

NSW Department of Sport and Recreation

Child protection in sport and recreation

Guidelines for achieving child protection
for sport and recreation clubs



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Published by
the NSW Department of Sport and Recreation
First edition, June 2003



Disclaimer

No person should rely on the contents without first obtaining advice from a qualified professional. The contents are intended as a guide only.

Acknowledgements

Representatives from a number of sport and recreation organisations contributed to the material through participation on an Industry Reference Group.

The organisations involved include:

- NSW Sports Federation
- NSW Amateur Soccer Federation
- NSW Basketball
- NSW Rugby league
- AFL (NSW/ACT)
- NSW Swimming
- NSW Squash
- Netball NSW
- NSW Surf Lifesaving
- NSW Rugby Union
- NSW Soccer Federation.

Introduction

Sport and recreation clubs and groups have a legal and a moral responsibility to provide positive and safe environments for children.

This requires making a firm and open commitment to child protection and adopting procedures and practices that will minimise the risk of a child being abused.

Child protection involves keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child protection in sport and recreation enables children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy the future.

Child abuse is not acceptable and sport and recreation clubs must make a stand against such behaviour. This includes creating an environment where coaches and officials are committed to acceptable practice and where clubs endeavour to ensure that children are safe from any form of abuse.

This booklet provides key information that sport and recreation clubs and groups will need to know to achieve child protection. An interactive web site www.dsr.nsw.gov.au will also be available, with practical examples of situations that will be valuable to clubs and groups.

Please read and adapt this material for the benefit of the children involved in your sport or activity and for the protection of your coaches and other participants.

Understanding child abuse and child protection

Understanding child abuse

Child abuse can take many forms. Children may be harmed by both verbal and physical actions. They may also be harmed by people failing to provide them with basic care. Child abuse could include:

- **Sexual abuse/sexual misconduct** – any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching
- **Physical abuse** – non-accidental injury and/or harm to a child caused by a parent, care-giver or another person responsible for the child
- **Emotional abuse** – behaviours that may psychologically harm a child, including severe verbal abuse and threats of abuse or excessive and unreasonable demands
- **Neglect** – where a child is harmed by the failure to provide the child with the basic physical and emotional necessities of life.

The greatest risk for sport and recreation clubs would appear to be sexual abuse and physical abuse, however, emotional abuse is also a serious problem. All forms of child abuse must be avoided and addressed.

For the purpose of this child protection material, a child is considered to be a person under 18 years of age.

Understanding child abuse

Child protection involves keeping children safe from abuse and protecting them from people who are unsuitable to work with children. More specifically, child protection involves protecting children from the risk of harm caused by sexual abuse or misconduct, physical abuse, emotional abuse or neglect. This can be achieved by:

- Implementing the *Working with Children Check* for child related positions, which is a legal requirement
- Making a firm commitment to child protection that is understood and supported across your club or group (by officials, coaches, children and parents/guardians)
- Providing a safe, open and honest environment that protects children as well as the people working with children. This includes creating an awareness of the risk of child abuse and openly discussing the need for child protection and how this can be achieved
- Adopting policies and practices that minimise the risk of child abuse
- Swiftly and appropriately responding to any incident of suspected child abuse that you observe or that is raised with you. This can involve a personal as well as organisational response.

Child protection does not mean that coaches and others involved in sport and recreation cannot physically contact children in any way. There are a number of sports where instructing and coaching involves physical contact with children to guide them in their activities. Organisations need to ensure that coaches and others understand what is appropriate behaviour when dealing with children and what constitutes appropriate physical contact. Refer to the Australian Sports Commission web site at www.ausport.gov.au.

The responsibilities of clubs

Sport and recreation clubs and groups work closely with children. They support them in developing skills, having fun and providing a positive environment for children to become more committed and responsible in life.

By taking on this role, clubs and groups also become responsible for the safety and welfare of children during their involvement with the sport or activity. Clubs and groups have a legal and a moral responsibility to ensure that children are safe while in their care, and this includes minimising the risk of child abuse.

Recent child protection legislation places responsibilities on clubs and groups with child memberships.

