



CHILD PROTECTION POLICY

Version 1

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Government of South Australia
Office for Recreation and Sport

be active.

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Understanding Child Protection: Overview

There is a growing awareness about child protection in our society and this includes sport. Thankfully the majority of people involved with children in sport are competent, safe and ethical. However it is known that sport attracts some people who want to gain access to children for ulterior motives. Unfortunately sport has many of the circumstances and characteristics targeted by people who wish to exploit or abuse young people. These include:

- easy and direct access to children who are taught to be respectful of their coaches and others in authority
- close relationships, particularly between participants and coaches whereby coaches are in positions of trust and able to assert authority and power
- parents who rarely question what coaches and those in authority in clubs do
- overnight trips where parents are often not present
- willingness of organisations to engage anyone who is prepared to volunteer their time.

It is important that you understand the importance of child protection and that you are able to recognise and respond to concerns about child abuse. While the greater risk for sport and recreation clubs and governing bodies appears to be sexual and physical abuse there are other behaviours that must be avoided and addressed.

Awareness is the first step to achieving child protection. On the completion of the topic you will understand the:

- meaning of child protection and child abuse
- four forms of child abuse

What is meant by "child protection"?

Child protection in sport and recreation is about keeping children safe from abuse and protecting them from people who are unsuitable. (For the purposes of this material a child is considered to be a person under 18 years of age.)

Child protection in sport and recreation enables children to participate in activities that are an integral part of the culture without being exposed to individuals who can damage their development and, in some circumstances, take away their ability to enjoy their future.

The definition of child abuse

Child abuse can occur through someone doing something to harm or injure a child, or by not providing for or not protecting a child.

This can be intentional (eg sexual abuse) or unintentional (eg an injury caused through poorly maintained facilities and equipment).

Abuse in any situation can cause long lasting emotional, physical and behavioural impacts and damage. Managing risks is the key to creating a safe environment for children AND volunteers involved in your sport.

Types of abuse

The four main forms of abuse are:

Physical abuse

Non-accidental injury and/or physical harm to a child caused by a parent, care-giver or other person. This can also be caused by another child.

Sexual abuse/sexual misconduct

Any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching.

Emotional abuse

Behaviours that may psychologically harm a child, including verbal abuse, threats, bullying, harassment or excessive and unreasonable demands.

Neglect

Where a child is at risk of injury/harm or is harmed by the failure to provide them with the basic physical and emotional necessities of life.

It is important to be aware that some children with a disability are at greater risk of child abuse due to mobility constraints and/or difficulties with communication. Extra care should be taken to reduce the risk of abuse.

These definitions have been included as a guide only. They do not replace the need for consultation with professionals who work in the area of child abuse. These definitions should not be used as a checklist as they are not prescriptive.

Sport and the Law

All levels of sporting organisations are required to comply with certain legislative requirements. Failure to comply with these legislative requirements may not only expose them to legal action, but also endanger members and expose them to unnecessary risk.

This topic provides an overview of child protection legal requirements across Australia.

On completion of the topic you will have information about:

- Mandatory reporting
- Background checking and Police Checks
- Where to get up to date information about legal requirements in your State/Territory

Sport and the Law: Overview

Every person and organisation has a legal duty of care to ensure that anyone who takes part in the organisation's programs or activities is protected from all reasonably foreseeable risks of harm. This is a common law responsibility that covers both action and inaction. Therefore, every committee member, manager, coach, staff member and volunteer has a role in providing children with a safe environment.

Those involved in sport, particularly coaches, need to be aware that because of the large number of children participating in sport and the closeness of relationships formed, that they may come across children who have been abused or who disclose their abuse to them. This abuse may be occurring within or outside of sport.

In addition each State/Territory has child protection legislation that specify responsibilities for both organisations and individuals that work or have contact with children. These responsibilities include mandatory reporting and background checking (eg. police checks, working with children checks).

As there is no national legislation it will be important to keep up to date with [changes in child protection legislation](#) in your State/Territory.

