



Sport Inclusion AUSTRALIA

Child Protection Policy

VERSION (1)

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CONTENTS

SPORT INCLUSION AUSTRALIA

Vision

Mission

CHILD PROTECTION POLICY

Introduction

Purpose

Position Statements

- Child Protection

- Identify and Analyse Risk of Harm

- Develop Codes of Behaviour

- Choose Suitable Employees and volunteers

- Support, Train, Supervise and Enhance Performance

- Empower and Promote the Participation of Children

- Report and Respond appropriately to suspected abuse and neglect

Guiding Principles

Scope

CHILD PROTECTION PROCEDURES

Organisational Responsibilities

Individual Responsibilities

Reporting and Incident Response

- Reporting Child Abuse

- Guidelines to responding to Child Abuse Allegations

- For non-critical incident allegations

- For critical allegations

Recruitment and Reference Checking

Child Protection Education and Training

Glossary

Appendices

Appendix 1 Statutory Declaration of Criminal Record Form

Appendix 2 Procedures for Handling Allegations of Child Abuse

Appendix 3 Child Protection Incident Reporting Sheet

Appendix 4 Child Protection Code of Conduct

Appendix 5 Legislation relevant to Child Protection

Appendix 6 Child Protection Risk Register

Sport Inclusion Australia's

Vision

Community Inclusion through Sport

Mission

To implement its vision, Sport Inclusion Australia works in partnerships with State, National and International sporting bodies and other relevant organisations to facilitate inclusiveness in Sport for people with integration difficulties, primarily those with an intellectual disability.

Child Protection Policy

Introduction

The need to protect children is an issue for all communities. There are many factors that increase children's vulnerability to exploitation and abuse, including disability or being orphaned, displaced, homeless or abandoned.

Child exploitation and abuse undermines a child's right to grow up safely.

There is an international recognition that adults who have a formal role in working with or supporting children are in positions of trust and authority. Children are dependent on adults to care for and protect them.

It is a shared and collective responsibility of all adults to prevent child exploitation and abuse. Sport Inclusion Australia has adopted this policy in recognition of its responsibility as an overseas aid agency and is committed to working with its partners to prevent and respond to any child exploitation and/or abuse.

Purpose

This Child Protection Policy aims to;

- Protect children engaged in programs conducted or organised by Sport Inclusion Australia or a partner organisation from all forms of harm, exploitation and abuse;
- Work towards an organisational culture of child safety;
- Ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs;
- Protect Sport Inclusion Australia staff, contractors and representatives from undue suspicion, incorrect or malicious allegations of misconduct by having a clear and transparent reporting system; and
- Protect Sport Inclusion Australia's reputation, as well as its partners, by deterring child sex offenders with a sound Child Protection Policy and related procedures;
- Comply with the Australian Government's Child Protection Policy for Aid program.

Position Statements

Child Protection

Sport Inclusion Australia is committed to the safety and well-being of all children and young people who participate in our events/activities or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained, particularly children with a disability.

We uphold the rights and obligations of the United Nations Convention on the Rights of the Child and are dedicated to protecting children from harm, exploitation and abuse and recognize that children can be extremely vulnerable, especially in situations of poverty and or humanitarian crisis or conflict and need to be protected.

Sport Inclusion Australia will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

- **Identify and analyse risk of harm**

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

- **Develop Codes of Behaviour**

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in sport or our events/activities, especially those in our care. These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour.

- **Choose suitable employees and volunteers**

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements.

- **Support, train, supervise and enhance performance**

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

- **Empower and promote the participation of children**

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our events/activities.

- **Report and respond appropriately to suspected abuse and neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state/local laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected.

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint.

Guiding principles

This Child Protection Policy is based upon the following guiding principles:

- **Zero tolerance** of child abuse;
- Recognition and promotion of children's **best interests**;
- Sharing **responsibility** for child protection;
- Use of a **risk management** approach to prevent child abuse; and
- **Report and respond** to all incidents of child abuse.

Scope

In activities which Sport Inclusion Australia conducts, this policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to national boards, committees and sub-committees;
- employees of Sport Inclusion Australia or funded contractors;
- Individuals within partner organisations subcontracted to work on behalf of Sport Inclusion Australia;
- volunteers co-opted to assist in any Sport Inclusion Australia initiative;
- support personnel, managers, physiotherapists, psychologists, masseurs, sport trainers and/or others;
- coaches and assistant coaches;
- referees, umpires and other officials;
- accompanying dependants and other family members;
- any other person including spectators, parents/guardians and sponsors, who or which agrees in writing to be bound by this policy; and
- sponsors, individual and affiliated members or associated organisations.

