam on that topic.

Step 6. Each course has a number of modules – the one you’re completing now has five, as shown on the next screen ...



Step 7. Once you've completed the course, the website will offer to generate a Certificate for you. Either print it and mail it to your Association Secretary, or save the file and email it to him/her.

Thank you for your co-operation. We know this policy makes it just that little bit harder for everyone involved, but the stakes are high.

Raising the profile of Child Protection in our sport does come at a cost that's paid by team coaches and managers. However, consider the payback. If all the hundreds of hours spent, even over many years, results in just one child being removed from risk of abuse, then we at Hills reckon it's worth it.

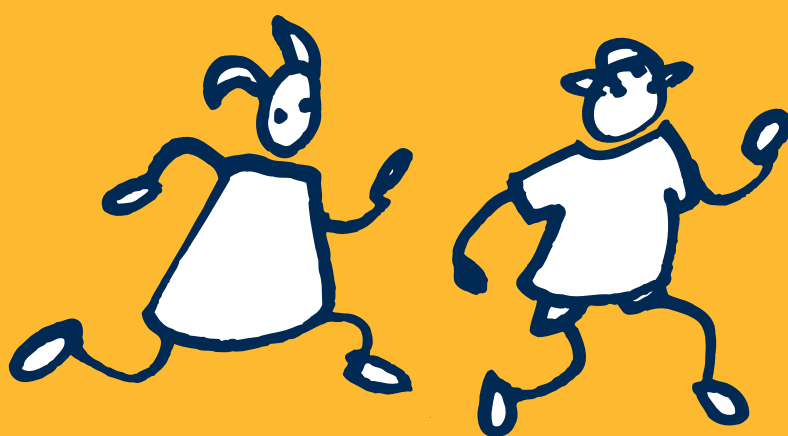
We hope you agree.

NSW Sport and Recreation



Child protection in sport and recreation

Guidelines for parents/guardians and children



www.dsr.nsw.gov.au



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What is meant by child protection?

Child protection for sport and recreation organisations is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children.

A child is a person under the age of 18 years.

Child abuse includes:

- Sexual abuse – any sexual behaviour imposed on a child, including inappropriate physical contact
- Physical abuse – any non-accidental injury including physically punishing a child by hitting, throwing an object or pushing or shoving
- Emotional abuse (including verbal abuse) – negative messages in relationship to a child which, over time, affect a child's self concept and ability to function
- Neglect – of proper nourishment, of shelter/hygiene, of clothing/medication etc.

Sport and recreation organisations have a moral and legal responsibility to create a positive and encouraging environment to ensure that children participating in these activities are safe and free from abuse.

Positive child protection practices enable children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy their future.

How is sport responsible?

Sport and recreation groups are legally and morally responsible for protecting children from abuse while those children are involved in the sport or recreation activity (or related activities).

A key responsibility for sport and recreation groups is to protect children from people who are unsuitable to work with children. This involves complying with the Working with Children Check, which is a legal requirement and includes:

- Requiring all employees (including volunteers) who will be working in identified child related positions to declare whether or not they are a Prohibited Person (eg. a person prohibited from working with children due to convictions for certain serious offences). It is an offence for a prohibited person to apply for or remain in child related employment.
- Undertake background checking of preferred applicants for paid child related positions and other mandatory categories.

All levels in your chosen sport or recreation activity have responsibilities for child protection. This includes the peak body, associations, clubs, coaches and officials. The main responsibilities are to:

- Undertake and comply with the Working with Children Check
- Develop and adopt policies and good practices to reduce the risks of child abuse
- Investigate and respond to any incident of reportable conduct or risk of harm related to the sport or recreation activity. Where necessary, this includes the peak body or association making a report to the relevant authorities eg. NSW Department of Community Services (DoCS), Commission for Children and Young People or NSW Police.

For more information refer to www.dsr.nsw.gov.au/children

What should your club be doing?

Your sport or recreation club should be adopting a positive role in dealing with child protection issues.

Some things that your club can do include:

- Nominate a person in the club to be responsible for child protection/member protection (someone that people can trust and go to if there are any questions or problems)
- Promote the sport's policy on child protection/member protection to parents/guardians and children
- Openly talk about the importance of child protection/member protection and explain how this can be achieved
- Put practices in place that minimise the risk of child abuse and clearly state what is acceptable behaviour
- Promptly respond to any allegation of child abuse or reportable conduct.

There should be a high level of awareness about child protection and the risk of child abuse in your club. This level of commitment will help to deter people who may be inclined to abuse children from being part of your club.

Your role as a parent or guardian

As a concerned parent or guardian you have an important role to play in creating a safer environment for your child.

Some things that you can do include:

- Ask your club if they are Working with Children Check compliant
- Ask your club to provide you with its policy on child protection/member protection
- Maintain open lines of communication with your child to ensure that they are aware that they can talk to you about anything
- Support the club in implementing its policy and practices relating to child protection/member protection
- Be aware of your club's guidelines for coaches and officials regarding appropriate practices and adopt these practices yourself as a person involved in the club
- Report any incident of child abuse to your club's child protection/member protection representative or another responsible member of the club
- Adopt positive behaviours when involved with the sport and as a spectator
- Obtain further information on sport rage, child protection/member protection and harassment and discrimination from the websites www.dsr.nsw.gov.au and www.playbytherules.net.au

Your responsibilities as a child

As a child participating in a sport and recreation activity, you should remember that it is important to:

- Participate and enjoy the activity. This will happen if the activity is being conducted in an environment that is safe, and encourages positive behaviours
- Talk with your parents/guardian if you are not happy with any aspect of your involvement with sport
- Treat others involved in the sport with respect. As a player you should be aware of your sport's code of conduct and that breaches of this code may result in disciplinary action
- Obtain further information on sport rage, child protection/member protection and harassment and discrimination from the websites www.dsr.nsw.gov.au and www.playbytherules.net.au

How to deal with reportable conduct/incidents

As a parent or guardian

As a child involved
in sport



For parents and guardians – how to deal with reportable conduct and abuse

What is reportable conduct

- Reportable conduct — any sexual offence or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence
- Any child related personal violence offence
- Any assault, ill treatment or neglect of a child
- Any behaviour that causes psychological harm to a child, or
- An act of violence committed by an employee in the course of employment and in the presence of a child.

If your child is experiencing harassment, discrimination or abuse as part of their involvement in a sport or recreation activity, you should:

- Be caring and understanding towards your child. Believe what they are saying and take action to address their concerns
- Advise the child protection representative, member protection information officer or another trusted person in your club and expect them to respond appropriately by following the sport's established procedures
- Contact NSW Police and DoCS if your child is at risk of harm or you believe the incident is a criminal matter (refer to definitions on page 1 and Other information and contacts on page 13).

Your club should inform its peak body or association, who will investigate the matter and liaise with NSW Police and DoCS if appropriate. You should be kept informed throughout the investigation.

Ensure your child does not remain in a situation where they could continue to be abused or where they may be at risk of harm.

Feel comfortable about reporting any form of harassment, discrimination or abuse. Your child should not be expected to tolerate any abuse and it is your right as a parent or guardian to take action and to expect your sport to deal with the situation appropriately and confidentially.

For children – how to deal with reportable conduct and abuse

If you are experiencing harassment, discrimination or abuse as part of your involvement in a sport or recreation activity you should:

- Tell your parent, guardian or another person you trust, like your teacher, straight away. Tell them exactly what is happening
- With your trusted person you should advise the club's child protection representative, member protection information officer or another trusted person in the club. They will then follow the sport's established procedures which should include advising the peak body or association who will deal with the matter
- You or your trusted person can make contact with NSW Police or DoCS if appropriate (refer to Other information and contacts on page 13).

You have the right to feel safe while involved in your sport or recreation activity. You do not deserve to be abused in any way. This includes sexual abuse, physical abuse, emotional abuse or neglect.

Just remember it is important for you to tell someone if you are being abused so that they can help to stop the abuse from happening to you and others.

You can also call Kids Helpline on 1800 551 800 or visit www.kidshelp.com.au They will:

- Listen to you
- Believe you
- Help you come up with possible solutions.

Checklists

These checklists will help you to contribute to achieving child protection in your sport or recreation activity.

Ideally you will answer yes to each question.

Parents If you do not answer YES, you should take action so that you can.

Children If you do not answer YES, ask your parent or guardian or another trusted person to take action so that you can.



Checklist for parents and guardians

- ☐ Is your club compliant with their Working with Children Check responsibilities?
- ☐ Does your club have a policy on child protection/member protection?
- ☐ If your club has a policy, do you have a copy or at least know what the policy is?
- ☐ Does your club have a person responsible for child protection/member protection?
- ☐ Does your club have codes of conduct for coaches, officials, players and parents?
- ☐ Are there guidelines on how coaches and officials should behave around children?
- ☐ Would you report an incident of harassment, discrimination or abuse?
- ☐ Do you know what action to take if you need to report an incident of harassment, discrimination or abuse?
- ☐ Are you comfortable that your child is safe from abuse in their sport or recreation activity?
- ☐ Are you comfortable that your sport or recreation group is doing all they can to reduce the risk of harassment, discrimination or abuse?
- ☐ Do people in your club talk about the importance of child protection?
- ☐ Have you talked to your child recently to ensure that they are aware that they can talk to you about anything?

Checklist for children

- ☐ Do you feel safe in your sport or recreation activity?
- ☐ Does your club talk to you and other children about child protection and what to do if you have any problems?
- ☐ Do you have a person responsible for child protection/member protection in your club that you feel you can talk to?
- ☐ Has your parent or guardian read this booklet and/or other child protection material?
- ☐ Are you aware of codes of conduct for coaches, officials and others in your club?
- ☐ Would you tell your parent, guardian or another trusted person if you were concerned or unhappy about anything that is happening in your sport or recreation activity?
- ☐ Would you tell someone if you knew your friend was being abused as part of your sport or recreation activity?
- ☐ Would you contact the police or ask your parent or guardian to do so, if you were abused?

Important terms

Apprehended Violence Order (AVO) – with regard to the *Commission for Children and Young People Amendment Act 2005* an AVO is defined as an order made by a Court on the application of a police officer/public official or interstate restraint order made for the protection of a child.

Approved Screening Agency – designated agencies that undertake requests for background checking on behalf of employers.

Allegation – an assertion made without absolute evidence.

Background checking – checks for offences including child assault, child pornography, sexual activity, acts of indecency, relevant AVO and employment proceedings. It must be conducted on all preferred applicants for paid child related positions as well as other mandatory categories by an Approved Screening Agency.

Child related employment – employment (including volunteers) that primarily involves direct, unsupervised contact with children. (A child is defined as a person under 18 years of age). This means that one of the essential duties of the position involves direct unsupervised contact with children.

Child related personal violence offence – in NSW, a child-related personal offence is specifically the offence of:

- Maliciously wounding or inflicting grievous bodily harm to a child; or
- Maliciously shooting at, or discharging any kind of loaded arms at a child.

Employment proceedings – employment related proceedings completed in NSW or elsewhere, where an employer (including sport and recreation organisations), has found:

- Reportable conduct; or
- That an act of violence has been committed by an employee in the course of employment and in the presence of a child.

Prohibited person – a person convicted of a serious sex offence, the murder of a child, a child related personal violence offence or a registrable person. A prohibited person is not allowed to work or continue to work in child related employment. It is an offence for a prohibited person to apply for a position working with children. A person on the sex register is also a prohibited person.

Reportable Conduct – refer to page 7.

Prohibited Employment Declaration – a form to be completed by all paid and unpaid employees (including volunteers) prior to employment in child related positions.

Risk of harm – current concerns about a child over basic physical or psychological needs not being met, medical care not being arranged, the child being at risk of serious physical or psychological harm or at risk of physical or sexual abuse.

Serious sex offence – an offence (involving sexual activity, acts of indecency and other offences included in legislation) that is punishable by a prison sentence of 12 months or more.

Working with Children Check – the overall process used to help determine whether a person is suitable to work with children.

Working with Children Background Check Consent Form – a form completed by preferred applicants for child related positions and other mandatory categories. Used by employers to get permission to conduct background checking. Kept on file by the employer.

Other information and contacts

NSW Sport and Recreation

Child Protection Infoline: 1300 366 407
Email:
workingwithchildrencheck@dsr.nsw.gov.au
www.dsr.nsw.gov.au/children
Offers a range of child protection brochures

Commission for Children and Young People

Office hours: 9am–5pm
Phone: (02) 9286 7220
Fax: (02) 9286 7201
Email: kids@kids.nsw.gov.au
www.kids.nsw.gov.au
WWCC Employers Guidelines

Australian Sports Commission

Phone: (02) 6214 1111
www.ausport.gov.au
Policy and Code templates

Play By The Rules

www.playbytherules.net.au
Free online training programs on child
protection, discrimination and harassment.

NSW Police

Emergency: 000
Police Assistance Line: 131 444
7 days a week, 24 hours a day

NSW Department of Community Services

DoCS Helpline: 132 111
www.community.nsw.gov.au

Kids Helpline

Phone: 1800 551 800
Email: admin@kidshelp.com.au
www.kidshelp.com.au

Lifeline

Phone: 13 11 14
www.lifeline.com.au



Child protection Infoline

1300 366 407

www.dsr.nsw.gov.au





Child protection in sport and recreation

Guidelines for achieving child protection
for sport and recreation clubs



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Disclaimer

No person should rely on the contents without first obtaining advice from a qualified professional. The contents are intended as a guide only.

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- NSW Sports Federation
- NSW Amateur Soccer Federation
- NSW Basketball
- NSW Rugby league
- AFL (NSW/ACT)
- NSW Swimming
- NSW Squash
- Netball NSW
- NSW Surf Lifesaving
- NSW Rugby Union
- NSW Soccer Federation.

Introduction

Sport and recreation clubs and groups have a legal and a moral responsibility to provide positive and safe environments for children.

This requires making a firm and open commitment to child protection and adopting procedures and practices that will minimise the risk of a child being abused.

Child protection involves keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child protection in sport and recreation enables children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy the future.

Child abuse is not acceptable and sport and recreation clubs must make a stand against such behaviour. This includes creating an environment where coaches and officials are committed to acceptable practice and where clubs endeavour to ensure that children are safe from any form of abuse.

This booklet provides key information that sport and recreation clubs and groups will need to know to achieve child protection. www.playbytherules.net.au is also available, with practical examples of situations that are a valuable resource for clubs and groups.

Please read and adapt this material for the benefit of the children involved in your sport or activity and for the protection of your coaches and other participants.

Understanding child abuse and child protection

Understanding child abuse

Child abuse can take many forms. Children may be harmed by both verbal and physical actions. They may also be harmed by people failing to provide them with basic care. Child abuse could include:

- **Sexual abuse/sexual misconduct** – any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching
- **Physical abuse** – non-accidental injury and/or harm to a child caused by a parent, care-giver or another person responsible for the child
- **Emotional abuse** – behaviours that may psychologically harm a child, including severe verbal abuse and threats of abuse or excessive and unreasonable demands
- **Neglect** – where a child is harmed by the failure to provide the child with the basic physical and emotional necessities of life.

The greatest risk for sport and recreation clubs would appear to be sexual abuse and physical abuse, however, emotional abuse is also a serious problem. All forms of child abuse must be avoided and addressed.

For the purpose of this child protection material, a child is considered to be a person under 18 years of age.

