



Surf Life Saving Australia Limited
POLICY STATEMENT
MEMBER PROTECTION POLICY

Policy
Number
6.5
November
2012

PART A: MEMBER PROTECTION POLICY

1. INTRODUCTION

Surf Life Saving Australia Limited (**SLSA**), including subsidiary companies and affiliated clubs, branches and states, is committed to the health, safety and wellbeing of all its members and is dedicated to providing a safe environment for those participating in surf life saving activities.

Surf lifesavers are nurtured in an environment that values safety, trust, respect, caring and responsibility. This environment encourages acceptance, confidence and risk taking. For surf lifers to venture into challenging waters in times of distress, they need to have faith and trust in themselves and in the people around them.

The motivation for surf lifesavers to give freely of their time is to be found in surf life saving environments that value;

- safety and support
- caring and camaraderie
- trust and teamwork
- respect and responsibility

As part of the surf lifesaving community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to our core purpose: "To save lives, create great Australians and build better communities".

2. PURPOSE OF THIS POLICY

This Member Protection Policy ("policy") will work towards maintaining ethical and informed decision-making and responsible behaviours within our organisation. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in Surf Life Saving of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our activities. As part of this commitment, SLSA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by SLSA's board of directors (**Board**) on 27 October 2012, is effective immediately and has been incorporated into our regulations in accordance with clause 39 of SLSA's Constitution. The policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current policy and its attachments can be obtained from the SLSA website at www.sls.com.au.

3. WHO THIS POLICY APPLIES TO

This policy applies to the following people whether they are in a paid or unpaid/voluntary capacity:

- 3.1 Persons appointed or elected to boards, committees and sub-committees;
- 3.2 Volunteers;
- 3.3 Support personnel;
- 3.4 All Members, including life members; and
- 3.5 Any other person including but not limited to participants, parents, guardians, spectators, employees and sponsors to the full extent possible.

This policy also applies to the following associations:

- 3.6 Member associations;
- 3.7 Affiliated clubs and organisations.

This policy will continue to apply to a person, even after they have stopped their association or employment with SLSA, if disciplinary action against that person has commenced.

4. RESPONSIBILITIES OF THE ORGANISATION

Surf Life Saving Australia, member associations and affiliated clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations [e.g. Grievance Officers];
- 4.10 Monitor and review this policy on a regular basis.

5. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour and codes of conduct identified in Section B;
- 5.2 Complying with our screening requirements and any state/territory Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. WORKING WITH UNDER 18 MEMBERS

- (a) Members of SLSA who are under 18 years of age require special consideration within this policy to ensure the safety and well-being of our youngest members. The age, maturity level and developmental level of a member under the age of 18 years gives cause for special protection under the law, and under this policy. Any person working with Under 18 members is required to assume a heightened level of responsibility. This section of the policy provides guidelines for the exercise of that heightened responsibility.
- (b) Members who undertake the delivery or supervision of surf life saving activities for Under 18 members in their capacity as age or team managers, coaches, trainers, assessors, officials, administrators, patrol captains and like positions are seen to act under heightened responsibility. These roles are responsible positions within SLSA and each person acting within these roles must adopt practices that minimise risk to protect both the people they are working with, and themselves. It is important that risk minimisation measures be adopted to protect people in these roles from any misconceptions about their behaviour in performing their designated roles.
- (c) Persons working with Under 18 members should assume the following practices;
 - (i) Maintain an open door policy when conducting briefings, meetings and assemblies of members. It is wise practice to ensure that two leaders are involved in each Under 18 activity. It is also advisable to invite all youth, parents, friends and other members to participate, particularly when conducting interviews, transporting youth and conducting excursions. Mixed teams of youth leaders (both genders) provides a healthy environment for both leaders and members.
 - (ii) Both male and female adults, leaders or parents (at least one of which should be an SLSA member) must accompany youths when taking surf life saving activities away from the club, and especially on overnight activities.
 - (iii) All members should be treated with respect and dignity. This involves being ever mindful of language, tone of voice and body language when addressing a problem and ensuring the problem is the focus, not the person.
 - (iv) Foster teamwork and group cohesion between adults and youth is important. Abusive and inappropriate behaviour must not be tolerated and should be dealt

with immediately. Group practices should encourage the identification and addressing of inappropriate attitudes and behaviour by team members.