This policy will continue to apply to a person/organisation even after they have stopped their association or employment with Sport Inclusion Australia, if disciplinary action against that person/organisation has begun.

Child Protection Procedures

Sport Inclusion Australia and its partner organisations are committed to implementing and maintaining child protection procedures to the highest standard possible.

These include:

- In all contracts involving Sport Inclusion Australia and its partner organisations, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Culturally specific issues relevant to child protection will be incorporated into project specific risk management strategies, training and response procedures;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- Child protection training is regularly provided to relevant Sport Inclusion Australia employees and representatives;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all Sport Inclusion Australia or partner organisation employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by Sport Inclusion Australia employees and representatives;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;
- No person is permitted to work with children if they pose an unacceptable risk to children's safety or wellbeing;
- All employment contracts involving Sport Inclusion Australia and its partner organisations outline that they have the right to dismiss, suspend or transfer to other duties personnel who breach the child protection code of conduct;
- The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

Organisational Responsibilities

Sport Inclusion Australia and partner organisations must:

- adopt, implement and comply with this policy;
- ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- publish, distribute and promote this policy and the consequences of any breaches;
- promote and model appropriate standards of behaviour at all times;
- deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- apply this policy consistently;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- use appropriately trained people to receive and manage complaints and allegations or inappropriate behaviour (e.g. CEO); and
- monitor and review this policy at least annually.

Individual responsibilities

Individuals bound by this policy are responsible for:

- making themselves aware of the policy and complying with the codes of behaviour it sets out;
- consenting to our screening requirements and any state/territory Working with Children Checks;
- placing the safety and welfare of children above other considerations;
- being accountable for their behaviour;
- following the steps outlined in this policy for making a complaint or reporting possible child abuse;
- complying with any decisions and/or disciplinary measures imposed under this policy.

Reporting and Incident Response

Reporting Child Abuse

Any suspicion or disclosure of child abuse must be immediately reported to the Nominated Child Protection Officer and the Sport Inclusion Australia CEO. All incidents will be reported and managed in accordance with the guidelines below and Appendix 2 for the Procedure for Handling Allegations of Child Abuse. (Refer also to Appendix 3 - The Child Protection Incident Reporting Sheet).

Guidelines to responding to Child Abuse Allegations

- Sport Inclusion Australia and its partner organisation takes all allegations of child abuse by personnel, seriously;
- All allegations will be thoroughly investigated; and
- Where an incident has been reported the following procedures will be followed:

For non-critical incident allegations

A non-critical allegation of child abuse is one which does not pose immediate risk to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate; an example is accessing child pornography.

- The incident will be documented and investigated in accordance with Appendix 2 the Procedure for Handling Allegations of Child Abuse;
- the incident will be investigated with full respect for the privacy of the accused and the alleged victim and information will be dispersed on a “need to know” basis with the primary concern being the rights and welfare of the people involved;
- the accused person will be given an opportunity to express their views/opinions/version of facts;
- the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse; and
- Where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
 - Warning; and/or
 - Suspension; and/or
 - Dismissal.

The disciplinary measure will depend on the nature and severity of the offence and will be at the discretion of the Sport Inclusion Australia CEO and nominated officer in The country we are involved in and will be fully documented and reported to Sport Inclusion Australia Board.

For critical allegations

A critical allegation is an allegation whereby there may be an immediate risk to the welfare of a child should the allegation be found true – an example is inappropriate sexual activity.

- Where the allegation involves a violation of either the laws of the country in which the incident occurs, the laws of the country we are involved in or the laws of Australia the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
- The incident will be documented and investigated in accordance with Appendix 2 the Procedure for Handling Allegations of Child Abuse;
- All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a “need to know basis”;
- If the incident involves a breach of the Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;
- where a breach of the Code of Conduct is found to have occurred, all circumstances will be considered and the appropriate action will be taken;



- where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person are upheld;
- Where allegations amount to a violation of laws of the country we are involved in, privacy will no longer be applicable unless deemed necessary to uphold the rights of the victim.
- Where appropriate in investigations, Sport Inclusion Australia and its partner organisation will consider and take into account legal advice as well as advice from any responsible authorities.

Recruitment and Reference Checking

Sport Inclusion Australia and its partner organization will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.

All job advertisements for positions will include the following message:

“Sport Inclusion Australia and its partner organisation are child safe organisations and will ask all applicants to undergo our child safe recruitment procedures and sign our Child Protection Policy/Safeguarding Children Policy. All staff and volunteers must sign and agree to conform to the Safeguarding Children Policy and Code of Conduct as a condition of employment/engagement with the organisation.”