Understanding child protection

Child protection involves keeping children safe from abuse and protecting them from people who are unsuitable to work with children. More specifically, child protection involves protecting children from the risk of harm caused by sexual abuse or misconduct, physical abuse, emotional abuse or neglect. This can be achieved by:

- Conducting the *Working with Children Check* for child related positions, which is a legal requirement
- Making a firm commitment to child protection that is understood and supported across your club or group (by officials, coaches, children and parents/guardians)
- Providing a safe, open and honest environment that protects children as well as the people working with children. This includes creating an awareness of the risk of child abuse and openly discussing the need for child protection and how this can be achieved
- **Identifying and managing** the risks to children in your organisation
- Adopting policies and practices that minimise the risk of child abuse. These can be by adopting a Code of Conduct and ensuring all members, staff, parents, players are aware of what is **acceptable** and **unacceptable** behaviour
- Swiftly and appropriately responding to any incident of suspected child abuse that you observe or that is raised with you. This can involve a personal as well as an organisational response.

Child protection does not mean that coaches and others involved in sport and recreation cannot physically contact children in any way. There are a number of sports where instructing and coaching involves physical contact with children to guide them in their activities. Organisations need to ensure that everyone in your organisation understands what is appropriate behaviour when dealing with children and what constitutes appropriate physical contact.

The responsibilities of clubs

Sport and recreation clubs and groups work closely with children. They support them in developing skills, having fun and providing a positive environment for children to become more committed and responsible in life.

By taking on this role, clubs and groups also become responsible for the safety and welfare of children during their involvement with the sport or activity. Clubs and groups have a legal and a moral responsibility to ensure that children are safe while in their care, and this includes minimising the risk of child abuse.

Recent child protection legislation places responsibilities on clubs and groups with child memberships.

This legislation includes:

- *Commission for Children and Young People Act 1998*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Child Protection (Offenders Registration) Act 2000*

Details of these legislative responsibilities are outlined later in this booklet under Useful material and contacts.

Besides meeting legal requirements, clubs can benefit from making a commitment to child protection. Parents and guardians are more likely to support activities and clubs that are committed to the safety of their children, and a club that promotes this commitment could very likely benefit through increased membership and participation.

Your legal responsibilities – SUMMARY

- Register your organisation with your Approved Screening Agency (ASA)
 - For sporting and recreation organisations within NSW, the ASA is NSW Sport and Recreation
 - If you are not a sporting and recreation organisation check who your ASA is on www.kids.nsw.gov.au/director/check.cfm
- Report relevant employment proceedings (REPs) to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children
- Require all **paid and unpaid** applicants for child related employment to sign a Prohibited Employment Declaration (PED) which confirms they are not a prohibited person
 - Forms are available on www.dsr.nsw.gov.au/children
- Do not employ anyone in child related employment who will not sign the PED
- Require applicants for **paid** positions to sign a Background Check Consent Form. Then submit a Background Check Request Form to your ASA for them to conduct the Working with Children Check
 - The check will include:
 - National criminal check for relevant offences
 - Any Apprehended Violence Orders taken out on behalf of a child
 - Relevant employment proceedings.

Key points to remember

- ✓ Fines and/or gaol sentences apply for failing to comply with the child protection legislation
- ✓ There is no age minimum on the Working with Children Check (WWCC)
- ✓ The Working with Children Check is a free service
- ✓ Working With Children Check forms available from www.dsr.nsw.gov.au/children

How clubs can achieve child protection

- Child protection culture
- Key tasks
- Links to peak bodies
and associations



Make child protection part of your culture

Child protection requires commitment and a genuine desire to minimise the risk of child abuse within your sport or activity. Clubs and groups that embrace child protection and make it an important part of their culture are more likely to achieve a safe and appealing environment for children.

Some ways in which a club or group could make child protection part of their culture include:

- Ensuring compliance with child protection legislation including conducting the Working with Children Check
- Reference to child protection in any material produced by the club or group, for example, annual report, promotional material or club raffles
- Regular discussion of child protection objectives at club committee meetings and in discussions with other clubs or organisations
- Reference to the commitment to child protection at any functions, particularly where parents or guardians are involved (outlining any specific policies or actions adopted by the club)
- Child protection posters and leaflets in prominent positions around club facilities
- Promote child protection objectives to parents and children
- Adopt a Code of Conduct and ensure that everyone is aware of their responsibilities for creating a child-friendly environment
- Ensure everyone – parents, staff, members, players – understand what is acceptable and unacceptable behaviour
- When concerns are raised, act quickly to respond.

Adopt basic principles

To minimise the risk of child abuse within your sport or activity there are a number of basic principles that should be adopted by sport and recreation clubs and groups. These are:

- Be aware of the risk of child abuse. Identify and document where the risks are in your organisation
- Be aware of the indicators of child abuse
- Openly communicating and educating on the importance of child protection and risk management to coaches, players, officials, parents and guardians
- Reinforce the club's/group's commitment to creating a positive environment for children, coaches and other club/group members
- Adopt procedures that minimise the risks for coaches, players and parents. Try not to place coaches, players, parents or guardians in a position where they could be at risk. Examples include allowing only one coach or parent/guardian to supervise an overnight trip with a group of children or allowing only one official to supervise children when using change rooms and showers
- Ensure everyone is clear on what is acceptable behaviour and what is not acceptable (refer to the Australian Sports Commission guidelines)
- Adopt and implement policy and procedures regarding child protection (developed by your peak body or association and outlined in this booklet)
- Promptly respond to any complaint, allegation or indication of child abuse.

Undertake key tasks

The key tasks that sport and recreation clubs can undertake to create a safer environment for children to participate in their sport are outlined below. These tasks are suggested good practice approaches, with the exception of **Task 3 (Working with Children Check)**. This is a **legal requirement** that must be undertaken by any club or group that services or deals with children.

1 Appoint a child protection representative

Appoint a child protection representative from the committee of the club. This person should be the first point of contact if a child, parent, guardian or other member of the club becomes concerned about an incident. The person should be appropriately informed and trained and their details and role should be well advertised within the club. Information and training resources are available from the following web sites www.dsr.nsw.gov.au, www.sportnsw.com.au and www.playbytherules.net.au.

2 Adopt and communicate policies and procedures

Adopt and communicate the policies and procedures recommended by your relevant peak body or association and outlined in this booklet. This should involve informing all committee members, coaches and other club members of the requirements. If there is no affiliated peak body or association, the club should develop their own policies and procedures. See NSW Sport and Recreation's web site www.dsr.nsw.gov.au

This task should also include promoting policies and procedures throughout the club.

3 Undertake the Working with Children Check

All clubs/groups and child related employees (paid and unpaid/volunteers) must meet the relevant requirements of the Working with Children Check. **This is a legal requirement** and will involve the following:

- Ask all existing and prospective paid and unpaid employees (including volunteers), who are working with children to sign a Prohibited Employment Declaration to declare whether or not they are a prohibited person. This declaration must be securely filed by the employer.

A prohibited person is a person convicted of a serious sex offence, the murder of a child, a child related personal violence offence or a registrable person.

A registrable person is a person who has been found guilty of certain serious criminal offences involving children that include:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

It is an offence for a prohibited person to apply for or remain in child related employment. Volunteer work is considered employment under the legislation.

It is an offence to engage anyone in child related employment (paid or unpaid) without requiring them to disclose whether or not they are a prohibited person. It is also an offence to employ or continue to employ a person you know is prohibited from working with children.

Undertake key tasks

- Conduct a background check on preferred applicants for paid positions working with children (using a *Working with Children Check* request form). The process involves:
 - The organisation registering with NSW Sport and Recreation to obtain an Employer ID Number by completing a registration form
 - The preferred applicants signing a Working with Children Background Check consent form to enable the screening process. This must be securely filed by the employer
 - The organisation must sight 100 points of ID before submitting a request
 - The organisation completing the Working with Children Background Check request form and forwarding this to NSW Sport and Recreation as the Approved Screening Agency for sport and recreation organisations
 - The background check includes:
 - National criminal records check for relevant offences
 - Any AVOs taken out on behalf of a child
 - Relevant employment proceedings
 - The organisation informing the Commission for Children and Young People if it decides not to employ someone based on the findings of the Working with Children Check. Proformas are available at the web sites www.dsr.nsw.gov.au and www.kids.nsw.gov.au
- Undertake probity checks (eg. referee checks), particularly for paid employees. For more information refer to the Children's Commission web site www.kids.nsw.gov.au

All forms are available on NSW Sport and Recreation's web site www.dsr.nsw.gov.au/children

It is an offence under the Commission for Children and Young People Act 1998 for a club/group not to ask its employees, coaches, officials or volunteers that work with children to declare whether or not they are a prohibited person. A club can be fined up to \$10,000 if this requirement is not met. It is an offence for individuals working with children to falsely sign the Prohibited Employment Declaration.

4 Respond to suspected child abuse (including allegations/complaints)

Where there is an incident of suspected child abuse, the child protection representative for the club or group should immediately make contact with the peak body or association to seek advice and refer the management of the incident/complaint to the peak body or association. Before doing so, it may be appropriate for the child protection representative to clarify the allegation to enable proper briefing to the peak body or association (verbal followed by written advice).

Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this will be dealt with by the peak body or association. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

Where there has been a disciplinary proceeding out of an incident of child abuse or inappropriate behaviour with or in the presence of a child – this must be reported to the Commission for Children and Young People (CCYP) who oversee the Working with Children Check in NSW. This is reported on a Relevant Employment Proceedings Notification Form. There are two categories for relevant employment proceedings.

Category one classification

Will trigger an Estimate of Risk the next time that employee has a background check conducted. You should report as category one where the investigation has found:

- Reportable conduct or
- An act of violence took place, or
- Some evidence of the above but the finding is inconclusive but you think the conduct should be considered next time the person seeks child related employment.

Category two classification

- You should report as category two where the investigation has found some evidence that reportable conduct occurred, however the finding was inconclusive.

For advice on Reportable Conduct and making reports to the Commission, contact NSW Sport and Recreation or the Commission for Children and Young People.

The link to peak bodies and associations

Sport and recreation peak bodies and associations are also responsible for child protection. In fact, they are responsible for developing the overriding policies and guidelines and taking a leadership role in making a commitment to child protection. As indicated under How clubs can achieve child protection, peak bodies and associations are also responsible for responding to and investigating any incident of suspected child abuse.

The specific role of peak bodies and associations and the subsequent role of clubs and groups are shown in the chart below.

Role of peak bodies and associations

Develop or update a policy on child protection

Develop or update codes of conduct

Forward information on child protection to clubs and groups

Coordinate training on child protection. NSW Sport and Recreation could assist with this task

Provide a point of contact and source of advice for clubs

Implement and require clubs/groups to implement the *Working with Children Check* (**legal requirement**)

Respond to and investigate any allegations of child abuse

Recommend appropriate disciplinary action following the investigation

Report incidents as appropriate, that is:

- Report to DoCS if a child is at risk of harm (commencement of investigation)
- Report to NSW Police for matters of a criminal nature (at commencement of investigation)
- Report a relevant employment proceeding to the Commission for Children and Young People (at the conclusion of the investigation).

Role of clubs and groups

Adopt and implement the policy on child protection

Adopt and implement the codes of conduct

Read and make a commitment to the material forwarded by the peak body or association

Undertake training provided on child protection (particularly the nominated child protection officer)

Make contact with the peak body or association to clarify any concerns or issues

Implement the *Working with Children Check* (**legal requirement** – refer to *How clubs can achieve child protection* for details)

Make contact with the peak body or association if there is any incident of possible child abuse

Implement recommended disciplinary actions

Liaise with peak bodies and associations as appropriate.

Guidelines for coaches and others working with children

- Indicators of abuse
- Guidelines for coaches and others
- Key principles for dealing with incidents



Guidelines for coaches and others working with children

The indicators of child abuse

People working with children need to be aware of the indicators of abuse and have the confidence to respond to any indication that a child may have been abused. Some indicators of child abuse are listed below:

- Bruising, particularly in the face, head or neck region
- Multiple bruising or injuries, eg. burns, scalds, sprains, dislocations or fractures
- Injury left untreated
- Differing versions of how injury occurred
- Child/relative may actually tell of the abuse
- A child, referring to someone else being abused, may mean him/herself
- Sexual behaviour which is inappropriate for the age of the child
- Nightmares/bedwetting/going to bed fully clothed
- A high level of distrust of other people
- An inability to relate well with adults and/or children
- Extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying
- Seeking indiscriminate or inappropriate adult affection.

Note that the presence of one indicator does not necessarily suggest that a child is the subject of abuse. Other factors could have caused an injury and people working with children need to consider the context in which the indicators are observed. Common sense should be used in reporting an indicator of child abuse.

Guidelines for coaches and others working with children

People working with children in any capacity, for example, a coach, official, administrator or support person (including volunteers and parents/guardians), should take care to ensure they are not placed in a situation where they could be accused of abusing a child.

Some guidelines that will assist are provided below:

- Ensure that any physical contact with children is appropriate to the development of skills required for the sport or activity. For example, it would not be possible to teach a child to learn to swim without helping the child to float in the water or holding their arms or feet to demonstrate a movement. However, it would not be appropriate to hold the child suggestively, for example, under breasts or around the groin area as this is not essential to the development of the skills. Physical contact in sport is about appropriate touch and knowing what is acceptable behaviour. For more information refer to the Australian Sports Commission web site at www.ausport.gov.au
- Try not to separate yourself and a child from the line of sight of other people. If you need to have a private talk to a child about their ability or behaviour, do this in an open place near others. Preferably, you would invite another coach or support person to join the conversation or talk to more than one child at a time
- Try to adopt positive language when talking to a child and in the presence of children. This includes avoiding bad or aggressive language that could intimidate a child or set a poor example
- Before entering change rooms knock or announce that you will be coming in. Try to have at least one other adult with you in a change room with children. Do not isolate yourself and a child from others in the change room. Consider gender issues in the application of the policy

Guidelines for coaches and others working with children

- Try not to lose your temper with a child (verbally or physically). If you find yourself regularly losing your temper with children you should seek support on behaviour management strategies, anger management or consider whether you have the patience to work with children. Perhaps you should work with older age groups. Some tools that could be used to assist include:
 - Set up some basic rules at the beginning of the season. Ensure that all children are aware of the rules and you could have these written on a card to hand to children as appropriate. The rules could be as simple as:
 1. Be nice
 2. Follow the instructions
 3. Have a go (or try your hardest)
 - Give positive messages, such as rewards to the children who do behave
 - Have a time out area for children who are not behaving. This could be as simple as an agreed T sign with the hands that the children know means to go to the time out area for two minutes
 - Adopt a card system to express concerns with a child's behaviour rather than becoming verbally agitated for example, a yellow card is a warning, two yellow cards means go to the time out area for two minutes and a red card could mean you are out of next week's game
- If a child approaches you and wants to talk to you privately about a matter, do so in an open area in the sight of other adults (such as other coaches, officials or parents/guardians). Ideally, advise another coach or official of the child's request and ask them to stay within sight while you have the discussion with the child and to come to your assistance if the child becomes emotional and/or you indicate you require support in dealing with the child
- Always have more than one adult with children on an overnight trip/camp and do not separate yourself and children from the other adult/s. There should always be more than one adult with a group of children, even if the number of children is small. Mixed gender is important
- If you find yourself in a position where you are alone with a child, for instance if the child's parent or guardian is late collecting him or her from training, one of the following actions may be appropriate:
 - Have a club policy that the second to last child and their parent/guardian will wait with you and the child. This will also enable you to concentrate on making contact with the parent/guardian (if they are very late)
 - If you have a clubroom where there will be other people, have a club policy that late comers are to collect their children from the club room. Wait with the child if possible and make contact with the parent/guardian if necessary
 - If there are other people at the ground or facility, wait for the parent/guardian closer to those people (this could be another sport, for example, say to the child "Why don't we watch the soccer game while we are waiting?"). In the meantime endeavour to make contact with the parent/guardian
 - Avoid the risk of being left alone with a child by having a parent/guardian or support person assist you with the training. Another adult always being present would reduce the risk. Require that person to wait with you until all children have left
 - Have a club policy that there is a register of parent, guardian or emergency contact numbers, and ensure you have access to a phone to make contact with parents, guardians or an emergency contact person
- For an overnight trip/camp, obtain separate sleeping accommodation from the children (adults in a separate room). However, ensure that adults are within hearing distance of the children to be able to respond to any alarm raised by a child. If an alarm is raised by a child, more than one adult should attend.

