

# Key risks – knowing what they are and how they can be managed *cont.*

## Member and child protection

### Member Protection

The Australian Sports Commission (ASC) advises that member protection is a term now widely used in the sports industry to mean practices and procedures that protect a club's members. Members can include member associations, affiliated clubs and individuals including athletes, administrators, coaches and officials.

Member protection is also about managing one of the biggest risks to your organisation – the harming of members.

### Member Protection Policy

As part of your risk management strategy, you may wish to adopt or develop a selection of policies specific to member protection. This policy can be a combination of a number of traditionally separate policies including discrimination, harassment and child protection. (Refer to the section titled Child Protection.)

The ASC has developed a member protection policy framework template, which can be found on the Australian Sport Commission's Member Protection<sup>67</sup> website.

The template is a generic document meant for guidance only. It is designed to assist organisations when writing their own member protection policy. The template includes:

- policy position statements on child protection
- harassment and sexual relationships
- organisational and individual responsibilities
- code of conduct.

If you are planning to develop a member protection policy, it is recommended that you investigate the policy that your peak body, usually your state sport or recreation organisation, has in place to ensure that your policy or procedures are aligned to that which is recommended for your sport or activity.

### Member Protection Information Officer

Another strategy that can support a member protection policy is a member protection information officer, (MPIO). An MPIO is a trained person, usually appointed by the national, state or regional association, who can assist your organisation with advice with managing member protection complaints and conflicts when they arise.

An MPIO is responsible for providing information to an individual (a member of your organisation) who makes a complaint or raises a concern about their rights, responsibilities and options.

Their role also includes providing confidential information, moral support and options to help resolve issues. The MPIO is the central contact for any concerns or information about harassment, sexual abuse or inappropriate behaviour.

An MPIO can also be the designated individual responsible for providing information and advice to an organisation's administrator and complaint handlers with regard to the member protection policy of that organisation.

MPIOs are generally impartial; they do not mediate or investigate complaints.

An MPIO can be freelance and not linked directly to the organisation or a specific sport or recreation body.

**Key point: Organisations are encouraged to clearly distribute the name and contact details of their MPIO.**

<sup>67</sup> [http://www.ausport.gov.au/supporting/integrity\\_in\\_sport/resources/national\\_member\\_protection\\_policy\\_template](http://www.ausport.gov.au/supporting/integrity_in_sport/resources/national_member_protection_policy_template)

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There are a number of steps in becoming a certified MPIO. These are listed on the Australian Sports Commission<sup>68</sup> website or through the Play by the Rules online training.

It is also recommended that you contact the ORS for further information: 08 8457 1408.

## **Complaint Handling**

Effective complaint handling is as much about ensuring that people's rights are being protected as it is about ensuring that your sport is safe, fair and inclusive to all its members.

Within your organisation, it is recommended that you:

- Appoint an official complaint handler(s). A complaint handler is any person in authority in your organisation who may be required to resolve complaints or concerns in the normal course of their duties. Complaint handlers can be board members, committee officers (president, secretary and committee members), coaches, officials and grounds people. They can reside at a club, state or national organisation level.
- Formalise the complaint handling process by way of creating an organisational policy that clearly outlines the processes and procedures to be followed. Sample complaint handling policies can be found on the Touch Football Australia<sup>69</sup> and Sport Matters<sup>70</sup> websites.