- (v) Encourage youth members and be mindful of each individual's capacities for surf life saving activities. Protect them from pressure to participate and perform.
 - (vi) Respect youth members' privacy, and expect that they respect your privacy.
 - (vii) Maintain your status as a ROLE MODEL to both youth and other adults. This will be achieved through being friendly, courteous and kind, whilst setting a good example in relation to dress, behaviour, language, etc.
 - (viii) Be mindful that youth are experiencing changing life circumstance. Ensure that you do not respond inappropriately to any excessive attention seeking behaviour, physically, verbally or sexually, that may be exhibited by youth from time to time.
- (d) As well as modelling appropriate behaviour, it is important that people working with members Under 18 (and adults members if applicable) do not engage in, or allow others to engage in, any of the following;
- (i) abusive initiation ceremonies
 - (ii) inappropriate undressing/dressing in front of youth
 - (iii) invading the privacy of youth when showering or toileting
 - (iv) photographing youths while undressing/dressing, showering, toileting or in other inappropriate circumstances
 - (v) sleeping in closed quarters with youth without a second adult representative (e.g. parent)
 - (vi) aggressive, physically distressing or sexually provocative activities
 - (vii) sexually suggestive comments about or to a youth
 - (viii) inappropriate or intrusive touching of a youth
 - (ix) joking about, ridiculing, rejecting, isolating, or belittling a youth member (or any other member)

7. POSITION STATEMENTS

7.1 Child Protection

Every person and organisation bound by this policy must always place the safety and welfare of children above all considerations.

SLSA acknowledges that its staff and volunteers provide a valuable contribution to the positive experiences of junior members. SLSA aims to ensure this continues to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to work with children. (Screening procedures are outlined in Section C of this policy);

- Ensuring SLSA codes of conduct, particularly for roles associated with junior members are promoted, enforced and reviewed;
- Providing procedures for raising concerns of complaints (SLSA complaints procedure is outlined in the SLSA regulations and relevant state documentations); and
- Providing education and/or information to those involved in surf life saving on child abuse and child protection.

Child abuse is a criminal offence. SLSA requires that any child who is being abused or anyone who reasonably suspects that a child has been or is being abused must immediately report it to the police, relevant government agency and SLSA. Descriptions of the sorts of activities which may constitute abuse are set out in the definitions which can be found at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimized for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. SLSA procedures for handling allegations of child abuse are outlined in the SLSA Policy Statement on dealing with police investigations, criminal charges, guilty pleas and/or convictions (Policy 6.16 – a copy of which can be found on the SLSA website www.sls.com.au).

If anyone bound by this policy reasonably suspects that a child is being abused, they are advised to contact the relative government department for youth, family and community services in their state/territory. Attachment D1 and Section E of this Policy outline procedures and provide further information in this respect.

7.2 Taking Images of Children

Images of children can be used inappropriately or illegally. In the absence of any prior agreement (including through a membership form or otherwise) SLSA 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 ensure that the parent knows the way the image will be used.

SLSA require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

In the absence of any prior agreement, if SLSA uses an image of a child, wherever possible (and having regard to the circumstances including the appropriateness of the use) it will:

- avoid naming or identifying the child;
- avoid using both the first name and surname; and
- will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian.

SLSA understands that information about hobbies, likes/dislikes, school, etc can be used as grooming tools by paedophiles or other persons. Accordingly SLSA will only use appropriate images of a child, relevant to our activities and ensure that the child is suitably clothed in a manner that promotes the organisation, displays its successes, etc. Where possible we will seek permission to use these images.

We require our members, member associations and clubs to do likewise.

7.3 Anti-Discrimination and Harassment

SLSA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal

or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at clause 11, are against the law.

SLSA also has an Inclusive Organisation Policy in place; please refer to Policy 6.22 Inclusive Organisation Policy located on the SLSA website www.sls.com.au

If any person feels they are or believe another individual is being harassed or discriminated against by another person or organisation bound by this policy, please refer to our grievance handling procedures identified in Section D of this policy.

