

MACQUARIE FOOTBALL LIMITED
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A.C.N. 050 293

NEWCASTLE FOOTBALL LIMITED
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A.C.N. 052 054

HUNTER VALLEY FOOTBALL INCORPORATED

CHILD PROTECTION POLICY

Issued by the Joint Board of Directors of Macquarie Football Limited, Newcastle Football Limited and Hunter Valley Football Incorporated.

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Review January 2019

CHILD PROTECTION POLICY

1.0 CHILD PROTECTION POLICY STATEMENT

The Zone Associations are committed to ensuring that the safety, welfare and well-being of children and young persons is maintained at all times during their participation in football sporting and recreation activities conducted by the Zone Associations and Member Clubs

Protection of children and young persons from abuse is a universal responsibility.

Through the implementation of strategies that assist in preventing child and young person abuse from occurring, the Zone Associations have taken a pro-active role in relation to child and young person protection and intervention. These strategies will help to foster a safe and positive environment for children and young persons to participate in football physical activities.

The Zone Associations aim to promote a safe environment for all children and young persons and to assist staff, officials, coaches, members and volunteers to recognize child and young person abuse and neglect and to follow the appropriate notification procedures when reporting alleged abuse.

2.0 CHILD PROTECTION LEGISLATION

The issue of child and young person abuse is a complex problem which has an impact on all areas of society, including participation in sport.

Several events, especially the Wood Royal Commission and the new Child Protection Legislation, have led to increased community awareness and have highlighted the need to develop and to implement strategies that protect children from abusive situations.

The Child Protection Legislation passed by the NSW Parliament encompasses the following Acts:

- 2.01 Commission for Children and Young Persons Act 1998
- 2.02 Child Protection (Prohibited Employment) Act 1998
- 2.03 Ombudsman Amendment (Child Protection and Community Services) Act 1998
- 2.04 Children and Young Persons (Care and Protection) Act 1998
- 2.05 Child Protection (Offenders Registration) Act 2000
- 2.06 Child Protection Legislation Amendment Act 2003

and each has serious implications for sport and recreation organizations.

3.0 THE WORKING WITH CHILDREN CHECK

- 3.01 WORKING WITH CHILDREN CHECK

The 'Working with Children Check' helps to determine whether a person is suitable to work with children and young persons. Employers shall use the 'Working with Children Check' for persons in child related employment.

The 'Working with Children' Check involves an employer:

3.01.01 asking all paid and unpaid employees (including volunteers) working with children to sign a 'Prohibited Employment Declaration' form;

3.01.02 conducting employment screening on preferred applicants for paid positions working with children and young persons (using a *Working with Children Check Request Form*);

3.01.03 undertaking probity checks (eg referee checks).

3.02 CONDUCTING THE WORKING WITH CHILDREN CHECK

The Zone Association/Member Club shall:

3.02.01 determine the Approved Screening Agency to use; for football sporting organizations the NSW Department of Sport and Recreation is the Approved Screening Agency;

3.02.02 identify positions within the organization that are child related;

3.02.03 register the organization as an employer with the Approved Screening Agency;

3.02.04 request all employees in identified positions (including volunteers) to complete and return a 'Prohibited Employment Declaration'. Employers face heavy penalties for failing to ask employees to sign this form; individuals who falsely sign this form are committing a criminal offence;

3.02.05 for new paid persons, request the preferred applicant to complete and return a 'Working with Children Check Consent Form';

3.02.06 submit the 'Working with Children Check Consent Form' to the Approved Screening Agency. If an issue arises during the screening process, the Approved Screening Agency will provide advice to the organization;

3.02.07 retain, as the employer, all submitted 'Prohibited Employment Declarations' and the 'Working with Children Check Consent Forms' in a secure manner. These forms represent auditable items and may be requested by the Commission for Children and Young People.

4.0 APPOINTMENT OF CHILD PROTECTION OFFICER

4.01 CHILD PROTECTION OFFICER

The Zone Association/Member Club shall appoint a Child Protection Officer for the organisation. This officer shall coordinate the organisation's child

protection activities and shall convey a clear message about the importance of child protection to persons involved in football sporting activities.

4.02 DUTIES OF CHILD PROTECTION OFFICER

The Child Protection Officer shall assist with the implementation of the organisation's:

4.02.01 'Working with Children Check' responsibilities;

4.02.02 record keeping associated with the 'Working with Children Check';

4.02.03 awareness raising initiatives for persons involved with the organization (eg child protection policy, relevant codes of conduct etc);

4.02.04 reporting procedures to deal with allegations of child abuse;

4.02.05 maintenance of standard reporting forms;

4.02.06 provision of a contact person for children and adults in the organization to go to if they have a concern or need information on child protection;

4.02.07 contact mechanisms for NSW Sport and Recreation and/or DOCS.

5.0 **IMPLICATIONS OF CHILD PROTECTION (PROHIBITED EMPLOYMENT) ACT 1998**

5.01 The Zone Association/Member Club must not commence employing a person in a child related position without first requiring that person to disclose whether or not he/she is a prohibited person. This requirement shall be met by requiring each person involved in child related employment to sign a Prohibited Employment Declaration form.

5.02 The Association/Member Club must not commence employing or continue to employ a person who has been identified as a prohibited person in child related employment.

