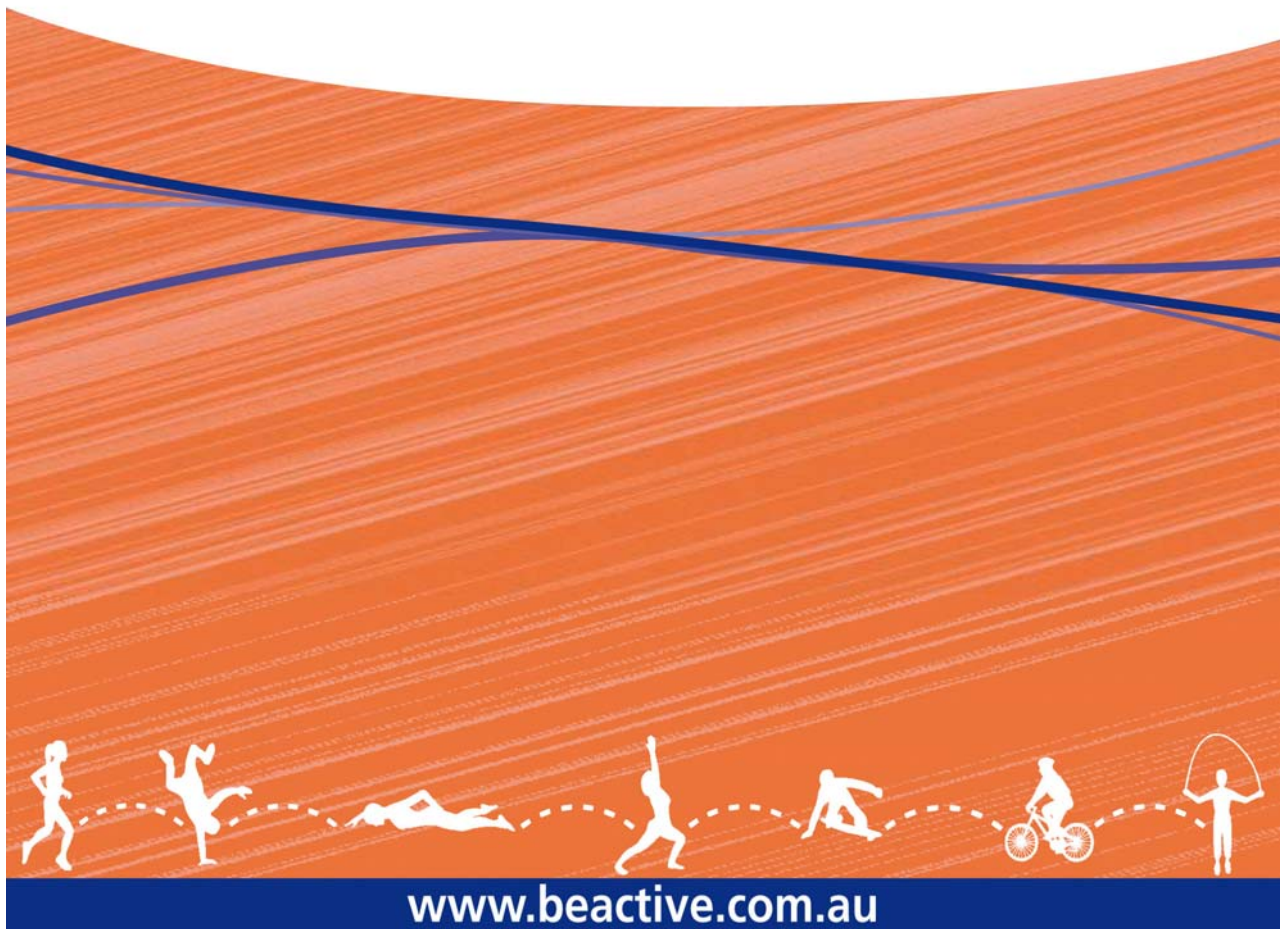




Section 8A, Children's Protection Act 1993 (SA)

Child-Safe Environments: Principles of Good Practice for Recreation and Sport



This document is intended for use by adults dealing with children and ensuring the safety of children.

This document is issued by the Chief Executive, Department for Families and Communities with additional comments provided by the Office for Recreation and Sport.

It is for use by non-government recreation and sport organisations.

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- Office for Volunteers
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- South Australian Salaried Medical Officers Association (SASMOA)
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Introduction

Every child has a right to be safe from harm at all times. The wellbeing and best interests of children are the responsibility of the entire community. As members of the wider community, we must act to ensure that every environment where children are present is safe.

The *Children's Protection Act 1993* has been amended to ensure that all children are safe from harm and, as far as practicable, are cared for in a way that allows them to reach their full potential. Under the amendments to the *Children's Protection Act 1993*, the Chief Executive, Department for Families and Communities, is responsible for:

- providing guidance on appropriate standards of conduct for adults in dealing with children
- defining appropriate standards of care for ensuring the safety of children
- providing guidance on the recruitment and supervision of employees of government and non-government organisations who may have contact with children in the course of their employment
- developing and issuing standards to be observed in dealing with information obtained about the *criminal history* of *employees* and *volunteers* who work with children in government or *non-government organisations*.

All *government organisations* and certain *non-government organisations* must develop appropriate policies and procedures to establish and maintain child-safe environments. These policies and procedures must reflect the standards and principles of good practice developed by the Chief Executive, Department for Families and Communities. Many organisations already have policies and procedures in place that reflect and address these good practice principles.

Non-Government Organisations (NGOs) include any recreation and sport organisation in South Australia that provides programs and services either wholly or partly for children.

- *If your organisation has members, customers or clients younger than 18 years of age you are required to comply with this legislation.*

The Trade Practices Act 1974 defines 'recreational services' as services that consist of participation in:

(a) a sporting activity or a similar leisure-time pursuit

(b) any other activity that:

(i) involves a significant degree of physical exertion or physical risk

(ii) is undertaken for the purposes of recreation, enjoyment or leisure.

The Child Protection Act applies to both not-for-profit organisations and for-profit organisations and businesses, so types of organisations affected could include:

- *sport*
- *community recreation*
- *outdoor recreation*
- *fitness.*

See Appendix VII for more information.

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The Chief Executive, Department for Families and Communities is also responsible for monitoring progress towards child-safe environments in the government and non-government sectors and for reporting regularly to the Minister on that subject. Organisations that do not meet their legislative obligations regarding the establishment and maintenance of child-safe environments may face a fine of up to \$10 000.

Creating child-safe environments

A child safe organisation:

- ‘takes a preventative, proactive and participatory stance on child protection issues’.¹ The safety and wellbeing of children is a paramount consideration when developing activities, policies and management practices.
- is one that values and embraces the opinions and views of children
- encourages and assists children to build skills that will assist them to participate in society
- takes action to protect children from physical, sexual, emotional and psychological abuse and neglect.

Creating child-safe environments is a dynamic process that involves active participation and responsibility by all sectors of the community – individuals, families, government and non-government organisations and community groups. Sharing responsibility for the care and protection of children helps to challenge the unrealistic expectation that one agency, namely the Department for Families and Communities, can effectively respond to all child protection concerns. A stronger, more child-focused community will help to prevent harm to children. A child-safe community can care for all children, can identify vulnerable children, can support children who have been abused and neglected, and can prevent further harm to children.

The focus of a child-safe organisation is not simply to create an environment free from risk or danger. Rather it is about building an environment which is both child-safe and child-friendly; where children feel respected, valued and encouraged to reach their full potential. A child-safe environment is the product of a range of strategies and initiatives. In addition to child-safe policies and appropriate codes of conduct and behaviour for employees, volunteers and members, organisations must foster cultures of openness. Children need to know what to do if they believe they have been subject to inappropriate behaviour or have experienced abuse. Equally, organisations need to have very clear procedures to assist employees/volunteers in identifying suspected abuse and neglect. Employees and volunteers must also be aware of their duty to report suspected abuse and neglect to the Child Abuse Report Line and take other measures to establish, promote and maintain child-safe and child-friendly environments.

This commitment to protecting children should be embedded in an organisation’s culture such that everyone is aware of their responsibility for taking action.

¹ Child Wise 2004: 18

General principles

The principles and philosophy that underpin child protection work within Australia are based on the United Nations Convention on the Rights on the Child.² The Convention provides the foundations for both the *Children's Protection Act 1993* and these standards and principles of good practice. More specifically, the Convention emphasises that:

- All children have equal rights to protection from abuse and neglect.
- All children should be encouraged to fulfil their potential and inequalities should be challenged.
 - All children should be encouraged to participate fully in cultural and artistic life and appropriate and equal opportunities should be provided for cultural, artistic, recreational and leisure activity.
- Everybody has a responsibility to support the care and protection of children.
- Organisations shall take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse, neglect or negligent treatment, while in their care.
- Organisations have a duty of care to children with whom they work and with whom their agents, contractors and subcontractors work.
 - If organisations work through partners (e.g. contractors, subcontractors or agents), they have a responsibility to meet minimum standards of protection for the children in their partners' programs.

The *National Framework for Creating Child Safe Environments* states that organisations have a moral and legal responsibility to ensure that children in their care are safe. Community service organisations have additional obligations because of the particular vulnerability of many children and young people in their care or utilising their services.³ This document reflects the rationale of the *National Framework Schedule: An Evidence-based Guide for Risk Assessment and Decision-making when Undertaking Background Checking*,⁴ which emphasises that:

- The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.
- The organisation has a duty of care to take all reasonable, necessary and appropriate steps to protect children and young people from risk of harm while they are under the care or supervision of employees or volunteers.