This legislation includes:

- *Commission for Children and Young People Act 1998*
- *Child Protection (Prohibited Employment) Act 1998*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Child Protection (Offenders Registration) Act 2000.*

Details of these legislative responsibilities are outlined later in this booklet under *Useful material and contacts*.

Besides meeting legal requirements, clubs can benefit from making a commitment to child protection. Parents and guardians are more likely to support activities and clubs that are committed to the safety of their children, and a club that promotes this commitment could very likely benefit through increased membership and participation.

How clubs can achieve child protection



- Child protection culture
- Key tasks
- Links to peak bodies and associations

Make child protection part of your culture

Child protection requires commitment and a genuine desire to minimise the risk of child abuse within your sport or activity. Clubs and groups that embrace child protection and make it an important part of their culture are more likely to achieve a safe and appealing environment for children.

Some ways in which a club or group could make child protection part of their culture include:

- Reference to child protection in any material produced by the club or group, for example, annual report, promotional material or club raffles
- Regular discussion of child protection objectives at club committee meetings and in discussions with other clubs or organisations
- Reference to the commitment to child protection at any functions, particularly where parents or guardians are involved (outlining any specific policies or actions adopted by the club)
- Child protection posters and leaflets in prominent positions around club facilities
- Promote child protection objectives to parents and children.

Adopt basic principles

To minimise the risk of child abuse within your sport or activity there are a number of basic principles that should be adopted by sport and recreation clubs and groups. These are:

- Be aware of the risk of child abuse
- Be aware of the indicators of child abuse
- Openly communicate the importance of child protection to coaches, players, officials, parents and guardians
- Reinforce the club's/group's commitment to creating a positive environment for children, coaches and other club/group members
- Adopt procedures that minimise the risks for coaches, players and parents. Try not to place coaches, players, parents or guardians in a position where they could be accused of child abuse. Examples include allowing only one coach or parent/guardian to supervise an overnight trip with a group of children or allowing only one official to supervise children when using change rooms and showers
- Be clear on what is acceptable behaviour and what is not acceptable (refer to the Australian Sports Commission guidelines)
- Adopt and implement policy and procedures regarding child protection (developed by your peak body or association and outlined in this booklet)
- Promptly respond to any complaint, allegation or indication of child abuse.

Undertake key tasks

The key tasks that sport and recreation clubs can undertake to create a safer environment for children to participate in their sport are outlined below. These tasks are suggested good practice approaches, with the exception of **Task 3 (Working with Children Check)**. This is a **legal requirement** that must be undertaken by any club or group that services or deals with children.

task 1 Appoint a child protection representative

Appoint a child protection representative from the committee of the club. This person should be the first point of contact if a child, parent, guardian or other member of the club becomes concerned about an incident. The person should be appropriately informed and trained and their details and role should be well advertised within the club. Information and training resources are available from the following web sites www.dsr.nsw.gov.au and www.playbytherules.net.au.

task 2 Adopt policies and procedures

Adopt policies and procedures recommended by your relevant peak body or association and outlined in this booklet. This should involve informing all committee members, coaches and other club members of the requirements. If there is no affiliated peak body or association, the club should develop their own policies and procedures (refer to the *Guidelines for Sport and Recreation Organisations – Working with Children Check* and *Child Protection* publication and the NSW Department of Sport and Recreation's web site www.dsr.nsw.gov.au).

This task should also include promoting policies and procedures throughout the club.

task 3 Undertake the Working with Children Check

All clubs/groups and child related employees (paid and unpaid/volunteers) must meet the relevant requirements of the *Working with Children Check*. **This is a legal requirement** and will involve the following:

- Ask all existing and prospective paid and unpaid employees (including volunteers), who are working with children to sign a Prohibited Employment Declaration to declare whether or not they are a prohibited person. This declaration must be securely filed by the employer.

A prohibited person is a person convicted of a serious sex offence, ie. an offence involving sexual activity or acts of indecency that would receive a prison sentence of 12 months or more if it was committed in NSW.

A registrable person is a person who has been found guilty of certain serious criminal offences involving children that include:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

A registrable person is by definition a prohibited person.