Key principles for dealing with incidents

Some key principles for clubs and groups to consider when dealing with an alleged incident of child abuse or related complaint are as follows:

- Where a child is at risk of harm, the DoCS Helpline should be informed (ph 132 111). If you are a mandatory reporter these matters must be reported
- Where the matter is an emergency or criminal in nature the NSW Police must be informed. Call '000' or the NSW Police Assistance Line on 131 444
- Refer any complaints, concerns or allegations to the child protection officer for the club/group, who should then communicate with the peak body or association as outlined in the reporting procedures
- Immediately report an incident to the peak body or association for investigation and advice. The role of the club or group should be to provide information and assist in investigations as appropriate and clubs/groups should not endeavour to investigate the incident themselves
- Where there is no peak body or association, the club or group will need to respond to the incident. In this instance, the club/group should draw on NSW Sport and Recreation's *Guidelines for achieving child protection for peak bodies and associations* (which can be obtained at www.dsr.nsw.gov.au)
- Ensure the safety of the child and other children at all times. Some options the employer may consider when dealing with an allegation against an employee include redeployment to a non child related position, supervising the person or removing the person that has allegedly abused the child from involvement with the child or other children, until the incident has been investigated (as guided by the peak body or association). This will also protect the person from other accusations or inappropriate treatment from others
- Recognise that some allegations can be false, vexatious or misconceived. As such, ensure the person against whom the allegation has been made is not unfairly treated and the person is not labeled as guilty
- Even though the allegation could be false, vexatious or misconceived, the investigation process needs to be followed. This will require undertaking any discussions with relevant parties in **confidence**, allowing the person against whom the allegation has been made to have a support person at any meeting, allowing due process and ensuring natural justice is served

Key principles for dealing with incidents

■ If a club or group representative needs to communicate with any party (ideally the child protection officer), ensure that:

- Written and/or signed statements of any discussions are obtained
- Only open questions are asked, for example “What happened?” rather than “Where did he hit you?”. Questions should require more than a yes or no answer
- The club or group representative involved in any discussions is as independent as possible to the situation, the parties involved and the outcome. Ideally this will be the child protection representative
- Another member of the club or group is present, and this person is also as independent as possible
- People interviewed have appropriate support at meetings, such as a friend to witness discussions and provide support or a parent to provide support to a child
- Any discussions are sensitively handled and no accusations are made

■ Liaise with the peak body, association, NSW Police Service (as appropriate) and DoCS (as appropriate) throughout the investigation and provide information and support where required. These bodies will also provide advice on the appropriate action required by the club or group

■ Action any disciplinary decision recommended by a peak body or association. The action should be immediate, particularly where an incident is more serious

■ Liaise with the peak body or association to finalise a report of a relevant employment proceeding to the Commission for Children and Young People where required

■ Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this will be dealt with by the peak body or association. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

Responding to specific incidents

Some incidents that could occur in your club or group and some suggestions on how to respond to these incidents are provided on the following pages



Be aware of the basic principles of complaint handling:

Do:

- Treat all matters seriously
- Act promptly – preferably within 24 hours of a complaint being made
- Treat people fairly – you must listen to both sides of the story (this is referred to as natural justice)
- Stay neutral – work from the principle of 'innocent until proven guilty'
- Listen carefully – do not put words into people's mouths or interrupt them
- Make sure those involved in the complaint are kept informed
- Keep records

Don't:

- Ignore the behaviour and hope it will go away
- Take on the complaint if you have a conflict of interest
- Involve people unnecessarily in the complaint
- Prejudge the situation or people, take sides, or make assumptions or use stereotypes
- Leave the person making the complaint in a dangerous situation, particularly if the complaint concerns a child
- Treat people detrimentally or less favourably because they make a complaint or because they are the subject of a complaint.

An incident could be highlighted through a general concern, a complaint or a more definite allegation. Further examples and information are included at www.dsr.nsw.gov.au.

Responding to specific incidents

The incident	Some options to consider	Inappropriate response
<p>Emotional abuse (verbal)</p> <p>A parent has highlighted to the club's child protection officer that a coach appears to have a particular dislike for two young brothers (aged nine and 10 years) and continually swears at the boys and tells them they are useless. The 10-year-old is showing signs of distress – he looks despondent and jumps nervously when the coach yells at him.</p> <p>Comment: The concern is that emotional abuse has caused psychological harm to the children.</p> <p>Emotional abuse</p> <p>An 11-year-old girl on the team is not as skilled as the other players. The coach often uses her as an example and makes her run three times around the court every time she drops the ball. She sometimes refers to the child as "half wit" under her breath but loud enough for the child to hear and makes the child stand on the side during practice if she plays badly. An assistant coach has raised this as a concern.</p> <p>Comment: Making an example of a child is not an appropriate form of coaching and the club/group should be prepared to implement a level of discipline that will discourage the behaviour.</p>	<ul style="list-style-type: none"> ■ Report the concern to the peak body/association for advice and action ■ The peak body/association should investigate the matter and consult with the coach, the person who raised the concern, other witnesses and possibly the children with their parents ■ Some actions the club/group may be requested to undertake include: <ul style="list-style-type: none"> - Provide contact details and attend meetings with the peak body/association representative - Provide guidance to the coach on appropriate behaviour - Supervise the coach until the investigation is complete - Remove the coach from their duties if the children are at risk of ongoing harm - Provide support/counseling to the children ■ The peak body/association should recommend an appropriate disciplinary action ■ Relevant employment proceedings for child abuse must be reported to the CCYP ■ If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code ■ Ensure everyone in the club – staff, members, players, parents and volunteers – are made aware of this document ■ Take immediate action against anyone displaying unacceptable behaviour. Seek advice from the peak body or association, NSW Sport and Recreation, DoCS, Police or Australian Sports Commission if you are unsure. 	<ul style="list-style-type: none"> ■ Ignore the parent's concerns, and don't speak to the coach ■ Contact the coach to let them know there's a complaint, but not request any change of behaviour eg. you know the parents must be over reacting as you've known the coach for a long time ■ Dismiss the coach immediately without referring to the peak body.

Responding to specific incidents

The incident	Some options to consider	Inappropriate response
<p>Physical abuse</p> <p>A parent working in the canteen becomes annoyed when two young children are arguing at the counter. She exits the canteen and grabs both children by the arm and tells them to behave. Her grab is harder than she realises and one child begins to cry. Bruises are left on the arm of that child and her parents complain about the incident.</p> <p>Comment: Although the parent did not intend to harm the child, a degree of harm did occur and some disciplinary action and counseling may be necessary.</p>	<ul style="list-style-type: none"> ■ Report the complaint to the peak body/association for advice and action ■ The peak body or association should investigate the matter and consult with the parent/official, the parents of the child and other witnesses ■ Some actions that the peak body/association may request the club/group to undertake include: <ul style="list-style-type: none"> - Provide contact details and possibly attend meetings with the peak body/association representative - Provide guidance to the parent/official on appropriate behaviour - Remove the parent/official from canteen duty or advise that a warning has been given - Liaise with the parents on the incident ■ The peak body or association should recommend an appropriate disciplinary action ■ Relevant employment proceedings for child abuse must be reported to the CCYP ■ If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code ■ Ensure everyone in the club – staff, members, players, parents and volunteers – are made aware of this document. 	<ul style="list-style-type: none"> ■ Take no action in the belief that the parent can do what they want with children ■ Talking to the parent and asking them not to do it again, otherwise you will report them ■ Thinking about the incident for a number of weeks before deciding that something should be done (ie. reporting the matter weeks after the incident).

Responding to specific incidents

Physical abuse

A coach has punched a 16-year-old male player twice in the stomach for giving him a mouthful of abuse at a presentation night in front of a number of people including children. The coach had been drinking and his actions are out of character.

Comment: Serious physical abuse has occurred regardless of the circumstances and there should be a report and disciplinary action.

Some options to consider

- This is a criminal matter and you should report the incident to the Police and DoCS
- Report the complaint to the peak body/association for advice and action
- The peak body or association should investigate the matter and consult with the coach, the player and other witnesses
- Some actions that the peak body/association may request the club/group to undertake include:
 - Provide contact details and possibly attend meetings with the peak body/association representative
 - Supervise the coach in his duties while the investigation is under way
 - Provide support to the player
 - Provide support to the coach. There may be a need for an anger management course or support in dealing with alcohol problems
 - Possibly remove the coach from his duties following the investigation, at least for a period of time
- The peak body or association should recommend an appropriate disciplinary action
- Relevant employment proceedings for child abuse must be reported to the CCYP
- If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code
- Ensure everyone in the club – staff, members, players parent and volunteers are made aware of this document.

Inappropriate response

- Taking no action to protect the child
- Not reporting it to the peak body/association.

Responding to specific incidents

The incident

Sexual misconduct

A female parent went away with a team of 15-year-old boys on a training camp to provide support. During the camp she continuously referred to one boy as gorgeous, would run her fingers through his hair and suggest that he could put his shoes under her bed anytime. A club official confronted the parent on the camp, but she could not see what his problem was and continued the behaviour.

Comment: This behaviour is not appropriate, even if the person is just helping out at a one-off activity. Disciplinary action may be required to ensure that the boy and other boys are not subjected to this behaviour in the future.

Some options to consider

- Report the complaint to the peak body/association for advice and action
- The peak body or association should investigate the matter and consult with the parent and other witnesses
- Some actions that the peak body/association may request the club/group to undertake include:
 - Provide support to the boys if required
 - Provide contact details and possibly attend meetings with the peak body/association representative
 - Promote policy on appropriate behaviour at training camps (possibly developed by the peak body or association)
 - Ensure the parent will not adopt the same behaviour if she is involved in future club activities
- The peak body or association should recommend an appropriate disciplinary action
- Relevant employment proceedings for child abuse must be reported to the Commission for Children and Young People
- If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code
- Ensure everyone in the club – staff, members, players, parents and volunteers are made aware of this document.

Responding to specific incidents

The incident

Sexual abuse (child molested)

It has been alleged by the parents of a child that a club official has molested their daughter after a training session, when all other players had left.

Comment: Sexual abuse is a serious matter and must be handled swiftly, with due process and in consultation with the appropriate authorities.

Some options to consider

- Report the incident immediately to the peak body/association for advice and action
- Either the club or the peak body should notify NSW Police and possibly DoCS, given the serious nature of the allegation
- After consultation with NSW Police or a Joint Investigative Response Team, the peak body/association should investigate the matter and consult with the parties as appropriate. Club representatives should not interview any party to avoid tainting evidence
- Some actions that the peak body/association may request the club/group to undertake include:
 - Provide contact details
 - If there is risk to the child or children, remove the coach from their role at the club. Consider supervising the coach during the investigation period. Be guided by the peak body/association on this matter
 - Implement any actions recommended by the peak body/association, including counseling for the girl, her family or the coach
- The peak body/association should recommend an appropriate disciplinary action relating to the person's future involvement in the sport (drawing on police and DoCS findings where available)
- The peak body/association should report the incident to the CCYP and recommend an appropriate disciplinary action relating to the person's future involvement in the sport (drawing on NSW Police and DoCS findings where available)
- If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code
- Ensure everyone in the club – staff, members, players parent and volunteers – are made aware of this document.

Inappropriate response

- Investigate the matter yourself without making contact with the police
- Talk to the official (who denies the incident) and decide not to take it further
- Go straight to the child and ask what happened without talking to the police.

Responding to specific incidents

The incident

Neglect (by the club)

A group of children participated in a carnival in another state. The children were told by their club officials not to drink water before and during competitions, as it would affect their image and performance. One of the parents has complained directly to the peak body that has contacted the club.

Comment: The club or group should accept the fact that there appears to have been neglect, assist the peak body/association in their investigations and adopt practices that avoid future similar incidents.

Some options to consider

- The peak body or association should investigate the matter and consult with the club/group, the club officials involved and possibly some children and parents
- Some actions that the peak body/association may request the club/group to undertake include:
 - Provide details and meet with the peak body/association representative
 - Establish minimum requirement guidelines for future carnivals and overnight stays
 - Give a formal apology to the parents and children and guarantee revised practices
 - Discipline the club officials that made the decisions regarding the welfare of the children
- The peak body or association should recommend appropriate disciplinary action
- Relevant employment proceedings for child abuse must be reported to the CCYP
- If your club does not already have one – adopt a Code of Conduct outlining what is and is not acceptable behaviour and decide on the consequences of breaches of the code
- Ensure everyone in the club – staff, members, players, parents and volunteers are made aware of this document.

Responding to specific incidents

The incident

Neglect (by someone outside the club or group)

A parent has noticed that a child in her son's team is regularly arriving at practice and games with insufficient gear, complaining about his elbow which appears to be swollen. He appears unkempt and is unaware that he has a distinctive odour and that his clothes are regularly not clean. He is sullen and withdrawn. There is no evidence that the child is being abused by someone in the sport.

Comments: Club and group members should be aware of the signs of neglect and respond to any concerns by contacting DoCS as a concerned member of the community. If a club member/parent has concerns that a child could be being abused, they can contact DoCS as a concerned member of the community in their own right (even if the child protection officer of the club does not fully agree with the concerns)

Some options to consider

- Contact DoCS to report the matter
- Provide support to the child as appropriate.

Useful material

Sport and recreation organisations and clubs have a moral and legal obligation to achieve child protection within their sport or activity. Relevant legislation includes:

Commission for Children and Young People Act 1998

The act established and guides the functions of the Commission for Children and Young People. The act also:

- Makes it mandatory to background check preferred applicants for paid child related employment. NSW Sport and Recreation is the Approved Screening Agency for the sport and recreation industry. Employers must conduct a background check on preferred applicants using a *Working with Children Check* request form
- Enables the commission to maintain a database of relevant employment proceedings and relevant Apprehended Violence Orders
- Prohibits persons found guilty of committing certain serious sex offences, the murder of a child or a child related personal violence offence, or a Registered person from working in child related employment.

All people working with children (paid workers and volunteers) must sign a Prohibited Employment Declaration, indicating whether or not they are a prohibited person. It is an offence for a prohibited person to work with children.

For more information on definitions and terms refer to the web sites www.kids.nsw.gov.au and www.dsr.nsw.gov.au.

Children and Young Persons (Care and Protection) Act 1998

The *Children and Young Persons (Care and Protection) Act 1998* is a result of changing community attitudes on how we should care for and protect children and young people and incorporates recommendations of the Wood Royal Commission. The act promotes flexible, responsive and innovative methods to address problems experienced by families and seeks to involve children in the decision-making process for their safety, welfare and well-being.

The act outlines requirements for mandatory reporting, that is employees that are required by law to report any incident of a child at risk of harm.

The act supports members of the community in reporting an incident to DoCS if a child is at risk of harm.

For more information refer to www.community.nsw.gov.au.

Child Protection (Offenders Registration) Act 2000

Under this act, a person who has been found guilty of certain offences against children will be known as a registrable person. A registrable person automatically becomes a prohibited person under the *Commission for Children and Young People Act 1998*

The term "certain offences" includes:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

Important terms

Apprehended Violence Order (AVO) – with regard to the Commission for Children and Young People Amendment Act 2005 an AVO is defined as an order made by a Court on the application of a police officer/public official or interstate restraint order made for the protection of a child.

Approved Screening Agency – designated agencies that undertake requests for background checking on behalf of employers.