The child-safe environments framework

To assist organisations to establish and maintain child-safe environments, the Chief Executive, Department for Families and Communities has developed these principles of good practice which incorporate standards of conduct for adults in dealing with children and standards of care for ensuring the safety of children. They are part of an integrated package of measures aimed at establishing and maintaining *child-safe environments* and ensuring that the safety and wellbeing of children remains a paramount consideration for all organisations that provide services for children.

² United Nations Office of the High Commissioner for Human Rights (1989) *Convention on the Rights of the Child: Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989*. At: <http://www.unhchr.ch/html/menu3/b/k2crc.htm> Accessed 3 July 2007.

³ Community and Disability Services Ministers Conference, 2006:3

⁴ Community and Disability Services Ministers Conference, 2006:2

Good practice principles

Child-safe organisations require a policy framework that addresses:

- the organisation's commitment to the safety and protection of children
- how volunteers and employees report their suspicions of child abuse and neglect
- standards of care for ensuring the safety of children including standards for addressing bullying by children within the organisation
- codes of conduct for employees and volunteers within the organisation
- standards of care for employees and volunteers within the organisation that reflect the organisation's duty of care to children.

Many recreation and sport organisations have already made this commitment by adopting and implementing a Member Protection Policy.

If your organisation has done this already, it may simply be a process of reviewing and amending this accordingly rather than adopting a new policy.

The Member Protection Policy template for recreation and sport can be downloaded from the Australian Sports Commission website: www.ussport.gov.au/ethics/memprot.asp

These good practice principles can assist organisations to make clear their commitment to establishing and maintaining child-safe environments. The principles are coupled with indicators of compliance which provide organisations with clear examples of steps that they can take to ensure that they have complied with their requirements under the legislation. These principles of good practice are not intended to be wholly prescriptive, but to assist organisations in establishing and maintaining child-safe environments. By providing indicators of compliance, these principles can be used to measure and audit the child-safe practices of organisations. They can also assist organisations in reviewing and evaluating current practices and identifying goals for development. The principles also provide a basis for accountability and challenge if practice falls below the specified standards.⁵

Although no policy or procedure can guarantee child-safe environments, by implementing these good practice principles, organisations may promote child safety and wellbeing while minimising the risk of harm to children. By putting these standards into practice, everyone will have clear guidance on their own behaviour around children and on what to do if they notice or are told about inappropriate behaviour on the part of others. In addition, by establishing child-safe practices, organisations may deter those who wish to abuse children from joining the organisation.

In writing these good practice principles, the aim has been to make them relevant and achievable while also recognising that different organisational contexts will at times pose challenges.⁶ While provisions within organisations' policies and practices must reflect these principles when establishing and maintaining child-safe environments, the *Children's Protection Act 1993* acknowledges that provisions to achieve this may vary according to the size, nature and resources of each organisation.

⁵ Tearfund & NSPCC 2003: 6.

⁶ Tearfund & NSPCC 2003: 6.

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Further information regarding obtaining criminal history reports and screening of employees and volunteers can be found in the *Child Safe Environments: Dealing with information obtained about the criminal history of employees and volunteers who work with children* document.

It is important when reading these guidelines to understand that provisions to achieve a child-safe environment may vary according to the size, nature and resources of your organisation.

Legislation

These principles of good practice have been developed in accordance with the requirements of the *Children's Protection Act 1993*, in particular Section 8A and Section 8C. Under the amendments to the *Children's Protection Act 1993*, which were introduced in December 2006, certain organisations that provide services wholly or partly for children must, as soon as practicable following the formation of the organisation, or as soon as possible following the prescribed date (1 January 2008) for existing organisations, establish appropriate policies and procedures for ensuring:

- that appropriate reports of abuse or neglect are made by mandated notifiers
- that child-safe environments are established and maintained within the organisation.

Mandated notification and reporting suspected abuse and neglect

Anyone who suspects, on reasonable grounds, that a child or young person is being abused or neglected should report it to the Child Abuse Report Line.

Under section 11 of the *Children's Protection Act 1993*, certain groups of people are required to report to Families SA if they suspect on reasonable grounds that a child is being abused or neglected and this suspicion is formed in the course of their work. This is a legal obligation that carries a penalty if the individual fails to comply. These people are referred to as mandated notifiers, and include:

- medical practitioners
- pharmacists
- registered or enrolled nurses
- dentists
- psychologists
- police officers
- community corrections officers (an officer or employee of an administrative unit of the public service whose duties include the supervision of young or adult offenders in the community)
- social workers
- ministers of religion
- employees or volunteers of organisations formed for religious or spiritual purposes
- teachers in educational institutions (including kindergartens)
- approved family day-care providers

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- any other people who are employees of, or volunteers in, a government department, agency or instrumentality, or a local government or non-government organisation that provides health, welfare, education, **sporting or recreational**, child care or residential services wholly or partly for children, being a person who either:
 - is engaged in the actual delivery of those services to children
 - holds a management position in the relevant organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

This requirement applies to both staff and volunteers who are engaged by the organisation to deliver these services.

The Office for Recreation and Sport has developed a booklet 'Keeping Children Safe in Recreation and Sport', which can be given to all staff and volunteers to help them understand this legal requirement.

The booklet can be downloaded from the Office for Recreation and Sport website: www.recSPORT.sa.gov.au/resources-publications/resources-publications.html

A reasonable suspicion must be based on facts, for example:

- a disclosure of abuse from a child
- professional judgment, based on the notifier's experience and observations
- disclosure by a child or an adult that a child is being abused.

The amendments to the *Children's Protection Act 1993* seek to build on the existing functions of the Minister to promote a partnership approach between the government, local government, non-government agencies and families in taking responsibility for and dealing with child abuse and neglect. Sharing responsibility for the care and protection of children helps to challenge the unrealistic expectation that one agency, namely the Department for Families and Communities, can effectively respond to all child protection concerns.

Organisations that provide services to children are obliged, under the regulations of the *Children's Protection Act 1993*, to establish policies and procedures that:

- take into account the guidance provided by the Chief Executive, Department for Families and Communities on appropriate standards of conduct for adults in dealing with children
- reflect the appropriate standards of care for ensuring the safety of children as defined by the Chief Executive, Department for Families and Communities.

In addition, organisations or their responsible authorities (e.g. the Chief Executive or managing authority) must ensure that if a criminal history report has been obtained for employees and volunteers who work with children, that the criminal history information is dealt with in a manner that reflects the standards developed and issued by the Chief Executive to be observed in dealing with information obtained about the criminal history of employees and volunteers.

Non-government recreation and sport organisations are not required to obtain a criminal history check for employees and volunteers except in certain circumstances.*

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However, recreation and sport organisations may choose to obtain criminal history checks for either their employees and/or their volunteers in which case they are required to deal with this information in accordance with the standards.

**If your organisation provides any 'services' to a state government agency for children you may be affected. Contact the agency with whom you have an agreement to clarify this.*

Services may include the performance of work or the provision of or the use or enjoyment of facilities for amusement, entertainment, recreation or instruction. (Trade Practices Act 1974)

Organisations in receipt of a financial grant from the South Australian Government are not deemed to be providing services.

The standards to be observed in dealing with information obtained about criminal history of employees and volunteers are available in a separate document entitled: *Child Safe Environments: Dealing with Information obtained about the criminal history of employees and volunteers who work with children*. This document is available from the Families SA website.

Many organisations already have some or all of the aforementioned elements written into their policies and practices. The legislation does not require that organisations re-write or reproduce these elements. It simply requires that the policy framework that is in place is of the standard set by Department for Families and Communities.

If an organisation is established after 31 December 2006 but prior to 1 January 2008, and provides services wholly or partly for children as specified under section 8C, it will be required to establish a child-safe environment as soon as practicable after its establishment.

Establishing and maintaining child-safe environments

Organisations may be required to provide evidence of their progress in establishing and maintaining child-safe environments to the Chief Executive, Department for Families and Communities. The Chief Executive is responsible for monitoring progress towards child-safe environments.

It is important to recognise that establishing and maintaining a child-safe organisation requires ongoing commitment. Throughout this document we have provided indicators of compliance which may be used as a measure to determine how child-safe an organisation is. In addition, to check the overall progress of an organisation a number of other indicators might be used. For example, an organisation may measure:

- children's self-reported level of perceived safety through a purpose-designed questionnaire
- employees' and volunteers' understanding of the child-safe policy, related procedures and code of conduct
- employees' and volunteers' awareness of reporting and response procedures when dealing with suspected abuse or neglect
- written records of the advice and support provided by the Child Safety Officer to children, parents, employees and volunteers (where applicable).

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Organisations that do not act to establish a child-safe environment by 1 January 2008 may face a fine of up to \$10 000.

Principle 1: Identify and analyse risk of harm

The organisation develops and implements a risk management strategy.

This includes a review of existing child protection policies and practices to determine how child-safe and child-friendly the organisation is and to determine the development of strategies to minimise and prevent risk of harm to children.

The purpose of the risk management strategy is to promote the wellbeing of children and young people in contact with organisations and to protect them from harm. In establishing and maintaining child-safe environments, organisations are required to manage and minimise the risk of harm their practices, employees/volunteers and procedures may cause to children. Risk management does not have to be hard or complicated.

It is important that members of the organisation have a basic understanding of what child development and child abuse is, so that positive steps can be taken to keep children safe and promote their wellbeing.

In this context, a *risk* is anything that can cause harm or loss to a *child*. *Risk of harm* is the likelihood of inflicting harm to children (either directly or as a consequence of other actions) and the severity of that harm. In the child protection context, a child would be considered to be *at risk* if they are in a situation where there is a high likelihood that the child's safety and/or wellbeing will be severely compromised.

Harm in the child protection context is defined as the detrimental impact on the physical, psychological, emotional or social safety, wellbeing and development of a child as a result of the actions or inactions of another person.