Undertake key tasks

- Conduct employment screening on preferred applicants for paid positions working with children (using a *Working with Children Check* request form). Make contact with your sport or recreation peak body or association for advice. The process involves:
 - The organisation registering with the NSW Department of Sport and Recreation to obtain an Employer ID Number by completing a registration form
 - The preferred applicants signing a *Working with Children Check* consent form to enable the screening process. This must be securely filed by the employer.
 - The organisation completing the *Working with Children Check* request form and forwarding this to the NSW Department of Sport and Recreation as the Approved Screening Agency for sport and recreation organisations
 - The organisation informing the Commission for Children and Young People if it decides not to employ someone based on the findings of the *Working with Children Check*. Proformas are available at the web sites www.dsr.nsw.gov.au and www.kids.nsw.gov.au
- Undertake probity checks (eg. referee checks), particularly for paid employees. For more information refer to the Children's Commission web site www.kids.nsw.gov.au

The Prohibited Employment Declaration, the *Working with Children Check* Consent Form and the *Working with Children Check* Request Form are available in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* publication and at the NSW Department of Sport and Recreation's web site www.dsr.nsw.gov.au.

It is an offence under the *Child Protection (Prohibited Employment) Act 1998* for a club/group not to ask its employees, coaches, officials or volunteers that work with children to declare whether or not they are a prohibited person. A club can be fined up to \$10,000 if this requirement is not met. It is also an offence for individuals working with children to falsely sign the Prohibited Employment Declaration.

Any current employee (including volunteers) who declare that they are a prohibited person or a registrable person must remove themselves immediately from child related employment. Where there is an urgent service delivery situation the legislation allows for the continuation of employment (under supervision) for a period of up to three months.

task 4 Respond to suspected child abuse (including allegations/complaints)

Where there is an incident of suspected child abuse, the child protection representative for the club or group should immediately make contact with the peak body or association to seek advice and refer the management of the incident/complaint to the peak body or association. Before doing so, it may be appropriate for the child protection representative to clarify the allegation to enable proper briefing to the peak body or association (verbal followed by written advice).

Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this will be dealt with by the peak body or association. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

The link to peak bodies and associations

Sport and recreation peak bodies and associations are also responsible for child protection. In fact, they are responsible for developing the overriding policies and guidelines and taking a leadership role in making a commitment to child protection. As indicated under *How clubs can achieve child protection* peak bodies and associations are also responsible for responding to and investigating any incident of suspected child abuse.

The specific role of peak bodies and associations and the subsequent role of clubs and groups are shown in the chart below.

Role of peak bodies and associations

Develop or update a policy on child protection

Develop or update codes of conduct

Forward information on child protection to clubs and groups

Coordinate training on child protection. The Department of Sport and Recreation could assist with this task

Provide a point of contact and source of advice for clubs

Implement and require clubs/groups to implement the *Working with Children Check* (**legal requirement**)

Respond to and investigate any allegations of child abuse

Recommend appropriate disciplinary action following the investigation

Report incidents as appropriate, that is:

- Report to DoCS if a child is at risk of harm (commencement of investigation)
- Report to NSW Police for matters of a criminal nature (at commencement of investigation)
- Report a completed disciplinary proceeding to the Commission for Children and Young People. Do not report an incident to the Commission for Children and Young People if it is found to be false, vexatious or misconceived.

Role of clubs and groups

Adopt and implement the policy on child protection

Adopt and implement the codes of conduct

Read and make a commitment to the material forwarded by the peak body or association

Undertake training provided on child protection (particularly the nominated child protection officer)

Make contact with the peak body or association to clarify any concerns or issues

Implement the *Working with Children Check* (**legal requirement** – refer *How clubs can achieve child protection* for details)

Make contact with the peak body or association if there is any incident of possible child abuse

Implement recommended disciplinary actions

Liaise with peak bodies and associations as appropriate.