<sup>68</sup> [http://www.ausport.gov.au/supporting/integrity\\_in\\_sport/resources/mpio\\_education](http://www.ausport.gov.au/supporting/integrity_in_sport/resources/mpio_education)

<sup>69</sup> [http://touchfootball.com.au/fileadmin/user\\_upload/Download\\_Documents/COMPLAINT\\_HANDLING\\_PROCEDURES.PDF](http://touchfootball.com.au/fileadmin/user_upload/Download_Documents/COMPLAINT_HANDLING_PROCEDURES.PDF)

<sup>70</sup> [http://www.sportmatters.org.au/policies\\_9\\_3748627937.pdf](http://www.sportmatters.org.au/policies_9_3748627937.pdf)

<sup>71</sup> <http://www.playbytherules.net.au/about-complaints>

<sup>72</sup> [http://www.ors.sa.gov.au/\\_\\_data/assets/pdf\\_file/0009/150021/Keeping\\_Children\\_Safe\\_Booklet\\_2015.pdf](http://www.ors.sa.gov.au/__data/assets/pdf_file/0009/150021/Keeping_Children_Safe_Booklet_2015.pdf)

## **Complaint Handling - Training**

The ASC, in partnership with Play by the Rules, has developed a free, seven-module on-line course. The modules include:

1. Introduction to Complaint Handling
2. Complaint Resolution Procedures
3. Member Protection and the Law
4. Listening and Responding
5. Meeting with a Contact
6. Ethical and Practical Considerations
7. Nipping it in the Bud.

The Play by the Rules<sup>71</sup> website also has a large range of resources and tools to assist your organisation in handling complaints.

## **Child Protection**

Children and young people attending your organisation and participating in the activities being offered have a right to be safe and protected at all times. Your organisation has a responsibility to children to provide a safe environment that minimises the risk of discrimination, harassment and abuse.

The *Children's Protection Act 1993 (SA)* requires all organisations that provide health, education, welfare, sporting or recreational, religious or spiritual, child care, cultural, entertainment, party or residential services wholly or partly for children, to develop policies and procedures to create and maintain a safe environment for children and young people. The Act also requires that suspicion or instances of child abuse or neglect are reported to the relevant authorities. A child is any person less than 18 years of age.

The South Australian Office for Recreation and Sport provides a concise guide for all participants titled 'Keeping Children Safe in Recreation and Sport'<sup>72</sup>.

The information it contains will be useful to many people who undertake various tasks in your organisation. The guide includes a definition of child protection and the role of the club, parent, volunteer and participant. It also has checklists that will help you keep children safe in your organisation and links for more other information and services.

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This publication also includes the following seven principles of good practice set by the Chief Executive of the Department for Education and Child Development (DECD). These principles should underpin your organisation's commitment to providing a child safe environment:

- Identify and analyse risk of harm.
- Develop a clear and accessible child safe policy.
- Develop codes of conduct for adults and children.
- Choose suitable employees and volunteers.
- Support, train, supervise and enhance performance.
- Empower and promote the participation of children in decision-making and service development.
- Report and respond appropriately to suspected abuse and neglect.

## **What does your organisation need to do?**

According to DECD, organisations must undertake the following key tasks as part of their obligation to establish and maintain a child safe environment:

- Develop a risk management strategy with respect to risk of harm to children from someone within the organisation.
- Develop policies and procedures such as a child safe policy, code of conduct, and a procedure for reporting child abuse and neglect.
- Conduct relevant history assessments.
- Lodge a statement or check whether a statement has been lodged on your behalf with DECD, which outlines the organisation's child safe environment policies and procedures. (This statement may be lodged by a representative body on behalf of organisations they represent).

## **1. Policies**

Your organisation needs to have appropriate child safe policies and procedures in place.

Child safe environments policies and procedures should be established by your board and communicated to all relevant personnel. This may include:

- agents
- employees
- contractors
- sub-contractors
- volunteers
- parents
- members
- anyone else involved in the organisation who has contact with children or their records.

The policy will need to demonstrate to staff, volunteers, parents and children that your organisation is committed to the safety of children; it should set out appropriate standards of behaviour and practices for people working and volunteering with children.

The policy will also need to list the steps your organisation will take to promote the safety and wellbeing of children. It will also need to be tailored and relevant to your organisation's focus and activities.