Risk management is identifying and assessing all potential sources of *harm*, and taking steps to decrease the likelihood that harm will occur.⁷

Risk of harm is the likelihood of inflicting *harm* (either directly or as a consequence of other actions) and the severity of that *harm*. It is important for organisations to be able to identify and analyse the types of *risks* that need to be addressed by the organisation. This process will help identify who is responsible for each area of work where *risks of harm* to children have to be managed. Some areas of *risk* may include:

Seven Stages of Risk Management

1. *Establish the goals and objectives (scope and setting) – clarify objectives and areas of operation where risks may occur*
2. *Identify risks – including how they may happen*
3. *Analyse risks – determine likelihood and magnitude of consequences*
4. *Evaluate risks (e.g. low, medium, high) – which risks are acceptable based on cost-benefit analysis*
5. *Implement strategies to minimise and prevent risk – actions to be taken and who is responsible*
6. *Review and revise risks and preventative measures – detect and manage new risks*
7. *Communicate and consult – to build commitment and increase compliance*

(Child Wise, 2004: 45; AS/NZS 4360: 2004)

⁷ Graff, 2003

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- *employees* and *volunteers* (e.g. lack of proper screening in recruitment and supervision, management systems, training on how to handle children)
- place/physical environment (e.g. fire exits, recreational areas, cooking facilities, sleeping arrangements)
- activities and programs (e.g. education, health, community outreach, vocational training, outings, exchange visits)
- information (e.g. storage of children's personal information, recording of allegations of abuse, dissemination of information on where to get help)
- organisational culture (e.g. consultation, communication systems, hierarchy, attitudes to organisational learning).⁸

Indicators of compliance

- 1.1. The organisation is aware of child development and how child abuse can occur and be detected within an organisation.
- 1.2. A safety review identifies the organisation's strengths and weaknesses relating to the safety and protection of children.
- 1.3. The key services provided to children by the organisation are identified. An assessment is made of the risk posed to children relating to each of these services.
 - 1.3.1. In reviewing the likely risk of harm to children of services provided for children, it may be necessary to take into consideration a range of factors including (but not limited to) the organisation's personnel, physical structures, activities, training, organisational culture and/or practices.
 - 1.3.2. Issues such as sources of, and reasons for, potential risks to children are examined. Potential consequences and existing controls are also identified.
- 1.4. Once high-risk situations have been identified, the organisation minimises the risk of such situations or relationships occurring. This includes situations which might lead to false, malicious or mistaken accusations of abuse.
 - 1.4.1. The organisation may refer to these risky situations in its *code of conduct* [refer: Principle 3]. A *code of conduct* may explicitly outline how these situations are best avoided or how to minimise their occurrence.
 - 1.4.2. Risk management strategies will vary in scope and detail depending on the complexity and size of the organisation, the type of activities or services provided for children and the age and maturity of the children and young people involved.
- 1.5. The organisation undertakes regular reviews and responds to new challenges in order to maintain child-safe environments.

The Office for Recreation and Sport has produced a Risk Management Resource, specifically for recreation and sport, which takes into account this principle. The resource is FREE to recreation and sport organisations and can be downloaded from the Office for Recreation and Sport website: www.recSPORT.sa.gov.au. Before downloading you will be asked to register so that you can be notified of future updates and changes.

⁸ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 29.

Principle 2: Develop a clear and accessible child-safe policy

The organisation has a child-safe environments (child protection) policy that outlines its commitment to promoting children's wellbeing and safeguarding children from harm.

A child-safe policy is a statement of intent that demonstrates an organisation's commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children to promote children's wellbeing and to show that the organisation is taking its duty of care seriously.⁹

Principle 1 outlined how to identify and manage *risk*. In developing a child-safe policy and supporting procedures, the *risks* that have been identified should be specifically addressed in the organisation's policy. In addition, child-safe organisations require a policy framework that addresses:

- a statement of the organisation's commitment to the safety and wellbeing of children and the protection of children from harm
- how volunteers and employees respond to and report their suspicions of child abuse and neglect
- codes of conduct and standards of care for employees and volunteers within the organisation
- recruitment and training of volunteers and employees
- standards for addressing bullying and neglect by children within the organisation.

Everyone, including children, need to know whom they can approach to disclose and discuss abuse or to seek support and advice.

Policies and procedures require collaborative effort and ongoing review and improvement. Child-safe policies will only be effective if people are aware of them, have some ownership of them and have the opportunity to express their views on how they are working.

Indicators of compliance

- 2.1 The organisation has a policy that indicates the organisation's commitment to a child-safe organisation.
- 2.2 The policy is written in a clear and easily understandable way.
- 2.3 The policy is publicised, promoted and distributed widely.
- 2.4 The policy identifies legislative imperatives.
- 2.5 The policy is approved and endorsed by the organisation's managing authority.

Sample Child-Safe Policy Statement

The organisation (insert name) is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

(Child Wise, 2004: 59)

⁹ Tearfund & NSPCC 2003, p. 1.

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2.6 The policy specifies responsibilities.

2.6.1 The organisation appoints a Child Safety Officer who can provide advice and support to children, parents and employees/volunteers regarding the safety and wellbeing of children when dealing with the organisation.

2.7 The policy has supporting procedures and standards.

2.8 The policy has been communicated to all relevant audiences.

2.8.1 All employees and volunteers are aware of and have had the opportunity to read the policy.

2.8.2 Employees and volunteers are encouraged to sign a written statement indicating they have read the policy. The signed acknowledgement should be retained on the personnel file and the organisation should also ensure that a copy is retained by the individual.

2.8.3 Parents, carers and children (where appropriate) in the organisation are made aware of the policy and are able to access a copy.

2.9 The policy is current and has been evaluated and reviewed in accordance with its review date.¹⁰

This principle has been included in the South Australian section of the Member Protection Policy template available from the Australian Sports Commission.

Either download and adopt the Member Protection Policy for your association or if your organisation has done this already, it may simply be a process of reviewing and amending this accordingly rather than adopting a new policy.

The Member Protection Policy template for recreation and sport can be downloaded from the Australian Sports Commission website: www.ausport.gov.au/ethics/memprot.asp

¹⁰ It is recommended that the policy is reviewed as a minimum every three years and/or is adapted whenever there is a significant change in the organisation or in relevant legislation.

Principle 3: Develop codes of conduct for adults and children

The organisation has a code of conduct that specifies standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation also has a code of conduct to address appropriate behaviour between children.

The code(s) of conduct set out professional boundaries, ethical behaviour and unacceptable behaviour.

A code of conduct 'is a straightforward guide of do's and don'ts to assist staff and volunteers to conduct their work professionally and effectively'.¹¹

All organisations that provide services to children should have codes of conduct. Codes of conduct require employers and others specified in the code to adopt the standards of conduct and practice set out in the code. Codes of conduct help prevent abuse of trust, where a party is in a position of power or influence over the other by virtue of their work or the nature of their activity. Care is always needed when such a relationship potentially exists.

By setting a clear benchmark of acceptable standards of conduct and care, a code of conduct can promote safe, positive and encouraging environments. A code of conduct can minimise opportunities for abuse and help to prevent unfounded allegations. In this way, codes of conduct help protect children and young people as well as employees and volunteers. This dual purpose should be made clear in any preamble (for example, the code of conduct could be linked with the organisation's child-safe policy, with an opening statement similar to the *sample child-safe policy statement* referred to in Principle 2).

Codes of conduct could be independent or written into existing policies or codes of behaviour to provide safeguards and prevent abuse. The code of conduct should be a brief, clear document that covers issues such as:

- physical contact
- confidentiality
- toilet and bathing arrangements
- favouritism and 'special' relationships
- training.

A code of conduct may aim to minimise risk by ensuring that employees/volunteers spend minimal time alone with one child or outline appropriate codes of behaviour when employees/volunteers are required to be alone with children, such as counselling. Risk minimisation practices may include supervision or one-off checks, etc. High-risk situations or relationships may be addressed specifically in a code of conduct or code of behaviour. Two examples of high-risk situations are sports coaching, which may involve non-sexual physical contact, and domiciliary care where toileting and bathing arrangements may need to be performed for children or young people.

¹¹ Child Wise, 2004: 62

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In addition, standards of conduct should also be specified for children to outline appropriate behaviour and address bullying. Bullying occurs when somebody who is less powerful than another person or a group is deliberately and (typically) repeatedly harmed without deserving that treatment in any way.¹²

It is up to each organisation, profession or occupation to develop its own codes of conduct to suit individual circumstances and roles, based on these principles of good practice.

Indicators of compliance

3.1 The organisation has a code of conduct.

3.2 The code of conduct includes statements about the responsibility of adults and children to treat one another with dignity, respect, sensitivity and fairness.

3.3 The code(s) of conduct clearly set out acceptable (and unacceptable) behaviour for everyone within the organisation, including but not limited to:

3.3.1 existing employees, members or volunteers who are currently occupying or acting in identified *prescribed positions*

3.3.2 all persons seeking paid employment, membership or voluntary work with the organisation in a *prescribed position*, regardless of whether they are existing employees, members or volunteers

3.3.3 independent contractors, agency staff, consultants, apprentices, trainees and students on placement who will undertake *prescribed functions*¹³

3.3.4 children.