In addition:

All new personnel are required to provide an appropriate current police check (criminal record check). They must include police checks for overseas countries if they have worked or lived overseas for any period longer than one year in the last ten years.

- At least two verbal reference checks with former employers/referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives. Referees will be asked about the applicant’s suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.
- New personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.
- Applicants are required to provide documentation to prove their true identity.
- The interview process for candidates will include behaviour based interview questions that relate directly to working with children to probe the applicant’s attitude, experience and approach to working with children relevant to the post applied for. Where appropriate, questions may be taken from the list below:
- Have you worked/volunteered with children in a similar position before? What did you like about it? What did you find difficult?
- How have you handled children who did not want to participate in an activity?
- Do you mind being supervised?
- What motivates you/why do you want to work with children in this program?
- Describe a time when you had to manage a child whose behaviour you found challenging?
- Tell us about a time when you had to comfort a distressed child?

Child Protection Education and Training

Child Protection training, including topics such as awareness raising and reporting processes will be provided to all personnel on an annual basis.

- All staff, volunteers and members of Sport Inclusion Australia will be required to undertake the Australian Sports Commission's Online Child Protection Training Course Annually and provide the certificate as proof of completion <http://www.playbytherules.net.au/interactive-scenarios/free-online-training/child-protection-harassment-and-discrimination-course>
- The topics covered in the Australian Sports Commission's Online Child Protection Training Course are:
 - What child abuse is
 - Your right and responsibilities under child protection laws
 - How the laws apply to sporting organisations, clubs, their employees and volunteers
 - When, where and how to report incidents
 - How to establish a welcoming and inclusive environment at your club or organisation

The Nominated Child Protection Officer is responsible for organising child protection training for personnel involved.

All new personnel will receive:

- A Child Protection Policy induction by the nominated Child Protection Officer. The induction should include a discussion regarding the responsibility of the Organisation and the individual, to build and maintain a child-safe organization, and appropriate behaviour when interacting with children or child-sensitive material.
- A copy of Sport Inclusion Australia's Child Protection Policy and associated procedures.

Glossary

Abuse	<p>Includes:</p> <ul style="list-style-type: none"> - physical abuse—the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning - neglect—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being - emotional abuse—refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence - sexual abuse—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, exhibitionism and exposing the child to, or involving the child in, pornography.
Child or children	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, Sport Inclusion Australia considers a child to be a person under the age of 18 years.
Child abuse material	Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.

Child exploitation and abuse	<p>One or more of the following:</p> <ul style="list-style-type: none"> - committing or coercing another person to commit an act or acts of abuse against a child - possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material - committing or coercing another person to commit an act or acts of grooming or online grooming.
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material.
Child pornography	In accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.' For further information regarding child pornography offences, refer to the <i>Criminal Code Act 1995</i> .
Child pornography material	Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive.
Child protection	An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.
Contact with children	Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment.
Criminal record check	A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment.' Overseas, different checking procedures apply in each country and may take six weeks or longer. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by DFAT.
Grooming	Generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
Online grooming	The act of sending an electronic message with indecent content to a recipient who the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender. For further details, refer to the <i>Criminal Code Act 1995</i> , Division 474 (telecommunications offences, subdivision C).
Personnel	Personnel are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis.
Police clearance certificate	The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks.
Unacceptable risk	The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate.

Appendix 1: Statutory Declaration of Criminal Record Form

Statutory Declaration of Criminal Record Form

Applicant's Name:		Role applying for:	
Have you ever been charged or convicted of any offence?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:			

Please note: if you are applying for a position where you will have regular contact with children, (this may be frequent or infrequent), you are required to give details of all convictions or criminal offences and cautions, or pending prosecutions.

Have you ever been dismissed from employment or had any disciplinary action taken against you which may be related to work with a child/children under 18 years of age?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Have you received any formal reprimands, final warnings, or cautions from the police?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Is there any other information which may be relevant to your application e.g. pending prosecutions	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Signature:	Date:	

Appendix 2: Procedure for Handling Allegations of Child Abuse

If you believe a child is in immediate danger or a life-threatening situation, contact the local Police immediately on (Local Number).

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with Sport Inclusion Australia in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion
Explain that other people may need to be told in order to stop what is happening	Do not discuss the details with any person other than those detailed in these procedures
Promptly and accurately record the discussion in writing	Do not contact the alleged offender

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- Contact the Sport Inclusion Australia appointed The country we are involved in officer who will assist in managing the situation.
- Contact Sport Inclusion Australia CEO who will inform DFAT and be able to manage the situation if the allegation involves a person to whom this policy applies.

