



## Murwillumbah Netball Association Inc.

# POLICY – Member Protection

## Part B – Child Protection and Working with Children Check Requirements

### Version Control

Date	Version	Details	Author
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### Approval

Delegation required for approval: President

Approving officer:

**Name:** Sue O'Connor      **Position:** President

**Date:** Adopted at Murwillumbah Netball Association General Meeting 3 September 2015.

### Purpose and Background

**Murwillumbah Netball Association Inc.** and persons identified in Member Protection Policy Clause 3 will ensure that staff and volunteers respond as quickly as possible and in the best interests of the child or young person less than 18 years of age when disclosures or suspicions of harm are received. Our organisation recognises that children and young people are vulnerable members of the community and that extra measures must be taken to protect and support them.

### Policy Statement

**Murwillumbah Netball Association Inc.** is committed to protecting the safety and welfare of children and young people involved in netball activities.

**Murwillumbah Netball Association Inc.** will ensure that all State legislative requirements are met and followed according to the processes described in this policy.

Working with Children Check laws are currently in place in Queensland, New South Wales, Western Australia, Victoria, the Northern Territory and South Australia. **Murwillumbah Netball Association Inc.** will meet the requirements of the relevant State and Territory Working with Children Check laws. **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 must have a valid Working with Children Check. All costs associated with obtaining this check will be funded by **Murwillumbah Netball Association Inc.**

Individuals travelling with children and young people to another State or Territory in a work-related capacity must comply with the screening requirements of that particular State.

### **State/Territory Based Child Protection Legislation**

Working with Children Checks aim to create a child-safe environment to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- Working with Children Check/Blue Card;
- criminal history checks;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. Fact Sheets for each state and territory are available on the Play by the Rules website: [www.playbytherules.net.au](http://www.playbytherules.net.au).

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

### **New South Wales**

To apply for a New South Wales Working with Children Check log onto:

<https://wwccheck.cryp.nsw.gov.au/Applicants/Application#>

### **Travelling to other States or Territories**

It is important to remember that when travelling to other States or Territories representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

There are exemptions that enable workers to participate in national and inter-jurisdictional activities on a short-term basis for up to 30 days in any 12 month period, or for the period specified by the relevant State and Territory jurisdiction. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

### **Applicability**

The policy applies to all persons identified in the Member Protection Policy Clause 3.1.

### **Definitions**

Refer to the definitions outlined in the Member Protection Policy's (Clause 20).

### **Legislative Requirements**

The *Commission for Children and Young People and Child Guardian Act 2000* and the *Commission for Children and Young People and Child Guardian Regulation 2001* require regulated organisations and businesses to develop and implement a child and youth risk management strategy which aims to keep children and young people safe.

To comply with the legislative framework, a child and youth risk management strategy must include eight minimum requirements. These requirements:

- address an organisation or business's commitment to creating a safe and supportive service environment within the organisation;
- strengthen an organisation or business's capability to provide such an environment;
- assist an organisation or business to manage any particular concerns with respect to the safety and wellbeing of children and young people who are involved with the organisation or business; and
- promote the consistency of an organisation or business's approach to risk management, both within the organisation or business and with respect to its compliance with the requirements under the Commission's Act.

### **The eight MANDATORY requirements are:**

1. A statement of commitment to the principles of safe and supportive service environments
2. A code of conduct
3. Recruitment, selection, training and management strategies that encourage best practice and enhance the safety and well-being of children and young people
4. Policies and procedures for handling disclosures and suspicions of harm
5. Policies and procedures for the occasions where there might be a breach of the organisation's child and youth risk management strategy
6. Policies and procedures for compliance with Chapter 8 of the Commission's Act (which regulates the blue card system)
7. A planning process for high risk activities and special events
8. Strategies for communication and support for all stakeholders including children and young people

### **Procedure**

#### **Procedures to minimise harm to children and young people**

**Murwillumbah Netball Association Inc.** will work to minimise harm to children and young people by acting in a manner that supports their interests and wellbeing by:

