MEMBER PROTECTION

PART B – CHILD PROTECTION POLICY

Adopted by NSW Netball Association Ltd Board Meeting on 15th April 2008

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POLICY STATEMENT

The Netball NSW Child Protection Policy forms one part of the Netball NSW Member Protection Policy, and as such, should be read in conjunction with the Member Protection Policy.

Every person and organisation bound by this Policy must always place the safety and welfare of children above all other considerations.

Netball NSW acknowledges that employees, members and volunteers provide a valuable contribution to the positive experiences of junior participants. Netball NSW aims to ensure this continues and to protect the safety and welfare of junior participants.

Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for junior participants to contribute to and provide feedback on Netball NSW's program development;
- Carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in Attachment B1 - NSW Child Protection Requirements);
- Ensuring Netball NSW codes of behaviour, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints; and
- Providing education and/or information to those involved in netball on child abuse and child protection.

Netball NSW requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within netball, to report it immediately to the police or NSW Department of Community Services (DOCS) and the General Manager of Netball NSW. Descriptions of the sorts of activity which may be abuse are in the Definitions section at clause 11 of the Netball NSW Member Protection Policy.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Netball NSW's procedures for handling allegations of child abuse are outlined in the Netball NSW MPP - Part C (Complaint Handling Policy).

If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the NSW Department of Community Services (DOCS) on 132 111 or www.community.nsw.gov.au

BACKGROUND

Child Protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all States and Territories of Australia, have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, child protection legislation requires individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters and also reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that State and Territory WWCC requirements may also apply to individuals and organisations who visit states with screening laws. For example, if one of our District/League Associations takes junior players into Queensland for training camps, competition or other activities, those travelling with the teams must comply with the QLD legislative requirements.

Please note that NSW child protection requirements apply despite the existence or absence of the Netball NSW Member Protection Policy.

The following attachments provide:

- Summary information on NSW WWCC screening requirements and where to obtain more information and relevant forms;
- Netball NSW Member Protection Declaration; and
- NSW Child Protection legislation.

As part of Netball NSW's commitment to protecting the safety and welfare of children and young people involved in Netball NSW activities, Netball NSW requires the following measures to be met.

- Provide opportunities for juniors to contribute to and provide feedback on program development;
- Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
- Where applicable meet the requirements outlined in:

ATTACHMENT B1	***NSW Screening Requirements***
ATTACHMENT B2	***Member Protection Declaration***
ATTACHMENT B3	***NSW Child Protection Legislation***

NOTE: The information contained in the following attachments has been provided and/or endorsed by the NSW Department of Community Services (DOCS) and the NSW Commission for Children and Young People. Although this information is not and should not be considered as legal advice, it is strongly recommended that the wording in each attachment is not modified or condensed as it may result in non-compliance with the legislation.

ATTACHMENT B1: New South Wales Screening Requirements

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in Netball NSW and/or a District/League Association that involves direct and unsupervised contact with people under the age of 18 years.

All NSW District/League Associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement.

Screening Requirements

Under Netball NSW's Member Protection Policy, Netball NSW and/or District/League Associations are required to:

1. Identify positions (paid and voluntary) which are **child-related positions** by completing the "*Is the position child-related employment"* form, for every position.
2. Include advice about the Working With Children Check in information being provided about child-related positions (e.g. job description for the coach of junior team).
3. Register with an approved screening agency (NSW Commission for Children and Young People) by completing and submitting the *"Employer Registration"* form. The approved screening agency will undertake the Working With Children Background Check on preferred applicants for child-related positions on your behalf.
4. Obtain a completed "*Member Protection Declaration (MPD")* (Attachment B2) from all people who are bound by this Policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in a secure place.

    a) If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), Netball NSW and/or District/League Associations will:

        i. provide an opportunity for the person to respond/provide an explanation, and

        ii. make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

    b) If unsatisfied, then Netball NSW and/or District/League Associations will:

        i. in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**

        ii. in the case of someone applying for the position/role, not appoint them.

5. Obtain a *"Volunteer / Student Declaration"* form from all preferred applicants for child-related positions and existing employees in child-related positions. Refer to the fact sheet *"Volunteer / Student Declaration FAQ's"* for further information.
6. Ask preferred applicants (during the pre-employment phase) for ***paid*** child-related positions to sign the *"Applicant Declaration and Consent"* form for a background check.

7. Request a background check for preferred applicants (during the pre-employment phase) for paid child-related employment before they start work by completing the *"Employer Request for Background Check"* form and submitting it to an Approved Screening Agency.
8. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
9. Decide whether to offer the applicant the position, taking into account the result of the Working With Children Check, Volunteer / Student Declaration and any other information available.
10. Notify the NSW Commission for Children and Young People of any person whose application for child-related employment has been rejected primarily because of a risk assessment in the Working With Children Check. We must do this even if we offer the person an alternative position.
11. Advise the person if their application was rejected primarily because of an adverse risk assessment in the Working With Children Check.
12. Notify the NSW Commission for Children and Young People of any person against whom ***relevant employment proceedings*** have been completed.
13. Protect the privacy of any person who is screened and the confidentiality of any information obtained through the screening process.
14. Return Information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

NOTE: The Working With Children Background Check is a pre-employment check. You must do the check **before** the person starts a position in child-related employment. You cannot check existing employees or people at times other than recruitment for child-related employment. Existing employees are only checked if they are recruited to a different child-related employment position within the organisation.

Further information regarding the Working With Children Check and employment processes can be found in the *"Working With Children Check FAQ's"* Fact Sheet.

Refer to the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219 to ensure you have up to date information.

ATTACHMENT B2: Member Protection Declaration

Netball NSW and District/League Associations have a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved in netball activities. As part of this duty of care and as a requirement of Netball NSW's Member Protection Policy, Netball NSW and District/League Associations must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and/or unsupervised contact with people under the age of 18 years.

I _____ born ____ / _____ / _____ of
(Full Name) (DOB)

_____
(Address, Suburb, Postcode)

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Netball NSW may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the relevant body (Netball NSW and/or the District/League Association) of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in the State/Territory of _____

On_____ / _____ / _____ Signature _____
(date)

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: _____

Signature: _____

Date: _____

ATTACHMENT B3: NSW Child Protection Legislation

The following information was updated in April 2010. It is subject to change at any time. This information is provided as a guide only.

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a **Volunteer / Student Declaration** which states they are not prohibited from working with children.

2. **Submitting** all applicants for **paid** employment to the NSW Commission for Children and Young People for an Employer Request for Background Check. The NSW Commission for Children and Young People only carries out checks for paid employees.

3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Commission for Children and Young People, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than 6 months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- www.kids.nsw.gov.au or 02 9286 7219
- www.dsr.nsw.gov.au or 9006 3700