

## WORKING WITH CHILDREN POLICY

<b>Policy Number:</b>	BSA011	<b>Version:</b>	5
<b>Revised on:</b>	23 January 2023	<b>First Approved:</b>	21 May 2018
<b>Authorised by:</b>	Commission	<b>Next Review Date:</b>	1 December 2025

### Purpose

Basketball SA is committed to embedding the National Principles for Child Safe Organisations within its clubs and associations. The purpose of this policy is to supplement the Basketball Australia Child Safeguarding Policy and provide guidance for child safety procedures and risk mitigation strategies for Basketball SA members in all service levels.

### Scope

South Australian legislation requires organisations that provide services for children to create and maintain child safe environments. It is mandatory that all personnel involved in a sporting club that provides services to children obtain a 'Working with Children Check' (WWCC) regardless of whether they directly work with children

This policy applies to all staff, volunteers, administrators, committee members, coaches (including assistant coaches and other support staff), team managers, referees and officials of Basketball SA and affiliated clubs/associations.

While procedures are adopted to mitigate risk, it is important that all members of the basketball community understand child safety is everyone's responsibility.

### Definitions

#### Club Listing

Required as part of the Representative Body Child Safe Compliance Statement. The club listing is provided by Basketball SA to confirm those clubs/associations who have agreed to abide by the policies and procedures lodged by Basketball SA

#### DHS

Government of South Australia Department of Human Services. Provides Screening Services and Child Safe Environments advice.

#### DCSI Working with Children Clearance

Assessment conducted by the Department Community and Social Inclusion. From 1 July 2019 the DCSI was replaced with DHS WWCC.

#### Representative Body Child Safe Compliance Statement

All organisations offering services to children or young people must lodge a child safe environments compliance statement. For sporting clubs, the overarching peak organisation may lodge a compliance statement that represents affiliated sporting member clubs.

#### Risk of Harm

Harm may be physical or psychological and includes harm caused by sexual, physical, mental or emotional abuse or neglect. A child or young person is at risk of harm if they have suffered, or are likely to suffer harm, if their parent or guardian is unable or unwilling to care for them, or such other circumstances prescribed by the regulations.

#### Working with Children Check (WWCC)

A risk assessment conducted by the DHS Screening Unit to assess whether a person poses an unacceptable risk when working with children. A valid WWCC will be one that is less than 5 years old and the applicant is identified as 'Not Prohibited'.

## Policy

A Working with Children Check issued by the Department of Human Services (DHS) Screening Unit is the only accepted form of background screening for working with children. Police checks, DCSI clearances, teacher's registration, vulnerable person screening, or other screening types will not be accepted.

It is the policy of Basketball SA that the following minimum requirements are met to support the provision of child safe environments:

- All persons 14 years old or over to whom this policy applies must present a valid WWCC prior to engagement, regardless of whether they directly work with children.
- All WWCCs presented must be verified for accuracy using the DHS portal
- All staff, coaches, and court supervisors must complete the Play by the Rules online training in Child Protection, and Harassment and Discrimination
- Recruitment processes will incorporate assessment for suitability to work with children (a valid WWCC should not be the only form of assessment)
- Induction processes will include child safety information
- All Basketball SA staff will attend at least one Member Protection training session per three year period.
- A Member Protection Information Officer and Child Protection Officer must be made available at each club/association. Members must be informed who they can contact.
- Members will be made aware of the policies and codes of conduct that support a child safe environment (including but not limited to this policy and the National Integrity policies).

Basketball SA expects staff and volunteers to:

- Listen to children and respond to their concerns
- Give consideration to children's needs and how this may differ between children eg. indigenous, cultural diverse backgrounds, disability, LGBTQI.
- Act within the Codes of Conduct and policies
- Maintain professional boundaries
  - Act within the scope of your role when working with children
  - Maintain equal consideration when working with children (ie. no favouritism)

Basketball SA maintains the following parameters for staff and volunteers when working with children:

- Staff should not transport children in their own vehicle unless specifically approved in writing by the Child's Parent or Guardian.
- Staff should not give gifts/presents to children other than the provision of official awards
- Staff should not engage in open discussions of a mature or adult nature in the presence of children (other than reasonable conversations related to the child's participation in basketball activities)
- Unless there is an existing social, personal, or family relationship, staff should not:
  - have one on one contact with a child outside of basketball related activities (includes direct contact such as in-person as well as indirect, such as by phone, or online)
  - accept an invitation to attend any private social function at the request of a child or their family

### Delegation

The club/association is responsible for ensuring child safe systems are in place at a local level and that anyone they engage presents a valid WWCC and completes required training. It is the responsibility of the club/association to adhere to the record keeping and monitoring requirements and verify all

WWCCs in the DHS Screening Unit portal for accuracy. It is the individual's responsibility to maintain the validity of their WWCC and notify their club/association of any changes.

BSA's engagements include (but are not limited to):

- BSA staff
- Volunteers within the Metro High Performance Program
- Referees and officials of BSA competitions
- BSA Commissioners and committee members

Associations or clubs running local or domestic competitions must also ensure that the clubs accepted into those competitions are aware of this policy and have appropriate processes in place to maintain child safe environments.