- making sure children and young people know it is their right to feel safe at all times;
- making sure children and young people are safe by monitoring their activities and ensuring their environment meets all safety requirements;
- taking anything a child or young person says seriously and following up their concerns;
- letting children and young people know there is no secret too awful, no story too terrible, that they can't share with someone they trust;
- teaching children and young people about appropriate and inappropriate contact in a manner appropriate to their age and level of understanding;
- teaching children and young people to say 'no' to anything that makes them feel unsafe;
- encouraging children and young people to tell staff of any suspicious activities or people; and
- listening to children and young people and letting them know that staff are available to them if they have any concerns.

**Murwillumbah Netball Association Inc.** and persons identified in Member Protection Policy Clause 3 will receive the **Murwillumbah Netball Association Inc.** Child Protection and Working with Children Check Requirements policy upon induction/employment. All **Murwillumbah Netball Association Inc.** and persons identified in Member Protection Policy Clause 3 will report disclosed or suspected harm to either the Department of Communities (Child Safety Services) or the Queensland Police Service who will decide on an appropriate course of action.

#### **Identify the Risks**

Consider involving a wide range of stakeholders, including children and young people, to identify the risks associated with the activity or special event. Checklists may identify general risks that should always be considered, however it is important to brainstorm with your stakeholders to ensure all potential risks that might result in harm to a child or young person are identified.

Workplace health and safety processes consider environment and equipment risks. Once you have fulfilled the workplace health and safety requirements you must assess the risks

associated with the child and youth risk management strategy. These risks are physical, emotional, sexual and cultural in nature, including the risks from:

- other children or young people;
- someone outside the organisation ;
- an employee or volunteer; and
- themselves.

In relation to potential risks of harm associated with the activities and special events your organisation provides to children and young people, ask yourself questions such as:

How might harm occur?

- Running an activity where children and young people are required to change clothes, where the change rooms are unsupervised and open to the public.
- Paid employees or volunteers spending long periods alone with a child or young person.
- A coach offering special private sessions to a child or young person.

Why might harm occur?

- Inadequate recruitment and selection practices of paid employees and volunteers.
- Incorrect instructions given to employees working with children or young people.
- Not providing training to employees and volunteers.
- Inadequate attention to cultural considerations.

When might harm occur?

- In situations where adult supervision is inadequate.
- A staff member giving a child a lift home.

### **Analyse the Risks**

The purpose of risk evaluation is to identify potential risks to the safety and wellbeing of the children and young people in the care of your organisation and devise controls to reduce these risks. The level of risk will determine whether the activity or special event is practical.

Consider:

- How likely is it that the risk will occur? (Likelihood)
- What would happen if the risk did occur? (Consequences)

### **Evaluate the Risks**

Evaluating the risks asks you to consider whether a risk is high, medium or low. This will depend on the answers to the questions asked at **Analyse the Risks**. For example: if a risk is likely to occur and the consequences could result in significant harm to a child, this would be considered high risk.

### **Manage the Risk**

Standards Australia's AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines describe risk treatment as "a cyclical process of:

- assessing a risk treatment;
- deciding whether residual risk levels are tolerable;
- if not tolerable, generating a new risk treatment; and
- assessing the effectiveness of that treatment."

Risk management involves assessing the options in order to reduce the risk and the preparation and implementation of risk management plans. For example:

- Reduce the risk – will additional controls reduce the risk?

- Retain the risk – some risks will have to be retained and will require close monitoring.

Risk management options should consider the values and perceptions of stakeholders and the most appropriate way to communicate with them.

You now should consider how likely it is for the risk to occur after control measures have been put in place, and how bad the outcome would be if the risk was to occur. If you assess that a risk is still highly likely to occur and the outcome could result in harm to a child then you may need to rethink the activity.

### **Review Risk Management Procedures**

Ongoing review is essential to ensure that the risk management plan your organisation develops for your activity or special event is effective. Reviewing controls and responsibilities can be useful for future planning. You should consider who will review the risk management plan after the event or activity.