Guidelines for coaches and others working for children



- Indicators of abuse
- Guidelines for coaches and others
- Key principles for dealing with incidents

Guidelines for coaches and others working with children

The indicators of child abuse

People working with children need to be aware of the indicators of abuse and have the confidence to respond to any indication that a child may have been abused. Some indicators of child abuse are listed below (previously developed by the NSW Department of Sport and Recreation):

- Bruising, particularly in the face, head or neck region
- Multiple bruising or injuries eg. burns, scalds, sprains, dislocations or fractures
- Injury left untreated
- Differing versions of how injury occurred
- Child/relative may actually tell of the abuse
- A child, referring to someone else being abused, may mean him/herself
- Sexual behaviour which is inappropriate for the age of the child
- Nightmares/bedwetting/going to bed fully clothed
- A high level of distrust of other people
- An inability to relate well with adults and/or children
- Extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying
- Seeking indiscriminate or inappropriate adult affection.

Note that the presence of one indicator does not necessarily suggest that a child is the subject of abuse. Other factors could have caused an injury and people working with children need to consider the context in which the indicators are observed. Common sense should be used in reporting an indicator of child abuse.

Guidelines for coaches and others working with children

People working with children in any capacity, for example, a coach, official, administrator or support person (including volunteers and parents/guardians), should take care to ensure they are not placed in a situation where they could be accused of abusing a child.

Some guidelines that will assist are provided below:

- Ensure that any physical contact with children is appropriate to the development of skills required for the sport or activity. For example, it would not be possible to teach a child to learn to swim without helping the child to float in the water or holding their arms or feet to demonstrate a movement. However, it would not be appropriate to hold the child suggestively, for example, under breasts or around the groin area as this is not essential to the development of the skills. Physical contact in sport is about appropriate touch and knowing what is acceptable behaviour. For more information refer to the Australian Sports Commission web site at www.ausport.gov.au
- 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. Preferably, you would invite another coach or support person to join the conversation or talk to more than one child at a time
- Try to adopt positive language when talking to a child and in the presence of children. This includes avoiding bad or aggressive language that could intimidate a child or set a poor example
- Before entering change rooms knock or announce that you will be coming in. Try to have at least one other adult with you in a change room with children. Do not isolate yourself and a child from others in the change room. Consider gender issues in the application of the policy

Guidelines for coaches and others working with children

- Try not to lose your temper with a child (verbally or physically). If you find yourself regularly losing your temper with children you should seek support on behaviour management strategies such as anger management or consider whether you have the patience to work with children. Perhaps you should work with older age groups. Some tools that could be used to assist include:
 - Set up some basic rules at the beginning of the season. Ensure that all children are aware of the rules and you could have these written on a card to hand to children as appropriate. The rules could be as simple as:
 1. Be nice
 2. Follow the instructions
 3. Have a go (or try your hardest)
 - Give positive messages, such as rewards to the children who do behave
 - Have a time out area for children who are not behaving. This could be as simple as an agreed T sign with the hands that the children know means to go to the time out area for two minutes
 - Adopt a card system to express concerns with a child's behaviour rather than becoming verbally agitated for example, a yellow card is a warning, two yellow cards means go to the time out area for two minutes and a red card could mean you are out of next week's game
- If a child approaches you and wants to talk to you privately about a matter, do so in an open area in the sight of other adults (such as other coaches, officials or parents/guardians). Ideally, advise another coach or official of the child's request and ask them to stay within sight while you have the discussion with the child and to come to your assistance if the child becomes emotional and/or you indicate you require support in dealing with the child
- Always have more than one adult with children on an overnight trip/camp and do not separate yourself and children from the other adult/s. There should always be more than one adult with a group of children, even if the number of children is small. Mixed gender is important
- If you find yourself in a position where you are alone with a child, for instance if the child's parent or guardian is late collecting him or her from training, one of the following actions may be appropriate:
 - Have a club policy that the second to last child and their parent/guardian will wait with yourself and the child. This will also enable you to concentrate on making contact with the parent/guardian (if they are very late)
 - If you have a clubroom where there will be other people, have a club policy that late comers are to collect their children from the club room. Wait with the child if possible and make contact with the parent/guardian if necessary
 - If there are other people at the ground or facility, wait for the parent/guardian closer to those people (this could be another sport, for example, say to the child "Why don't we watch the soccer game while we are waiting?"). In the meantime endeavour to make contact with the parent/guardian
 - Avoid the risk of being left alone with a child by having a parent/guardian or support person assist you with the training. This would protect you from any risk, with another adult always being present. Require that person to wait with you until all children have left
 - Have a club policy that there is a register of parent, guardian or emergency contact numbers, and ensure you have access to a phone to make contact with parents, guardians or an emergency contact person
- For an overnight trip/camp, obtain separate sleeping accommodation from the children (adults in a separate room). However, ensure that adults are within hearing distance of the children to be able to respond to any alarm raised by a child. If an alarm is raised by a child, more than one adult should attend.