Step 3: Protect the child and manage the situation

- The nominated Officer in the country we are involved in will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with Sport Inclusion Australia.
- The nominated Officer in the country we are involved in will consider what services may be most appropriate to support the child and his or her parent/s or guardian.
- The nominated Officer in the country we are involved in will consider what support services may be appropriate for the alleged offender.
- The nominated Officer in the country we are involved in will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by Sport Inclusion Australia)
- Regardless of the findings of the police and/or child protection agency investigations, Sport Inclusion Australia will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- Tribunal of Sport Inclusion Australia will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in [Clause 9] of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse

Appendix 3: Child Protection Incident Reporting Sheet

Confidential Record of Child Incident Allegation

Before completing this form, please ensure that the steps outlined in [Appendix 2] have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)	Date formal complaint received: / /	
Role/status in sport		
Child's name		Age:
Child's address (if known)		
Name of Parents/Guardians/Carers and Addresses (if known)		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in activity	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Where incident occurred		
Your observations		
Details of any conversation with the child		



Details of Concern/Suspicion/Incident Describe what happened: time, dates, name of person(s) involved, behaviour or physical signs observed, any other relevant details.	
Action taken so far	
Child protection agency contacted	Who: _____ Contact Number: _____ When: _____ Advice provided: _____
Sport Inclusion Australia CEO	Who: _____ Contact Number: _____ When: _____
Police <input type="checkbox"/> Yes <input type="checkbox"/> No	Who: _____ Contact Number: _____ When: _____ Advice provided: _____
Local Authority <input type="checkbox"/> Yes <input type="checkbox"/> No	Who: _____ Contact Number: _____ When: _____ Advice provided: _____
Other	Which Other: _____ Contact Number: _____ When: _____ Advice Provided: _____
Completed by	Name: _____ Position: _____ Signature: _____ / /

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.

Appendix 4: Child Protection Code of Conduct

The Child Protection Code of Conduct

I _____ acknowledge that I have read and understand Sport Inclusion Australia's Child Protection Policy, September 2016, and agree that in the course of my association with Sport Inclusion Australia, I must:



- Treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
- Wherever possible, ensure that another adult is present when working in the proximity of children;
- Not invite unaccompanied children into my home, unless they are at immediate risk or injury or in physical danger;
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
- Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- Not use physical punishment on children;
- Not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
- Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures;
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Sport Inclusion Australia which relates to child exploitation and abuse;
- Conduct themselves in a manner appropriate with their position representing Sport Inclusion Australia in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with Sport Inclusion Australia's Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Comply with all relevant Australian and Chinese legislation and, including labour laws in relation to child labour; and
- Follow organisational policy and guidelines regarding the safety of children.

When photographing or filming a child or using children's images for work related purposes, I must:

- Assess and comply with local traditions or restrictions for reproducing personal images before photographing or filming a child;



- Obtain legitimate informed consent from the child and a parent or guardian of the child before photographing or filming a child. As part of this an explanation as to how the photograph or images will be used must be given before photographing or filming a child;
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- Ensure images are honest representations of the context and the facts;
- Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form;
- Ensure images of children available for public use do not reveal any identifying information; and/or
- Use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.
- I understand that the onus is on me, as a person associated with DFAT to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed: _____

Date: _____

Appendix 5: Legislation relevant to child protection

A range of laws are relevant to this policy, including Australian Commonwealth, state and territory laws and local laws in the countries where we work. A number of international child protection instruments also apply.

Relevant Australian legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

Criminal Code Act 1995

Legislation	Examples of offences	Maximum penalty
<i>Division 272 (child sex offences outside Australia)</i>	Engaging in sexual intercourse outside of Australia with a child under 16 years of age	20 years imprisonment
	Engaging in sexual activity outside of Australia with a child under 16 years of age	15 years imprisonment
	Engaging in sexual intercourse or sexual activity outside of Australia with a child under 16 years of age and the child has a mental impairment or is under the care, supervision or authority of the defendant	25 years imprisonment
	Engaging in sexual intercourse outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	10 years imprisonment
	Engaging in sexual activity outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	7 years imprisonment
	Grooming a child under 16 years of age to engage in sexual activity outside of Australia	12 years imprisonment
<i>Division 273 (offences involving child pornography material or child abuse material outside Australia)</i>	Possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia	15 years imprisonment
<i>Division 474 (telecommunications offences, subdivision C)</i>	Accessing, soliciting or transmitting child pornography or child abuse material using a carriage service	15 years imprisonment
	Engaging in sexual activity with a child under 16 years of age using a carriage service	15 years imprisonment
	Online grooming of a child under 16 years of age	15 years imprisonment

Crimes Act 1914

The Crimes Act 1914 sets out the laws that govern the way legal proceedings under the *Criminal Code Act 1995* are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).