### **Prohibited Persons**

It is an offence to employ, or continue to employ, a prohibited person.

In the event that Basketball SA learns of or is presented with a WWCC that prohibits a person from working with children, Basketball SA will send confidential information to member presidents. NB: This does not affect the club/association responsibility above.

Clubs/associations presented with a 'Prohibited' WWCC must forward a copy to Basketball SA Child Safe Officer.

Should a person engaged by Basketball SA (or member club/association) be the subject of misconduct or disciplinary proceedings addressed under the Child Safeguarding or Member Protection Policies, Basketball SA will provide the DHS Screening Unit with this information for consideration in screening assessment/monitoring.

### **Exclusions**

Basketball SA will accept the following exclusions to requiring a WWCC:

- You are a sworn SA Police or Australian Federal Police Officer
- You are acting in a role that is unlikely to be for more than seven days (consecutive or not) in a calendar year
- You live interstate, have a current child-related check from your home state, and are working at an organised event in South Australia lasting no more than 10 consecutive days
- You are under 14 years of age

If applying an exclusion, a record of the reason for exclusion must be recorded on the WWCC register.

### **Record Keeping and Monitoring**

Basketball SA will maintain a WWCC Register for the purpose of monitoring the status of WWCCs for person's engaged directly by Basketball SA.

Basketball SA will develop a notification system for staff that directly engage persons to ensure that only those with a valid WWCC are rostered.

Associations and clubs must maintain a WWCC register and monitor the status of WWCC's for any person engaged by each Association/club in the DHS Screening Unit Portal.

Record keeping should include full name, date of birth, email, screening reference number, WWCC status, and WWCC expiry as a minimum.

It is recommended that the register also includes Play by The Rules training log and other information relevant to working with children, for example current first aid certificate.

All coaches and referees must be registered on the Basketball SA CRM with details of their WWCC and Play by the Rules training for the purpose of a central record. BSA will have the ability to check this information when required but will not assume responsibility for monitoring the information

uploaded to the CRM. Responsibility for ensuring this information is accurate and up to date remains with the club/association engaging the individual.

Basketball SA and each club/association must have (or have access through an affiliate) to an Organisation DHS Portal. The WWCC for each person engaged must be added to Registration of Interest Table (see WWCC Registration of Interest page of the DHS portal) to enable alerts from DHS.

### **Child Safe Compliance Statement**

Basketball SA will lodge a Representative Body Child Safe Compliance Statement with the DHS on behalf of approved member clubs/associations.

Basketball SA will undertake a Child Safe Compliance Review of all clubs/associations on an annual basis (this may take the form of a written submission or physical audit) in order to provide DHS with an updated Club Listing.

Basketball SA will notify the club/association of one of the following outcomes of the annual review:

- (a) Declare the club as meeting requirements
- (b) Provide the club with an action plan to address gaps
- (c) Organise to meet with the club to discuss gaps and establish an action plan
- (d) Declare the club non-compliant (extreme cases where an immediate risk is considered, or a significant obligation is unmet). In this instance, Basketball SA will work with the club to address gaps with a view to becoming eligible.

Only those clubs/associations that participate in the review and meet compliance requirements will be included on the Club Listing. Clubs committing to an Action Plan ie. (b) or (c) above, will be included on the Club Listing but must demonstrate improvement/compliance by the following year to remain on the Club Listing.

### **Mandatory Reporting**

Employees and volunteers within sport are classified as mandated notifiers. A mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary). The mandated notifier does not have to be able to prove that harm has occurred.

Reasonable grounds to report suspected risk of harm may include:

- when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm
- when a child tells you they have been harmed
- a child telling you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when your own observations about the behaviour of the child, or their adult caregivers, give you cause to suspect that a child is being, or is at risk of being harmed
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

All staff and volunteers have a duty of care to respond to the needs of the child and their family.

**To report a reasonable suspicion that a child has been harmed or is at risk of being harmed phone the Child Abuse Report Line (CARL) on [13 14 78](tel:131478). The report line is open 24 hours a day, 7 days a week.**

### **Additional Information**

- Child Safety (Prohibited Persons) Act 2016
- Child Safety (Prohibited Persons) Regulations 2019

- Children and Young People (Safety) Act 2017
- SA.GOV.AU – report child abuse
  
- Basketball Australia Child Safeguarding Policy
- Basketball Australia Member Protection Policy
- Basketball Australia Complaints Policy
- Basketball SA Code of Conduct
- Basketball SA Video and Photography Policy
- Basketball SA Social Media Policy

## Appendices

No appendices

## Version Control

Version	Date	Nature of Amendment	Update Author(s)
1	May 2018	New Policy	CEO
2	June 2019	Update to reflect changes in legislation	CEO, Manager Stakeholder Relations & Member Services
3	June 2020	General update. Update to new policy format. Update to reflect changes in legislation (police checks). Addition of CARL line, prohibited persons reporting procedure. Child safe requirements strengthened	CEO, Manager Stakeholder Relations & Member Services
4	Oct 2022	General update. Addition of Child Safe Compliance Statement, and working with children parameters.	Manager Governance and Stakeholder Engagement
5	Jan 2023	Adjustments to terminology and linkages to Basketball Australia policies	Manager Governance and Stakeholder Engagement