Key principles for dealing with incidents

Some key principles for clubs and groups to consider when dealing with an alleged incident of child abuse or related complaint are as follows:

- Where a child is at risk of harm, the DoCS Helpline should be informed (ph 132 111). If you are a mandatory reporter these matters must be reported
- Where the matter is criminal in nature the NSW Police must be informed. The NSW Police Assistance Line is 131 444
- Refer any complaints, concerns or allegations to the child protection officer for the club/group, who should then communicate with the peak body or association as outlined in the reporting procedures
- Immediately report an incident to the peak body or association for investigation and advice. The role of the club or group should be to provide information and assist in investigations as appropriate and clubs/groups should not endeavour to investigate the incident themselves
- Where there is no peak body or association, the club or group will need to respond to the incident. In this instance, the club/group should draw on the NSW Department of Sport and Recreation *Guidelines for achieving child protection for peak bodies and associations* (which can be obtained at www.dsr.nsw.gov.au)
- Ensure the safety of the child and other children at all times. Some options the employer may consider include redeployment to a non child related position, supervising the person or removing the person that has allegedly abused the child from involvement with the child or other children, until the incident has been investigated (as guided by the peak body or association). This will also protect the person from other accusations or inappropriate treatment from others
- Recognise that some allegations can be false, vexatious or misconceived. As such, ensure the person against whom the allegation has been made is not unfairly treated and the person is not labeled as guilty
- Even if the allegation could be false, vexatious or misconceived, the investigation process needs to be followed. This will require undertaking any discussions with relevant parties in confidence, allowing the person against whom the allegation has been made to have a support person at any meeting, allowing due process and ensuring natural justice is served

Key principles for dealing with incidents

- If a club or group representative needs to communicate with any party (ideally the child protection officer), ensure that:
 - Written and/or signed statements of any discussions are obtained
 - Only open questions are asked, for example “What happened?” rather than “Where did he hit you?”. Questions should require more than a yes or no answer
 - The club or group representative involved in any discussions is as independent as possible to the situation, the parties involved and the outcome. Ideally this will be the child protection representative
 - Another member of the club or group is present, and this person is also as independent as possible
 - People interviewed have appropriate support at meetings, such as a friend to witness discussions and provide support or a parent to provide support to a child
 - Any discussions are sensitively handled and no accusations are made
- Liaise with the peak body, association, NSW Police Service and DoCS (as appropriate) throughout the investigation and provide information and support where required. These bodies will also provide advice on the appropriate action required by the club or group
- Action any disciplinary decision recommended by a peak body or association. The action should be immediate, particularly where an incident is more serious
- Liaise with the peak body or association to finalise a report of a relevant completed disciplinary proceeding to the Commission for Children and Young People. Matters that are proven to be false, vexatious or misconceived are not to be reported
- Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this will be dealt with by the peak body or association. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

Responding to specific incidents



Some incidents that could occur in your club or group and some suggestions on how to respond to these incidents are provided on the following pages