7.4 Pregnancy

SLSA is committed to providing an inclusive organisation for pregnant women involved in its activities. SLSA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation. Unlawful discrimination or harassment against pregnant women or those who may become pregnant will not be tolerated.

Whilst many activities are safe for pregnant women, there are particular risks that patrolling and competition during pregnancy that a specific policy being Policy 3.3 Pregnancy & The Surf Lifesaver – Competition & Patrols has been developed. For further information please refer to Policy 3.3 Pregnancy and The Surf Lifesaver – Competition & Patrols on the SLSA website www.sls.com.au.

7.5 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at clause 11.

SLSA also has an Inclusive Organisation Policy in place; please refer to Policy 6.22 Inclusive Organisation Policy on the SLSA website at www.sls.com.au

SLSA also recognises there is debate in sport over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, SLSA will seek advice on the application of those laws in the particular circumstances.

SLSA also has Transgender/Transsexuals Athlete Policy in place; please refer to Policy 5.10 Transgender/Transsexual Athlete on the SLSA website at www.sls.com.au

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

7.6 Alcohol Policy

Responsible service and consumption of alcohol should apply to any alcohol consumed. Responsible services might include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted.

SLSA recommends that all member associations, affiliated clubs and organisations adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor license laws and regulations.

7.7 Smoking Policy

Smoking is now banned in many public spaces including parks and beaches in some states. SLSA does not allow members to smoke while undertaking their lifesaving duties and asks that members refrain from the practice when engaged in official lifesaving events such as club meetings, carnivals, presentations, and patrols.

SLSA recommends that all member associations, affiliated clubs and organisations adhere to relevant legislation and Local Government regulations in relation to smoking requirements.

7.8 Cyber Bullying/Safety

Bullying and harassment in all forms is regarded by SLSA as unacceptable. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

For guidelines and further information on use of social media please refer to Policy 6.20 Use of Social Media on the SLSA website at www.sls.com.au

7.9 Social Networking Websites Policy

SLSA acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the organisation, its members, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as facebook, twitter, and SMS. When someone clearly identifies their association with Surf Life Saving (SLSA) and/or discusses their involvement in the organisation in this type of forum they are expected to behave and express themselves appropriately, and in ways that are consistent with SLSA's stated values and policies.

For guidelines and further information on use of social media please refer to Policy 6.20 Use of Social Media on the SLSA website at www.sls.com.au

7.10 Other SLSA Policies and Procedures

In addition to these policy statements, SLSA have a number of other policies which aim to provide a safe environment for our members. These include:

- Inclusive Organisation (Policy 6.22)
- Dealing with Police Investigations Policy(Policy 6.16)
- Use of Social Media (Policy 6.20)
- Grievance Procedure (Policy 6.6)
- Pregnancy and the Surf Lifesaver – Competition and Patrols (Policy 3.3)
- Transgender/Transsexual Athlete (Policy 5.10)
- Privacy (Policy 6.2)
- Limiting and Permanent Disability (Policy 6.3)

- Risk Management (Policy 6.9)
- Occupational Health and Safety (Policy 2.3)
- Rehabilitation and Return to Duties (Policy 2.4)
- Peer Group Support (Policy 1.15)

These and all other SLSA policies can be found on the SLSA website www.sls.com.au

8. GRIEVANCE PROCEDURES

8.1 Grievances

SLSA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a grievance (complainant) about a person/s or organisation bound by this policy. A grievance should be reported to the appointed official of the relevant surf lifesaving authority in accordance with this policy and follow the SLSA Grievance Procedure (Policy 6.6) which can be found on the SLSA website www.sls.com.au

8.2 Improper Complaints & Victimisation

SLSA aims to ensure its grievances and notifications procedures have integrity and are free of unfair repercussions or victimisation. If at any point in the process the appointed official of the relevant surf lifesaving authority has a concern that a complainant has **knowingly** made and untrue complaint or the complaint is vexatious or malicious, that official may investigate the matter further and if satisfied that the complaint is untrue, vexatious or malicious dismiss the complaint. That official may also refer the complaint to a judiciary for further investigation in accordance with the SLSA Regulations. If a complaint has been found to be untrue, vexatious or malicious SLSA may commence disciplinary proceedings against the complainant in accordance with the SLSA Regulations (Regulation 5.1).

