

GDCC Child Safe Environment Information

GDCC requires that all staff/volunteers undertake a criminal history assessment (police check) and complete the 'Play by the Rules' online training.

Police Checks - A copy of a current, valid police check must be provided to the GDCC Child Safe Officer for Club records. Police checks are generally valid for a period of three years. If you do not have a current police check, you should complete the forms and follow the process outlined on the SA Police website via the following link: http://www.sapolice.sa.gov.au/sapol/services/information_requests/police_checks.jsp (as a volunteer, there is no cost involved - SACA will complete the VOAN (Volunteer Organisation Authorisation Number) on your behalf).

'Play by the Rules' Online Training – This online training is provided at <http://www.playbytherules.net.au/>. There are two modules to complete – 'Child Protection' and 'Harassment and Discrimination'. When you have successfully completed the training, you should print off the certificate and provide a copy to the GDCC Child Safe Officer for Club records.

Child Protection - Further information regarding SACA's policy on Child Protection can be found on the SACA website: <http://www.cricketsa.com.au/content.aspx?p=899>

SACA Affiliates and Club Protection Policy – You should read this policy with particular reference to Section 4 - Policy Position Statements and Section 6: Codes of Behaviour. Section 7.8 of the Policy refers specifically to the Child Abuse Allegation Procedure and this Policy be accessed at

http://www.cricketsa.com.au/library/05-290512%20SACA%20Affiliates%20and%20Club%20Protection%20Policy_0.pdf

The Government of South Australia's copy of "Keeping Children Safe in Recreation and Sport" can be downloaded at www.recsport.sa.gov.au. This provides a concise guide to keeping children safe in recreation and sport in South Australia and includes policies and procedures adopted by the South Australian Cricket Association.

Mandated Notification Responsibility – Staff and volunteers of recreation and sporting bodies who work with children fit these descriptions and so have a legal obligation (are mandated) to report any suspected child abuse and/or neglect. A brief extract from the SACA Affiliates Club Protection Policy:

"Anyone who suspects, on reasonable grounds that a child or young person is being abused or neglected should report it to **Child Abuse Report Line on 13 14 78**.

Parties bound by this agreement are required to report, if they suspect on "reasonable" grounds that a child is being abused or neglected, when the suspicion is formed to the appropriate Government authority and the South Australian Cricket Association on the prescribed form annexed to this policy.

A notification under this section must be accompanied by a statement of the observations, information and opinions on which the suspicion is based.

No Registrable Offenders under the *Child Sex Offenders' Registration Act 2006* can apply or engage in child related 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 a range of professions. Included in this list is any employee or volunteer engaged in the actual delivery of services to children."

GDCC Child Safe Officer Ben Pike Email: benjamin.pike@adelaide.edu.au

Child Abuse Report Line: Phone 13 14 78

4 POLICY POSITION STATEMENTS

4.1 Child Protection Background Information

Child Protection is about keeping children safe from harm abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all state and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

The Children's Protection laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. As the object of a Criminal History Check is to make an assessment of the level of risk an individual poses to children's safety. WWCC are more extensive but also more targeted than Police Checks. In South Australia, laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters.

Currently, under the *Children's Protection Act (SA)* the South Australian system is an employer driven "point-in-time" system requiring employers and responsible authorities to obtain criminal history checks for those engaging in child-related occupation/volunteering. Police checks identify and release relevant criminal history information relating to convictions, findings of guilt or pending court proceedings. However, due to spent conviction/non-disclosure legislation and information release policies, there are limitations on the information a Police Check can provide. (E.g. the Spent Convictions Scheme stipulates that prior convictions are not to be disclosed where 10 years have passed from the date of the conviction.)

The government has enacted the *Children's Protection (Keeping them safe) Amendment Bill, 2005*, which means recreation and sport organisations will be required to have strategies in place to prevent and minimise opportunities for abuse and to respond when it occurs or is suspected. These policies ensure that the South Australian Cricket Association is abiding by the amendments to the *Children's Protection Act (2003)* in providing a child-safe environment.

The South Australian Cricket Association child protection policy covers;

- Identification and analysis of risk or harm.
- Screening procedures.
- Mandatory reporting.
- Standards for dealing with information obtained about volunteers who work with children.
- The inclusion of children in the promotion of a child-safe environment.
- The following is required for affiliates of the South Australian Cricket Association and are required to be met to ensure a safe environment for children in all aspects of being involved with the South Australian Cricket Association.