Responding to specific incidents

An incident could be highlighted through a general concern, a complaint or a more definite allegation. Further examples and information is included at www.dsr.nsw.gov.au

| The incident | Some options to consider |
|---|--|
| <p>Emotional abuse (verbal)</p> <p>A parent has highlighted to the club's child protection officer that a coach appears to have a particular dislike for two young brothers (aged nine and 10 years) and continually swears at the boys and tells them they are useless. The 10 year old is showing signs of distress – he looks despondent and jumps nervously when the coach yells at him.</p> | <ul style="list-style-type: none"> • Report the concern to the peak body/association for advice and action • The peak body or association should investigate the matter and consult with the coach, the person who raised the concern, other witnesses and possibly the children with their parents • Some actions that the peak body/association may request the club/group to undertake include: <ul style="list-style-type: none"> – Provide contact details and possibly attend meetings with the peak body/association representative – Provide guidance to the coach on appropriate behaviour – Supervise the coach until the investigation is complete – Remove the coach from his duties if leaving the person there may cause ongoing harm to the boys – Provide support/counseling to the boys • The peak body or association should recommend an appropriate disciplinary action • Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: The concern is that emotional abuse has caused psychological harm to the boys.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|---|---|
| <p>Emotional abuse</p> <p>An 11-year-old girl on the team is not as skilled as the other players. The coach often uses her as an example and makes her run three times around the court every time she drops the ball. She sometimes refers to the child as “half wit” under her breath but loud enough for the child to hear and makes the child stand on the side during practice if she plays badly. An assistant coach has raised this as a concern.</p> | <ul style="list-style-type: none">• Report the concern to the peak body/association for advice and action• The peak body or association should investigate the matter and consult with the coach and other witnesses• Some actions that the peak body/association may request the club/group to undertake include:<ul style="list-style-type: none">– Provide contact details and possibly attend meetings with the peak body/association representative– Provide guidance to the coach on appropriate behaviour– Supervise the coach until the investigation is complete– Remove the coach from her duties if there is perceived psychological harm to the girl– Provide support to the child as appropriate, eg linking the child to another coach to rebuild her confidence• The peak body or association should recommend an appropriate disciplinary action• Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: Making an example of a child is not an appropriate form of coaching and the club/group should be prepared to implement a level of discipline that will discourage the behaviour.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|---|--|
| <p>Physical abuse</p> <p>A parent working in the canteen becomes annoyed when two young children are arguing at the counter. She exits the canteen and grabs both children by the arm and tells them to behave. Her grab is harder than she realises and one child begins to cry. Bruises are left on the arm of that child and her parents complain about the incident.</p> | <ul style="list-style-type: none">• Report the complaint to the peak body/association for advice and action• The peak body or association should investigate the matter and consult with the parent/official, the parents of the child and other witnesses• Some actions that the peak body/association may request the club/group to undertake include:<ul style="list-style-type: none">– Provide contact details and possibly attend meetings with the peak body/association representative– Provide guidance to the parent/official on appropriate behaviour– Remove the parent/official from canteen duty or advise that a warning has been given– Liaise with the parents on the incident• The peak body or association should recommend an appropriate disciplinary action• Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: Although the official did not intend to harm the child, a degree of harm did occur and some disciplinary action may be necessary.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|--|---|
| <p>Physical abuse</p> <p>A coach has punched a 16-year-old male player twice in the stomach for giving him a mouthful of abuse at a presentation night in front of a number of people including children. The coach had been drinking and his actions are out of character.</p> | <ul style="list-style-type: none">• Report the complaint to the peak body/association for advice and action• The peak body or association should investigate the matter and consult with the coach, the player and other witnesses• Some actions that the peak body/association may request the club/group to undertake include:<ul style="list-style-type: none">– contact details and possibly attend meetings with the peak body/association representative– Supervise the coach in his duties while the investigation is under way– Provide support to the player– Provide support to the coach. There may be a need for an anger management course or support in dealing with alcohol problems– Possibly remove the coach from his duties following the investigation, at least for a period of time• The peak body or association should recommend an appropriate disciplinary action• Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: Serious physical abuse has occurred regardless of the circumstances and there should be a report and disciplinary action.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|--|---|