State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

State or territory	Legislation	Source
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New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i>	www.legislation.nsw.gov.au
Victoria	<i>Children, Youth and Families Act 2005</i>	www.legislation.vic.gov.au
Queensland	<i>Child Protection Act 1999</i>	www.legislation.qld.gov.au/OQPChome.htm
Western Australia	<i>Children and Community Services Act 2004</i>	www.slp.wa.gov.au/legislation/statutes.nsf/default.html
South Australia	<i>Children's Protection Act 1993</i>	www.legislation.sa.gov.au
Tasmania	<i>Children, Young Persons and their Families Act 1997</i>	www.thelaw.tas.gov.au
Australian Capital Territory	<i>Children and Young People Act 2008</i>	www.legislation.act.gov.au
Northern Territory	<i>Care and Protection of Children Act 2007</i>	www.nt.gov.au/dcm/legislation/current.html

Local legislation

Most countries in which DFAT works have legislation relating to child exploitation and abuse.

When working in-country, DFAT staff and the personnel of contractors and civil society organisations implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

International Child Protection instruments that Australia is a signatory to

Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhcr.org/refworld/docid/50b353232.html
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhcr.org/refworld/docid/47fdfb180.html
Geneva Declaration of the Rights of the Child	www.un-documents.net/gdrc1924.htm
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdisp1.htm

Appendix 6: Child Protection Risk Register



Child Protection Risk Register

VERSION 1

[Adopted by Sport Inclusion Australia – 16th September 2016]

Risk Register Owner	Sport Inclusion Australia
Approved By	The Sport Inclusion Australia Board
Issue Date	September 2016
Review Date	July 2017

Activity Type	Risks to Children	Protocols/procedures to reduce risks to children	Responsible for Strategies /action Timeline
Some sports skills require coach assistance in the learning phase	<ul style="list-style-type: none"> Coach could make inappropriate physical contact with children 	<ul style="list-style-type: none"> Code of conduct explains what coaching behaviour is acceptable Coaches and athletes are educated about what coaching behaviour is acceptable Strict supervision rules include ensuring adults are not alone with children 	Codes of conduct created Coach training created - Supervision rules to be created by SIA Oct '16
A child may not be collected after a coaching training session as planned	<ul style="list-style-type: none"> Adult and child may be alone together at some point Child may be left alone inside or outside without staff being aware 	<ul style="list-style-type: none"> Supervision rules explain collection requirements and who will look after children collected late Ensure adequate adult/child ratios at all time for supervision At least two adults should attend any child contact Activity 	Supervision rules to be created by SIA Oct '16 CPP Policy created
Children sometimes walk home late at night from activities	<ul style="list-style-type: none"> Child may be abducted Child may be injured / hit by a car 	<ul style="list-style-type: none"> The members will be consulted to determine appropriate strategies to ensure children do not walk home at night unaccompanied by an adult. Timing of activities will be reviewed and adjusted Staff who organise the activity must arrange for safe transportation 	Supervision rules to be created by SIA Oct '16 CPP Policy created
A child may say that he/she does not want to go home with their parent	<ul style="list-style-type: none"> Child may be experiencing harm at home 	<ul style="list-style-type: none"> Ask child for reason If answer suggests harm to child from someone at home, report to relevant authorities If not, discuss with parent 	CPP Policy created All
Toilets / changing rooms	<ul style="list-style-type: none"> Children may change clothes where change rooms are unsupervised and open to the public Toilets may be isolated / out of sight Toilets may be public facilities that other people can access 	<ul style="list-style-type: none"> Create a "curtained" area for changing if necessary Encourage children to change / toilet prior to / after class with parents Keep children in same-sex groups if necessary Planned toilet breaks where children go in groups Educate children to stay in a group and avoid speaking to strangers in the change room 	Coaches CPP Policy created
Supervising a large group of children is challenging	<ul style="list-style-type: none"> Responsible adult may resort to violence/physical force, abusive, shaming, humiliating or other harmful discipline methods to control group Group behaviour may get out of control and lead to risky behaviour 	<ul style="list-style-type: none"> Educate responsible adults in positive discipline strategies Provide a support person for adult Split large groups into more manageable sizes Educate children about their rights and acceptable disciplinary methods Work with children to brainstorm and then implement methods of discipline that are not abusive 	Codes of conduct created Supervision rules to be created by SIA Oct '16 CPP Policy created Coaches