3.4 The code identifies and addresses unacceptable behaviours (i.e. high-risk behaviours), for example:

3.4.1 unwarranted, unwanted and/or inappropriate touching of a child

3.4.2 bullying or harassment of a child

Example of a Code of Conduct

Do:

- *Treat everyone with respect and honesty (this includes staff, volunteers, students, children, young people and parents).*
- *Remember to be a positive role model to kids in all your conduct with them.*
- *Set clear boundaries about appropriate behaviour between yourself and the kids in your organisation – boundaries help everyone to carry out their roles well.*
- *Follow organisational policy and guidelines for the safety of children as outlined in your Child-Safe Organisation's Policy.*
- *Always have another adult present or in sight when conducting one-to-one coaching, instruction, etc.*
- *Raise any concerns, problems or issues with management as soon as possible.*
- *Record and act on serious complaints of abuse.*

Do not:

- *Engage in rough physical games, including horseplay.*
- *Develop any 'special' relationships with children that could be seen as favouritism such as the offering of gifts or special treatment.*
- *Do things of a personal nature that a child can do for themselves, such as going to the toilet or changing clothes.*

(Child Wise, 2004; NSW Commission for Children and Young People, 2006)

¹² Rigby, Ken *Bullying among young children: A guide for parents. An Australian Government Initiative Crime Prevention Branch, Australian Government Attorney-General's Department, Commonwealth of Australia, Canberra, 2003, p. 3.*

¹³ Codes of conduct may also address behaviour and interaction between children and young people.

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- 3.4.3 inappropriate contact or relationships between employees/volunteers and children within the organisation
- 3.4.4 management of situations where adults are alone with children.
- 3.5 Codes of conduct are developed collaboratively including input from children (wherever practicable).
- 3.6 Codes of conduct have been and are widely available, published and communicated to individuals previously identified.
- 3.7 Codes of conduct require signed acknowledgement (a statement of commitment) by all employees and volunteers (wherever practicable).
 - 3.7.1 By making the acknowledgment, employees and volunteers confirm their obligation to apply the code to their work within the organisation. The acknowledgment is included on their staff record or personnel file (where applicable).
- 3.8 Codes of conduct reflect the unique values and program activities of the organisation.
- 3.9 A code of conduct is linked to performance management of employees and volunteers.
- 3.10 The code of conduct makes it clear that discriminatory, offensive and violent behaviour is unacceptable and complaints will be acted upon.
 - 3.10.1 Members of the organisation are aware of their duty to raise concerns about the behaviour of employees, managers, volunteers, children or others which may be harmful to children, without prejudice to their own position. This duty exists even if they are not mandated notifiers under the *Children's Protection Act 1993*.
- 3.11 The code of conduct is supported by clear organisational reporting and response mechanisms to address breaches of the code of conduct.
 - 3.11.1 Clear procedures outline what employees/volunteers should do if they are concerned that their actions or words have been misunderstood.
 - 3.11.2 Employees and volunteers are aware of existing reporting and disciplinary procedures and how to communicate concerns regarding improper behaviour of volunteers, employees or children within the organisation.
 - 3.11.3 The consequences of breaching the code are linked to organisational disciplinary procedures.
 - 3.11.4 All procedures are clear, accessible and transparent.

The Office for Recreation and Sport has produced the 'Keeping Sport Fun and Safe' resource that includes codes of behaviour for user-friendly junior sport clubs.

By adopting these codes your organisation is addressing this principle.

*The resource can be downloaded from the Office for Recreation and Sport website:
<http://www.recsport.sa.gov.au/training-development/sport-ethics-safe-fun.html>*

In some organisations/sports/activities it may be necessary to develop more specific guidelines and an example of these for a coach can be found as Appendix IV to this document.

Principle 4: Choose suitable employees and volunteers

The organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

If a criminal history report is obtained as part of their screening process, organisations are required to ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief Executive, Department for Families and Communities.¹⁴

The organisation has a duty of care to take all reasonable steps to protect children from harm. Choosing suitable employees and volunteers is part of fulfilling the duty of an organisation to act diligently and prudently to prevent actions and behaviour that would be harmful to children. It is important that the organisation engages the best possible people to work with children who are suited to the specific role they are undertaking.

South Australia has the highest volunteer participation rate in Australia. Volunteers play a major role in many organisations, providing services and strengthening communities. Most volunteers are genuine and caring people who want to do the best for children and their communities. A small number of people who seek to work with children in a paid or voluntary capacity pose a *risk of harm* to children. It is possible to minimise the risks and to prevent *harm* by putting safeguards in place. This will deter unsuitable applicants/child abusers from applying and ensure that they are not recruited into the organisation.¹⁵

Background checking, screening and risk assessment during the recruitment of employees and volunteers are important measures within organisations' policies and practices for developing child-safe organisations. The three key terms – background checking, screening and risk assessment – are often used interchangeably but refer to different concepts and processes.

Screening 'in the context of minimising the risk of harm to children in their dealings with organisations is generally understood to refer to the combined process of background checking, risk assessment and decision-making concerning acceptance/exclusion of persons in areas of child related employment/volunteering'.¹⁶ In order to *screen* and assess employees and volunteers, organisations may:

- undertake face-to-face interviews

¹⁴ Families and Communities (2007) *Child Safe Environments: Principles of Good Practice & Suggested Implementation Guidelines and Indicators*. Adelaide: DFC.

¹⁵ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 55.

¹⁶ Community and Disability Services Ministers Conference, 2007: 6

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- confirm educational status
- request referee reports and obtain reference checks
- obtain criminal history reports
- undertake other background checks (e.g. psychological testing, on-the-job observation).

Background checking involves obtaining information about potential employees and volunteers on the basis that the information is deemed relevant to working in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information; thorough reference checks; and work history reports'.¹⁷

In the area of child protection, *risk assessment* 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'.¹⁸ Some roles, based on the nature of the work, present higher levels of risk to children.

Some screening practices may also be used for ongoing monitoring purposes of existing employees and volunteers (e.g. checks of criminal history or on-the-job observation). Another measure to reduce risk of harm to children is to use probationary periods for new employees and volunteers and to assess their suitability for specific positions, roles or duties.

Face-to-face interviews

Interviews may include behaviour-based questions and open questions that invite explanations rather than a yes/no response (e.g. why do you want to work with children?).¹⁹ It is recommended that one of the interviewers is a Child Safe Officer or someone who has undergone training or is familiar with issues of child protection.

Referee reports and undertake reference checks

Relevant referee reports/references can help determine when individuals present a risk of harm to children or are unsuitable to work with children. A structured referee check is to be undertaken as part of any selection process for recommended applicants who are not currently employees or volunteers of the organisation. It is recommended that information on the applicant's suitability to work with children is sought from a minimum of two referees. This is in line with international good practices. One referee should be the applicant's current supervisor, unless acceptable reasons are provided for not nominating that person. If the applicant is not working, the applicant's most recent supervisor should be nominated as the referee. If the applicant has never been employed, the applicant may

Basic Screening

Basic screening may be sufficient in cases where:

- it is not practicable to undertake comprehensive screening for all applicants who are seeking to work or volunteer in **prescribed positions** (e.g. small non-government organisations with limited resources)
- the position to be filled is low risk (e.g. constantly supervised by individuals who have been comprehensively screened).

Basic screening includes:

- a comprehensive application form with a signed statement
- a thorough personal interview
- professional and personal reference checks/referee reports with telephone contact
- confirmation of education (appropriate for some positions).

(Office of Juvenile Justice and Delinquency Prevention, 1998: 15).

¹⁷ Community and Disability Services Ministers Conference, 2006: 2

¹⁸ Community and Disability Services Ministers Conference, 2006: 2

¹⁹ Simcock, Anthea *Safe, not sorry: A handbook for selecting suitable people to work with children*. The Institute for Child Protection Studies Inc, Hamilton, 2000, p. 13.

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provide the contact details of persons who are able to provide reliable character references.

A suggested question to be asked of referees for the structured referee check regarding working with children is: 'To your knowledge, is there any aspect of the applicant's behaviour, actions or activities that would make them unsuitable for working with children?'

Organisations should undertake whatever follow-up with referees that is necessary in order to establish confidence in the applicant.

Criminal history reports

Under the *Children's Protection Act 1993*, government organisations and specified non-government organisations²⁰ (including agents, contractors and subcontractors) are required to obtain criminal history reports of employees or volunteers who work in *prescribed positions* (i.e. with children and/or their records). In addition, any government or non-government organisation that obtains criminal history reports as part of their screening process are obliged to deal with the criminal history information as specified in standards developed by the Chief Executive, Department for Families and Communities.²¹

In order to prevent unnecessary intrusion, *criminal history reports* should only be obtained on new applicants who have been short-listed for a *prescribed position*. It is important to first interview applicants and undertake referee checks. This will minimise the costly undertaking of unnecessary criminal history checks for applicants who are unsuccessful in meeting the selection criteria or who are unsuccessful in completing the early stages of the screening process.

In some cases, obtaining a criminal history report is neither practicable nor proportionate to the resources of an organisation. In these cases, it is recommended that the organisation requires the applicant/employee/volunteer sign a statutory declaration stating that the individual has no relevant criminal history (refer Appendix V). While a statutory declaration cannot replace an official criminal history report, it can go some way towards mitigating risk.

Other background checks

An organisation may decide to undertake other screening measures such as psychological testing and on-the-job observation.

The screening measures used by an organisation to screen and assess potential and existing employees and volunteers will depend on both:

- the size, nature and resources of the organisation
- the level of risk attributed to the prescribed position or role [refer Principle 1].

Indicators of compliance

4.1 There are policies and procedures for recruiting employees/volunteers and for assessing their suitability to work with children.

²⁰ As at 1 July 2007, legislative requirements only specified that non-government schools are required to obtain a criminal history report for all employees and volunteers who work in prescribed positions.

²¹ More information is available in the Department for Families and Communities (2007) *Child Safe Environments: Principles of Good Practice & Suggested Implementation Guidelines and Indicators*. Adelaide: DFC.