Mandatory reporting

Mandatory reporting

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting. There are mandatory reporting requirements in all States/Territories, however, there are varying requirements for sport.

Most States and Territories allow a person to report concerns about a child who they think is being abused, except for **Western Australia**.

In the **Northern Territory** any person (including anyone involved in sport) who believes a child is being or has been abused must report.

South Australia is currently reviewing its mandatory reporting provisions for sport and

other community groups.

To avoid confusion, it is important for each State and Territory to keep up to date with [changes in mandatory reporting](#).

Screening

What is Background Checking or a Working With Children Check?

Fundamental to every child-safe environment is the recruitment of competent staff and volunteers.

Increasingly across Australia there is an emphasis on background checking of applicants who wish to work with children.

This can involve police checks, signed declarations, referee checks and other appropriate probity checks to assess a person's suitability to work with children.

What are the checking requirements across Australia?

Background Checking or Working with Children Checks are required under existing legislation in some States/Territories. [An updated summary](#) of background checking and working with children requirements has been developed by the Australian Sports Commission.

Background Checking requirements when travelling interstate

It is important to remember that when travelling to other States/Territories your sporting organisation must comply with the legislative requirements of the state you are visiting. For example in Queensland, people who work with children under 18 years of age in particular businesses or categories of paid or voluntary employment, must undergo background checking (the Working with Children Check) and are then issued with a Blue Card.

Topic Review

Do all people involved in sport legally have to report suspected incidents of child abuse?

No

Mandatory reporting by people involved in sport and recreation is not a legal requirement in most States and Territories. However, everyone has an ethical responsibility to report suspected incidents of child abuse.

As legislation is under review or being developed in most States/Territories you should check with your child protection authority to find out any requirements for sport.

If I have a police check in my State or Territory will that cover me when I travel interstate?

Not necessarily.

It is important to remember that when travelling to other States/Territories your sporting organisation must comply with the legislative requirements of the State/Territory you are visiting.

Check the Australian Sports Commission for [updated information](#).

Creating a Child-Safe Environment: Overview

The development and implementation of appropriate risk management strategies is a key responsibility for governing bodies, to enable them to provide a safe environment for everyone involved in their sport. This is an ethical as well as a legal responsibility.

Risk management simply means being aware of the potential for something to go wrong and taking steps to remove or minimise the risk.

This topic provides information on:

- an explanation of key legal concepts associated with risk management
- common strategies for governing bodies to achieve a child-safe environment.
- the responsibilities of all levels of sport to achieve a child-safe environment.

Key legal concepts explained

Duty of care

Governing bodies and clubs have a duty of care to provide a safe environment and to act responsibly. This duty imposes a standard of care upon individuals. A person, in a given set of circumstances, is required to fulfil a standard of conduct so that no harm is done to others.

Conduct, which does not meet this objective standard, may constitute negligence, and may result in liability for the individual and the organisation.

For example: A sports carnival is scheduled for a long weekend in the country. It has taken much preparation and many teams from across the State are in attendance. The weather is 40 degrees and the organisers decide to keep playing although the children have asked to stop the games and one child has been attended to for heat stroke. The organisers have breached their duty of care.

Vicarious liability

Vicarious liability describes the principle in law which says that, depending on the circumstances, an organisation can be held responsible for the behaviour of its employees (including staff, volunteers and contractors), unless:

- it can be shown that all reasonable steps were taken to prevent the behaviour from

- happening in the first place; and
- there were appropriate policies, and procedures in place for dealing with the behaviour when it occurred.

The same principle applies to governing bodies and clubs.

For example: If a coach was found to have sexually harassed a young player at the club, both the coach and the club could be held liable for the behaviour.

Managing an incident or complaint: Overview

Rather than clubs managing and investigating an incident and being at risk of adopting different approaches, it is recommended that the governing body or relevant association should generally manage and investigate any incident or complaint.

This topic provides information on:

- key legal concepts to understand for the management of an incident or complaint
- common steps for responding to a child protection complaint.

This information is a guide only and is not intended as a substitute for independent legal or other professional advice.