The DECD<sup>73</sup> website provides a range of guidelines. Sample policy templates and other information to assist your organisation with the development of an appropriate policy can be found on the Office for Recreation and Sport<sup>74</sup> website.

The member protection policy template provided by the Australian Sports Commission includes a child protection policy (Item 6). This policy is compliant with the requirements of SA Legislation.

An association, state sporting organisation or national body may require their affiliated clubs to adopt their member protection policy or one that can be adapted to meet the club's requirements.

**Key point: Organisations are advised to contact their governing body before creating their own member protection policy.**

<sup>73</sup> [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

<sup>74</sup> [www.ors.sa.gov.au/create\\_a\\_child\\_safe\\_environment](http://www.ors.sa.gov.au/create_a_child_safe_environment)

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Organisations that do not have a governing body or do not have a member protection policy provided for them can adapt the following templates, which meet the current child protection legislation:

- national member protection policy template – Australian Sports Commission
- state version - member protection policy template
- club version - member protection policy template
- sample code of conduct.

These templates can be found on the Office for Recreation and Sport<sup>75</sup> website.

Notwithstanding the resource assistance listed above, the following are important elements for you to consider when developing and implementing a child safe policy:

- **Consulting** - Involve all members of your organisation in the development of your child safe policy and code of conduct. Wide consultation will help ensure that the policy will be used, understood and supported by everyone in your organisation.
- **Child protection policy inclusions** – recommended content:
  - **Statement of the organisation's commitment** - Your policy should clearly state your organisation's commitment to the safety, protection and wellbeing of children. This statement might be quoted on newsletters, wall posters and in other contexts to ensure that this commitment is understood by everyone involved in your organisation.
  - **Legislation** - Your policy should reflect and refer to the obligations under the *Children's Protection Act 1993* and, more importantly, your organisation should ensure it understands its obligations under the Act. A useful tool is the DECD's website's legislation about child safe environments. Refer to: <http://www.families.sa.gov.au/pages/protectingchildren/CSELegislation/>

- **Relevant history assessments** - Where it applies, your policy should also refer to your procedure for conducting relevant history assessments.
- **Bullying and harassment** - Your policy should contain a statement about how your organisation will address bullying by, or against, children in your organisation.
- **Understanding privacy and data protection** - The policy should also address the collection, retention, use and disclosure of personal and other sensitive information. Appropriate safeguards must be in place to protect information about your organisation's members. For more information, refer to the section titled *Legal Risk, Key Concepts and Legislation - Privacy*.
- **Complaints management and disciplinary action** - Establish a process for managing complaints and disciplinary proceedings that is accessible to everyone in your organisation (including children and young people) and refer to it in your policy.
- **Review, update and refine** - Set a review date for your policy. Your organisation's policy should also be reviewed and updated if:
  - an issue is identified
  - if new legislation is enacted
  - your peak body changes their policy
  - new standards are introduced.
- **Review your risk** - Your policy should include, or refer to, your risk management action plan. The plan should identify, assess and take steps to minimise risks of harm to children that could arise from the action or inaction of someone in your organisation.
- **Choosing and developing the right people** - Establish safe and fair recruitment and selection processes for employees and volunteers. This should include comprehensive screening processes and exclusion of people who are assessed as posing an unacceptable or high risk to children.

<sup>75</sup> [http://www.ors.sa.gov.au/sport\\_and\\_recreation/child\\_safety\\_and\\_member\\_protection/member\\_protection](http://www.ors.sa.gov.au/sport_and_recreation/child_safety_and_member_protection/member_protection)

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- Developing a code of conduct - Your organisation should also develop a code of conduct that:
  - promotes child safety
  - encourages positive work practices
  - provides guidance about the behaviour, relationships, attitudes and responsibilities expected from employees and volunteers who are working with children.

Your organisation should also have a procedure for dealing with any situation where the code is breached.

For additional assistance in developing a code of conduct and sample templates, visit

The Department for Education and Child Development<sup>76</sup> and the Play by the Rules<sup>77</sup> websites.