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- 4.2 Screening is undertaken by the organisation prior to the appointment of new employees/volunteers.
- 4.3 All current employees, contractors and volunteers in prescribed positions are screened in accordance with these principles of good practice.
- 4.4 The organisation has clearly articulated screening and risk assessment procedures that are transparent and available to all relevant audiences.
- 4.5 Risk assessment takes into consideration both situational and individual factors.
- 4.6 If a criminal history report is obtained, criminal history information is dealt with in accordance with the standards developed by the Department for Families and Communities.
- 4.7 The rationale for excluding people has been documented and decision-making is evidence-based (where evidence exists).
- 4.8 An assessment panel considers applications and decisions are recorded.
- 4.9 The organisation ensures that applicants have an opportunity to have input into the decision-making process as well as an opportunity to have the decision independently reviewed (where possible).

It is recommended that each state recreation and sport body determine whether or not their sport will require that criminal history checks be undertaken, for whom and issue clear guidelines to their affiliates on this area.

See Appendix V for further discussion on this matter.

Regardless, it is required that a screening process is put in place.

Examples of how this can be achieved for recreation and sport are included as Appendix VI.

Principle 5: Support, train, supervise and enhance performance

The organisation ensures that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

The organisation should ensure that there are opportunities for employees and volunteers to develop and maintain the necessary skills and understanding to promote child-safe environments. This will ensure that everyone understands the importance of child safety and wellbeing and child protection and enable employees and volunteers to ensure that the policies and procedures are implemented to a consistently high standard.²²

By appointing a Child Safety Officer, with specified 'child safe' duties in their job description, the organisation can ensure that child safety and wellbeing is prioritised. A designated Child Safety Officer also provides a single contact for children, parents and employees/volunteers to seek advice and support regarding the safety and wellbeing of children when dealing with the organisation.

Training and education is also important to ensure that everyone in the organisation understands that child safety is everyone's responsibility. Establishing and maintaining child-safe environments require everyone to have a full understanding of the child-safe policy and procedures, know exactly what to do in their day-to-day work to support child safety and wellbeing and also, in case of an incident, know where to get further advice and support. Employees and volunteers (in addition to parents/guardians and children) should feel confident and comfortable in discussing child protection issues.²³

Training and support also promotes an awareness of the appropriate standards of care required to be met by employees and volunteers to ensure that the organisation meets its duty of care when providing services to children.

Indicators of compliance

- 5.1 A pro-active performance development strategy for individual employees and volunteers is developed, which focuses on developing skills, knowledge and capabilities of individuals relating to the safety and wellbeing of children.
- 5.2 Employees/volunteers undertaking prescribed functions are involved in regular planning discussions to review previous work and plan for the future. A supportive environment is fostered which encourages everyone to work towards continuous improvement and accountability.
- 5.3 To promote the safety and wellbeing of children, relevant areas for performance improvement are identified and targeted in action plans to ensure that employees/volunteers meet expected performance outcomes.
- 5.4 Performance is measured against standards of conduct and care.
 - 5.4.1 Employees and volunteers are aware of the organisation's expectations and appropriate behaviour.

²² Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 55.

²³ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 59.

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5.5 Performance development is an ongoing process.

The Office for Recreation and Sport has developed the 'Child Safe Officers' course for recreation and sport.

There are two elements to this program:

- 1. A state recreation and sport agency can nominate a person (or more than one) to become a Child Safe Officer. The individual undertakes a two-day workshop, which equips him or her with the necessary skills to address this principle.*
- 2. That person is then assessed and provided with a child-safe training resource, which enables them to train and educate other staff and volunteers at regional and club levels in the organisation's child-safe policy and procedures.*

Existing Member Protection Information Officers can take a one-day update module and take on this role as well.

Child Safe Officer training is free; however, places are limited. Nominations and registrations must be approved by the state recreation or sport body.

Recreation and sport specific on-line awareness training on how to recognise, prevent and deal with issues of bullying, harassment and abuse is available from the Play by the Rules website www.playbytherules.net.au

Principle 6: Empower and promote the participation of children in decision-making and service development

The organisation promotes the involvement and participation of children and young people in developing and maintaining child-safe environments.

In ensuring that the best interests of the child remain paramount in the decision-making and practices of the organisation, a child rights-based approach should be used. Such an approach views 'each and every child, without discrimination, as an individual human being, deserving of rights and capable of participating in the process of achieving them in a supportive and adequately resourced environment'.²⁴

The organisation needs to ensure that children know what behaviour is considered appropriate and when and how to speak out if they feel uncomfortable.²⁵ The organisational culture should encourage and empower children to be able to raise and discuss their concerns or issues.

Indicators of compliance

- 6.1 The organisation seeks feedback from children (according to their evolving capabilities) on its services provided for children and its child-safe policies and procedures.
- 6.2 The organisation has reporting mechanisms that allow children to provide comment and feedback.
- 6.3 The reporting mechanisms are clearly communicated to children and parents.
- 6.4 The organisation indicates, in a clear and timely manner, how it has incorporated or responded to the feedback provided by children.
- 6.5 The organisation has procedures to inform children and young people of their rights and available complaints procedures.
 - 6.5.1 These procedures allow children to safely and confidentially report and provide feedback.
 - 6.5.2 Children and parents are aware of how to access help and advice, both within the organisation and beyond (e.g. Kids Help Line (1800 55 1800), Lifeline (131 114) or Youth Help Line (1300 13 17 19)).

Five Steps to Promoting a Child-Safe Environment

1. Listen to children.
2. Believe children.
3. Learn about child abuse and protective behaviour for children.
4. Teach children about their rights and protective behaviour strategies
5. Instil a culture of safety and awareness.

(Child Wise, 2004: 41)

²⁴ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 43.

²⁵ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 59.

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The Play by the Rules website includes on-line training for participants on their right to participate in recreation and sport and be safe from harassment, bullying and abuse.

Younger children may need assistance to undertake the training, however older children should be able to complete the on-line course quite easily.

The website also include resources that can be downloaded and given to all members, participants, parents, coaches, administrators and officials to address this principle.

www.playbytherules.net.au

Principle 7: Report and respond appropriately to suspected abuse and neglect

The organisation ensures that volunteers and employees are able to identify and respond to children at risk of harm.

The organisation makes all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

The purpose of imposing a legal obligation on certain people who work with children in our community is simply to protect children from harm. By making it a legal requirement for more people to act as mandatory notifiers, the safety net against abuse and neglect has expanded for our children. Early identification of abuse and neglect can ensure that families are assisted in meeting their responsibility for the children's safety. When a family cannot protect its children, Families SA has the statutory mandate to assist with the provision of care and protection or to seek alternative care for the children.

South Australia has been offering state-wide training of mandated notifiers since 1989. A seven-hour training program in reporting and responding to child abuse and neglect is offered, and in addition a Train-the-Trainer program is facilitated by the Department for Families and Communities to train people in how to deliver the seven-hour program.

Failure to notify suspected abuse and neglect is an offence under the *Children's Protection Act 1993* and carries a maximum penalty of a \$10 000 fine.

The organisation should take proactive steps to ensure that both mandatory and voluntary notifiers know how to report and respond to allegations of suspected abuse and neglect. Clear procedures, guidance and training can help individuals recognise *harm* in addition to the particular *risks* faced by some children; the extra barriers children may face in obtaining help because of their race, gender, age, religion, disability, sexual orientation, social background and culture are also addressed through training.

The organisation's procedures should include clear, step-by-step guidance on what to do in different circumstances, including reporting and reacting to witnessed, suspected or alleged child abuse and/or a breach of the child-safe policy. Standard, transparent reporting procedures and response mechanisms clarify roles and responsibilities and lines of communication. They also embody principles of confidentiality and thereby encourage concerns to be raised.

Systems for recording information and for dealing with complaints are also needed to ensure implementation and compliance. When a child makes an allegation of abuse, clear, written guidelines for employees and volunteers can ensure:

- a relationship of trust is established
- the trauma experienced by the child is minimised in the telling of the abuse
- the incident is reported with the greatest possible factual accuracy

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- the child understands that the issue may need to be taken further.²⁶

With such a framework in place, organisations can ensure that immediate and appropriate action will be taken that reflects the best interests of the child and protects the child from any further *harm*. In some cases where there is a *risk of harm* present, but no suspected abuse or neglect, the organisation will be required to respond to, and manage, the *risk* itself.

Indicators of compliance

- 7.1 Volunteers and employees have adequate information and training to assist them in identifying children at risk of harm.
- 7.2 The organisation has established clear and unambiguous procedures, which provide step-by-step guidance on what action to take if there are concerns about a child's safety or welfare.
- 7.3 There is a process for recording incidents, concerns and referrals and storing these securely.
- 7.4 The organisation has clear procedures for reporting to the Child Abuse Report Line (Families SA) when employees or volunteers suspect, on reasonable grounds, that abuse or neglect of a child has occurred or is occurring.
- 7.5 The organisation has clear procedures that assist employees and volunteers when responding to suspected child abuse or neglect.
- 7.6 Volunteers and employees within the organisation are made aware of their responsibilities under the *Children's Protection Act 1993*.
- 7.7 The organisation has clear procedures for dealing with concerns of abuse or neglect of a child that has been perpetrated by a volunteer or employee within the organisation.

The Office for Recreation and Sport has developed a booklet called 'Keeping Children Safe in Recreation and Sport' that can be given to all staff and volunteers to aid in their understanding of this legal requirement.

*The booklet can be downloaded from the Office for Recreation and Sport website:
www.recsport.sa.gov.au/resources-publications/resources-publications.html*

By doing this you are making your staff and volunteers aware of their legal responsibilities, but you also educating them on what this means. By following this up with additional training by the cChild Safe Officer you are fully complying with this principle.

The Member Protection Policy template includes a clear process for the handling of complaints within organisations under part C.

By adopting this policy your organisation is addressing this principle.

Either download and adopt this Member Protection Policy for your association or if your organisation has done this already it may simply be a process of reviewing and amending this accordingly rather than adopting a new policy.

