

# Child Protection Procedure

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This policy sets out the associations commitment to child protection, the screening process for people in our association who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years, what constitutes good and poor practice when dealing with minors, and how to effectively respond to incidents of abuse.

Our Club will:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* (MPD) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Make sure that the person being interviewed/screened has a valid Working with Children Check issued by the Victorian government.
6. Ask the people identified in step 1 to sign a consent form for a national police check.
7. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will 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. If unsatisfied we will not appoint them to the role/position.
8. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
9. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
10. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
11. 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 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.

Our association has a duty of care to all those associated with us. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

## **PROMOTING GOOD PRACTICE**

This attachment will help you identify what is meant by good practice and poor practice.

### **Good Practice**

All personnel should adhere to the following principles and actions:

1. always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)
2. make the experience of basketball fun and enjoyable: promote fairness, confront and deal with bullying
3. treat all young people, including Aboriginal children, children from culturally and/or linguistically diverse backgrounds and children with a disability equally and with respect and dignity
4. always put the welfare of the young person first, before winning
5. maintain a safe and appropriate distance with players (e.g. it is not appropriate for staff or volunteers to have an intimate relationship with a child or to share a room with them)
6. Avoid unnecessary physical contact with young people. Where any form of manual/physical support is required it should be provided openly and with the consent of the young person. Physical contact can be appropriate so long as it is neither intrusive nor disturbing and the young person's consent has been given
7. Involve parents/carers wherever possible, e.g. where young people need to be supervised in changing rooms, encourage parents to take responsibility for their own child. If groups have to, be supervised in changing rooms always ensure parents, coaches, etc. work in pairs
8. request written parental consent if club officials are required to transport young people in their cars
9. gain written parental consent for any significant travel arrangements e.g. overnight stays
10. ensure that if mixed teams are taken away, they should always be accompanied by a male and female member of staff
11. ensure that at away events adults should not enter a young person's room or invite young people to their rooms
12. be an excellent role model; this includes not smoking or drinking alcohol in the company of young people
13. always give enthusiastic and constructive feedback rather than negative criticism
14. recognising the developmental needs and capacity of the young person and do not risk sacrificing welfare in a desire for club or personal achievements. This means avoiding excessive training or competition and not pushing them against their will
15. secure written parental consent for the club to act in loco parentis, to give permission for the administration of emergency first aid or other medical treatment if the need arises
16. keep a written record of any injury that occurs, along with details of any treatment given

## Poor Practice

The following are regarded as poor practice and should be avoided by all personnel:

1. unnecessarily spending excessive amounts of time alone with young people away from others
2. taking young people alone in a car on journeys, however short
3. taking young people to your home where they will be alone with you
4. sharing a room with a young person
5. engaging in rough, physical or sexually provocative games, including horseplay
6. allowing or engaging in inappropriate touching of any form
7. allowing young people to use inappropriate language unchallenged
8. making sexually suggestive comments to a young person, even in fun
9. reducing a young person to tears as a form of control
10. allowing allegations made by a young person to go unchallenged, unrecorded or not acted upon
11. doing things of a personal nature that the young person can do for themselves.

When a case arises where it is impractical/impossible to avoid certain situation e.g. transporting a young person in your car, the tasks should only be carried out with the full understanding and consent of the parent/care and the young person involved.

If during your care, you accidentally hurt a young person, the young person seems distressed in any manner, appears to be sexually aroused by your actions and/or if the young person misunderstands or misinterprets something you have done, report any such incidents as soon as possible to another colleague and make a written note of it. Parents should also be informed of the incident.

## PROCEDURES FOR RESPONDING TO SUSPICIONS AND ALLEGATIONS

It is not the responsibility of anyone working for the association in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns through contact with the appropriate authorities so that they can then make inquiries and take necessary action to protect the young person. This applies **BOTH** to allegations/suspicions of abuse occurring within our organisation's activities and to allegations/suspicions that abuse is taking place elsewhere.

This attachment explains how to respond to allegations/suspicions.

### Receiving Evidence of Possible Abuse

- **stay calm** so as not to frighten the young person.
- **reassure** the child that he/she is not to blame and that it was right to tell.
- **listen** to the child, showing that you are taking him/her seriously.
- **keep questions to a minimum** so that there is a clear and accurate understanding of what has been said. The law is very strict and child abuse cases have been dismissed where it is felt that the child has been led or words and ideas have been suggested during questioning. Only ask questions to clarify.
- **inform** the child that you have to inform other people about what he/she has told you

We may become aware of possible abuse in various ways. We may see it happening, we may suspect it happening because of signs such as those listed above or it may be reported to us by someone else or directly by the young person affected.