Allegation – an assertion made without absolute evidence.

Background checking – checks for offences including child assault, child pornography, sexual activity, acts of indecency, relevant AVO and employment proceedings. It must be conducted on all preferred applicants for paid child related positions as well as other mandatory categories by an Approved Screening Agency.

Child related employment – employment (including volunteers) that primarily involves direct, unsupervised contact with children. (A child is defined as a person under 18 years of age). This means that one of the essential duties of the position involves direct unsupervised contact with children.

Child related personal violence offence – In NSW, a child related personal offence is specifically the offence of:

- Maliciously wounding or inflicting grievous bodily harm to a child; or
- Maliciously shooting at, or discharging any kind of loaded arms at a child.

Employment proceedings – employment related proceedings completed in NSW or elsewhere, where an employer (including sport and recreation organisations) has found:

- Reportable conduct; or
- That an act of violence has been committed by an employee in the course of employment and in the presence of a child.

Prohibited person – a person convicted of a serious sex offence, the murder of a child, a child-related personal violence offence or a registrable person. A prohibited person is not allowed to work or continue to work in child related employment. It is an offence for a prohibited person to apply for a position working with children. A person on the sex register is also a prohibited person.

Prohibited Employment Declaration – a form to be completed by all paid and unpaid employees (including volunteers) prior to employment in child related positions.

Risk of harm – current concerns about a child over basic physical or psychological needs not being met, medical care not being arranged, the child being at risk of serious physical or psychological harm or at risk of physical or sexual abuse.

Serious sex offence – an offence (involving sexual activity, acts of indecency and other offences included in legislation) that is punishable by a prison sentence of 12 months or more.

Working with Children Check – the overall process used to help determine whether a person is suitable to work with children.

Working with Children Background Check Consent Form – a form completed by preferred applicants for child related positions and other mandatory categories. Used by employers to get permission to conduct background checking. Kept on file by the employer.

Other information and key contacts

NSW Sport and Recreation

Child Protection Infoline: 1300 366 407
Email: workingwithchildrencheck@dsr.nsw.gov.au
www.dsr.nsw.gov.au/children
Offers a range of child protection brochures

Commission for Children and Young People

Office hours: 9am–5pm
Phone: (02) 9286 7220
Fax: (02) 9286 7201
Email: kids@kids.nsw.gov.au
www.kids.nsw.gov.au
WWCC Employers Guidelines

Australian Sports Commission

Phone: (02) 6214 1111
www.ausport.gov.au
Policy and Code templates

Play By The Rules

www.playbytherules.net.au
Free online training programs on child protection, discrimination and harassment.

NSW Police

Emergency: 000
Police Assistance Line: 131 444
7 days a week, 24 hours a day

NSW Department of Community Services

DoCS Helpline: 132 111
www.community.nsw.gov.au

Kids Helpline

Phone: 1800 551 800
Email: admin@kidshelp.com.au
www.kidshelp.com.au



Child protection Infoline

1300 366 407

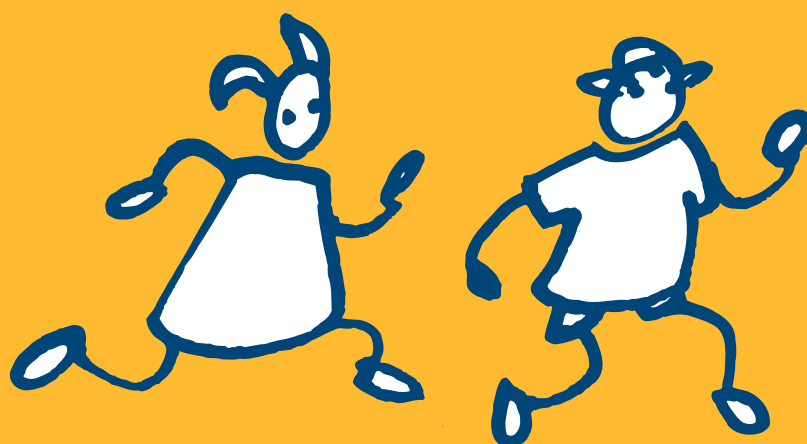
www.dsr.nsw.gov.au



NSW Department of Sport and Recreation

Child protection in sport and recreation

Guidelines for achieving child protection
for peak bodies and associations



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Disclaimer

No person should rely on the contents without first obtaining advice from a qualified professional. The contents are intended as a guide only.

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The organisations involved include:

- NSW Sports Federation
- NSW Amateur Soccer Federation
- NSW Basketball
- NSW Rugby league
- AFL (NSW/ACT)
- NSW Swimming
- NSW Squash
- Netball NSW
- NSW Surf Lifesaving
- NSW Rugby Union
- NSW Soccer Federation.

Introduction

Sport and recreation organisations have a legal and a moral responsibility to create an environment where children can participate in an activity and be safe from any form of abuse. This requires making a firm and open commitment to child protection and adopting procedures and practices that will minimise the risk of a child being abused.

Child protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child protection in sport and recreation enables children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy the future.

Unfortunately past incidents have shown that children participating in sport and recreation are at risk of abuse. Child abuse is not acceptable and sport and recreation organisations can and must make a stand against such behaviour as a legal and moral obligation. This child protection material will assist sport and recreation organisations to achieve that aim.

A series of child protection material has been developed to collectively assist different levels and individuals involved in sport and organised recreation to achieve child protection. The material includes:

- a booklet to guide peak bodies and associations (this booklet)
- a booklet to guide sport and recreation clubs
- a leaflet to raise awareness amongst parents and children
- an interactive web site that can be used by all groups as an information and training tool.

This booklet provides key information that peak bodies and associations should know to help them achieve child protection. The main focus of the booklet is on what you need to do and how you can achieve child protection in your sport or recreation activity. The booklet will assist sport and recreation peak bodies and associations to adopt a leadership role and be confident that the organisation and its affiliated clubs and groups are providing a safe environment for children involved in their sport or activity.

Understanding child abuse and protection



- What is child abuse and child protection
- Relevance to Sport and Recreation
- Links
- Child protection responsibilities
- Achieving child protection

Understanding child abuse and protection

Child abuse

Child abuse can take many forms. Children can be harmed by both verbal and physical actions. They can also be harmed by people failing to provide them with basic care. Child abuse could include:

- **Sexual abuse/sexual misconduct** – any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching
- **Physical abuse** – non-accidental injury and/or harm to a child caused by a parent, caregiver or another person responsible for the child
- **Emotional abuse** – behaviours that may psychologically harm a child, including verbal abuse and threats of abuse or excessive and unreasonable demands
- **Neglect** – where a child is harmed by the failure to provide the child with the basic physical and emotional necessities of life.

It is important to be aware that some children with a disability are at greater risk of child abuse due to mobility constraints and/or difficulties with communication.

All forms of child abuse pose a significant risk for sport and recreation organisations. This includes sexual abuse and misconduct such as suggestive behaviour or inappropriate physical contact, physical abuse including violent acts directed at or occurring in the presence of children and emotional abuse and neglect.

For the purpose of this child protection material, a child is considered to be a person under 18 years of age.

Child protection

Child protection involves protecting children from the risk of harm caused by sexual abuse or misconduct, physical abuse, emotional abuse or neglect. Sport and recreation organisations can work towards achieving this situation by:

- Implementing the *Working with Children Check* for child related positions, which is a legal requirement
- Creating an awareness of the risk of child abuse
- Making a commitment to avoiding any incident of child abuse through appropriate practices and procedures (including the *Working with Children Check*)
- Providing a safe, open and honest environment that protects children as well as the people working with children
- Appropriately responding to any risk or reported child abuse incident that you observe or that is raised with you. This can involve a personal as well as an organisational response.

Child protection does not mean that coaches and others involved in sport and recreation cannot physically contact children in any way. There are a number of sports including swimming and gymnastics where instructing and coaching involves physical contact with children to guide them in their activities. Organisations need to ensure that coaches and others understand what is appropriate behaviour when dealing with children and what constitutes appropriate physical contact. This aspect of child protection is discussed in greater detail in the publication *Guidelines for achieving child protection for sport and recreation clubs* and additional material can be obtained from the Australian Sports Commission web site www.ausport.gov.au.

The relevance to sport and recreation

Unfortunately, child abuse does occur in the area of sport and recreation. There are numerous known incidents of child abuse, where coaches and other individuals have used their power and the trust placed in them by children, parents and other officials to take advantage of children in their care.

Some recent examples of child abuse recorded by the Australian Sports Commission are summarised below.

- | | |
|--|--|
| <p>2002 – Six adult and three juvenile elite water polo players were charged with indecent assault and assault after an initiation rite involving another member of their team</p> <p>Swimming coach charged with indecently dealing with young girls who were part of the coach's training squad</p> <p>2001 – Former magistrate found guilty on nine child sex abuse charges. The abuse was of junior lifesavers (nippers) aged seven-13 years when the accused was a state and club junior lifesaving coach</p> <p>2001 – Retired professional female jockey alleges she was sexually assaulted for 11 years from the age of 11, by males working within the horse racing industry</p> <p>2001 – Olympic kayaker recounts sexual abuse by swimming coach in late 1980s</p> <p>2000 – Junior soccer coach jailed for 11 years after pleading guilty to 104 paedophile offences against four of his young players (aged 10 to 12 years)</p> <p>2000 – Hockey coach pleaded guilty to allegations of indecent assault on a player under his care</p> <p>1999 – Olympic assistant softball coach charged for 24 sexual offences against a 17-year-old under his supervision and care</p> <p>1999 – Triathlon coach pleads guilty to molesting a 13-year-old female swimmer he was training 11 years previously</p> <p>1999 – Rugby league coach jailed for sexually assaulting a 14-year-old rugby league player he had been coaching</p> <p>1999 – Athletics coach jailed for sexually assaulting a 14-year-old girl he was coaching</p> | <p>1998 – Rugby league international Peter Jackson dies from drug overdose. Family state drug abuse was due to his being sexually abused by his football coach as a school boy</p> <p>1998 – International cricket umpire pleaded not guilty to 26 sexual charges relating to the period 1979 to 1995</p> <p>1997 – Sydney swimming coach committed to stand trial for sexually assaulting one of his 15-year-old male athletes</p> <p>1997 – Australian cycling team assistant coach at Paralympic Games pleads guilty to two charges of indecently dealing with a 12-year-old.</p> |
|--|--|
- The list unfortunately continues, with reported incidents of sexual abuse of juniors in swimming, cycling, rowing, baseball, gymnastics and other sports. These incidents do not include examples of physical and emotional abuse.
- In addition, a survey by Trish Leahy, a Sports Psychologist with the Australian Sports Commission involving 1,000 elite athletes and 1,000 club athletes found:
- 21 per cent of men and 31 per cent of women had experienced sexual abuse before the age of 16 years
 - 46 per cent of elite athletes and 25 per cent of club athletes said that the sexual abuse was experienced within sport.
- As other organisations involved with children make a stronger stand against child abuse, sport and recreation clubs and groups could be at even greater risk of being targeted by a person who is inclined to abuse children because they could be seen as an easier target. Child protection and the need for policies and procedures that reduce the risk is highly relevant to sport and recreation organisations.

The relevance to sport and recreation

Legislative requirements

It is important to realise that child protection has legislative power and is not just a 'nice to do' activity. There are legislative requirements that sport and recreation organisations must meet and organisations have a legal responsibility to follow these requirements and provide environments that are safe for children. The key legislative requirement is the need to undertake the *Working with Children Check* to avoid the risk of an unsuitable person working with children.

It is an offence under the *Child Protection (Prohibited Employment) Act 1998* for a club/group not to ask its employees, coaches, officials or volunteers that work with children to declare whether or not they are a prohibited person. A club can be fined up to \$10,000 if this requirement is not met. It is also an offence for individuals working with children to falsely sign the *Prohibited Employment Declaration*.

Details of the relevant legislation are included at the end of this booklet under *Useful material and contacts*.

The requirements of child protection are relevant to all people involved in sport and recreation in NSW. This includes sport and recreation peak bodies and associations, sport and recreation clubs and organised groups, players, managers of players, coaches, umpires, other officials, talent scouts and parents. It also includes people from interstate while they are involved in an activity in NSW (for example, a national event or carnival).

The implications of child abuse

Any organisation, group or individual that works with or undertakes an organised activity with a child has a moral and legal responsibility to care for the welfare of that child and to minimise the risk of harm. Sport and recreation organisations and clubs must provide an environment that protects children. This child protection information aims to make this responsibility less complex and achievable, and assist organisations to meet their obligations in a positive and effective manner.

Incidents of child abuse will damage a sport or recreation organisation or club, let alone the life of the child. At a time when media attention about child abuse is rightfully high, an organisation that gives poor attention to child protection and is the target of child abuse is likely to suffer unwanted media exposure, lose credibility with the community and lose large numbers of participants as a result. At a time when organised sport and recreation activities are competing with other activity opportunities and commitments, groups cannot afford to be placed in such a situation.

Links to other material

Various documents and material have been developed on child protection by different bodies. The key information is reflected in this booklet and details of relevant material are included at the end of the booklet as useful reading.

One key document that sport and recreation peak bodies and associations should read in addition to this booklet is *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation

These guidelines outline key responsibilities for child protection and assist organisations to determine whether a person is suitable to work with children.

The Department has also produced a simple guide that summarises the guidelines and outlines a five-step approach to creating a safer environment for children called *Child Protection A simple guide for sport and recreation clubs*. While these steps are reflected in this booklet, comprehensive details are provided in the guidelines and the shortened guide.

The above documents can be obtained from the web site www.dsr.nsw.gov.au.