²⁶ Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005, p. 62.

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The Member Protection Policy template for recreation and sport can be downloaded from the Australian Sports Commission website: www.ausport.gov.au/ethics/memprot.asp

Appendix I: Glossary of terms

Abuse or neglect, in relation to a child, means:

- sexual abuse of the child
- physical or emotional abuse, or neglect of the child to the extent that either:
 - the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing
 - the child's physical or psychological development is in jeopardy.

Applicant means an individual who is applying to work or volunteer in a prescribed position, and for whom a *criminal history report* must be obtained under the *Children's Protection Act 1993*.

Background checking in the context of working with children involves obtaining information about potential employees and volunteers on the basis that the information is deemed relevant to working in a child-related area. The information gathered may include details concerning previous employment and relevant experience, verification of qualifications and professional registration, criminal history information, thorough reference checks, and work-history reports'.²⁷

Background checking includes, but is not limited to, the assessment of a *criminal history report*.

Bullying occurs when somebody who is less powerful than another person or a group is deliberately and (typically) repeatedly harmed.²⁸

Checks of criminal history reports (also known as a *National Police Certificate* or a *National Criminal History Record Check*) are checks of the records of all police services that discloses evidence of whether a person:

- has any recorded convictions
- has been convicted of an offence
- has been charged with, and found guilty of, an offence but discharged without conviction
- is the subject of any criminal charge still pending before a court.

Individuals seeking to obtain a criminal history report through South Australia Police are provided with a *National Police Certificate* (NPC). Checks undertaken through a CrimTrac accredited agency are referred to as a *National Criminal History Record Check* (NCHRC). Checks of criminal history reveal and record convictions across all jurisdictions in Australia (subject to each jurisdiction's spent convictions scheme).

Child means a person younger than 18 years of age.

Close proximity on a regular basis means in reasonable visual sight (i.e. physically being within eyeshot).

²⁷ Community and Disability Services Ministers Conference, 2006: 2

²⁸ Rigby, Ken *Bullying among young children: A guide for parents. An Australian Government Initiative* Crime Prevention Branch, Australian Government Attorney-General's Department, Commonwealth of Australia, Canberra, 2003, p. 3.

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Conviction means either a summary or indictable conviction and includes a situation where a person has been charged with an offence and found guilty, but discharged without conviction; and where a person has not been found guilty of an offence, but a court has taken it into account in passing sentence on the person for another offence.²⁹

Criminal history information is defined by CrimTrac to mean information relating to *disclosable court outcomes* or other information regarding the name provided by the *applicant* to a police service and included within a *National Criminal History Record Check*. This information will only be released subject to relevant spent convictions/non-disclosure legislation and/or information release policies.

Disclosable court outcomes mean the records of court convictions and findings of guilt, which may include *spent convictions* and findings of guilt that have not been recorded as convictions or deemed to be convictions by the court.

Criminal history report is a report from South Australia Police or CrimTrac containing any *criminal history information* about an individual.

Duty of care is a common law concept that refers to the responsibility of *employees* and *volunteers* to provide children with an adequate level of protection against *harm*. It is usually expressed as a duty to take reasonable care to protect children from all reasonably foreseeable *risk of harm*. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. In their relationships with children, employees and volunteers are required to ensure that the physical and emotional welfare of a child is safeguarded, and that their own behaviour with children is always regulated by this duty of care.³⁰

Emotional abuse is a chronic attitude or behaviour directed at a child whereby a child's self-esteem and social competence is undermined or eroded with time or the creation of an emotional environment that is detrimental to or impairs the child's psychological and/or physical development. Behaviours may include:

- devaluing
- ignoring
- rejecting
- corrupting
- isolating
- terrorising
- chronic or extreme spousal abuse in the child's presence.

Employee means a person employed for remuneration under a contract of employment.³¹

Government organisation means a government department, agency or instrumentality.

²⁹ *Crimes Act (Cth)* 1914 s 85ZM.

³⁰ Department of Education and Children's Services, Association of Independent Schools of South Australia & Catholic Education SA, 2005.

³¹ *Fair Work Act 1994 (SA)*.

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Harm means physical, sexual, emotional or psychological abuse and neglect of children. *Harm* is any detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing.

Informed consent means that the *applicant* has signed a consent form that sets out:

- what a *criminal history report* is and how it will be obtained
- the purposes for which the *criminal history information* is being collected
- any person to whom, or agency to which, the *criminal history information* will be disclosed
- any law that requires personal information to be collected and the consequences of not complying.

Merit³², in the context of selection processes, is described as:

- the extent to which each of the applicants has abilities, aptitude, skills, qualifications, knowledge, experience (including community experience) and personal qualities relevant to the carrying out of the duties in question
- if relevant:
 - the manner in which each of the applicants carried out any previous employment or occupational duties or functions
 - the extent to which each of the applicants has potential for development.

Natural justice³³ requires that:

- people are entitled to be informed of allegations made against them
- all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
- during the review of a decision all persons affected by a decision should have an opportunity to put forth their case; relevant arguments should be heard and relevant information should be accessible to all parties
- decision-makers act fairly and impartially.

National Criminal History Record Check (NCHRC) is a check of the *criminal history* of an individual carried out by South Australia Police or CrimTrac in accordance with the appropriate standards.

Neglect is any serious omission or commission by a person that jeopardises or impairs a child's psychological, intellectual or physical development. *Neglect* is characterised by the failure to provide for the child's basic needs. Behaviours may include:

- inadequate supervision of young children for long periods of time
- failure to provide adequate nutrition, clothing or personal hygiene
- failure to provide needed or appropriate health care/medical treatment
- disregard for potential hazards in the home

³² As per the *Public Sector Management Act 1995* (SA)

³³ The Commissioner for Public Employment (2001) Guideline for the South Australian Public Service for the Protection of Merit and Equity, Adelaide, p. 3.

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- forcing the child to leave home early
- allowing children to engage in chronic truancy.

Non-government organisation (NGO) means an organisation that is not a government organisation and includes a local government organisation.

Organisation means all groups of persons organised for some end or work. This includes, voluntary or otherwise, an association whether incorporated or not, a non-profit organisation, a society, club, institution or body.

Currently under the *Children's Protection Act 1993* and relevant regulations, the only non-government organisations that are mandated to undertake *criminal history checks* are non-government schools. Employees and volunteers of non-government organisations that are agents, contractors and subcontractors of government organisations may also be directed by the *responsible authority* for the government organisation to undertake a *criminal history check*.

Physical abuse is any non-accidental act inflicted upon a child which results in physical injury to the child. *Physical abuse* results from practices such as:

- hitting, punching, kicking (indicators: marks from belt buckles, irons, fingers, cigarettes)
- shaking (particularly young babies)
- burning, biting, pulling out hair
- alcohol or other drug administration.

A **prescribed position** is a position in an organisation that requires or involves *prescribed functions*.

Prescribed functions mean:

- regular contact with children or working in close proximity to children on a regular basis
- supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis
- access to records relating to children
- functions of a type prescribed by regulations (none currently prescribed).

Regular contact implies contact that has a constant or definite pattern, or which recurs at short uniform intervals or on several occasions during short periods of time such as a week. Ultimately, it will be up to the courts to decide what it means in the context of the Act.

Responsible authority means the chief executive for a government organisation. For a non-government organisation to which section 8B applies, it means the managing authority of the organisation. If the managing authority has delegated its responsibilities under this section to a body approved by regulation for the purposes of this definition, the term refers to that body.

Risk is the likelihood of anything occurring that can cause harm or loss to a *child*.

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Risk assessment in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'.³⁴

Risk management is identifying and assessing all potential sources of *harm* and taking steps to decrease the likelihood that *harm* will occur.³⁵

Risk of harm is the likelihood of inflicting harm to children (either directly or as a consequence of other actions) and the severity of that harm.

Screening 'in the context of minimising the risk of harm to children in their dealings with organisations is generally understood to refer to the combined process of background checking, risk assessment and decision-making concerning acceptance/exclusion of persons in areas of child-related employment/volunteering'.³⁶

Sexual abuse is any sexual behaviour imposed on a child. The child concerned is considered to be unable to alter and/or understand the perpetrator's behaviour due to his or her early stage of development and/or powerlessness in the situation. *Sexual abuse* occurs when someone in a position of power to the child uses her/his power to involve the child in sexual activity. Behaviour can include:

- sexual suggestion
- exhibitionism, mutual masturbation, oral sex
- showing pornographic material, e.g. via DVDs or the Internet
- using children in the production of pornographic material
- penile or other penetration of the genital or anal region
- child prostitution.

Spent convictions are convictions or findings of guilt which are not required to be disclosed by applicants or current employees/volunteers. Once a conviction has been 'spent' a person is not required to disclose the conviction.

South Australia does not have a Spent Convictions Scheme relating to crimes under state legislation. The South Australia Police have developed and implemented a policy (the 10 Year Rule) that follows the Commonwealth Scheme with the exception that convictions or a finding of guilt for a major indictable offence do not normally become spent and are released as part of a criminal history report.

A person's conviction of an offence is *spent* if:

- the person has been granted a pardon for reasons other than the person was wrongly convicted of the offence
- the person was not sentenced to imprisonment for the offence, or the sentence imposed (not what was actually served) was a fine, bond, community service order or imprisonment for a period of less than thirty months and the waiting period for the offence has ended.
 - **Waiting period** means either:

³⁴ Community and Disability Services Ministers Conference, 2006: 2

³⁵ Graff, 2003

³⁶ Community and Disability Services Ministers Conference, 2007: 6

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- five years from the day the person was convicted of the offence if the person was a minor at the time of the offence
- ten years from the day the person was convicted of the offence in any other case.