SLSA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

8.3 Judiciary Matters

A judiciary may be convened to hear a formal complaint;

- referred to it by a grievance handler
- referred to or escalated by an affiliated organisation
- for an alleged breach of this policy
- breaches as outlines in section 18 of the SLSA Constitution and Section 5.1.1 of the SLSA Regulations.

Procedures relating to the judiciary are outlined in section 5.1.2 of the SLSA Regulations.

9. WHAT IS A BREACH OF THIS POLICY

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- 9.1 Breaching the Codes of Conduct (attachment B to this policy);
- 9.2 Bringing Surf Life Saving and/or SLSA into disrepute, or acting in a manner likely to bring Surf Life Saving and/or SLSA into disrepute;
- 9.3 Failing to follow SLSA policies (including this policy) and procedures for the protection, safety and welfare of children;
- 9.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 9.5 Victimising another person for reporting a complaint;
- 9.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 9.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the organisation;
- 9.8 Disclosing to any unauthorised person or organisation any SLSA information that is of a private, confidential or privileged nature;
- 9.9 Making a complaint they know to be untrue, vexatious, malicious or improper;
- 9.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 9.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

10. DISCIPLINARY MEASURES

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered in considering and before imposing discipline are documented in Section 5 of the SLSA Regulations.

Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the organisation.

11. DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated club means a club who has applied for annual affiliation with the relevant state centre. An affiliated club must be incorporated or in the process of incorporation, have a constitution that is acceptable to SLSA and substantially in conformity with the SLSA constitution and have paid the appropriate fee (where applicable).

Child means a person who is under the age of 18 years

Child abuse involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a grievance made in accordance with clause 8 and Part D of this Policy.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint (eg Grievance Officer).

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). Characteristics covered by discrimination law across Australia includes:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;

- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

Grievance mean a grievance made under the SLSA Grievance Procedures.

Grievance Officer means a person trained to be the first point of contact for a person reporting a complaint/grievance under, or a breach of, this Policy. The Grievance Officer provides impartial and confidential support to the person making the complaint.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing goods and services including access to facilities; when providing education and accommodation; the selection or otherwise of any person; the entry or otherwise of any member or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Member means any person who is a member of SLSA, a constituent association or of an affiliated club or state centre.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

Policy, policy and this policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct (or behaviour) means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention

- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

PART B: CODES OF CONDUCT

SLSA requires every individual and or organisation bound by this policy to:

1. General

- (a) respect the rights, dignity and worth of others;
- (b) be fair, considerate and honest in all dealings with others, and be a positive role model;
- (c) make a commitment to providing quality service ;
- (d) be aware of, and maintain an uncompromising adherence to SLSA's standards, rules, regulations and policies;
- (e) demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age;
- (f) contribute to the provision of a safe environment to the conduct of all activities within surf lifesaving;
- (g) abide by the relevant role specific codes of conducts outlined below.

2. Surf Life Saving Team Leader

An SLSA Team Leader (eg. Patrol Captain, ORB Skipper, etc.) will:

- (a) agree to abide by the code of conduct.
- (b) be responsible for the overall safety and well-being of the members of the patrol
- (c) maintain a 'duty of care' towards team members, an accountability for the management of the team and a responsibility for the actions of the team members
- (d) have a sound knowledge of SLSA policies, responsibilities and lifesaving techniques, and ensure that the conduct of the patrol is in accordance with these policies and guidelines.
- (e) foster a collaborative approach to the management of the patrol.
- (f) treat the general public with respect and communicate with them in a professional manner
- (g) be a positive role model for surf lifesavers and SLSA.

3. Surf Life Saving Team Manager

An SLSA Team Manager will:

- (a) agree to abide by the code of conduct.
- (b) be responsible for the overall safety and well-being of team members and officials when travelling with a team.
- (c) maintain a 'duty of care' towards team members and an accountability for the management of the team.
- (d) have a sound knowledge of SLSA policies, responsibilities and competition rules, and ensure that the conduct of the affairs of the team is in accordance with these policies and guidelines.