## **Policy - reporting child abuse and neglect**

Your organisation's staff and volunteers may be mandated notifiers and required by law to report any suspicions of child abuse and neglect. Your organisation must have a policy for ensuring these people are aware of this obligation and the appropriate process for making reports to the Child Abuse Report Line (13 14 78).

DECD<sup>78</sup>'s website provides comprehensive guidance about reporting child abuses and neglect.

Some of the topics listed on the website to assist your organisation include:

- How do I report suspected child abuse or neglect?
- What do I need to provide when I make a report?
- How do I follow up on a report?
- What are the possible indicators of abuse?
- How do I respond to a child who has told me about abuse?
- What does the legislation say?

<sup>76</sup> <http://www.families.sa.gov.au/pages/protectingchildren/CodeOfConduct/>

<sup>77</sup> [www.playbytherules.net.au/features-mainmenu/club-toolkit](http://www.playbytherules.net.au/features-mainmenu/club-toolkit)

<sup>78</sup> <http://www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse/>

<sup>79</sup> A prescribed person is defined as a person who has regular contact with children or regularly works in close proximity to children and is not directly supervised or who is someone who manages or supervises such personnel.

- What is the legal requirement to notify and penalty for failing to do so?
- Who is legally required to notify?
- What matters should not be notified?
- Is my duty of care fulfilled by notifying?
- Is a minister of religion required to notify on information received in confession?
- What is 'suspicion on reasonable grounds'?
- What should I expect from a Child Abuse Report Line worker?
- How does Families SA assess the case?
- Can my identity as the notifier be revealed?

## **Communicate**

Ensure everyone in your organisation is aware of your policies and committed to achieving a child safe environment.

## **2. Relevant History Assessments**

All people who work in a prescribed position<sup>79</sup> with children in sport and recreation organisations in South Australia are required to undergo a relevant history assessment, unless an exemption applies.

To undertake a relevant history assessment the organisation must assess, as a minimum, a national police check.

Police checks for volunteers are generally provided at no cost through the Volunteer Organisation Authorisation Number (VOAN). Check with your state sport or recreation organisation before submitting your application with the police.

Alternatively, an organisation may choose to have the assessment completed by an authorised screening unit such as the Department for Communities and Social Inclusion Screening Unit (DCSI).

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This service meets the requirement of the *Children's Protection Act (1993)*, is more thorough than a police check and abolishes the need for the organisation to assess the information. It does, however, operate on a fee-for-service basis and is not covered by the VOAN.

Once you obtain the criminal history report (police check) of employees and volunteers who work with the children of your organisation, you are required by law to ensure that this information is dealt with in accordance with the '*Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*'<sup>80</sup>.

## **Exemptions**

In some cases, the law will allow for the exemption of a person from the requirement to undergo a relevant history assessment. Organisations will need to examine the exemptions to see if any exemptions apply to the people working or volunteering in their organisation.

Even if some people meet the criteria for an exemption, organisations may still require people in these categories to undergo a relevant history assessment as a matter of good organisational practice, even if an assessment is not required by law.

The following organisations, persons and positions may be exempt from the requirement to conduct a relevant history assessment:

- a person volunteering for a service or activity in which their child ordinarily participates
- a volunteer who is less than 18 years of age
- a person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month
- a person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children

- a person who undertakes, or a position that only involves, work that is primarily provided to adults or is provided to the public generally and is not provided to any child on an individual basis
- an organisation that provides equipment, food or venues for children's parties or events but does not provide any other services for children
- a person who has regular contact with a child as part of an employment relationship with the child (for example, a person working alongside a child or supervising an employee who is a child)
- a person who is appointed as a police officer or is a registered teacher (police officers and teachers are already subject to comprehensive relevant history assessments as a prerequisite for employment).