In addition, there are a number of web sites that provide key information on child protection. These include:

NSW Department of Community Services (DoCS)
www.community.nsw.gov.au

The Commission for Children and Young People
www.kids.nsw.gov.au

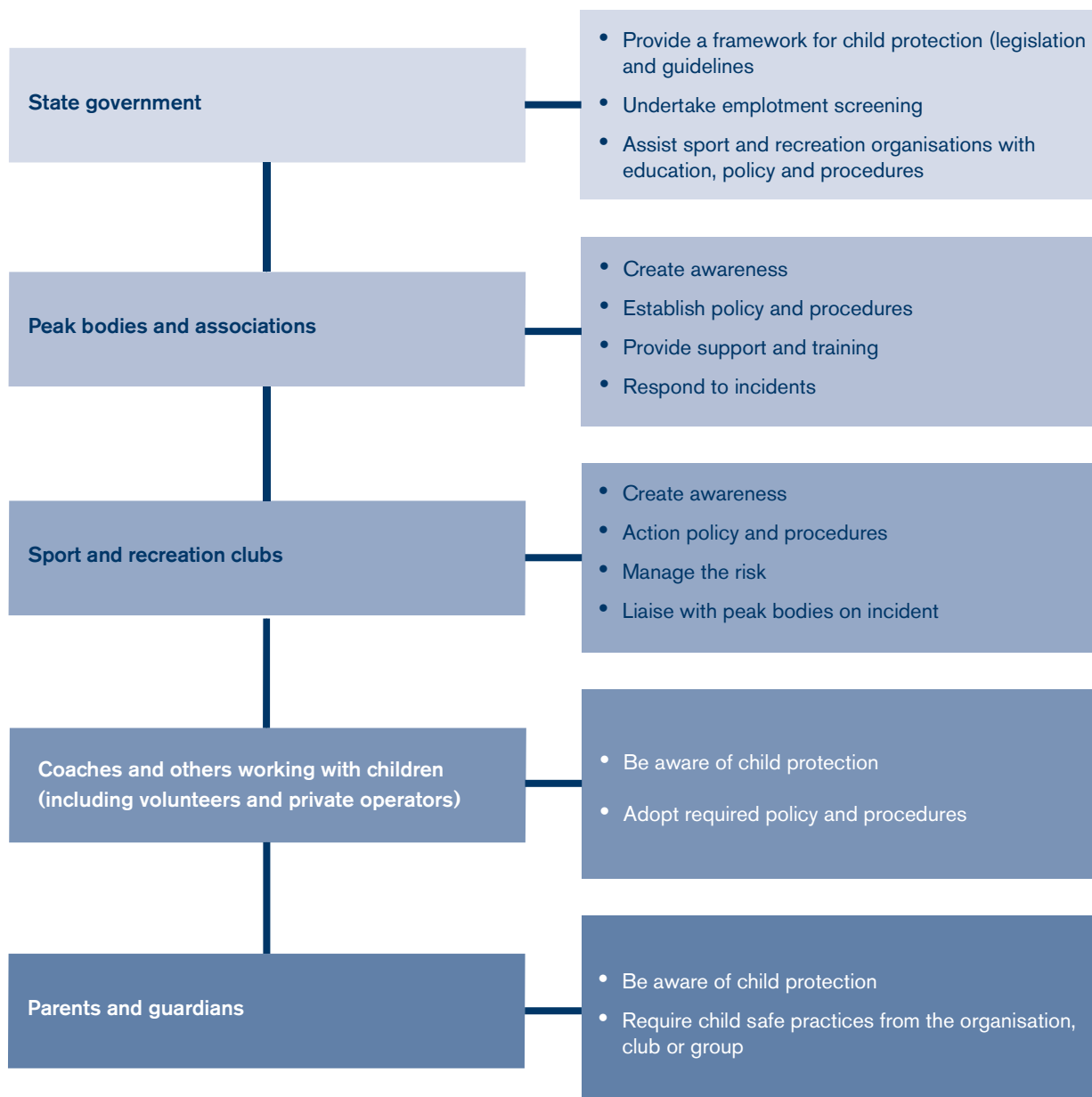
The Australian Sports Commission
www.ausport.gov.au

The Play by the Rules web site
www.playbytherules.net.au

NSW Department of Sport and Recreation
www.dsr.nsw.gov.au

Child protection responsibilities

Within sport and organised recreation, there are a number of different levels. These levels and the particular responsibilities regarding child protection are summarised in the chart below.



Each level has a different role to play and needs to communicate and work together to collectively achieve child protection.

How to achieve child protection

Make child protection part of the culture of your sport

Child protection does not happen by chance. It requires commitment, leadership and a genuine desire to reduce the risk of child abuse. Peak bodies and associations that embrace child protection and make it an important part of the culture of their organisation and their sport or recreation activity are more likely to achieve an environment that is safe for children. For a start, an organisation or sport/activity that is committed to child protection is likely to be less appealing to a person that purposefully aims to abuse children.

Some ways in which child protection can become part of an organisation's culture include:

- Reference to the commitment to child protection in material produced by the organisation for example, annual report, promotional material, registration forms
- Regular discussion of child protection objectives at meetings with staff and representatives of the sport or activity (eg. clubs, coaches, participants, parents)
- Child protection posters and leaflets in prominent positions around the organisation and at venues and club facilities
- The distribution of child protection material and promotion of relevant web sites.

The general aim of peak bodies and associations should be to raise the profile and importance of child protection and adopt practices that reduce the risks.

Adopt basic principles

To minimise the risk of child abuse there are a number of basic principles that should be adopted by sport and recreation organisations and clubs. These include:

- Be aware of the risk of child abuse
- Be aware of the indicators of child abuse
- Openly communicate the risk of child abuse to coaches, players, officials and parents and the organisation's commitment to removing any risk of child abuse
- Adopt procedures that minimise risks for coaches, players and parents. Try to avoid placing coaches, players or parents in a position where they could be accused of child abuse. Examples include only one coach or parent/guardian to supervise an overnight trip with a group of children or allowing only one official to supervise children when using change rooms and showers
- Be clear on what is acceptable behaviour and what is not acceptable (refer to the Australian Sports Commission guidelines www.ausport.gov.au)
- Develop and promote concise and easy to follow policy and procedures regarding child protection
- Promptly respond to any complaint, allegation or indicator of child abuse.

Undertaking key tasks



- Key tasks for peak bodies and associations
- Key tasks for clubs
- Link between peak bodies and clubs

Undertaking key tasks

The specific tasks that can be undertaken by peak bodies and associations to achieve child protection are outlined below. The tasks are suggested good practice approaches for achieving child protection, with the exception of **Task 6 (Working with Children Check)** which is a **legal requirement**. The tasks are expanded upon under the heading Guidelines for tasks.

task 1 Allocate responsibility

Formally allocate the responsibility of managing child protection to your Member Protection Officer or appoint a Child Protection Officer. This may involve providing training to assist the person to appropriately answer questions and manage incidents. Information and training resources will be available from the following web sites www.dsr.nsw.gov.au and www.playbytherules.net.au. Member Protection Officer training is available through the NSW Sports Federation www.sportnsw.com.au and assistance may be provided by the Australian Sports Commission.

task 2 Develop or update policy

Develop a policy on child protection drawing on the template in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation, or update any existing policy if required.

task 3 Adopt or update code of conduct

Adopt a code of conduct that will guide clubs in practices relating to child protection. Where a code of conduct is already developed, ensure it adequately addresses child protection.

task 4 Promote child protection to clubs/groups

Promote child protection to clubs and other affiliated groups. This will include distributing and explaining your policy and code of conduct, forwarding other material, for example, the *Guidelines for achieving child protection for sport and recreation clubs and/or Child Protection – A simple guide for sport and recreation organisations*, encouraging a culture of awareness and action and ensuring clubs understand reporting requirements, for example, who to report to and what to report on.

task 5 Provide training

Provide training and resources to clubs to assist them to adopt the policy and practices developed by your organisation and included in the child protection material. In particular, provide information and training to child protection representatives at each club. Information and training resources will be available from the following web sites www.dsr.nsw.gov.au and www.playbytherules.net.au.

task 6 Undertake Working with Children Check

Undertake and require affiliated clubs to undertake relevant aspects of the *Working with Children Check* for paid and unpaid employees, including volunteers. **This is a legal requirement** and will involve the following:

- require all paid and unpaid employees/volunteers, where one of the essential duties of the position involves direct unsupervised contact with children, to sign a *Prohibited Employment Declaration*. This includes employees and volunteers from interstate while they are involved in child related employment in NSW
- conduct employment screening on preferred applicants of paid positions, where one of the essential duties for the position involves direct unsupervised contact with children.

Further details of these requirements and forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the web site www.dsr.nsw.gov.au.

Undertaking key tasks

task 7 Manage suspected incidents of child abuse

Manage any suspected incident of child abuse, including any allegation or complaint. Rather than clubs managing and investigating an incident and being at risk of adopting different approaches, it is recommended that the peak body or relevant association should generally manage the process of dealing with and investigating any child abuse incident or accusation. The process should involve the following:

- Assess the risks to the child and the person being investigated and action accordingly. Report an incident to DoCS Helpline (phone 132 111) and/or NSW Police Service (phone 131 444) where appropriate (see task 8)
- Clarify details and communicate with related parties where appropriate (recording all information obtained)
- Gain the assistance of an independent investigator if appropriate (an independent and professional assessment will reduce the risk of an organisation being accused of inadequate assessment or personalising the issue)
- Assess the incident and prepare a summary of the information gathered
- Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this should be addressed by the peak body or association immediately. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

task 8 Report the incident

Report the incident as appropriate. In particular:

- Report the incident to NSW Police Service, where the incident is of a criminal nature for example, sexual abuse or physical. This should occur at the commencement of the investigation and advice should be sought from police on the approach to be taken regarding communication with the parties involved
- If a child is at risk of harm report the incident to DoCS. This should occur at the commencement of the investigation and advice should be sought on the approach to be taken regarding communication with the parties involved
- Report the incident to the Commission for Children and Young People where the incident meets the definition of a completed disciplinary proceeding, that is action has been taken to investigate an allegation relating to child abuse, sexual misconduct or acts of violence against children (refer *Guidelines for tasks* for further details). Note that you do not need to report an incident that has been found to be false, vexatious or misconceived.

Undertaking key tasks

The key tasks that sport and recreation clubs can undertake to achieve child protection (and that peak bodies and associations should be aware of) are:

task 1 Appoint a child protection representative

Appoint a child protection representative from the committee of the club. This person should be the first point of contact where a child, parent, or other member of the club becomes concerned about an incident. The person should be appropriately informed and trained and their details and role should be well advertised within the club.

This includes employees and volunteers from interstate while they are involved in child related employment in NSW

- conducting employment screening on preferred applicants for paid positions, where one of the essential duties of the position involves direct unsupervised contact with children.

Further details of these requirements and forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the web site www.dsr.nsw.gov.au.

task 2 Adopt policies and procedures

Adopt policies and procedures recommended by the relevant peak body or association and outlined in the booklet *Guidelines for achieving child protection for sport and recreation clubs*. This should involve informing all committee members, coaches and other club members of the requirements. If there is no affiliated peak body or association, the club should develop their own policies and procedures.

task 4 Respond to suspect child abuse (including allegations/complaints)

Where there is an incident of suspected child abuse, the child protection representative for the club should immediately make contact with the peak body or association to seek advice and refer the management of the incident to the more independent peak body or association. Where there is no peak body or association or it is not feasible for the peak body/association to investigate the incident (eg. due to distance to travel), the club should follow tasks 7 and 8 outlined for peak bodies and associations and ensure that any people involved in the investigation are appropriately independent of the incident. Where there is no peak body or association, advice can be obtained directly from the NSW Department of Sport and Recreation.

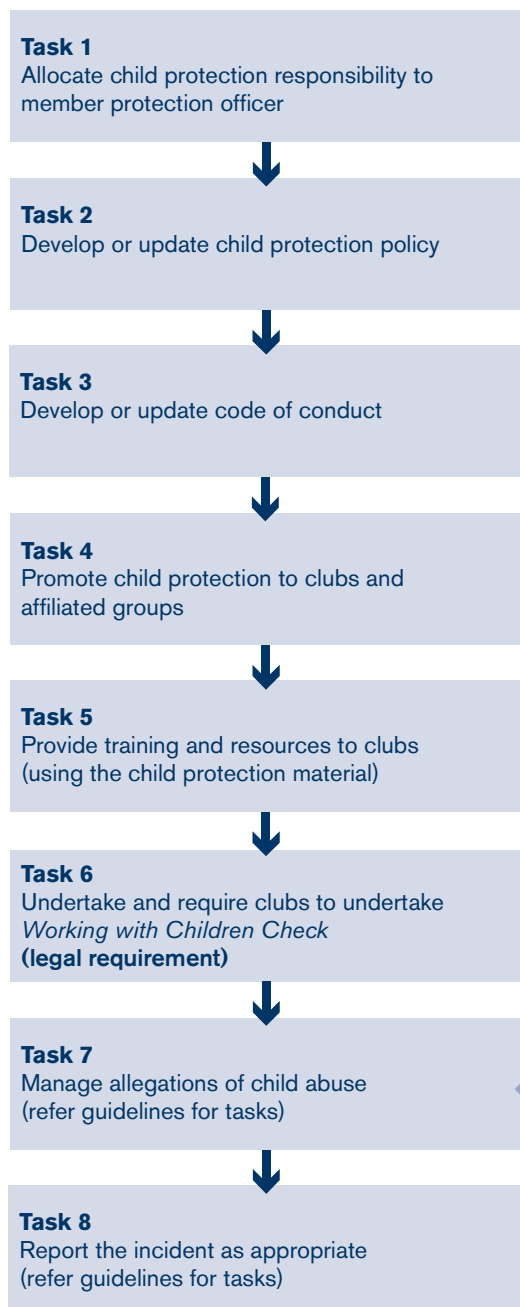
task 3 Undertake Working with Children Check

Undertake relevant aspects of the *Working with Children Check* for paid and unpaid employees (including volunteers). **This is a legal requirement** and includes:

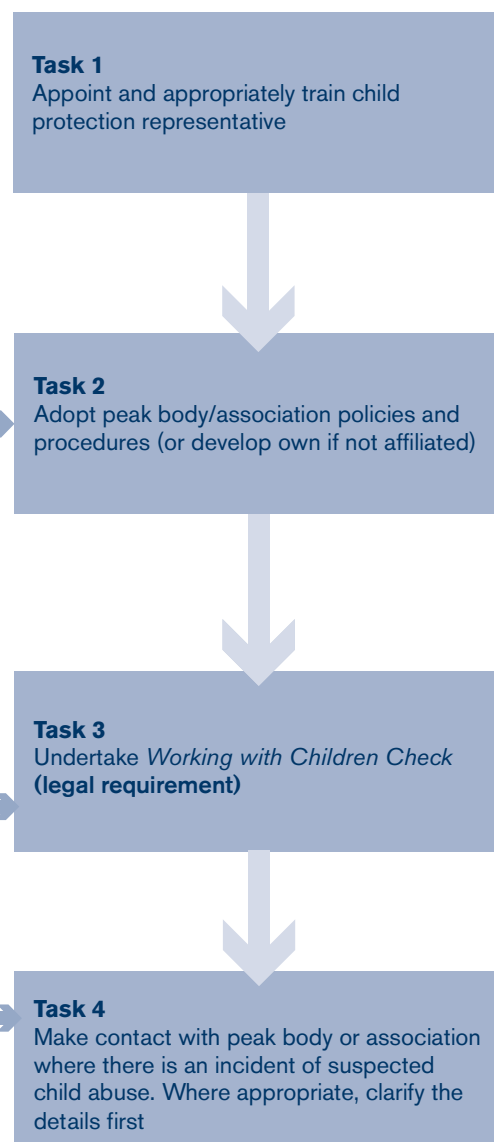
- requiring all paid and unpaid employees/volunteers, where one of the essential duties of the position involves direct unsupervised contact with children, to sign a *Prohibited Employment Declaration*.

The link between peak bodies and clubs

Peak bodies and associations



Sport and recreation clubs and groups



Guidelines for tasks



- More specific guidelines for the completion of the 8 tasks required of peak bodies and associations

Guidelines for tasks

More specific guidelines for the key tasks required of peak bodies and associations are provided below. The tasks are suggested 'good practice' approaches for achieving child protection, with the exception of Task 6 (Working with Children Check) which is a legal requirement that must be undertaken by any organisation that employs people (or has volunteers) where one of the essential duties of the position involves direct unsupervised contact with children. This would include most sport and recreation organisations.

task 1 Allocate child protection responsibility

All peak bodies and associations should have a member protection officer/ child protection officer.

With regard to child protection, the member protection officer/child protection officer should:

- Develop or update the organisation's policy on child protection
- Develop or update codes of conduct
- Ensure information is forwarded to clubs
- Coordinate training in the organisation and at club level
- Provide a point of contact and a source of advice for clubs
- Implement the *Working with Children Check*
- Respond to and investigate any allegations of abuse
- Report allegations of abuse as appropriate
- Liaise with the organisation's management throughout as appropriate.

The member protection officer/child protection officer has a key role to play in achieving child protection. Training will be available in the near future by logging onto the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au and playbytherules.net.au or through the NSW Sports Federation (www.sportnsw.com.au) for member protection officer training.

task 2 Develop or update child protection policy

A template for developing a child protection and intervention policy is provided by the NSW Department of Sport and Recreation in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*.

The main themes in this policy that should be clearly stated in any organisation policy are:

- Protecting children from child abuse is a key responsibility of the organisation
- Child abuse is not acceptable to the organisation (including affiliated clubs and groups)
- The organisation is committed to ensuring the safety, welfare and well-being of children involved in activities associated with the organisation
- The organisation is committed to raising awareness and appropriately informing all staff and volunteers of responsibilities
- The organisation is committed to open communication about child abuse.