- (e) foster a collaborative approach to the management of the team.
- (f) be a positive role model for surf lifesavers and SLSA.

4. **Surf Life Saving Age Manager**

An SLSA Age Manager (junior activities) will:

- (a) agree to abide by the code of conduct.
- (b) be responsible for the overall safety and well-being of the group .
- (c) be responsible for the group's learning.
- (d) take time to plan and prepare the activities delivered to the group.
- (e) foster a collaborative approach to the management of the group.
- (f) instill enjoyment and fun in what they do.
- (g) be a positive role model for surf lifesavers and SLSA.

5. **Surf Life Saving Coach**

An SLSA Coach will:

- (a) agree to abide by the code of conduct.
- (b) be responsible for matters concerning the coaching, training and development of surf lifesavers.
- (c) provide positive feedback to participants.
- (d) treat all participants equally.
- (e) maintain a 'duty of care' towards others and an accountability for matters relating to training and competition.
- (f) have a sound working knowledge of SLSA policies, rules and regulations and coaching techniques.
- (g) actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances
- (h) ensure that any physical contact with others is;
 - (i) appropriate to the situation
 - (ii) necessary for the persons skill development
- (i) provide a safe environment for training and competition.
- (j) be a positive role model for surf lifesavers and SLSA.

6. **Surf Life Saving Official**

An SLSA Official will:

- (a) agree to abide by the code of conduct.

- (b) be responsible for matters concerning the development of surf lifesavers and the conduct of competitions.
- (c) maintain a 'duty of care' towards others and an accountability for matters relating to training and competition.
- (d) have a sound working knowledge of SLSA policies, rules and regulations.
- (e) be impartial and accept the responsibility for all actions taken.
- (f) ensure that any physical contact with others is;
 - (i) appropriate to the situation
 - (ii) necessary for the persons skill development
- (g) provide a safe environment for training and competition.
- (h) be a positive role model for surf lifesavers and SLSA.

7. Surf Life Saving Athlete

An SLSA Athlete will:

- (a) agree to abide by the code of conduct
- (b) be fair, considerate and honest with others
- (c) operate within the rules of SLSA including national, international and doping the Anti-Doping Policy Guidelines
- (d) be professional in, and accept responsibility for your actions
- (e) show concern and caution towards others who maybe sick or injured
- (f) be punctual and dressed accordingly
- (g) be a positive role model

8. Surf Life Saving Administrator/Director/Officer

An SLSA Administrator/Director/Officer will:

- (a) agree to abide by the code of conduct.
- (b) be fair, considerate and honest with others.
- (c) operate within the rules of SLSA.
- (d) be professional in your actions. Your language, presentation, manner and punctuality should reflect high standards.
- (e) resolve conflicts fairly and promptly through established procedures.
- (f) maintain strict impartiality.
- (g) maintain a safe environment for others.
- (h) show concern and caution towards others.

- (i) be a positive role model for others.

9. **Surf Life Saving Parent/Guardian**

A Parent/Guardian of an SLSA member will:

- (a) remember that their child participate in surf lifesaving for their own enjoyment.
- (b) focus on their child's efforts and performance rather than winning and losing.
- (c) show appreciation for good performance by all participants.
- (d) never ridicule or yell at their child or other children for making a mistake.
- (e) respect officials decisions and teach their children to do likewise.
- (f) not physically or verbally abuse or harass anyone associated with the activities (eg. coach, official, age manager, etc.).
- (g) be a positive role model for others.

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria Northern Territory and South Australian 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. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced. There is no current screening process or formal legislation, however, individual employers or sporting organisations may require police checks at their discretion.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our screening requirements for people residing in ACT and Tasmania

Please note: Working with children check exemptions

The communiqué from the Standing Council on Community, Housing and Disability Services meeting held on 21 October 2011 outlined new arrangements for national short term exemptions to Working with Children Checks. The Commonwealth, State and Territory Ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes. These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short- term basis.