Venue may be open / difficult to supervise exits	<ul style="list-style-type: none"> Children may wander away Strangers may enter 	<ul style="list-style-type: none"> Rules explain what area children can use Rules are taught and reinforced with children (including through games) Parents are encouraged to stay and assist with supervision of entries and exits Smaller ratios of adults to children may be applied where necessary (and with younger age groups) 	Supervision rules to be created by SIA Oct '16 CPP Policy created
Sporting attire may be revealing	<ul style="list-style-type: none"> Families from some cultures may be offended by attire and choose not to attend / continue attending sports Photos may be taken of athletes and used inappropriately 	<ul style="list-style-type: none"> SIA allows modifications to traditional sporting attire for competition where appropriate (and includes these allowances in policy) International standards for sporting attire are applied as a minimum Spectators are requested not to take photos without prior permission 	CPP Policy created
Inappropriate person volunteers for supervision duty	<ul style="list-style-type: none"> Volunteer could make inappropriate physical contact with children / abuse children 	<ul style="list-style-type: none"> Care in recruitment selection Only allow people who are working with children check compliant to supervise children 	CPP Policy created
Volunteer takes an inappropriate interest in one child	<ul style="list-style-type: none"> Volunteer could make inappropriate physical contact with children / abuse children 	<ul style="list-style-type: none"> Volunteer code of conduct and appropriate behaviour is reinforced to all volunteers Supervisor/manager etc. to closely monitor situation Staff listen carefully to children's concerns and opinions 	CPP Policy created Codes of conduct created
Basketball is a sport with risks involved	<ul style="list-style-type: none"> Child could be injured in an accident Coach could be injured leaving children unsupervised 	<ul style="list-style-type: none"> All coaches are appropriately trained in basketball coaching A first aid trained coach, volunteer or staff member is available at all times Strict supervision rules are adhered to (including ensuring that more than one adult be present during training) 	First Aid Training to be provided by Feb '17 Coach training created
Using training equipment involves risk	<ul style="list-style-type: none"> Equipment may fail, causing child or coach to fall / injure themselves Child may use equipment inappropriately and injure themselves 	<ul style="list-style-type: none"> Regular equipment safety checks are conducted Coaches are trained in safe use of equipment Athletes are trained in safe use of equipment Strict supervision rules are adhered to MRC (Managing the Risks of Coaching) online training 	Coach training created Supervision rules to be created by SIA Oct '16 MRC '17

Competitive sport attracts / creates competitive coaches, parents and athletes	<ul style="list-style-type: none"> • Coach may push athletes too hard • may display aggression to others • Parents may abuse coaches, other children 	<ul style="list-style-type: none"> • Codes of conduct outline expectations of coaches, children, parents, teachers, volunteers etc. • A caring culture is developed in which respect for all individuals is valued • Staff and volunteers emphasise other aspects of sport such as enjoyment, team work, sportsmanship and skill development 	Codes of conduct created
Some participants may have cultural differences to others	<ul style="list-style-type: none"> • Child may be teased or bullied 	<ul style="list-style-type: none"> • Sport Inclusion Australia ensures the environment is flexible and supportive of people from a diverse range of backgrounds • The focus is on inclusion, team camaraderie and developing skills. 	
Participants may have a physical disability as well as an intellectual disability	<ul style="list-style-type: none"> • Children may be teased or bullied • Children may choose not to attend training 	<ul style="list-style-type: none"> • Coach finds practical ways to include people of all abilities in the sport at a level of their choice whilst still maintaining the integrity of the activity • Staff and volunteers undertake MIG (Managing Inclusive Sports) training 	MIG training to commence 2017
Participants may not understand the instruction	<ul style="list-style-type: none"> • Teachers/Coaches may get frustrated with participant 	<ul style="list-style-type: none"> • Ensure instruction is in simple language and repeated for child's cognitive ability 	Coaching athlete with a disability training
Participants may come to training with illness, infectious disease or injury	<ul style="list-style-type: none"> • Injury may be made worse • Others may catch illness / disease 	<ul style="list-style-type: none"> • OH&S Policy developed • "make-up" sessions offered for those missed 	OH&S Policy to be developed by SIA Oct '16

Contract - Staff Outlining Disciplinary Measures Should The Child Protection Code Of Conduct Be Breached

SPORT INCLUSION AUSTRALIA EMPLOYMENT AGREEMENT

PERMANENT STAFF

INSERT EMPLOYEE NAME

INSERT EMPLOYEE ADDRESS

Dear INSERT NAME,

Sport Inclusion Australia is very pleased to offer you a position with our organisation. Attached below are the terms and conditions of your employment.