Exclusions (non-spent convictions) are:

- convictions which are less than ten years old
- juvenile convictions which are less than five years old
- convictions more than ten years old (or five years for juvenile convictions), where the sentence imposed was greater than thirty months
- designated offences (i.e. sexual offences or any other offences against the person if the victim of the offence was younger than 18 years of age at the time the offence was committed) may be considered by 'a person or body who employs or otherwise engages other persons in relation to the care, instruction or supervision of minors'.

In addition, a conviction for a further offence committed during the waiting period will in most cases result in the person automatically losing the right to have the earlier conviction treated as spent until the waiting period for the later conviction has ended.

A suitability assessment 'may refer to a wide range of factors including attitude to physical discipline and acknowledgement of children's developmental status and needs. A person may be deemed "not suitable" to work with children without automatically implying that the person poses a risk of harm to children'.³⁷

Volunteer means a person who carries out community work on a voluntary basis³⁸.

A person works on a *voluntary basis* if the person:

- receives no remuneration for the work
- is remunerated for the work but within limits fixed by regulation under the *Volunteers Protection Act 2001*.

A person who carries out community work under the order of a court or a condition of a bond is not to be regarded as working on a *voluntary basis*.

³⁷ Community and Disability Services Ministers Conference, 2006: 2

³⁸ *Volunteers Protection Act 2001*

Appendix II: Useful resources

Risk management

- *Australian and New Zealand Standard for Risk Management AS/NZS 4360: 2004*
- Graff, Linda (2003) *Better Safe ... Risk management in Volunteer Programs and Community Service*. Ontario: Linda Graff and Associates Inc.
- Office of the Child Safety Commissioner (Victoria) Website www.ocsc.vic.gov.au
- A Guide for Creating a Child Safe Environment (Victoria) http://www.ocsc.vic.gov.au/downloads/childsafe_organisation.pdf
- Child Wise (2004) *Choose with Care[®]: A handbook to build safer organisations for children*. Child Wise: Melbourne. Refer: www.childwise.net
- NSW Commission for Children and Young People *Finding Your Risk* <http://www.kids.nsw.gov.au/uploads/documents/findingrisks.pdf> and *Reducing Your Risk* <http://www.kids.nsw.gov.au/director/check/safefriendly/reducingrisk.cfm>
- Commission for Children and Young People and Child Guardian (Qld) (2005) *Managing risks to protect children and young people: A shared commitment to child-safe environments*. At: http://www.qldyachting.org.au/site/yachting/qld/downloads/Bluecardrisk_management_info_sheet.pdf
- ORS Risk Management Resource reference

Child-safe policy

- Jackson, Elanor & Wernham, Marie, *Child Protection Policies and Procedures Toolkit: How to make a child-safe organisation*. ChildHope UK, London, 2005. At: <http://www.childhope.org.uk/toolkit.php>
- Office of the Child Safety Commissioner (Victoria) Website www.ocsc.vic.gov.au
- A Guide for Creating a Child Safe Environment (Victoria) http://www.ocsc.vic.gov.au/downloads/childsafe_organisation.pdf
- Child Wise (2004) *Choose with Care[®]: A handbook to build safer organisations for children*. Child Wise: Melbourne. Refer: www.childwise.net
- Tearfund & NSPCC (2003) 'Setting the Standard: A common approach to Child Protection for international NGOs'. Tearfund & NSPCC, Middlesex. At: <http://tilz.tearfund.org/webdocs/Tilz/Topics/Child%20Protection%20Policy.pdf>

Codes of conduct

- Keeping Sport Fun and Safe resource at <http://www.recport.sa.gov.au/training-development-ethics-safe-fun.html>
- Child Wise (2004) *Choose with Care*[®]: A handbook to build safer organisations for children. Child Wise: Melbourne. Refer: www.childwise.net
- NSW Commission for Children and Young People (2006) *Developing Codes of Conduct* Sydney: NSW Government. At: http://www.kids.nsw.gov.au/uploads/documents/develop_codesofconduct.pdf (accessed 12 April 2007)
- Office of the Commissioner for Public Employment (2007) *Code of Conduct for South Australian Public Sector Employees*. At: http://www.ope.sa.gov.au/ref_docs/Code_of_Conduct_B&W_050713.pdf
- Junior Sport Codes of Behaviour <http://www.ausport.gov.au/junior/CodesofBehaviourbrochure.pdf>
- Beatbullying (United Kingdom) website www.beatbullying.org
- *Equal Opportunity Act 1984* (SA) <http://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984.aspx>
- Department of Education and Children's Services, Association of Independent Schools of South Australia & Catholic Education SA (2005) *Protection Practices for Staff in their Interactions with Students: Guidelines for Schools, Preschools and Out of School Hours Care*. DECS: Adelaide. http://www.decs.sa.gov.au/docs/files/communities/docman/1/Protective_Practices_edite.pdf
- Research on Bullying from Student Learning and Support Services Taskforce of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) (2003) *National Safe Schools Framework* http://www.dest.gov.au/sectors/school_education/publications_resources/profiles/national_safe_schools_framework.htm
- Rigby, Ken *Bullying among young children: A guide for parents*. An Australian Government Initiative Crime Prevention Branch, Australian Government Attorney-General's Department, Commonwealth of Australia, Canberra, 2003. At: [http://www.crimeprevention.gov.au/agd/WWW/rwpattach.nsf/VAP/\(1E76C1D5D1A37992F0B0C1C4DB87942E\)~Bullying+Parents.pdf/\\$file/Bullying+Parents.pdf](http://www.crimeprevention.gov.au/agd/WWW/rwpattach.nsf/VAP/(1E76C1D5D1A37992F0B0C1C4DB87942E)~Bullying+Parents.pdf/$file/Bullying+Parents.pdf)

Screening and background checking

- *Child Safe Environments: Dealing with information obtained about the criminal history of employees and volunteers who work with children*. Standards issued by the Chief Executive, Department for Families and Communities.
- Child Wise (2004) *Choose with Care*[®]: A handbook to build safer organisations for children. Child Wise: Melbourne. Refer: www.childwise.net
- Screening: Volunteer Canada's Safe Steps screening program <http://www.volunteer.ca/volcan/eng/content/screening/safe-steps.php?display=4,0>
- 'Screening and Criminal History Checks Policy Guidelines: A Framework for Guiding Screening Practice in Education and Care Settings' – DECS, AISSA and

CESA

http://www.decs.sa.gov.au/docs/files/communities/docman/1/Completed_screening_policy.pdf

Recognising and reporting child abuse and neglect

- Reporting child abuse and neglect (DFC Webpage)
<http://www.familiesandcommunities.sa.gov.au/Default.aspx?tabid=838>
- Strategies for Managing Abuse Related Trauma (SMART) training – available as a free, online learning package: <http://www.childhood.org.au/smart/default.asp>
- Department for Families and Communities (2006) *Mandatory Notification: Reporting Child Abuse and Neglect. A practical guide for organisations*. DFC: Adelaide.
<http://www.familiesandcommunities.sa.gov.au/Portals/4/Mandatory%20notification%20A%20practical%20guide%20for%20organisations.pdf>

Appendix III: Child Protection Strategies for the provision of a safe and supportive recreation and sport environment

In order for sporting organisations to provide a safe environment for children and minimise the risk of child abuse, organisations need to implement measures that address the Seven Principles outlined. For clubs and associations, these can include:

1. Appoint a club Child Safe Officer or an association Member Protection information officer. This person should be the first point of contact if a child, parent or other member of the club or association becomes concerned about an incident.
2. Have the Child Safe Officer or Member Protection Information Officer appropriately trained and their details and role well advertised within the club and association. Information on training resources are available on the Office for Recreation and Sport website and [Play by the Rules](#).
3. Adopt or update the [policies and procedures](#) recommended by your national and/or state organisation. If there is not an affiliated peak organisation, the club or association should develop its own policies and procedures. The policy should include a complaints process and [codes of behaviour](#) for all roles within the sport, stating what is acceptable behaviour.
4. Adopt thorough recruitment and selection practices for paid and voluntary positions. These practices should include job descriptions, interviews, checking references and, where appropriate, conducting police checks.
5. Promote the policy and procedures to all members, particularly coaches, and make them easily accessible (for example, put them on your website).
6. Respond to suspicions, allegations and complaints of child abuse. Ensure that all persons within the club and association who are mandated notifiers under the Act are aware of this and know how to respond appropriately. Where there is an incident of suspected child abuse, the Child Safe Officer or Member Protection Information Officer for the club or association should immediately make contact with the relevant authorities to seek advice. Refer to the [principles for dealing with incidents](#) for more information.
7. Ensure there is no harassment and victimisation of the child or the person who made the allegation on behalf of the child.
8. Use accredited coaches and officials and check that their accreditation is current.
9. Provide information to coaches and others working with children about how to recognise child abuse and give them directions on what to do if abuse is reported or suspected.
10. Conduct an education and training program to increase awareness of child abuse. At the very least all coaches and managers of underage teams and or underage participants in your club or organisation should receive a copy of the resource book 'Keeping Children Safe in Recreation and Sport'.

Appendix IV: Maintaining professional boundaries for coaches (and others working with children)

People working with children in sport, particularly coaches, need to be aware that not all children will understand an action or request in the same manner. One child may see an action as usual or acceptable behaviour while another may find it unacceptable. A child's interpretation of an action may also be influenced by cultural and religious differences, gender and prior experiences.

Therefore, it is important to be aware of your communication style.