Guidelines for tasks

task 3 Develop or update code of conduct

A code of conduct should clearly state what is acceptable behaviour regarding child protection. It should consider the responsibility of different groups in the organisation such as players, coaches, administrators, officials and parents, and it should address each aspect of child abuse, ie. sexual abuse, physical abuse, emotional abuse and neglect.

Some examples of suitable statements in a code of conduct are provided below. These include statements from the Codes of Behaviour developed for Aussie Sport, which can be obtained through the Australian Sports Commission (web site www.ausport.gov.au).

Players	<ul style="list-style-type: none"> • Treat all participants in your sport as you would like to be treated. Do not abuse, bully or take unfair advantage of another competitor • Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.
Coaches	<ul style="list-style-type: none"> • Any physical contact with a child or young person should be appropriate to the situation and necessary for the player's skill development.
Administrators	<ul style="list-style-type: none"> • Make it clear that abusing children and young people in any way is unacceptable and will result in disciplinary action • Ensure all players, coaches, parents and officials are made aware that sexual misconduct, sexual abuse and violent acts directed at or occurring in the presence of children are not acceptable and will be reported.
Officials	<ul style="list-style-type: none"> • Place the safety and welfare of the participants above all else.
Parents	<ul style="list-style-type: none"> • Support all efforts to remove verbal and physical abuse from sporting activities.

task 4 Promote child protection to clubs and affiliated groups

A key role of peak bodies and associations is to encourage clubs and affiliated groups to achieve child protection at the club level. This will include:

- Promote the legal requirement that clubs/groups need to undertake the *Working with Children Check*
- Raise the awareness and importance of child protection in clubs and groups
- Encourage clubs and groups to adopt the policies and procedures developed by the peak body/association
- Encourage clubs and groups to undertake required tasks.

Some specific ways that peak bodies and associations can promote child protection to clubs and groups are:

- Distribute the booklets *Child protection in sport and recreation – guidelines for achieving child protection for sport and recreation clubs* and *Child Protection – A simple guide for sport and recreation organisations* to clubs and groups affiliated with your organisation
- Forward the organisation's policy and code of conduct on child protection to all clubs and groups (by email or hard copy) and request implementation
- Promote the *Achieving child protection* interactive web site www.dsr.nsw.gov.au to clubs and groups when available
- Utilise and promote training resources to club representatives. This could involve presenting material on child protection and discussing how to deal with situations.

Guidelines for tasks

task 5 Provide training and resources to clubs

Advise clubs and groups that interactive training will be available through the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au. The aim of the interactive training is to raise the awareness of child protection responsibilities by peak bodies and associations, clubs, coaches and other officials, parents and players and to enable practical consideration of how the risk of child abuse can be reduced.

The peak body or association may also wish to provide direct training through presentations and the facilitation of discussions with club representatives. Information and training resources will be available at www.dsr.nsw.gov.au and playbytherules.net.au.

task 6 Undertake and require clubs to undertake Working with Children Check (legal requirement)

The *Working with Children Check* helps determine whether a person is suitable to work with children.

The *Working with Children Check* requires sport and recreation organisations, including clubs, to undertake the following:

1. Ask all existing and prospective paid and unpaid employees (including volunteers), where one of the essential duties of the position involves direct unsupervised contact with children, to sign a Prohibited Employment Declaration to declare whether or not they are a prohibited person. This must be securely filed by the employer.
 - A prohibited person is a person convicted of a serious sex offence, that is an offence involving sexual activity or acts of indecency that would receive a prison sentence of 12 months or more if it were committed in NSW

- A 'registrable person' is a person who has been found guilty of murder, sexual offences, indecency offences punishable by imprisonment of 12 months or more, kidnapping, offences connected with child prostitution and possession or publication of child pornography. A registrable person is by definition a prohibited person
 - It is an offence under the *Child Protection (Prohibited Employment) Act 1998* to employ a person in a child related position without first asking that person to declare their prohibited person status for example, by signing the Prohibited Employment Declaration
 - Any current employee (including volunteers) that declares they are a prohibited person or a registrable person must remove themselves immediately from child related employment. Where there is an urgent service delivery situation, the legislation allows for continuation of employment (under supervision) for a period up to three months.
2. Conduct employment screening on preferred applicants for paid positions working with children (using a *Working with Children Check* request form). This involves:
 - The organisation registering with the NSW Department of Sport and Recreation to obtain an Employer ID Number by completing a registration form
 - The preferred applicants signing a *Working with Children Check* consent form to enable the screening process. This must be securely filed by the employer
 - The organisation completing the *Working with Children Check* request form and forwarding this to the NSW Department of Sport and Recreation as the Approved Screening Agency for sport and recreation organisations

Guidelines for tasks

- The organisation informing the Commission for Children and Young People if it decides not to employ someone based on the risk assessment component of the *Working with Children Check*.

The Prohibited Employment Declaration and the *Working with Children Check* consent and request forms are available through the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au.

7 Manage allegations of child abuse

The steps suggested to appropriately manage a child abuse allegation are outlined below. These steps could be undertaken by an independent investigator or an appropriately trained Member Protection Officer on behalf of the organisation.

Where there is no peak body or association or it is not feasible for a peak body/association to undertake the on-the-ground investigations, for example due to distance to travel, the process should be undertaken by an appropriately trained person or persons in the club or group that are as independent as possible to the incident and the outcome.

The assessment of allegations should be handled promptly. The initial response to the alleged abuse of a child should be immediate in incidents that are serious or criminal in nature while less urgent matters should be actioned as soon as possible, for example within 24 hours.

Throughout the process of managing allegations, it is important to recognise that some allegations can be false. As such, any investigations should ensure due process and natural justice are served and that all parties are dealt with sensitively.

STEP 1 – Clarify the details of the allegation

- Obtain details of all people involved, including any witnesses. This should be available through the child protection officer for the club or group involved
- Meet or communicate with the person that has made the allegation to clarify the details. Ask the person to provide a written and signed statement outlining the details or record the details provided and ask the person to sign this record
- Undertake Steps 2 and 3 for more serious incidents, for example sexual abuse or physical abuse, before further clarification.

STEP 2 – Report incidents of a more serious nature

Note that incidents of a more serious nature are generally sexual abuse or physical abuse.

- If the allegation is of a criminal nature, report the incident immediately to NSW Police (Police Assistance Line 131 444 is available 24 hours a day, seven days a week)
- If the allegation involves a child at risk of harm, eg. sexual abuse, physical abuse, emotional abuse or neglect, report the incident immediately to DoCS (Department of Community Services). In some instances it will be appropriate to report the incident to both DoCS and the NSW Police. The DoCS Helpline number is 132 111 and the NSW Police Assistance Line is 131 444. A reporting form is available on the Department's web site www.dsr.nsw.gov.au.

For incidents that are of a criminal nature or involve a child at risk of harm, obtain advice from DoCS and/or NSW Police on the appropriate level of consultation with the child, the person against whom the allegation has been made and witnesses. In particular, NSW Police may be concerned that any communication with the parties involved could taint evidence or not be handled appropriately. A Joint Investigative Response Team could be involved, and if so it may be necessary to liaise with a representative from this group.

Guidelines for tasks

STEP 3 – Protect the child/children and the employee by taking appropriate action. Some options could include redeployment to a non child related position, supervision of the employee or where the employer considers it necessary removal of the person from their duties

- If the risk to the child or other children is not considered to be high and the concerns raised cannot immediately be proven, the employer could consider arranging for the person that the allegation is against to be redeployed or supervised until the investigation is undertaken. This supervision could be undertaken by a club/group committee representative and be for the protection of the children and the person involved. The supervision would ideally occur with the knowledge of the person
- If the risk to the child or other children is considered to be high, the employer may decide that the person should be stood down from the role of working with children immediately. It should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken to ensure the allegation is not false, vexatious or misconceived.

STEP 4 – Further clarify and investigate the allegation
FOR INCIDENTS OF A MORE SERIOUS NATURE

- Make contact with the parents or carers of the child involved at an appropriate time and as directed by NSW Police and/or DoCS. If appropriate, meet with the parents/carers and the child to clarify the incident and offer support if required, eg. professional counselling. Be concerned about the welfare of the child throughout the process

- Meet with the person against whom the allegation has been made at the appropriate time and as directed by NSW Police and/or DoCS. Give the person the opportunity to explain the incident and identify any witnesses and supporting evidence. The person should have the opportunity to invite a support person or advisor to attend the interview. The person should be treated fairly and with respect during this process. Offer support such as professional counselling as necessary. A signed statement and record of interview should be sought from the person
- Make contact with any witnesses and obtain written and signed statements outlining details of the incident, eg what happened, when and how. This should only occur following advice by NSW Police and/or DoCS regarding the appropriateness of talking to witnesses
- Collect other information that could assist in making a decision on the incident, such as:
 - Rosters to prove the child and the person involved were at the location of the incident
 - Details of other people who could have been at the location of the incident (as possible witnesses and to consider whether the person had the opportunity to abuse the child)
 - Information on how long the person allegedly undertaking the abuse has been involved with the club or group and details of any previous incidents
 - Information on other clubs or groups that the person is or has been involved in and whether there have been incidents at these clubs or groups
 - Any other information that could be relevant to making a decision on the likelihood of the incident, including available medical, psychological or criminal records.

Guidelines for tasks

Throughout the process of clarifying the details there should be ongoing liaison with the NSW Police and/or DoCS as appropriate. The collected information should be made available to NSW Police and/or DoCS as required.

Do not ask leading questions to any person and seek advice from the NSW Police and DoCS on the appropriate questions to ask.

FOR INCIDENTS OF A LESS SERIOUS NATURE

Note that incidents of a 'less serious nature' could include verbal abuse or an incident of physical abuse, for example roughly grabbing the arm.

- Make contact and meet with each of the parties involved to personally obtain details of the allegation. The parties will include the child that has allegedly

been abused or a representative of the child, the person or persons accused of the abuse and any witnesses to the abuse. In holding these meetings adopt the following approach:

- Have another independent person at all meetings as a witness (possibly the child protection officer of the club or group involved)
- Invite parents or carers to attend any meeting with the child
- Enable the person accused of the abuse to have an observer and/or advisor present.
- Ask questions at the meetings that are not leading, are relatively broad and require more than a yes or no answer. Some examples of good and bad questions are outlined below.

Person interviewed	Appropriate questions	Inappropriate questions
Child that has been allegedly abused	<ul style="list-style-type: none"> • I'd like to hear about what happened. In your own words tell me what happened? • When did this happen? • Who else was around at the time that might have seen what happened? 	<ul style="list-style-type: none"> • Where were you when the person hit you? • Did the person hit you hard? • Has this person abused you before? • Do you like the person?
Person accused of the abuse	<ul style="list-style-type: none"> • In your own words tell me what happened? • When did this happen? • Who might have been around at the time of the incident? • What other things do we need to consider? 	<ul style="list-style-type: none"> • Why did you hit the child? • Did the child deserve to be hit? • Would the child fabricate the abuse because they don't like you? • Do you like the child?
Witnesses	<ul style="list-style-type: none"> • Tell me what you know about the incident? • When did this happen? • What other information do you have that might support or contradict the allegation? • Who else may have seen the incident? 	<ul style="list-style-type: none"> • Did you see the person hit the child? • Was the person alone with the child at any time? • Could the incident have been fabricated? • Is the person liked by others?

Guidelines for tasks

- Collect other information that could assist in making a decision, such as:
 - Rosters to indicate the child and the person involved were at the location at the alleged time of the incident
 - Information on how long the person allegedly undertaking the abuse has been involved with the club or group and details of any previous incidents
 - Information on other clubs or groups that the person is or has been involved in and whether there have been incidents at these clubs or groups
 - Any other information that could be relevant to making a decision on the likelihood of the incident.

All investigations (more serious and less serious) should place an emphasis on confidentiality, fairness, trust, due process and natural justice. This includes undertaking the following:

- Carefully and sensitively listen to and show compassion to the child that has allegedly been abused. This includes arranging counselling for the child if required
- Give appropriate support to the person that is accused of the abuse, including the arranging of counselling if required
- Discuss the matter only with the relevant parties
- Request the parties involved to avoid discussing the matter with others until the investigation has been properly investigated
- Reinforce that the person being investigated is not considered guilty until a determination is made.

STEP 5 – Record and analyse all information

Document all discussions and information obtained. Then assess the accuracy of the information and the seriousness of the allegation.

An assessment form should include:

- Name and details of the child allegedly abused (including age, gender, cultural and religious background)
- Name and details of the person or persons accused of the abuse
- Details of the alleged incident (the type of alleged abuse and when, how and why the incident occurred), giving the different accounts of the incident
- Any evidence that substantiates or discounts the allegation
- The seriousness of the allegation, including the physical and emotional impact on the child that has allegedly been abused
- The further risks to the child and/or other children
- A determination regarding the accuracy and seriousness of the allegation and the rationale
- The recommended action and the rationale.

Guidelines for tasks

STEP 6 – Undertake disciplinary proceedings

FOR INCIDENTS OF A MORE SERIOUS NATURE

For incidents of a more serious nature, consideration should be given to the findings of the NSW Police and/or DoCS before making a decision on disciplinary proceedings. However, the final findings of the NSW Police and DoCS and court proceedings could take some time and it may be necessary for the sport or recreation organisation to make an earlier decision in relation to their disciplinary process.

If a proper process of investigation by the sport and recreation organisation supports the allegation, it may be appropriate to undertake disciplinary proceedings prior to a criminal or other formal sentencing. The disciplinary outcome for an incident of a more serious nature could be to formally remove the person from any involvement in the sport or recreation activity for an appropriate period of time.

If the findings of a more serious incident are uncertain, the sport or recreation organisation may be wise to defer making a decision on disciplinary proceedings until clearer findings are evident. However, the employer may decide that the person involved would either need to be constantly supervised or placed in a position that does not have contact with children until a decision is made. Further investigations and meetings with the parties involved may be required to assist in making a decision.

If there is thought that a more serious incident could have occurred but the allegation cannot be sustained, disciplinary proceedings could still be undertaken.

It may not be appropriate for the disciplinary outcome to be as severe eg the person may be required to coach at a Masters level and no longer work with children rather than removing the person from any involvement in the sport or recreation activity.

FOR INCIDENTS OF A LESS SERIOUS NATURE

For incidents of a less serious nature that are sustained, disciplinary proceedings may be undertaken immediately following the investigation. Disciplinary proceedings could involve a warning and providing advice on more appropriate behaviour (for less serious incidents such as name calling or bad language), to removing the person from working with children (where it is clear that the person does not have the patience or skills to work with children) through to ending the employment of the person for more serious incidents.

If the allegation is found to be false, vexatious or misconceived, the findings should be presented in writing to the accused person and the allegations should be dispelled as appropriate within the organisation. Counselling and support may be required for the accused person.

INVOLVEMENT OF SENIOR MANAGEMENT

For all incidents, any final decision on disciplinary proceedings should be made or at least supported by the senior management of the peak body. This will require the Member Protection Officer to liaise with the peak body's senior management during the process of investigation and recommendations.

Guidelines for tasks

8 Report the incident as appropriate

The Commission for Children and Young People must be advised of any completed disciplinary proceeding. A completed disciplinary proceeding is where any action has been taken to investigate an allegation of:

- Child abuse
- Sexual misconduct
- Acts of violence committed by an employee in the course of employment (this includes non paid volunteers).

This is where the act:

- Involves children
- Is directed at children
- Takes place in the presence of children.