Please read the following terms carefully. If you have any questions prior to signing this agreement, please contact Sport Inclusion Australia, Chief Executive Officer at robyn.smith@sportinclusionaustralia.org.au.

If you are in agreement with the terms of this contract, please sign it where indicated on the last page. A second copy is attached for your own records.

We look forward to working with you as part of our team.

Yours sincerely

Robyn Smith
Chief Executive Officer
Sport Inclusion Australia

SPORT INCLUSION AUSTRALIA EMPLOYMENT AGREEMENT – PERMANENT STAFF

TERMS AND CONDITIONS OF EMPLOYMENT

THIS AGREEMENT IS MADE on **INSERT DATE** between:

Sport Inclusion Australia at 4 Lowry Place, Benalla Vic 3672 Australia; and **INSERT EMPLOYEE NAME** of **INSERT EMPLOYEE ADDRESS** (“you”).

Role

Your key responsibilities in the role of **INSERT POSITION TITLE** are outlined in the Position Description in Schedule “A” (**Key Responsibilities**), as amended from time to time in writing upon agreement by the Sport Inclusion Australia.

The conditions of your employment are based on Sporting Administrators of Australia

Work Locations

The Sport Inclusion Australia Head office is located at 4 Lowry Place, Benalla Vic 3672, Australia, however, you will also be required to attend events and conduct activities at locations as set out by the Asian Sport Partnership agreement.

Entire Agreement

This Agreement, including all Schedules and documents incorporated by reference, contains all the terms and conditions relating to your employment and supersedes any previous agreements or discussions that have taken place between us. Any amendment or variation will be valid only if it is in writing signed by both parties.

Requirements of Employment

It is a requirement of your employment that you:

- obtain a current police check;
- hold a current and valid working with children permit (if available);
- hold a current and valid driver licence

Sport Inclusion Australia will reimburse you for any out-of-pocket expenses you may incur in complying with these requirements.

Commencement Date & Term

Your employment will commence from **INSERT DATE**.

Hours of Work

In this role, you will be required to work the following rostered days and hours.

INSERT ROSTER

Rostered hours may change due to operational reasons. In such case at least 7 days notice of a roster change will be provided where possible.

Meal Breaks

If your work on any day exceeds five continuous hours, you are required to take an unpaid meal break of 30-60 minutes.

Remuneration

You will receive remuneration of \$XXXX under Wages Councils Regulation (where applicable).

Your salary (net of tax and legislated and authorised deductions) will be paid monthly electronically into your nominated bank account.

Your salary will be reviewed annually as part of Sport Inclusion Australia's normal salary review process. Any future salary adjustments will take into account:

- legislated minimum rates for your role;
- your age (junior employees only);
- your qualifications;
- individual performance of your Key Responsibilities.

In addition to your salary, if eligible, Sport Inclusion Australia will contribute to your nominated Superannuation Fund in accordance with the minimum requirements imposed by existing legislation.

Allowances

You may be eligible to be paid allowances specified under an industrial instrument (where applicable).

Once you have completed more than 3 months continuous service with Sport Inclusion Australia. You will be entitled to leave in accordance with the Promulgation and other relevant legislation. Your current leave entitlements are:

- 4 weeks per annum paid annual leave;
- 3 days per annum paid personal leave;
- 2 days unpaid carers leave per occasion;
- Up to 3 days paid bereavement leave per year;
- Unpaid community services leave;
- Parental leave; and
- Paid long service leave.

The Sport Inclusion Australia may at any time, request evidence of eligibility for taking such leave.

Your leave entitlement will be paid pro-rata based on your total (ordinary plus additional) hours averaged over a 12 month period.

Leave

a Annual Leave

As the Sport Inclusion Australia Office closes for a period each year over Christmas, all staff are required to take this period as annual leave. At least 28 days notice of the days of closure shall be provided in such case where possible.

b Personal Leave

If you have to take personal leave, this must be communicated by phone/email or text to Sport Inclusion Australia as soon as possible.