| <p>Sexual misconduct</p> <p>A female parent went away with a team of 15-year-old boys on a training camp to provide support. During the camp she continuously referred to one boy as gorgeous, would run her fingers through his hair and suggest that he could put his shoes under her bed anytime. A club official confronted the parent on the camp, but she could not see what his problem was and continued the behaviour.</p> | <ul style="list-style-type: none">• Report the complaint to the peak body/association for advice and action• The peak body or association should investigate the matter and consult with the parent and other witnesses• Some actions that the peak body/association may request the club/group to undertake include:<ul style="list-style-type: none">– Provide support to the boys if required– Provide contact details and possibly attend meetings with the peak body/association representative– Promote policy on appropriate behaviour at training camps (possibly developed by the peak body or association)– Ensure the parent will not adopt the same behaviour if she is involved in future club activities• The peak body or association should recommend an appropriate disciplinary action• Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: This behaviour is not appropriate, even if the person is just helping out at a one-off activity. Disciplinary action may be required to ensure that the boy and other boys are not subjected to this behaviour in the future.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|--|--|
| <p>Sexual abuse (child molested)</p> <p>It has been alleged by the parents of a child that a club official has molested their daughter after a training session, when all other players had left.</p> | <ul style="list-style-type: none"> • Report the incident immediately to the peak body/association for advice and action • The peak body will notify NSW Police and possibly DoCS, given the serious nature of the allegation • After consultation with NSW Police or a Joint Investigative Response Team, the peak body or association should investigate the matter and consult with the parties as appropriate. Club or group representatives should not interview any party due to the risk of tainting evidence • Some actions that the peak body/association may request the club/group to undertake include: <ul style="list-style-type: none"> – Provide contact details – If there is risk to the child or children, remove the coach from an involvement with the club/group during investigations. Consider supervising the coach during the investigation period. Be guided by the peak body/association on this matter – Implement any actions recommended by the peak body/association, including counseling for the girl or the coach • The peak body or association should recommend an appropriate disciplinary action relating to the person's future involvement in the sport (drawing on police and DoCS findings where available) • Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived • The peak body or association should report the incident to the Commission for Children and Young People and recommend an appropriate disciplinary action relating to the person's future involvement in the sport (drawing on police and DoCS findings where available). <p>Comment: Sexual abuse is a serious matter and must be handled swiftly, with due process and in consultation with the appropriate authorities.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|--|--|
| <p>Neglect (by the club)</p> <p>A group of children participated in a carnival in another state. The children were told by their club officials not to drink water before and during competitions, as it would affect their image and performance. One of the parents has complained directly to the peak body that has contacted the club.</p> | <ul style="list-style-type: none">• The peak body or association should investigate the matter and consult with the club/group, the club officials involved and possibly some children and parents• Some actions that the peak body/association may request the club/group to undertake include:<ul style="list-style-type: none">– Provide details and meet with the peak body/association representative– Establish minimum requirement guidelines for future carnivals and overnight stays– Give a formal apology to the parents and children and guarantee revised practices– Discipline the club officials that made the decisions regarding the welfare of the children• The peak body or association should recommend appropriate disciplinary action• Completed disciplinary proceedings for child abuse must be reported to the Commission for Children and Young People unless the matter is proven to be false, vexatious or misconceived. <p>Comment: The club or group should accept the fact that there appears to have been neglect, assist the peak body/association in their investigations and adopt practices that avoid future similar incidents.</p> |

