

NSW Department of Sport and Recreation

Child protection

A simple guide for sport
and recreation organisations



www.dsr.nsw.gov.au



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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.

In July 2000 legislation was introduced in NSW that has affected all people working with children. The legislation includes the:

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

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 officer
- Step 3 – establish a child protection policy
- Step 4 – manage allegations of child abuse
- Step 5 – report incidents.

More information

This booklet provides an overview and is a handy reference. The comprehensive *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* covers information you need to know about child protection. The guidelines are available from:

NSW Department of Sport and Recreation
phone 13 13 02
www.dsr.nsw.gov.au

Commission for Children and Young People
phone (02) 9286 7220
www.kids.nsw.gov.au

5 steps

to creating
a safer environment
for children



Undertake the Working with Children Check

The *Working with Children Check* helps determine whether a person is suitable to work with children. Employers must use the *Working with Children Check* for people in child related employment.

The *Working with Children Check* involves an employer:

1. asking all paid and unpaid employees (including volunteers) working with children to sign a *Prohibited Employment Declaration*
2. conducting employment screening on preferred applicants for paid positions working with children (using a *Working with Children Check Request Form*).
3. undertaking probity checks (eg. referee checks)

Conducting the Working with Children Check

- Determine the Approved Screening Agency to use. The NSW Department of Sport and Recreation is the Approved Screening Agency for NSW sport and recreation organisations.
- Identify positions within the organisation that are child related
- Register your organisation as an employer with the Approved Screening Agency
- Request all employees in identified positions (including volunteers) to complete and return a *Prohibited Employment Declaration*
- For new paid people, request the preferred applicant to complete and return a *Working with Children Check Consent Form*
- Forward the *Working with Children Check Request Form* to the Approved Screening Agency

Important

- There is no cost to your organisation when submitting a *Working with Children Check Request Form* to the Approved Screening Agency for paid mandatory screens
- If an issue arises during the screening process, the Approved Screening Agency will provide advice 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 Check Consent Forms* need to be kept in a secure manner by you as the employer. These forms are an auditable item and may be requested by the Commission for Children and Young People.

Step 2

Appoint a child protection officer

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

A child protection 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 officer also needs to assist with the implementation of your organisations:

- *Working with Children Check* responsibilities
- record keeping associated with the *Working with Children Check*
- 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 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 child abuse
- promotes child protection awareness in your organisation
- ensures children and adults in your organisation have someone to go to if they have a concern or need information on child protection.

Step 3

Establish a child protection policy

As part of creating a safe environment for children, your organisation should adopt a child protection policy.

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

A sample policy is presented below.

You can also refer to the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* for a full policy statement.

Sample policy statement

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, [organisation name] 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.

[Organisation name] is committed to ensuring that the safety, welfare and wellbeing of children and young people is maintained at all times during their participation in activities run by [organisation name] and its member bodies.

[Organisation name] 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 to follow the appropriate notification procedures when reporting alleged abuse.

Step 4



Manage allegations of child abuse

An allegation of child abuse 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
Next steps	<ul style="list-style-type: none">• Where necessary the child should be interviewed by a professional (eg. DoCS, NSW Police)• Identify people who can provide relevant information• Document all details• Where possible appoint an independent person to conduct the 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 a disciplinary board• The employee can have an observer and adviser present• The employee can respond during the interview and in a written submission
Making a finding	<ul style="list-style-type: none">• The decision maker should be separate from the investigator• Consider all the information and determine a finding• 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 disciplinary proceeding*

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



Step 5

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 disciplinary 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 wellbeing of a child (under 16 years of age).

Reporting

If you suspect a child is at risk of harm you should report it 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's 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 the legislation provides protection for those making reports.

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

info...

important terms questions and answers checklist



Important terms

Apprehended Violence Order (AVO) – with regard to the *Commission for Children and Young People Act 1998* an AVO is defined as an order made by a Court on the application of a police officer or interstate restraint order made for the protection of a child.

Approved Screening Agency – designated agencies that undertake requests for employment screening on behalf of employers.

Allegation – an assertion made without absolute evidence.