In the last of these cases, it is particularly important to respond appropriately. If a young person says or indicates that they are being abused, you should:

- **safety of the child** is paramount. If the child needs urgent medical attention call an ambulance, inform the doctors of the concern and ensure they are made aware that this is a child protection issue.
- **record** all information.
- **report** the incident to the organisation/association/welfare officer.

### **Recording Information**

To ensure that information is as helpful as possible, a detailed record should always be made at the time of the disclosure/concern. In recording you should confine yourself to the facts and distinguish what is your personal knowledge and what others have told you. Do not include your own opinions.

Information should include the following:

- the child's name, age and date of birth
- the child's home address and telephone number
- whether or not the person making the report is expressing their concern or someone else's
- the nature of the allegation, including dates, times and any other relevant information
- a description of any visible bruising or injury, location, size etc. Also, any indirect signs, such as behavioural changes
- details of witnesses to the incidents
- the child's account, if it can be given, of what has happened and how any bruising/injuries occurred
- have the parents been contacted? If so what has been said?
- has anyone else been consulted? If so record details
- has anyone been alleged to be the abuser? Record details

### **Reporting a Concern**

All suspicions and allegations **MUST** be reported appropriately. It is recognised that strong emotions can be aroused particularly in cases where sexual abuse is suspected or where there is misplaced loyalty to a colleague. It is important to understand these feelings but not allow them to interfere with your judgement about any action to take.

Our association expects its members and staff to discuss any concerns they may have about the welfare of a child **IMMEDIATELY** with the person in charge and subsequently to check that appropriate action has been taken.

If the nominated club welfare officer is not available you should take responsibility and seek advice from the duty officer at your local social services department or the police. Telephone numbers can be found in your local directory.

Where there is a complaint against an employee or volunteer, there may be three types of investigation.

1. **Criminal** in which case the police are immediately involved
2. **Child Protection** in which case the social services (and possibly) the police will be involved
3. **Disciplinary or Misconduct** in which case Basketball Victoria will be involved

As mentioned previously in this document, the association's employees and volunteers are not child protection experts and it is not their responsibility to determine whether or not abuse has taken place. All suspicions and allegations must be shared with professional agencies that are responsible for child protection.

Social services have a legal responsibility under The Children Act 1989 to investigate all child protection referrals by talking to the child and family (where appropriate), gathering information from other people who know the child and making inquiries jointly with the police.

**NB: If there is any doubt, you must report the incident: it may be just one of a series of other incidences which together cause concern**

Any suspicion that a child has been abused by an employee or a volunteer should be reported to the association who will take appropriate steps to ensure the safety of the child in question and any other child who may be at risk. This will include the following:

- we will refer the matter to social services department and/or police
- the parent/carer of the child will be contacted as soon as possible following advice from the social services department
- the CEO or the President of our association will be notified to decide who will deal with any media inquiries and implement any immediate disciplinary proceedings
- if the Club welfare officer is the subject of the suspicion/allegation, the report will be made to the appropriate manager who will refer the matter to social services

Allegations of abuse are sometimes made sometime after the event. Where such an allegation is made, you should follow the same procedures and have the matter reported to social services and/or the police. This is because other children in the sport or outside it may be at risk from the alleged abuser. Anyone who has a previous conviction for offences related to abuse against children is automatically excluded from working with children.

**Concerns outside the Immediate Sporting Environment (e.g. parent or carer)**

- Report your concerns to the welfare officer.
- If the welfare officer is not available, the person being told or discovering the abuse should contact their local social services department or the police immediately.
- Social Services and the welfare officer will decide how to inform the parents/carers.
- The welfare officer should also report the incident to the CEO or President. They will ascertain whether or not the person/s involved in the incident play a role in the association and act accordingly.
- Maintain confidentiality on a need to know basis.

*NOTE:* Please also refer to the Victoria State Government's Education and Training website: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx> for further information on child protection reporting obligations. This website will provide you with information on the concerned authorities to be contacted when child abuse has taken place and the procedures to be followed for making a report of child abuse to the concerned authorities.

## MEMBER PROTECTION DECLARATION

I ..... (name) of .....

..... (address) born ...../...../.....

Sincerely declare:

I do not have any criminal charge pending before the courts.

1. I do not have any criminal convictions or findings of guilt for sexual offences, drugs related offences, offences related to children or acts of violence.
2. 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, other forms of harassment or acts of violence.
3. To my knowledge there is no other matter that the association may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
4. I will notify the CEO or President of the association immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above have changed.

Declared in the *State/Territory of* ..... on

...../...../..... (date) Signature .....

### **Parent/Guardian Consent (in respect of a 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: .....