Certificates must be provided if the absence:

- the absence is 2 consecutive working days or longer;
- the absence falls on a Monday or a day following a public holiday;
- more than 3 days personal leave has been taken in a 12 month period; or
- if requested by Sport Inclusion Australia

Uniform

At times, you might expected to wear uniform. The following items will be supplied and replaced as required: **INSERT ITEMS WHICH WILL BE SUPPLIED**

You are required to provide your own **INSERT ITEMS WHICH THE EMPLOYEE IS REQUIRED TO SUPPLY FOR EXAMPLE SHORTS** and appropriate footwear.

It is your responsibility to maintain your standard of presentation and you must be clean and tidy at all times.

As your role at times involves close contact with equipment and other people, you must not wear jewellery whilst conducting practical activities that could be caught, tangled or ripped.

Expenses

Where reasonable and documented out-of-pocket expenses are incurred by you in the course of your employment, Sport Inclusion Australia will reimburse your for such expenses by agreement if you have obtained prior approval.

Professional Development**a. Course Fees**

Professional development fees may be paid by Sport Inclusion Australia in accordance with current policies as updated from time to time.

b. Attendance

Time taken to attend PD courses will be paid.

c. Travel

Travel expenses for attending courses will be reimbursed / paid by agreement if you have obtained prior approval.

Remote/Distance Development Activities**a. Attendance**

Your current salary has been loaded to compensate you for attendance at remote / distance development activities therefore no additional remuneration will be paid on these occasions.

b. Travel time

Your current salary has been loaded to compensate you for attendance at remote / distance development activities therefore no additional remuneration will be paid on these occasions.

c. Travel expenses

Travel expenses from your home to and from remote / distance development activities will be reimbursed.

d. Accommodation

Reasonable accommodation expenses relating to remote / distance development activities will be reimbursed.

e. Meals

Meal expenses relating to remote / distance development activities will be reimbursed.

Compliance with Sport Inclusion Australia Codes of Conduct and Policies

Professional conduct of employees of Sport Inclusion Australia is critical. Breaches of the Codes of Conduct or Policies, including Sport Inclusion Australia's Child Protection Policy will be treated very seriously. Breaches may result in formal warnings or instant dismissal.

While Sport Inclusion Australia policies apply to your employment with our organisation, such policies operate independently of this contract and do not form part of it. Sport Inclusion Australia and industry policies do not create any obligation on the part of Sport Inclusion Australia to you.

Termination of Employment

This agreement may be terminated at any time during its term by mutual consent or by either party giving the other written notice of termination as required by law.

However, if you fail to meet the requirements of your employment or in the case of serious misconduct, Sport Inclusion Australia reserves the right to terminate this agreement immediately.

Upon termination of your employment, Sport Inclusion Australia reserves the right to recover from you any outstanding or unpaid staff benefits (i.e. leave taken in advance).

Dispute Resolution

If any dispute arises between you and Sport Inclusion Australia in relation to this Agreement, please refer to the resolution procedure outlined in the Sport Inclusion Australia Member Protection Policy as updated from time to time.

EMPLOYMENT AGREEMENT – PERMANENT STAFF

DECLARATION & ACCEPTANCE

I accept the terms of employment contained in this employment agreement and declare that:

I am legally entitled to work in Australia and/or have no legal restrictions on me undertaking employment with Sport Inclusion Australia	Yes	No
I do not have a present or past physical or psychological condition or workers compensation claim that may impact on my ability to fulfil the inherent requirements of my role <u>or</u> any anticipated future roles with Sport Inclusion Australia.	Yes	No
I do not have a business or personal association or relationship with another organisation or potential organisation that may impact on my ability to fulfil the inherent requirements of my role <u>or</u> any anticipated future roles with Sport Inclusion Australia	Yes	No
I have not been convicted of a criminal offence in the past 10 years that may impact on my ability to perform my role <u>or</u> any anticipated future roles with SIA.	Yes	No
I have not been convicted of unsafe driving practices in the past two years.	Yes	No
The curriculum vitae that I have submitted to Sport Inclusion Australia is a true and accurate description of my work history, skills and qualifications.	Yes	No
I have current, valid and authorised formal qualifications, licences and membership required for this role as listed below.	Yes	No
I agree to the abovementioned Sport Inclusion Australia recovering any monies owed by me due to administrative error, overpayment of entitlements or loan.	Yes	No
I understand that this offer of employment may be rescinded if I do not meet the above criteria.	Yes	No

INSERT INFORMATION FROM CV OR AS OTHERWISE ADVISED BY APPLICANT

Qualification/Licence/Membership	Institution	Date Completed/Issued

EMPLOYMENT AGREEMENT – PERMANENT STAFF

Name:

Signature:.....

Date:/...../.....