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4.2 South Australian Cricket Association Child Protection Policy

The South Australian Cricket Association is committed to keeping all of its participants safe from harm. It is a part of the South Australian Cricket Association vision to provide all with the opportunity to play the game in a fun yet protected environment. We aim to ensure that all Affiliates of the South Australian Cricket Association treat all as equals and have procedures in place to promote children's wellbeing and to show that our duty of care is serious.

The South Australian Cricket Association acknowledges that our staff, Affiliates and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. The South Australian Cricket Association aims to continue this and to take measures to protect the safety and welfare of children participating in sport by:

- Prohibiting any form of abuse against children.
- Ensuring people have completed a satisfactory Criminal History Check.
- Carefully selecting and screening people over the age of 16, who work, coach or have regular unsupervised contact with children.
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors.
- Responding to all reports and complaints of abuse promptly, seriously and confidentially.
- Making information about child protection available, particularly for roles associated with children.
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.

Please refer to the South Australia Cricket Association Affiliated Club Requirements in Section 5 for the procedures and requirements.

All allegations of child abuse are dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling allegations of child abuse are included this policy. A person will not be victimised for reporting possible child abuse.

If an employee, volunteer, agent, contractor, subcontractor or Affiliate, bound by this policy, suspects that a child is being abused or neglected, they must notify the Department for Families and Communities as soon as practicable after the suspicion is formed.

4.3 Taking images of children policy

Images of children can be used inappropriately or illegally. The South Australian Cricket Association requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and

- c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
- d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

1. Investigation procedure

If an investigation needs to be conducted to gather more information the following steps will be followed;

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent(s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts.
 - 1.5 Make a finding as to whether the complaint is:
 - Substantiated (there is sufficient evidence to support the complaint);
 - Inconclusive (there is sufficient evidence either way);
 - Unsubstantiated (there is sufficient evidence to show that the complaint is unfounded) and/or;
 - Mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to CEO or Code of Behaviour Commissioner documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) may have the right to review against any decision based on the investigation. Information on our review process is outlined in this document.

7.8 Child abuse allegation procedure

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in the South Australian Cricket Association in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

Step 1 Initial receipt of allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial you;

- Stay calm;
- Listen, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;

- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

Step 2 Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of the South Australian Cricket Association so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4.)

Step 3 Protect the child and manage the situation

- The South Australian Cricket Association CEO or Code of Behaviour Commissioner will assess the risks and take interim action to ensure the child's/children's safety. Action the South Australian Cricket Association may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The CEO will consider the kind of support that the children and parents may need (e.g. counselling, helplines, support groups).
- The CEO will address the support needs of the alleged offender.
- The CEO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations;
 - o Criminal (conducted by police)
 - o Child protection (conducted by child protection authority)
 - o Disciplinary or misconduct (conducted by South Australian Cricket Association.)
- Irrespective of the findings of the child protection and/or police inquiries, the South Australian Cricket Association will assess the allegation to decide whether the person should be reinstated, banned, have their employment terminated or any other action.
- The decision-maker(s) will be CEO or Code of Behaviour Commissioner for the South Australian Cricket Association and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding,

recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.

- If disciplinary action is to be taken, the procedures outlined in this document will be followed.

7.9 Hearings before the Commissioner

The following will be followed by the Commissioner to hear state Affiliates and Club Protection related complaints.

The Code of Behaviour Commissioner

1. A Code of Behaviour Commissioner will hear a complaint that has been referred to it by the CEO or his delegated officer. The number of Code of Behaviour Commission members required to be present throughout the hearing will be 1.
2. The Code of Behaviour Commissioner will be provided with a copy of all the relevant correspondence, reports or information received and sent by CEO or his delegated officer relating to the complaint/allegations.
3. The Code of Behaviour Commissioner will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (Respondent(s)) to prepare their case for the hearing.
4. The Code of Behaviour Commissioner will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The Commissioner will be appointed in accordance with the Terms of Reference adopted from time to time by the South Australian Cricket Association Board of Management.

Hearings Procedure

1. The CEO of the South Australian Cricket Association will inform the respondent(s) in writing that a hearing will take place before a Commissioner. The notice will outline:
 - That the person has a right to appear at the hearing before the Commissioner to defend the complaint/allegation;
 - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
 - The date, time and venue of the hearing before the Commissioner;
 - That they can make either verbal or written submissions to the Commissioner;
 - That they may arrange for witnesses to attend the hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Commissioner).
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - Parties can have a support person present at the hearing.

A copy of any information/documents that have been given to the Commissioner (e.g. investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all South Australian Cricket Association activities and events, pending the decision of the Code of Behaviour Commission,