A report to the Commission for Children and Young People is not required if the allegation is found to be false, vexatious or misconceived. However, if the employer is not able to say that a matter was definitely not child abuse, sexual misconduct or an act of violence, it must report to the commission, even if the allegation was not sustained.

Definitions and details are provided in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

The reporting forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation or can be obtained from the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au.

For matters of a more serious nature a report will already have been made to NSW Police and/or DoCS (ie, as soon as the incident was reported and clarified). The report to the Commission for Children and Young People should provide details of this earlier reporting and the outcomes of the subsequent investigations by NSW Police and/or DoCS where available.

Some scenarios are provided below to assist peak bodies and associations to appropriately respond to different situations. A number of other examples are included at www.dsr.nsw.gov.au.

Responding to situations



Some scenarios are provided on the following pages to assist peak bodies and associations to appropriately respond to different situations.

A number of other examples are included on the web site www.dsr.nsw.gov.au

Responding to situations

Situation 1 – Emotional abuse

Possible situation	Some options to consider	Inappropriate response
A parent has complained that their child is being yelled at by the coach and is afraid to go to training. The club has not contacted you as the peak body (the parent has come to you because the club is not responding).	<ul style="list-style-type: none"> • Make contact with the club and remind them that they should report all complaints involving children to the peak body or association. Determine whether the club has spoken to the coach • Meet with the parent and the child to discuss the concerns raised (find out what happened and the circumstances) • Speak to other witnesses if there are concerns that the coach's behaviour is unjustified or inappropriate • Meet with the coach concerned and discuss the allegation (find out what happened and the circumstances) • Obtain written and signed statements from all parties consulted • Consider the evidence and make a determination. Clearly document the discussions and the rationale for the determination • If the abuse is relatively minor (eg. occasional loss of temper) request a change in behaviour and consider whether support is required, eg. anger management course • If there is evidence of more serious abuse and/or there is risk of harm to the child/children (including psychological), options can include a changed role or dismissal of the coach. The matter should be reported accordingly (refer task 8) • If there appears to be an over reaction by the parent, consider facilitating a meeting with the coach • Formally advise all parties concerned of the recommended action • Report the completed disciplinary proceeding to the Commission for Children and Young People. 	<ul style="list-style-type: none"> • Ask the club to deal with the problem, and take no responsibility (you may consider the issue to be relatively minor and not worth your time) <p>OR</p> <ul style="list-style-type: none"> • Contact the coach to let him know that there is a complaint, but not request any change in behaviour, eg. say you know the parents must be over reacting <p>OR</p> <ul style="list-style-type: none"> • Tell the parent that it is the right of the coach to yell at the children and they should leave the club if they are not happy.

Responding to situations

Situation 2 – Sexual abuse

Possible situation	Some options to consider	Inappropriate response
A child has mentioned to a friend that he has been inappropriately touched by the coach in the change room. The friend's parents have raised the issue with the club, who has contacted you as the peak body for advice.	<ul style="list-style-type: none"> Advise the club that you will manage the investigations and consult with them during the process. This will ensure greater impartiality Make contact with NSW Police to report the matter and seek advice Make contact with the parent that raised the issue and obtain a written statement. Ask that the incident be kept confidential until the investigation is completed and advise them of the steps that will be taken. This action could be undertaken by the NSW Police Ensure early contact with the child and his parents to clarify the allegation. This would be undertaken by NSW Police or the police may guide you on the best approach to take Seek advice from NSW Police on appropriate communication with the child and his parents, the coach accused of the abuse and other witnesses. NSW Police may wish to interview all parties first Seek advice from NSW Police on information that is required for the investigation, eg. rosters, details of potential witnesses, club contacts etc 	<ul style="list-style-type: none"> Investigate the matter yourself without making contact with NSW Police <p>OR</p> <ul style="list-style-type: none"> Talk to the coach (who denies the incident) and decide not to take it further <p>OR</p> <ul style="list-style-type: none"> Go straight to the child concerned to find out what has happened, without first talking to the Police.

(continued on following page)

Responding to situations

Situation 2 – Sexual abuse *(continued)*

Possible situation	Some options to consider	Inappropriate response
	<ul style="list-style-type: none"> Consider the safety of the child/children and follow your established procedures. This could involve either redeployment, arranging for the coach to be supervised or removing the coach from their duties until the matter is finalised. This will also protect the coach from other allegations and possible abuse from parents. Make it clear that this is only an investigation and there should be no inference that the coach is guilty of the abuse Collect appropriate information to assist police and your investigation Liaise with the parties and witnesses as appropriate and as guided by the police. This will include a formal interview with the coach (and a support person) to enable a response to the allegation Consider the evidence and make a determination. Clearly document the discussions and the rationale for the determination Undertake the appropriate disciplinary proceedings. This may be dismissal if the allegation is sustained Report the incident to the Commission for Children and Young People, unless the allegation is found to be false, vexatious or misconceived. 	

Responding to situations

Situation 3 – Physical abuse

Possible situation	Some options to consider	Inappropriate response
<p>A club official assisting with canteen operations has physically lashed into their own child for giving them a mouthful of abuse (while on duty in the canteen). The child was punched a number of times on the back and shoulder by the official (parent) in front of a number of witnesses, including other young children.</p>	<ul style="list-style-type: none"> • Recognise that the official has clearly physically abused a child in the presence of other children and that action must be taken immediately • Consider the safety of the child and whether DoCS/ NSW Police should be contacted. Make a report to DoCS if there is risk of harm to the child • Obtain written statements from witnesses on what happened • Meet with the club official (parent) to obtain their views and response to what happened. Ensure natural justice and due process • Document all discussions and report on the findings • Recognise that physical abuse is a serious matter and respond accordingly • At the conclusion of the disciplinary process, report the incident to the Commission for Children and Young People unless the allegation is proven to be false vexations or misconceived. 	<ul style="list-style-type: none"> • Take no action in the belief that the parent can do what they want with their own children, despite the fact that they were working with the club at the time <p>OR</p> <ul style="list-style-type: none"> • Talk to the parent and ask them not to do that again, otherwise you will report them <p>OR</p> <ul style="list-style-type: none"> • Think about the problem for a number of weeks without saying anything to the parent, the child or others, but then decide that something should be done (ie report the matter a number of weeks later).

Responding to situations

Situation 4 – Neglect

Possible situation	Some options to consider	Inappropriate response
A child is regularly arriving at practice and games with insufficient gear, complaining about his elbow, which appears to be swollen. He appears unkempt and is unaware that he has a distinctive odour and that his clothes are regularly not clean. He is sullen and withdrawn. His parents do not appear concerned and are well liked in their club.	<ul style="list-style-type: none">• Talk to the child to find out what is happening. Do not ask any leading questions such as 'does daddy hit you' and do not do this alone, ie have a support person• If there is a concern that the child is being abused by his parents or any other person, make an immediate report to DoCS and seek advice• If from the discussions with the child, there is no indication that the child is being abused, talk to the parents about your concerns (again, have a support person with you).	<ul style="list-style-type: none">• Report the incident to DoCS without trying to clarify the situation. The child could be suffering from a medical condition of which you are unaware.

Ideally, the above situations would be investigated by the Member Protection Officer of the peak body/association or an independent skilled investigator. This will ensure the investigator is appropriately trained and skilled and there is a suitable level of independence. However, there will be some instances where a club may need to take a greater role in the investigations, eg. where a club is geographically isolated and the incident is less serious or where a club or business does not have a peak body or association to refer to. In such instances, it may be appropriate for the club or business to follow the approach that would normally be adopted by the peak body or association. If this is the case, the club or business should liaise closely with the peak body or association or the NSW Department of Sport and Recreation (where there is no peak body or association) to ensure they are adopting the best approach.

Review and evaluation

There is always potential to improve policy and procedures, and child protection is no exception. Peak bodies and associations should constantly review and update their policy on child protection, their code of conduct, their role in raising the awareness of child protection and their approach to any alleged incidences of child abuse.

In particular, peak bodies and associations should consider:

- Whether the approach to meeting the requirements of the *Working with Children Check* can be improved
- Whether their policy makes a clear statement that child abuse is unacceptable
- Whether there is open communication in their organisation and sport/activity about the need for child protection

- Whether people in their organisation have the appropriate skills and resources to respond to any allegations of child abuse.

As part of the process of review and evaluation, peak bodies and associations should report on their response to child protection at least every six months. This could include an outline of any guidelines that have been produced, training that has been provided to clubs and approaches that have been adopted when responding to any allegations. The report could be included in a newsletter to clubs or in an annual report, or placed on a web site for clubs and parents to access.

Relevant legislation

Sport and recreation organisations and clubs have a moral and legal obligation to achieve child protection within their sport or activity. Relevant legislation includes:

Commission for Children and Young People Act 1998

The act established and guides the functions of the Commission for Children and Young People. The act also:

- Makes it mandatory to screen preferred applicants for paid child related employment. The NSW Department of Sport and Recreation is the Approved Screening Agency for the sport and recreation industry. Employers must conduct employment screening on preferred applicants using a *Working with Children Check* Request Form
- Allows for the introduction of non-mandatory screening of existing paid employees and volunteers. However, the Commission for Children and Young People is currently considering the options for the screening of volunteers through their Voluntary Screening Reference Group
- Enables the commission to maintain a database of completed disciplinary proceedings and relevant Apprehended Violence Orders.

Child Protection (Prohibited Employment) Act 1998

This act prohibits persons found guilty of committing certain serious sex offences from working in child related employment. A serious sex offence is an offence involving sexual activity or acts of indecency that is punishable by a prison sentence of 12 months or more if it was committed in NSW.

The act requires all people working with children (paid workers and volunteers) to sign a Prohibited Employment Declaration, indicating whether or not they are a prohibited person. It is an offence for a prohibited person to work with children.

Children and Young Persons (Care and Protection) Act 1998

The Children and Young Persons (Care and Protection) Act 1998 is a result of changing community attitudes on how we should care for and protect children and young people and incorporates recommendations of the Wood Royal Commission.

The act promotes flexible, responsive and innovative methods to address problems experienced by families and seeks to involve children in the decision-making process for their safety, welfare and well-being.

The act outlines requirements for mandatory reporting, that is employees that are required by law to report any incident of a child at risk of harm.

The act supports members of the community in reporting an incident to DoCS if a child is at risk of harm.

Child Protection (Offenders Registration) Act 2000

Under this act, a person who has been found guilty of certain offences against children will be known as a Registrable Person. A Registrable Person automatically becomes a *Prohibited Person under the Child Protection (Prohibited Employment) Act 1998*.

The term certain offences includes:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

Other key documents

Other documents that provide useful information on child protection are listed below:

- *Child Protection in sport and recreation – Guidelines for achieving child protection for sport and recreation clubs*, NSW Department of Sport and Recreation, 2003
- *Child Protection in sport and recreation – Guidelines for parents/guardians and children*, NSW Department of Sport and Recreation, 2003
- *Child Protection – A simple guide for sport and recreation organisations*, NSW Department of Sport and Recreation, 2002
- *Choose With Care*, A Handbook to Build Safer Organisations for Children, Bernadette McMenamin, Paula Fitzgerald, ECPAT
- *Making a Difference*, Recognising and Reporting/Notifying Child Abuse and Neglect, Self Paced Learning Kit, NSW Child Protection Council, May 1998
- *Guidelines for Employers The Working with Children Check*, NSW Commission for Children and Young People
- *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Other information and key contacts



Contact resources and phone numbers for matters relating to child protection are as follows

NSW DEPARTMENT OF COMMUNITY SERVICES

DoCS Helpline 132 111

Web site www.community.nsw.gov.au

KIDS HELPLINE

Kids Helpline 1800 55 1800

Email admin@kidshelp.com.au

NSW POLICE

Police Assistance Line 131 444

Seven days a week, 24 hours a day

NSW DEPARTMENT OF SPORT AND RECREATION

Child Protection Infoline 1300 366 407

Email workingwithchildrencheck@dsr.nsw.gov.au

Website www.dsr.nsw.gov.au/

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Office 9am-5pm (02) 9286 7220

Fax (02) 9286 7201

Email kids@kids.nsw.gov.au

AUSTRALIAN SPORTS COMMISSION

Web site www.ausport.gov.au

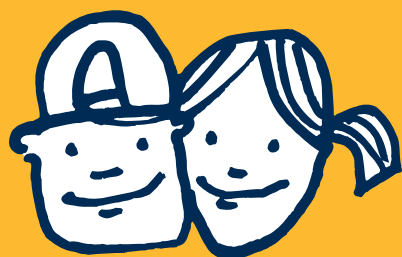
PLAY BY THE RULES

Web site www.playbytherules.net.au

More specific area contacts for the Department of Community Services (DoCS) are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Child protection infoline
1300 366 407
www.dsr.nsw.gov.au





Your legal obligations under NSW Child Protection Legislation

Your legal responsibilities

- Register your organisation with your Approved Screening Agency (ASA)
 - For sporting and recreation organisations within NSW, the ASA is NSW Sport and Recreation
 - If you are not a sporting and recreation organisation check who your ASA is on www.kids.nsw.gov.au/director/check.cfm
- Report relevant employment proceedings (REPs) to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children
- Require all **paid and unpaid** applicants for child-related employment to sign a PED, which confirms they are not a prohibited person
 - Forms are available on www.dsr.nsw.gov.au/children
- Do not employ anyone in child-related employment who will not sign the PED
- Require applicants for **paid** positions to sign a Background Check Consent Form. Then submit a Background Check Request Form to your ASA for them to conduct the WWCC
 - The check will include:
 - National criminal history check for relevant offences
 - Any AVOs taken out on behalf of a child
 - Relevant employment proceedings

Abbreviations

ASA - Approved Screening Agency

AVO – Apprehended Violence Order

PED – Prohibited Employment Declaration

WWCC – Working With Children Check

REP – Relevant Employment Proceeding

Key points to remember

- ✓ Fines and/or gaol sentences apply for failing to comply with the child protection legislation
- ✓ There is NO age minimum on the WWCC
- ✓ The WWCC is a FREE service
- ✓ WWCC forms available on our website

For further information

NSW Sport and Recreation – Child Protection and Employment Screening Unit

Web www.dsr.nsw.gov.au/children

Email workingwithchildrencheck@dsr.nsw.gov.au

Phone 1300 366 407

Contact NSW Sport and Recreation for advice on the WWCC or wider child protection issues. All WWCC forms are available on the website.

NSW Commission for Children and Young People (CCYP)

Web www.kids.nsw.gov.au

The NSW CCYP oversees the WWCC. Information on the WWCC and the Employer Guidelines (a detailed document on the WWCC process for you as an employer) is available on the website.

Other child protection resources

Play by the Rules – www.playbytherules.net.au

Provides information and online learning about how to prevent and deal with discrimination, harassment and child abuse for the sport and recreation industry.

Australian Sports Commission (ASC) – www.ausport.gov.au/ethics

Works with national sporting organisations to establish structures and policies that ensure a fair, safe, ethical and inclusive culture pervades sport at all levels. Info sheets and guidance is available from their website.

Department of Community Services (DoCS) – www.community.nsw.gov.au

DoCS promotes the safety and wellbeing of children. To make a report to DoCS of suspected child abuse or neglect call 132 111.