This means volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks. The ASC has no further detail at this stage, but is working to get additional information on the changes. It will communicate this information to sports and sector partners as soon as it becomes available.

Attachment C1: SCREENING REQUIREMENTS

[for states/territories without Working With Children Checks - ACT and Tasmania]

This attachment sets out the screening process for people in SLSA who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

SLSA will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (**Attachment C2**) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

Attachment C2: MEMBER PROTECTION DECLARATION

SLSA has a duty of care to all those associated with the organisation and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, the SLSA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of
..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics,
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that SLSA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of
on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date:

Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2011. It is subject to change at any time. **Please contact your state centre for current requirements and procedures.**

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for three years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- www.ccypcg.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

The *Commission for Children and Young People Act 1998* (NSW) provides minimum standards for those who work with children. All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check (**WWC Check**) Child related employment is defined as work which primarily involves direct unsupervised contact with children. Applicants applying for paid positions need to sign a Background Check Consent Form, and then submit a Background Check Request Form to the approved screening agency for them to conduct the WWC Check. The WWC Check involves two elements:

- Excluding people with convictions for serious sex and violence crimes against children; and
- Background checking for preferred applicants for primary child-related employment, ministers of religion and authorised carers

If you need to do the WWC Check, you will need to register with the appropriate Approved Screening Agency. Approved Screening Agencies are the agencies appointed by the Government to carry out the WWCC. As of the 1st of March 2010 the Approved Screening Agency functions at Sport and Recreation were moved to the NSW Commission for Children and Young People.

Sporting organisations are responsible for managing the WWC Check process. Individuals cannot apply for a WWC Check directly. Sporting organisations should register with the NSW Commission for Children and Young People providing a contact who will receive the information on the background checks. It is important to note that there are new online WWC Check forms and also clearer online employer guidelines.

Under the relevant NSW Child Protection Legislation all paid and unpaid applicants for child-related employment need to sign a Prohibited Employment Declaration, which confirms that they are not a prohibited person. No one should be employed in child-related employment who refuses to sign the Prohibited Employment Declaration.

Background checks are currently not available for volunteers. Volunteers must certify they are not convicted of serious sex or violence offences that prohibit them from child-related employment. From

May 2010, it has been compulsory for self-employed people in child-related employment to hold a certificate which confirms that they are not a prohibited person.

People not eligible for the WWC Checks can apply for a National Police Check through NSW Police (visit: www.police.nsw.gov.au/).

Any relevant employment proceedings should be reported to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children.

The Act does not stipulate an age at which WWC Checks become mandatory for employees in child-related employment, so all employees in such settings, including people under 18 years of age, are required to obtain a WWC Check.

A WWC Check is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked once every 12 months. People returning from leave into the same child-related employment do not need to be re-checked. Existing employees are only checked if they are recruited to a new position with a different range of child-related contact, within the organisation.

For more information, including the required forms:

- Visit: www.kids.nsw.gov.au
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700

3. WESTERN AUSTRALIA

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- www.justice.vic.gov.au/workingwithchildren or call 1300 652 879

5. **SOUTH AUSTRALIA**

In South Australia the requirement to conduct criminal history assessments for people working with children is being phased-in over three years.

For recreation and sporting organisations this requirement commences from 1 January 2012 and is to be completed by 31 December 2013.

The obligation to conduct the Criminal History Assessment rests with the organisation providing the service. Organisations who provide services wholly or partly for children in South Australia therefore must comply with this requirement, so must include these requirements in their member protection policy documentation

The organisation may conduct a criminal history assessment themselves or apply to a third party (such as the state sporting body for an assessment and letter of clearance).

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian *Children's Protection Act 1993*) are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

Procedure for conducting criminal history assessments

Note: The *Children's Protection Act 1993* enables organisations to decide the manner in which they will conduct criminal history assessments. Please choose the option below that reflects the method of assessment that your organisation has adopted.

Option 1

A National Police Check (**NPC**) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (**VOAN**) through the governing body/State Sporting Organisation.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp

On receipt of the NPC the applicant must present the letter for viewing and recording to the organisation.