Child related employment – employment (including volunteers) that primarily involves direct, unsupervised contact with children. This means that one of the essential duties of the position involves direct unsupervised contact with children.

Employment screening – checks for offences including child abuse, child pornography, sexual activity, acts of indecency, relevant AVO and disciplinary proceedings as well as probity checks. It must be conducted on all preferred applicants for new paid child related positions by an Approved Screening Agency.

Prohibited person – a person convicted of a serious sex offence. 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 registrable offender 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 the legislation that is punishable by a prison sentence of 12 months or more if it was committed in New South Wales.

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

Working with Children Check Consent Form – completed by preferred applicant for new child related positions. Used by employers to get permission to conduct employment screening.

Frequently asked questions

What is the difference between the *Working with Children Check* and employment screening?

The *Working with Children Check* is the entire process of looking at a person's suitability to work with children. It includes these two key steps:

- *Prohibited Employment Declaration* – completed by all current employees (paid and unpaid) working with children
- employment screening – conducted on preferred applicants for paid positions working with children.

In other words, the *Working with Children Check* describes the entire process. Employment screening is one key part of the *Working with Children Check*.

Where does the *Working with Children Check* apply?

Employers must use the *Working with Children Check* 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, clubs, 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.

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 *Working with Children Check* 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 *Working with Children Check*?

Volunteers are required to be part of the *Working with Children Check*. Where relevant, all volunteers must fill out a *Prohibited Employment Declaration*. At this stage, the options for employment screening of volunteers are being considered.

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 employment screening, the Approved Screening Agency will conduct a risk assessment to help your organisation determine whether that person is suitable to work with children. The decision to employ that person is ultimately yours. If you choose not to employ that person you must notify the Commission for Children and Young People.

Does our child protection officer take responsibility for dealing with a person identified as 'unsuitable' through the *Working with Children Check*?

Not necessarily. The form of contact with an 'unsuitable' person, 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 continue working 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.

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.

How is privacy protected during the *Working with Children Check*?

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 create a safe environment for children and young people to enjoy sport and recreation. Use this checklist* to assist your organisation.

Your organisation

- Establish a child protection policy
- Ensure all employees and members are aware of your policy and procedures
- Identify child related employment positions (paid and unpaid)
- Establish record keeping procedures for the *Working with Children Check*
- Report any relevant completed disciplinary proceedings against an employee
- Nominate a child protection officer
- Raise awareness amongst your staff
- Register with the Department of Sport and Recreation to get an Employer ID Number
- Keep records secure and treat information as highly sensitive

Current staff in child related employment

- Have all staff sign a *Prohibited Employment Declaration*

New staff in child related employment

- Add information to recruitment packages for identified child related positions (paid)
- Have prospective staff sign a *Prohibited Employment Declaration* and *Working with Children Check Consent Form*
- Screen preferred applicants for new employment (paid)
- Conduct structured referee checks on preferred applicants
- If you decide not to employ someone based on the *Working with Children Check*, inform the Commission for Children and Young People

* Refer to this checklist in conjunction with *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* to fully understand your child protection responsibilities. Call (02) 13 13 02 for more information.

For more information on child protection and the roles of your peak body or association, club, coaches and officials, you will find a comprehensive package of information on the web site www.dsr.nsw.gov.au

Contacts that you should be aware of include:

NSW DEPARTMENT OF COMMUNITY SERVICES (DoCS)
Helpline 132 111
www.community.nsw.gov.au

KIDS HELPLINE
Helpline 1800 55 1800

NSW POLICE
Police Assistance Line 131 444
7 days a week, 24 hours a day

NSW DEPARTMENT OF SPORT AND RECREATION
Child Protection Infoline: 1300 366 407
www.dsr.nsw.gov.au

COMMISSION FOR CHILDREN AND YOUNG PEOPLE
Phone: (02) 9286 7220
www.kids.nsw.gov.au

AUSTRALIAN SPORTS COMMISSION
Phone: (02) 9214 1111
www.ausport.gov.au

PLAY BY THE RULES
www.playbytherules.net.au

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