For more information call

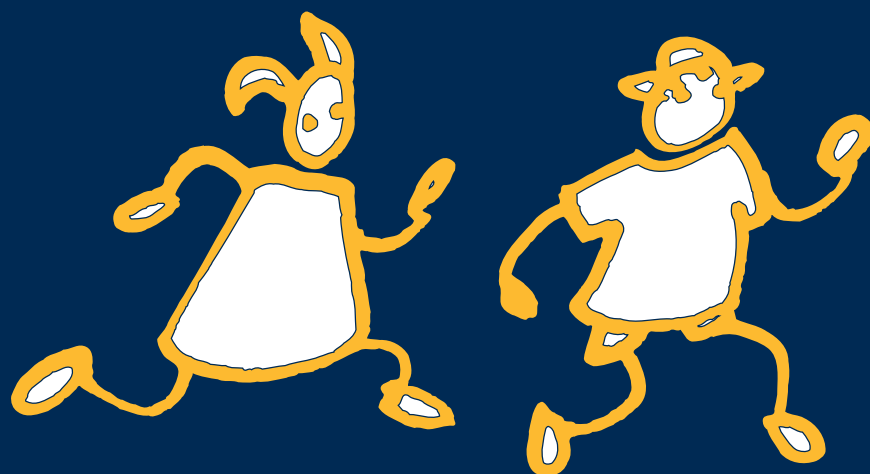
1300 366 407

www.dsr.nsw.gov.au



5 steps to creating a safer environment for children

A simple guide for sport and recreation organisations



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About this guide

Every sport and recreation organisation has a responsibility to provide a safe environment for children and young people.

Since July 2000 legislation has been progressively introduced in NSW that has affected all people working with children. This legislation includes the:

- *Commission for Children and Young People Act 1998*
- *Child Protection (Offenders Registration) Act 2000*
- *Commission for Children and Young People Amendment Act 2005.*

All have implications for sport and recreation organisations.

You can ensure child protection legislative requirements are dealt with efficiently and effectively by having a good understanding of what is needed.

This booklet outlines five key steps that will assist you to meet your requirements:

- Step 1 – undertake the Working with Children Check
- Step 2 – appoint a child protection/ member protection information officer
- Step 3 – establish a child protection/member protection policy
- Step 4 – manage allegations of reportable conduct
- Step 5 – report incidents.

More information

This booklet provides an overview and is a handy reference.

More detailed guidelines are available from NSW Sport and Recreation by calling 13 13 02 or can be downloaded from our website at www.dsr.nsw.gov.au/children

The Working with Children Check is overseen in NSW by the Commission for Children and Young People (CCYP).

For more information on child safe, child friendly environments or to obtain a copy of the *Employers Working with Children Check* guidelines contact:

Commission for Children and Young People
phone (02) 9286 7219 www.kids.nsw.gov.au

Play by the Rules provides information and online learning about child protection, and the prevention of discrimination and harassment at www.playbytherules.net.au

The Australian Sports Commission provides child protection strategy and policy and code templates at www.ausport.gov.au

5 steps to creating a safer environment for children



Step 1

Undertake the Working with Children Check

The Working with Children Check (WWCC) helps determine whether a person is suitable to work with children. Employers must use the WWCC for people in child related employment. It is an offence not to do so.

The WWCC involves an employer:

1. Undertaking probity checks (eg. referee checks)
2. Asking all paid and unpaid employees (including volunteers) working with children to sign a *Prohibited Employment Declaration* to declare that they are not a prohibited person
3. Conducting background checks on applicants for paid positions working with children and other mandatory categories (using a *Working with Children Background Check Request Form*)
4. Reporting inappropriate conduct.

Conducting the Working with Children Check

- Determine the Approved Screening Agency to use. NSW Sport and Recreation is the Approved Screening Agency for NSW sport and recreation organisations
- Identify positions within the organisation that are child related (definitions available in the Important terms section on page 9)
- Register your organisation as an employer with the Approved Screening Agency
- Request all employees in identified positions (including volunteers) to complete and return to you a *Prohibited Employment Declaration*. Store these in a secure location.

- For new paid people request completion and return of a *Working with Children Check Consent Form*
- Sight 100 points of identification
- Forward the *Working with Children Check Request Form* to the Agency
- For short-term employees a check is valid for 12 months from the date of check.

Important

All forms required to conduct the WWCC can be located on www.dsr.nsw.gov.au under Child Protection

- There is **no cost** to your organisation when submitting a *Working with Children Background Check Request Form* to the Approved Screening Agency for mandatory categories
- There is no age minimum on the WWCC
- If an issue arises during the checking process the Agency will provide guidance to your organisation
- Employers face heavy penalties for failing to ask employees to sign a *Prohibited Employment Declaration*. Individuals who falsely sign this form are committing a criminal offence
- *Prohibited Employment Declarations* and the *Working with Children Background Check Consent Forms* need to be kept in a secure manner by the employer, and **are not sent** to the Agency as part of the WWCC request. These forms are an auditable item.

Step 2

Appoint a child protection/ member protection information officer

**An important step in creating a safer environment for children involved in your sport is to appoint a child protection/
member protection information officer for your organisation.**

A child protection/member protection information officer coordinates your organisation's child protection activities and needs to convey a clear message about the importance of child protection to the people involved in your sport.

A child protection/member protection information officer also needs to assist with the implementation of your organisation's:

- WWCC responsibilities
- Record keeping associated with the WWCC
- Awareness raising initiatives for people involved with your organisation (eg. child protection policy and relevant codes of conduct).

In addition, it is important that the child protection/member protection information officer:

- Knows the DoCS Helpline number – 132 111
- Has copies of standard reporting forms
- Is aware of, or creates, reporting procedures to deal with allegations of reportable conduct
- Promotes child protection awareness in the organisation
- Ensures children and adults in the organisation have someone to go to if they have a concern or need information on child protection/member protection.

Step 3

Establish a child protection/ member protection policy

As part of creating a safe environment for children, your organisation should adopt a child protection policy or incorporate it into a member protection policy.

It is also a good way to make sure that everyone knows your organisation is taking its responsibility for the welfare of children and young people seriously.

The Australian Sports Commission provides guidance on what a Member Protection Policy should include:

- A clear statement about what behaviour is unacceptable
- Complaint Handling Procedures that are appropriate for allegations of child abuse
- Clear definitions on who the Policy applies to, examples and definitions of behaviour, and what the Member Protection Information Officer's role is
- Clear guidance on organisational and individual responsibilities for ensuring child abuse, discrimination and harassment does **not** occur
www.ausport.gov.au/ethics

Step 4

Manage allegations of reportable conduct

What is reportable conduct

- Reportable conduct — any sexual offence or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence
- Any child related personal violence offence
- Any assault, ill treatment or neglect of a child
- Any behaviour that causes psychological harm to a child, or
- An act of violence committed by an employee in the course of employment and in the presence of a child.

An allegation of reportable conduct involving an "employee" is a very serious matter and must be handled with a high degree of sensitivity. Here's a basic outline of the investigative process your organisation should follow:

- | | |
|---|--|
| Initial response | <ul style="list-style-type: none">■ Clarify the details of the allegation■ Follow your established reporting procedures (eg. child protection officer)■ Assess the risks and take interim action to ensure the child's safety■ Report to DoCS and NSW Police if necessary■ Address the support needs of the child and the employee■ Maintain confidentiality, fairness and trust■ Communicate appropriately with relevant parties. |
| Next steps | <ul style="list-style-type: none">■ The child may need to be interviewed by a professional (eg. DoCS, NSW Police)■ Identify people who can provide relevant information■ Document all details■ Where required, appoint an independent person to conduct an investigation. |
| Information gathering | <ul style="list-style-type: none">■ Collect relevant documentary evidence and record all witness interviews■ Review the initial risk assessment and take action to address concerns. |
| Procedural fairness and natural justice | <ul style="list-style-type: none">■ Maintain strict confidentiality■ Put the allegation to the employee in an interview with your disciplinary body■ The employee may have an observer and adviser present■ The employee may respond during the interview and in a written submission. |
| Making a finding | <ul style="list-style-type: none">■ The decision makers should be separate from the investigator■ Consider all the information and make a decision■ Clearly document the rationale. |
| Taking action | <ul style="list-style-type: none">■ Decide on the action to be taken and report to your organisation■ Report to the Commission for Children and Young People where it meets the definition of a completed employment proceeding*. |

*Refer to the Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection for details.

Report incidents

Employers must provide details to the Commission for Children and Young People of any employee who has been the subject of completed relevant employment proceedings*.

Under child protection legislation, some people are legally required to report concerns they have about the safety, welfare and wellbeing of a child.

Mandatory reporter

A mandatory reporter is any person who delivers services to children as part of their **paid** professional work.

You are also a mandatory reporter if you hold a management position and you are responsible for or supervise the provision of these services. Further clarification can be found in the *Children and Young Persons (Care and Protection) Act 1998*.

A mandatory reporter is required by law to make a report to DoCS if they have current concerns about the safety, welfare or well-being of a child (under 16 years of age).

Reporting

If you suspect a child is at risk of harm you should report to the DoCS Helpline (phone 132 111).

You don't need to be certain, you only need to make sure that your concerns are well founded and based on information you know or have from a reliable source.

If you are unsure it is best to contact DoCS for advice.

DoCS will make an assessment and determine the actual risk of harm and the appropriate action to take. Further investigation and assessment may be required.

Your report is confidential and legislation provides protection for those making reports.

*Refer to Employer Guidelines www.kids.nsw.gov.au

5 steps to creating a safer
environment for children

Important terms, questions and answers checklist



Important terms

Apprehended Violence Order (AVO) –

with regard to the *Commission for Children and Young People Amendment Act 2005* an AVO is defined as an order made by a Court on the application of a police officer/public official or interstate restraint order made for the protection of a child.

Approved Screening Agency – designated agencies that undertake requests for background checking on behalf of employers.

Allegation – an assertion made without absolute evidence.

Background checking – checks for offences including child assault, child pornography, sexual activity, acts of indecency, relevant AVO and employment proceedings. It must be conducted on all preferred applicants for paid child related positions as well as other mandatory categories by an Approved Screening Agency.

Child related employment – employment (including volunteers) that primarily involves direct, unsupervised contact with children. (A child is defined as a person under 18 years of age). This means that one of the essential duties of the position involves direct unsupervised contact with children.

Child related personal violence offence –

In NSW, a child related personal offence is specifically the offence of:

- Maliciously wounding or inflicting grievous bodily harm to a child; or
- Maliciously shooting at, or discharging any kind of loaded arms at a child.

Employment proceedings – employment related proceedings completed in NSW or elsewhere, where an employer (including sport and recreation organisations) has found:

- Reportable conduct; or
- That an act of violence has been committed by an employee in the course of employment and in the presence of a child.

Prohibited person – a person convicted of a serious sex offence, the murder of a child, a child related personal violence offence or a registrable person. A prohibited person is not allowed to work or continue to work in child related employment. It is an offence for a prohibited person to apply for a position working with children. A person on the sex register is also a prohibited person.

Reportable Conduct – refer to page 6.

Prohibited Employment Declaration –

a form to be completed by all paid and unpaid employees (including volunteers) prior to employment in child related positions.

Risk of harm – current concerns about a child over basic physical or psychological needs not being met, medical care not being arranged, the child being at risk of serious physical or psychological harm or at risk of physical or sexual abuse.

Serious sex offence – an offence (involving sexual activity, acts of indecency and other offences included in legislation) that is punishable by a prison sentence of 12 months or more.

Working with Children Check – the overall process used to help determine whether a person is suitable to work with children.

Working with Children Background Check Consent Form –

a form completed by preferred applicants for child related positions and other mandatory categories. Used by employers to get permission to conduct background checking. Kept on file by the employer.

Frequently asked questions

What is the difference between the Working with Children Check (WWCC) and background checking?

The WWCC is the entire process of looking at a person's suitability to work with children. It includes these three key components:

- *Prohibited Employment Declaration* – completed by all employees (paid and unpaid) working with children.
- Background checking – conducted on preferred applicants for paid positions working with children and other mandatory categories.
- Reporting relevant employment proceedings to the Commission for Children and Young People.

In other words, the WWCC describes the entire process. Background checking is one key part of the WWCC.

Where does the Working with Children Check apply?

Employers must use the WWCC for people in child related employment – that is, employment that primarily involves direct and unsupervised contact with children. It covers areas such as child care, schools, pre-schools, detention centres, hospitals, refuges, sporting clubs and organisations, associations and religious organisations.

Am I an employer?

You are an 'employer' if you or the organisation you represent has responsibility for 'employees' who work or provide services to children:

- Under contract or agreement
- As a sub contractor

- As a volunteer
- Whilst undertaking practical training involving children.

The legislation also applies to self-employed people. You must ensure your compliance with the child protection legislation by completing the registration process outlined at www.kids.nsw.gov.au (due for implementation in 2008).

Who should be checked in our sport or recreation organisation?

Who needs to be checked will vary from club to club and sport to sport. The WWCC applies to all child related employment. Your club or association must determine who and what positions fall into this category and then follow the processes outlined in Step 1.

What about volunteers and the WWCC?

Volunteers are required to undergo required components of the WWCC. Where relevant, all volunteers must fill out a *Prohibited Employment Declaration*.

What happens if a person is found to be not suitable to work with children?

If an issue arises about a person's status during background checking, the Approved Screening Agency will conduct an estimate of risk to help your organisation determine whether that person is suitable to work with children. The decision to employ that person is ultimately yours. You must notify the Commission for Children and Young People if you decide not to employ the applicant as a result of the estimate of risk. The Employment Decision Notification form can be found on our website (attachment 7).

Frequently asked questions

Does our child protection officer take responsibility for dealing with a person identified as presenting a level of risk through the WWCC?

Not necessarily. The manner of communication with a person identified as presenting a risk, either in person or by correspondence, is the decision of the employer.

What if a person refuses to sign a *Prohibited Employment Declaration*?

A person is not permitted to work with children if he/she refuses to sign the form. It is every individual's right however to determine whether they wish to sign a form or not, but if they decline, they must **not** be employed to work with children in child related positions.

Employers face heavy penalties for failing to ask applicants to sign a *Prohibited Employment Declaration*. Individuals who falsely sign this form are committing a criminal offence.

How is privacy protected during the WWCC?

There are strict provisions to protect the privacy of people being checked. It is an offence for any person to inappropriately obtain or tell another person about information gathered during the checking process.

Child protection checklist

There are a number of steps you need to take to help create a safe environment for children and young people to enjoy sport and recreation activities. Use this checklist to assist your organisation.

Your organisation

- Establish a child protection policy/member protection policy
- Nominate a child protection officer/member protection information officer
- Ensure all employees, parents, players and members are aware of your policy and procedures
- Identify child related employment positions (paid and unpaid)
- Register with NSW Sport and Recreation to get an Employer ID Number
- Establish record keeping procedures for the WWCC
- Report any relevant completed employment proceedings against an employee
- Raise child protection awareness amongst your organisation
- Keep records secure and treat information as highly sensitive.

New staff in child related employment

- Add information to recruitment packages for identified child related positions (paid)
- Conduct structured referee checks on preferred applicants
- Have prospective (paid and unpaid) staff sign a *Prohibited Employment Declaration Form*
- Background check preferred applicants for paid positions.

Contacts

NSW Sport and Recreation

Child Protection Infoline: 1300 366 407

Email:

workingwithchildrencheck@dsr.nsw.gov.au

www.dsr.nsw.gov.au/children

Offers a range of child protection brochures

Commission for Children and Young People

Office hours: 9am–5pm

Phone: (02) 9286 7220

Fax: (02) 9286 7201

Email: kids@kids.nsw.gov.au

www.kids.nsw.gov.au

WWCC Employers Guidelines

Australian Sports Commission

Phone: (02) 6214 1111

www.ausport.gov.au

Policy and Code templates

Play By The Rules

www.playbytherules.net.au

Free online training programs on child protection, discrimination and harassment.

NSW Police

Emergency: 000

Police Assistance Line: 131 444

7 days a week, 24 hours a day

NSW Department of Community Services

DoCS Helpline: 132 111

www.community.nsw.gov.au

Kids Helpline

Phone: 1800 551 800

Email: admin@kidshelp.com.au

www.kidshelp.com.au