## **How to conduct relevant history assessments**

There are standards that organisations must follow when conducting criminal history assessments and these standards can be accessed from the Families SA<sup>81</sup> website.

Alternatively, a person may be directed or apply for an assessment to be completed by a recognised screening unit. At present, DCSI operates an approved screening unit. The screening unit will complete the assessment and provide a letter of clearance.

## **Obtaining a national police certificate**

For more information and applications, visit the SA Police<sup>82</sup> website. If your organisation requires an assessment to be completed visit the DCSI<sup>83</sup> website.



<sup>80</sup> [www.decd.sa.gov.au/docs/documents/1/CSEStdsInfoCrimHist.pdf](http://www.decd.sa.gov.au/docs/documents/1/CSEStdsInfoCrimHist.pdf)

<sup>81</sup> [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

<sup>82</sup> <https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check>

<sup>83</sup> <http://www.dcsi.sa.gov.au/services/screening>

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## 3. Statement by the organisation lodged with DECD

Under the Act, all organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child-care, cultural, entertainment, party or residential services wholly or partly to children must lodge a statement outlining their child safe environment policies and procedures with DECD.

An organisation may do this by completing the child safe environments compliance statement lodgement form in either hardcopy or on-line. This form sets out the minimum requirements an organisation must meet to demonstrate that it has established a child safe environment within the organisation.

Your state or representative body may have lodged this statement on behalf of its clubs. If clubs are unsure whether this has been done on their behalf, it is recommended they contact their representative body before submitting a statement.

For more information refer to the Department for Education and Child Development<sup>84</sup> website or email [DECDChildsafe@sa.gov.au](mailto:DECDChildsafe@sa.gov.au)

### Mandated Reporting

Staff and volunteers of recreation and sport groups that are working with children or are in a management position in that organisation have a legal obligation to report any suspected child abuse and/or neglect.

DECD's<sup>85</sup> website provides comprehensive guidance about reporting child abuse and neglect.

### Mandated reporting courses

Most people in sport who work with children are mandated notifiers (i.e. they must report suspected child abuse). However, it is not compulsory for all volunteers to attend mandated notifier training.

It is recommended that your organisation establish a 'Child Safe Officer' who has some training in mandated reporting and is assigned the responsibility of formally communicating information to others in the organisation.

The ORS provides Child Safe Officer training that is specific to sport and recreation organisations. See the Office for Recreation and Sport<sup>86</sup> website for more information.

### Managing incidences or allegations of child abuse

A resource called 'Managing allegations of child abuse in recreation and sport'<sup>87</sup> is available and provides a step by step guide for organisations that become aware of an incident or alleged incident of misconduct towards children. It provides information to assist the organisation to understand their obligations and appropriate actions and can assist with minimising the impact of the incident.

This includes providing appropriate support to the victim and their family, managing the alleged offender, assisting the club and others involved and template letters to assist with informing the parents or others who may have been in contact with the alleged offender.

### Summary

Like any other area of risk, it is recommended that you regularly review your policy and procedures regarding child protection to ensure they are effective and reflect any changes to your organisation, its activities and legislative changes.

Child protection requires a commitment to developing a child safe culture that is incorporated into your overall organisation's risk management strategy. It is everyone's responsibility to provide a safe environment to prevent and minimise opportunities for harm to children and to ensure their recreation and sport experiences are positive.

<sup>84</sup> [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

<sup>85</sup> <http://www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse/>

<sup>86</sup> [http://www.ors.sa.gov.au/create\\_a\\_child\\_safe\\_environment](http://www.ors.sa.gov.au/create_a_child_safe_environment)

<sup>87</sup> [www.ors.sa.gov.au/\\_data/assets/pdf\\_file/0006/153564/child\\_abuse\\_allegations\\_guidelines\\_050115.pdf](http://www.ors.sa.gov.au/_data/assets/pdf_file/0006/153564/child_abuse_allegations_guidelines_050115.pdf)