The following principles or actions may help coaches provide a safe environment:

1. Ensure your actions are at all times unambiguously professional. Give a verbal explanation, in front of all athletes (and preferably parents as well), of how, where, when and why you may need to physically touch athletes. An example you may give could be in demonstrating a skill and or execution of a body movement in relation to the athlete's learning as part of their activity. This communication is important for coaches.
2. Remember that the welfare of the child or children is always of paramount importance.
3. Know what policies, complaint processes and codes of behaviour your sport has in place (at club, state and/or national level) and how this applies to you.
4. Understand and sign your sport's code of behaviour (a requirement for coaches accredited under the National Coaching Accreditation Scheme).
5. Understand your legal requirement to report suspected incidents of child abuse.
6. Ensure that any physical contact with children is appropriate to the development of the skills required for the sport. For example, it would be appropriate to teach children to float in the water by touching their backs or holding their arms or feet to demonstrate a movement. However, it wouldn't be appropriate to hold a child suggestively, such as on the breasts or around the groin area, as this is not essential to the development of the skills.
7. Be careful about which part of your body and how much of it is in contact with a child's body.
8. Avoid unaccompanied and unobserved activities with children. Try not to separate yourself and a child from the line of sight of other people. If you need to have a private talk to a child about their ability or behaviour, do this in an open place near others. Invite another coach or support person to join the conversation or talk to more than one child at a time.
9. Use positive and age-appropriate language when talking to and in the presence of children.
10. Before entering change rooms knock or announce that you will be coming in and try to have at least one other adult with you. Do not isolate yourself and a child from others in the change room.
11. Introduce a club policy that after training or matches as the children are collected by a parent or guardian, the second to last child and their parent or guardian will wait with you and the last child to be collected child (this will also enable you to concentrate on making contact with the parent if they are late).
12. Avoid the risk of being left alone with a child by having a parent, guardian or support person assist you with the training. Require that person to wait with you until all children have left.
13. Do not engage in or let others engage in any of the following:
 - abusive initiation or team bonding activities
 - forcing children into 'macho type' activities

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- rough, physically hurtful or sexually provocative games
- regular scapegoating, ridiculing, rejecting, isolating or taking the 'mickey' out of a child.

These strategies can also apply to older athletes, as there is still likely to be a disparity between you and your athlete in terms of authority, maturity, status and dependence, even if the athlete has reached the legal age of consent.

Appendix V: Criminal history checks for recreation and sport

Non-government recreation and sport organisations are not required to undertake criminal history checks of their staff and volunteers, except under certain circumstances.

It is up to each sport/activity/organisation to make its own assessment of the risk.

Why organisations should consider conducting a police check

In the past, people have been appointed to positions with criminal records that were unknown to the employer. The use of criminal records checks can act as a deterrent to a small number of convicted offenders to whom this field will no longer be available.

Once this decision is made any organisation undertaking criminal history checks must ensure that if a criminal history report has been obtained for employees and volunteers who work with children, the criminal history information is dealt with in a manner that reflects the standards developed and issued by the Chief Executive to be observed in dealing with information obtained about the criminal history of employees and volunteers.

Further information regarding obtaining criminal history reports and screening of employees and volunteers can be found in the ***Child Safe Environments: Dealing with information obtained about the criminal history of employees and volunteers who work with children*** document.

Who should be police checked

The aim of conducting police checks is to screen out those people who have a history of abusing or exploiting children and/or violence. Police checks should therefore be conducted on individuals filling positions, either paid or unpaid, that require direct contact with children.

The practice of requiring police checks on all adult members or on all volunteers may be the ideal, but at the same time it may not be practical for even small organisations.

The best process is to use risk analysis to identify those positions which present the most risk and check these.

Other lower risk positions can then be filled after undertaking a screening process.

People sometimes resist police checks because they fear that personal information will be spread throughout the organisation.

This is an understandable concern and people's privacy should be treated with the utmost respect. Staff and volunteers will have fewer objections to the introduction of police checks if they have confidence that all information will be managed professionally and confidentially.

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Sample Statutory Declaration

For a person applying to work with children and young people in recreation and sport in South Australia

I _____
(given name/s) _____ (surname)
of _____
(address)

Do solemnly and sincerely declare that:

- i) I have no criminal convictions arising out of the abuse, neglect or assault (including sexual assault) of a person; and
- ii) If I am charged with any crime that may lead to a relevant conviction, I will promptly notify the President or an authorised club official; and
- iii) I have never been investigated for any unlawful act against a minor
- iv) I have never been refused or had my coaching accreditation suspended for any breach of a code of conduct relating to any sport
- v) I am of, or over the age of, 15 years.

I provide the following names of persons willing to attest to me being a fit and proper person to work as a contact person with children:

Name: _____ Contact: _____
Name: _____ Contact: _____
Name: _____ Contact: _____

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*, and as amended.

(Signature of person making Declaration)

at _____

In the State of South Australia.

On this _____ day of _____ 20__

Sworn/affirmed before me: _____

Name in Full: _____

Title: _____

(Justice of the Peace/notary public/barrister/solicitor/officer by law authorised to administer an oath or affirmation pursuant to the *Oaths Act 1936*)

Appendix VI: Screening processes for recreation and sport

Non-government recreation and sport organisations are required to undertake recruitment and screening processes of their staff and volunteers who work with children, supervise others who work with children or who have access to records relating to children.

In recreation and sport organisations and clubs it can be difficult to obtain volunteers for some roles, such as a coach for the under 10s. Expecting to obtain a volunteer who is a qualified coach, prepared to provide a written application, and prepared to undertake an interview to get the job may not be practical or realistic.

If this is the case for your organisation, then consider these issues:

- Experience shows that child abuse is more prevalent in organisations that lack regular, formal supervision and performance monitoring.
- The supervision of volunteers (and staff) is necessary, not only to prevent and detect child abuse, but also to improve the quality of your services and strengthen the organisation.
- Volunteer (and staff) support and supervision should start from the very first day of a person's employment with a period of orientation and induction.

Your organisation may need to implement the following strategies to aid in the screening process:

- Make sure the volunteer gets a thorough induction/orientation.
- Consider recruiting assistants to the coach, e.g. team manager, sideline trainer, etc. Involve other parents as assistants. By doing so, a coach is not working with children on his or her own and each can support and supervise the other to minimise the risk.
- Have other people, such as the Child Safe Officer, drop in to observe from time to time, give feedback and talk to the parents.
- Implement a mentoring strategy where a senior/qualified coach observes and provides feedback/assistance to the volunteer and advises them on how they can improve.
- Provide the volunteer with the opportunity to undertake training or to become accredited.

The Office for Recreation and Sport has developed the 'Essentials for Coaching Children' course. This can be conducted in just three hours and can give your volunteers who are working with children the information they need to provide safe, well-run programs for children.

To find out more talk to your state recreation or sport body or go to the Office for Recreation and Sport website:

www.recsport.sa.gov.au/training-development/coaches.html

Appendix VII: Definitions of Recreation and sport

In the context of this legislation, NGOs include any recreation and sport organisation that provides programs and services either wholly or partly for children.

If your organisation has members, customers or clients younger than 18 years of age you are required to comply with this legislation.

The Act does not include a definition of recreation and sport; the commonly accepted legal definition comes from the Commonwealth Trade Practices Act 1974, which defines 'recreational services' as services that consist of participation in:

- (a) sporting activity or a similar leisure-time pursuit
- (b) any other activity that:
 - (i) involves a significant degree of physical exertion or physical risk
 - (ii) is undertaken for the purposes of recreation, enjoyment or leisure.

The Child Protection Act applies to both not-for-profit organisations and for-profit organisations and businesses; therefore, the types of organisations affected could include the following.

Sport:

The sport sector provides facilities, services and programs that contribute to opportunities for people to engage in activities that require physical effort and skills, are competitive, have formal rules and are organised within institutional structures. Activity in the sport sector occurs through:

- community-based organisations
- commercial operations (user pays)
- the public sector.

The majority of activity in sport is based around not-for-profit sporting clubs and associations at national, state and local levels. However, in recent years, in many sports, there is an increasing level of private provision of services (e.g. professional sport coaches, private swim schools, sport clinics).

Community Recreation:

The activities in this sector provide leisure and recreation services in a variety of community settings. Activities include both active and passive forms of recreation.

Organisations in this sector are generally not-for-profit, community-based service providers that may focus on one activity such as a martial art or provide a range of activities such as Scouts and Guides, Young Men's Christian Associations (YMCAs) and Police Citizens' Youth Clubs (PCYCs).

Again, there are increasing numbers of commercially driven organisations such as registered or licensed clubs, gyms and indoor sports centres that are providing a range of recreational services on a user-pays basis. Examples of such groups include martial arts schools, dance schools, and indoor cricket centres.

Outdoor Recreation:

The outdoor recreation sector encompasses all areas of involvement where individuals or groups engage in either active or passive activities using outdoor environments.

People participate in a range of activities including:

- organised passive activities such as group picnics and barbeques
- soft active adventure such as bushwalking, camping, windsurfing and horse riding
- hard active adventure or high perceived risk activities such as hang-gliding, ballooning, underwater diving, rock climbing and white water rafting.

The outdoor recreation sector has grown strong in recent times due to an increase in popularity of adventure-based tourism, personal development programs, experiential learning, corporate adventure training and rehabilitation (youth at risk, correctional centres). Examples of these types of organisations include mountain biking clubs, youth-at-risk programs, and boot camp training providers.

Fitness:

The fitness sector covers the range of operations related to the provision of facilities, services and programs that develop physical fitness through activity or movement, except through sport and active recreation in the outdoors.

Typically organisations offering fitness services include:

- commercial health and fitness centres
- commercial sport and recreation centres
- community sport and recreation centres
- corporate sector fitness programs
- holiday resorts and hotels
- educational institutions
- retirement villages
- freelance consultants
- sport clubs.

The services offered by this sector include health appraisals, fitness assessments and testing, exercise prescription, exercise classes, fitness lifestyle advice, stress management, weight control, information services, courses and seminars.

Boot camp training providers and sport aerobics are examples of fitness organisations.