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, the organisation must assess this information in accordance with Standard 5 of the *Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*. <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by the *Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*, principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The organisation may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The organisation will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Option 2

A current letter of clearance from the Department for Communities and Social Inclusion (**DSCI**) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the relevant organisation and the applicant.

The organisation may obtain a further criminal history assessment for an employee at any time that the organisation believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934>

Information relating to a persons criminal history and the assessment process is managed securely and confidentially and in accordance with the *Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* issued by the Chief Executive, Department for Families and Communities. <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Other evidence (optional)

Where appropriate, the organisation may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children

- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of the organisation and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

This organisation may also at its discretion seek a statutory declaration for any employee(s) or volunteer(s) who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines, the following persons are exempt from the requirement to undertake a criminal history assessment unless:

- the organisation determines otherwise; or
- that person is also involved in a function or event conducted by the organisation its affiliated associations or clubs which involves the care of children in overnight accommodation:
 - a person volunteering in an activity in which their child ordinarily participates;
 - a person who volunteers 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 the community 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 to children;
 - a person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
 - person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information, visit:

- <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>
- <http://www.recsport.sa.gov.au>

6. NORTHERN TERRITORY

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are included under the legislative requirements.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368).

PART D: GRIEVANCE HANDLING PROCEDURES

Grievance handling procedure can be found at SLSA Grievance Procedure Policy 6.6 on the SLSA website at www.sls.com.au

Judicial, Appeals and Discipline procedures can be found in Section 5 of the SLSA Regulations on the SLSA website at www.sls.com.au

Attachment D1: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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 SLSA 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 an Allegation

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

- Stay calm;
- Listen, be supportive and do not challenge or undermine 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 your state 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 state CEO or other senior management will assess the risks and take interim action to ensure the child's/children's safety. Action may include 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 state CEO or other senior management will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The state CEO or other senior management will address the support needs of the alleged offender.
- The state CEO or other senior management 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:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by relevant State Centre or SLSA)
- Irrespective of the findings of the child protection and/or police inquiries, SLSA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be administered in accordance with section 5 of the SLSA Regulations 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 clause 10 of the policy will be followed.
- If disciplinary action is taken, advise and a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

PART E: REPORTING REQUIREMENT AND DOCUMENTS

The following information was updated in November 2011. It is subject to change at any time.

QUEENSLAND

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact [Child Safety Services](#):

- **During normal business hours** - contact the [Regional Intake Service](#).
- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the [Police District Communication Centre](#) nearest you.

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

NEW SOUTH WALES

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the **Child Protection Helpline on 132 111** (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

WESTERN AUSTRALIA

If you are concerned about a child's wellbeing, [contact](#) the Department for Child Protection's district office closest to where the child lives or the [Crisis Care Unit](#) after hours.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialling **000**.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*

- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.
- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

VICTORIA

Some professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

For more information: <http://www.dhs.vic.gov.au/>

SOUTH AUSTRALIA

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the CHILD ABUSE HELP LINE 13 14 78

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

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the *Children's Protection Act 1993*.

For more information: www.dcsi.sa.gov.au

NORTHERN TERRITORY

In the Northern Territory any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number **1800 700 250**.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Care and Protection of Children Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

For more information: http://www.childrenandfamilies.nt.gov.au/Child_Protection/

AUSTRALIAN CAPITAL TERRITORY

Care and Protection services is responsible for facilitating coordination across government for the care and protection of children and young people. Care and Protection services and an After Hours service, provide a continuum of service delivery to children and young people considered 'at risk' of serious harm.

Care and Protection Services is authorised to collect personal information under the *Children and Young People Act 2008* to ensure the safety and wellbeing of children and young people in the ACT. The information collected may be disclosed to government and non government agencies (including but not limited to the Australian Federal Police, ACT Children's Court, the Family Court, Health and Education Directorates and community organisations) to assist in ensuring the safety and wellbeing of children and young people. Information identifying a person making a child protection report is treated with the highest confidentiality and will not be disclosed except where a Court orders the disclosure.

For more information: http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection

TASMANIA

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers
- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time. Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: http://www.dhhs.tas.gov.au/children/child_protection_services