Responding to specific incidents

| The incident | Some options to consider |
|---|--|
| <p>Neglect (by someone outside the club or group)</p> <p>A parent has noticed that a child in her son's team is regularly arriving at practice and games with insufficient gear, complaining about his elbow which appears to be swollen. He appears unkempt and is unaware that he has a distinctive odour and that his clothes are regularly not clean. He is sullen and withdrawn. There is no evidence that the child is being abused by someone in the sport.</p> | <ul style="list-style-type: none">• Contact DoCS or suggest that the parent contact DoCS to report the matter• Provide support to the child as appropriate. <p>Comments: Club and group members should be aware of the signs of neglect and respond to any concerns by contacting DoCS as a concerned member of the community. If a club member/parent has concerns that a child could be being abused, they can contact DoCS as a concerned member of the community in their own right (even if the child protection officer of the club does not fully agree with the concerns).</p> |

Useful material

Sport and recreation organisations and clubs have a moral and legal obligation to achieve child protection within their sport or activity. Relevant legislation includes:

Commission for Children and Young People Act 1998

The act established and guides the functions of the Commission for Children and Young People. The act also:

- Makes it mandatory to screen preferred applicants for paid child related employment. The NSW Department of Sport and Recreation is the Approved Screening Agency for the sport and recreation industry. Employers must conduct employment screening on preferred applicants using a *Working with Children Check Request Form*
- Allows for the introduction of non-mandatory screening of existing paid employees and volunteers. However, the Commission for Children and Young People is currently considering the options for the screening of volunteers through their Voluntary Screening Reference Group
- Enables the commission to maintain a database of completed disciplinary proceedings and relevant Apprehended Violence Orders.

For more information on definitions and terms refer to the web sites www.kids.nsw.gov.au and www.dsr.nsw.gov.au.

Child Protection (Prohibited Employment) Act 1998

This act prohibits persons found guilty of committing certain serious sex offences from working in child related employment. A serious sex offence is an offence involving sexual activity or acts of indecency that is punishable by a prison sentence of 12 months or more if it was committed in NSW.

The act requires all people working with children (paid workers and volunteers) to sign a Prohibited Employment Declaration, indicating whether or not they are a prohibited person. It is an offence for a prohibited person to work with children.

For more information on definitions and terms refer to the web sites www.kids.nsw.gov.au and www.dsr.nsw.gov.au.

Children and Young Persons (Care and Protection) Act 1998

The *Children and Young Persons (Care and Protection) Act 1998* is a result of changing community attitudes on how we should care for and protect children and young people and incorporates recommendations of the Wood Royal Commission. The act promotes flexible, responsive and innovative methods to address problems experienced by families and seeks to involve children in the decision-making process for their safety, welfare and well-being.

The act outlines requirements for mandatory reporting, that is employees that are required by law to report any incident of a child at risk of harm.

The act supports members of the community in reporting an incident to DoCS if a child is at risk of harm.

For more information refer to www.community.nsw.gov.au.

Child Protection (Offenders Registration) Act 2000

Under this act, a person who has been found guilty of certain offences against children will be known as a registrable person. A registrable person automatically becomes a prohibited person under the *Child Protection (Prohibited Employment) Act 1998*.

The term certain offences includes:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

Other key documents

Other documents that provide useful information on child protection are listed below:

- *Child Protection in sport and recreation – Guidelines for achieving child protection for peak bodies and associations*, NSW Department of Sport and Recreation, 2003
- *Child Protection in sport and recreation – Guidelines for parents/guardians and children*, NSW Department of Sport and Recreation, 2003
- *Child Protection – A simple guide for sport and recreation organisations*, NSW Department of Sport and Recreation, 2002
- *Choose With Care*, A Handbook to Build Safer Organisations for Children, Bernadette McMenamin, Paula Fitzgerald, ECPAT
- *Making a Difference*, Recognising and Reporting/Notifying Child Abuse and Neglect, Self Paced Learning Kit, NSW Child Protection Council, May 1998
- *Guidelines for Employers The Working with Children Check*, NSW Commission for Children and Young People
- *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Other information and key contacts



Contact resources and phone numbers for matters relating to child protection are as follows

NSW DEPARTMENT OF COMMUNITY SERVICES

DoCS Helpline 132 111

Web site www.community.nsw.gov.au

KIDS HELPLINE

Kids Helpline 1800 55 1800

Email admin@kidshelp.com.au

NSW POLICE

Police Assistance Line 131 444

Seven days a week, 24 hours a day

NSW DEPARTMENT OF SPORT AND RECREATION

Child Protection Infoline 1300 366 407

Email workingwithchildrencheck@dss.nsw.gov.au

Web site www.dss.nsw.gov.au

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Office 9am-5pm (02) 9286 7220

Fax (02) 9286 7201

Email kids@kids.nsw.gov.au

AUSTRALIAN SPORTS COMMISSION

Web site www.ausport.gov.au

PLAY BY THE RULES

Web site www.playbytherules.net.au

More specific area contacts for the Department of Community Services (DoCS) are included in *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Child protection infoline
1300 366 407
www.dsr.nsw.gov.au