5.03 A prohibited person is anyone found guilty of committing certain serious sex offences.

5.04 It is an offence for a person convicted of serious sex offences to apply for or remain in child related employment.

5.05 Under this Act, "employment" incorporates work performed as a volunteer.

6.0 **IMPLICATIONS OF COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998**

6.01 The Zone Association/Member Club must register with the Department of Sport

and Recreation as the Approved Screening Agency to access employment screening services.

- 6.02 It is mandatory to screen preferred applicants for paid primary child related employment and allows for discretionary screening of unpaid employees.
- 6.03 It is mandatory to notify the Commission of Children and Young People of the name and other identifying details of any employee against whom relevant disciplinary proceedings have been completed.
- 6.04 Registered employers have access to a risk assessment process for new employees that includes a check of the Commission's database of completed disciplinary proceedings relating to child abuse, sexual misconduct or acts of violence either directed at children or in the presence of children; a national criminal record check that will identify any relevant criminal history; a check on all apprehended violence orders (AVOs) which have been made for the protection of a child.
- 6.05 Introduction of secure record keeping guidelines to ensure that all records and information that the Zone Association/Member Club may be required to submit to the Commission for Children and Young People is retained.

7.0 IMPLICATIONS OF OMBUDSMAN AMENDMENT (CP&CS) ACT 1998

- 7.01 Requirement that the Ombudsman oversee and monitor investigations of child abuse against employees of designated agencies or specified public authorities.
- 7.02 Allowance for the Ombudsman to scrutinize systems for the prevention, handling and responses to child abuse allegations and convictions within certain organizations.

8.0 IMPLICATIONS OF CHILDREN AND YOUNG PERSONS (C&P) ACT 1998

Under part of this Act, a person who has reasonable grounds to suspect that a child or young person is at risk of harm must report this to the Department of Community Services (DOCS); such persons who make reports shall have their identity protected.

9.0 IMPLICATIONS OF CHILD PROTECTION (OFFENDERS REGISTRATION) ACT 2000

This Act requires child sex offenders, and certain other serious offenders against children, to inform police of changes to specified personal information for a period of time after their release into the community.

10.0 MANAGEMENT OF ALLEGATIONS OF CHILD ABUSE

- 10.01 OUTLINE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The following is a basic outline of the investigative process that shall be followed by the Zone Association/Member Club.

10.02 INITIAL RESPONSE

- * Clarify the details of the allegation.
- * Follow the 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.

10.03 NEXT STEPS

- * Where necessary the child should be interviewed by a professional (eg DOCS, NSW Police).
- * Identify persons who can provide relevant information.
- * Document all details.
- * Where possible, appoint an independent person to conduct the investigation.

10.04 INFORMATION GATHERING

- * Collect relevant documentary evidence and record all witness interviews.
- * Review the initial risk assessment and take action to address concerns.

10.05 PROCEDURAL FAIRNESS AND NATURAL JUSTICE

- * Maintain strict confidentiality.
- * Put the allegation to the employee in an interview with a disciplinary board.
- * The employee may have an observer and adviser present.
- * The employee can respond during the interview and in a written submission.

10.06 MAKING A FINDING

- * The decision maker should be separate from the investigator.
- * Consider all the information and determine a finding.
- * Clearly document the rationale.

10.07 TAKING ACTION

- * Decide on the action to be taken and report to the Zone Association/Member Club.
- * Report to the Commission for Children and Young People where it meets the definition of a completed disciplinary proceeding. (Refer to *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* for details).

11.0 REPORTING INCIDENTS

11.01 REQUIREMENT

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 persons are legally required to report concerns they have about the safety, welfare and wellbeing of a child or young person.

11.02 MANDATORY REPORTER

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

A person who holds a management position and is responsible for or supervises the provision of these services is also a mandatory reporter. 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).

11.03 REPORTING

If there is a suspicion that a child is at risk of harm, it should be reported to the DOCS Helpline (phone 132 111).

The reporter does not need to be certain but only needs to make sure that the concerns are well-founded and based on information known or obtained from a reliable source. If a person is 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.

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

12.0 REFERENCES

NSW Department of Sport and Recreation
Figtree Drive HOMEBUSH BAY NSW 2127
Child Protection Infoline: 1300 366 407
Fax (secure line): (02) 9006 3900
Email: workingwithchildrencheck@dsr.nsw.gov.au
Website: www.dsr.nsw.gov.au

Commission for Children and Young People
Level 2 407 Elizabeth Street SURRY HILLS NSW 2010
Phone: (02) 9286 7220

Fax: (02) 9286 7201
Email: kids@kids.nsw.gov.au

NSW Department of Community Services
Helpline: 132 111

13.0 APPENDICES

The following documents taken from the NSW Department of Sport and Recreation Website at www.dsr.nsw.gov.au , which provides for downloading (in Microsoft Word format) of all the forms required to comply with the Working with Children Check procedures, are attached as Appendices 1 – 10:

APPENDIX 1	Working with Children Check Summary
APPENDIX 2	Employer Registration Form Amendment to Employer Registration Details
APPENDIX 3	Working with Children Check Employment Screening Consent Form
APPENDIX 4	Prohibited Employment Declaration
APPENDIX 5	Structured Referee Checks
APPENDIX 6	Working with Children Check Employment Screening Request Form
APPENDIX 7	Rejected Applicant Notification Form
APPENDIX 8	Relevant Employment Proceedings Notification Form
APPENDIX 9	Relevant Employment Proceedings Review of Category Form
APPENDIX 10	Relevant Employment Proceedings Employee Notification Form

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