### **In the event of a breach of the policy**

Breaches will be managed in a fair, unbiased and supportive manner. The following will occur:

- all people concerned will be advised of the process;
- all people concerned will be given the opportunity to provide their version of events;
- the details of the breach including the versions of all parties, and the outcome, will be recorded;
- matters discussed in relation to the breach will be kept confidential; and
- an appropriate outcome will be decided.

### **Suitable outcomes for breaches**

Depending on the nature of the breach outcomes may include:

- emphasising the relevant component of the child and youth risk management strategy, for example, the code of conduct;
- providing closer supervision;
- further education and training;
- mediating between those involved in the incident;
- disciplinary procedures; and/or
- reviewing and developing policies and procedures.

### **Procedures for receiving a disclosure of harm**

In the event of a disclosure of harm the person disclosed to should:

- Remain calm and find a private place to talk.
- Don't promise that you'll keep a secret; tell them they have done the right thing in telling you but that you'll need to tell someone who can help keep them safe.
- Only ask enough questions to confirm the need to report the matter; probing questions could cause distress, confusion and interfere with any later enquiries.
- Do not attempt to conduct your own investigation or mediate an outcome between the parties involved.

### **Reporting guidelines for disclosures or suspicions of harm**

Following are the actions our organisation will take immediately following a disclosure or suspicion of harm.

#### Documenting a suspicion of harm

If you or others have concerns about the safety of a child or young person record your concerns in a non-judgmental and accurate manner as soon as possible. If a parent explains

a noticeable mark on a child, record your own observations as well as accurate details of the conversation. If you see unsafe or harmful actions towards a child in your care intervene immediately, provided it is safe to do so. If it is unsafe call the police for assistance.

#### Documenting a disclosure of harm

Complete an incident report form or record the details as soon as possible so that they are accurately captured. Include:

- time, date and place of the disclosure;
- 'word for word' what happened and what was said, including anything you said and any actions that have been taken; and
- date of report and signature.

If you need to take notes as the person is telling you, explain that you are taking a record in case any later enquiry occurs.

#### Reporting the disclosure or suspicion of harm to authorities

**Murwillumbah Netball Association Inc.** and persons identified in Member Protection Policy Clause 3 will not conduct its own enquiries in relation to the disclosure or suspicion of harm, or try to come to an agreement between the parties involved. The person who receives a disclosure or suspects harm is to contact the relevant authority to ensure information provided is comprehensive and accurate.

Report the matter to:

- Department of Communities (Child Safety Services) on free call 1800 811 810, or
- New South Wales Police Service

#### Actions following a disclosure of harm

Support and counselling will be offered to all parties involved.

#### Processes for those involved in the report:

##### *The child or young person:*

The children and young people involved should be offered appropriate counselling and support.

##### *The person who made the report:*

Under Section 22 of the *Child Protection Act 1999* a person who reports suspected child abuse is protected from civil or criminal legal actions and is not considered to have broken any code of conduct or ethics.

Details of the person who made the report are to be kept completely confidential and will not be made available to the family of the child or young person, or the person against whom the allegation has been made.

##### *The person against whom the allegation has been made:*

If the person responding to the allegation of harm is a member of the organisation you may need to review their duties. If they continue to interact/work with children ensure that they are appropriately supervised at all times. You may want to seek legal advice as to the extent to which that person can carry out duties in the organisation.

#### Review procedures

**Murwillumbah Netball Association Inc.**'s policy and procedures for handling disclosures or suspicions of harm are to be reviewed and assessed regularly to ensure that **Murwillumbah Netball Association Inc.** are continuing to provide a safe and supportive service environment.

## **Related Documents**

For further information regarding definitions of abuse and reporting procedures, see the Department of Communities, Child Safety and Disability Services' document ["Child Abuse: What You Need To Know"](#).

[Creating Safe and Supportive Service Environments for Children and Young People: Child and Youth Risk Management Strategy, Toolkit](#)

## **References**

Queensland Government, Commission for Children, Young People and Child Guardian