



# Netball NSW

## Child Safeguarding Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 15 February 2022

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## Summary

Netball NSW has a zero-tolerance policy to child abuse and neglect in any form.

Netball NSW is committed to safeguarding and promoting the welfare of Children in Netball by providing a safe and inclusive environment and by ensuring that everyone involved in Netball is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in Netball in a safe, positive, and enjoyable environment.

Netball NSW aims to create and maintain an inclusive, Child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Netball.

This Policy is part of Netball NSW's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access Netball.

This Policy seeks to ensure that everyone involved in Netball is aware of rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in Netball, and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy also imposes obligations on Netball NSW and Affiliates in relation to responding to allegations of Prohibited Conduct (including Failure to Report and Failure to Protect obligations) and to implement a commitment to Child safety and Child-safe practices, including recruitment and screening of staff and volunteers.

## 1 Definitions

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

**Affiliate** means a Premier League Licensee, Netball association or Netball club, howsoever described, whether incorporated or unincorporated, a company limited by guarantee or otherwise, which is a Member of Netball NSW.

**Australian Child Protection Legislation** means the Children and Young Persons (Care and Protection) Act 1998 (NSW) and all other state or federal child protection legislation as amended from time to time, a summary of which is available [here](#).

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

**Child or Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

**Child Abuse** has the meaning given to it in Schedule 1, and includes the following as outlined in that Schedule:

- a. Physical Abuse
- b. Emotional or Psychological Abuse
- c. Sexual Abuse
- d. Neglect
- e. Exposure to Domestic and Family Violence.

**Child Safe Commitment** refers to Netball NSW and Affiliate's commitment to child safety in Netball, as outlined in Annexure B.

**Child Safe Practices** refer to the child safety requirements and practices adopted and implemented by Netball NSW and its Affiliates to help ensure the safety of Children participating in a Netball Activity as outlined in Annexure B.

**Complaint Handling Procedures (Procedures)** means the Netball NSW Member Protection Policy, Attachment B – Complaint Handling Procedures.

**Failure to Protect** means the legislative requirement under section 43B of the *Crimes Act 1900* (NSW) whereby an adult who carries out work for an organisation (whether as an employee, contractor or volunteer) (**Position Holder**) and the organisation employs an adult (whether as an employee, contractor or volunteer) in child-related work and the Position Holder is aware that there is a serious risk that the adult worker will commit a Child Abuse offence and the Position Holder by their position has an ability to remove or reduce that risk and fails to do so commits an offence.

**Failure to Report** means the legislative requirement under section 316A of the *Crimes Act 1900* (NSW) whereby an Adult who knows, believes or reasonably ought to know that a Child Abuse offence has occurred and who knows, believes or reasonably ought to know that they have information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence and who fails to provide that information to a member of the NSW Police Force is guilty of an offence.

**Grooming** refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.<sup>1</sup>

**Member** means a natural person who is a registered financial member of Netball NSW and/or an Affiliate.

**Misconduct with a Child** means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

**Netball Activity** means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

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<sup>1</sup> Refer to Clause 9 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Harassment.

**Netball** means the sport or game played under the World Netball Rules of Netball determined or adopted from time to time by Netball NSW.

**Netball NSW** means the New South Wales Netball Association Limited.

**Netball NSW Member Protection Policy (MPP)** means the Netball NSW Member Protection Policy as amended from time to time, which deals with member protection issues. The MPP can be found at [Policies - Netball NSW](#).

**Participant** means a person who participates, including but not only as an official, coach, player or umpire, parent, guardian or spectator in a Netball Activity organised, controlled or sanctioned by Netball NSW or an Affiliate.

**Policy** means this Child Safeguarding Policy including any schedules and annexures.

**Prohibited Conduct** means conduct in breach of clause 4.1 of this Policy.

**Recruitment & Screening** means the child safety recruitment and screening requirements adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in Netball, as outlined in Annexure C.

**Sexual Misconduct** means<sup>2</sup>:

- a. Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b. Sexual Offences, which include (but is not limited to) any act of sexual intercourse, sexual touching or a sexual act as defined in the *Crimes Act 1900 (NSW)* without the consent of the other person.

**Unlawful Discrimination** includes:

- a. Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b. Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.<sup>3</sup>

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.<sup>4</sup>

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<sup>2</sup> Refer to Clause 9 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Sexual Misconduct.

<sup>3</sup> Refer to Clause 9 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Unlawful Discrimination

<sup>4</sup> Refer to Clause 9 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Victimisation.

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold.<sup>5</sup>

**WWCC** means a NSW 'Working with Children Check' under the Child Protection (Working with Children) Act 2012 (NSW).

## **2 Scope of Policy**

### **2.1 Who this Policy applies to**

This Policy applies to all Members, Affiliates, Participants and Netball NSW (collectively **Captured Entities**).

### **2.2 When this Policy applies**

- a. All Captured Entities to which this Policy applies must comply with this Policy at all times whilst they are a Captured Entity, in the following circumstances:
  - (i) in relation to any dealings they have with a Child arising from the Captured Entities' or the Child's, involvement in any capacity with Netball;
  - (ii) in relation to any dealings in relation to a Child that they might have with a Captured Entity or their staff, contractors, and representatives;
  - (iii) when dealing with a Child or other Captured Entity in their capacity as a Captured Entity; and
  - (iv) in relation to their Membership or standing as a Captured Entity in general.
- b. The following is not within the scope of this Policy:
  - (i) interactions involving a Captured Entity and a Child where there is no direct or indirect link to Netball.<sup>6</sup> For the avoidance of doubt this Policy does not apply in circumstances where the only connection to Netball is that one or more of the persons involved are Participants in a Netball Activity in whatever capacity.

## **3 Requirements of Captured Entities**

### **3.1 Individual Responsibilities**

Members and Participants must always:

- a. comply with the requirements of Responding to Child Abuse Allegations in Annexure A;
- b. comply with the Child Safe Practices as set out in Annexure B;

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<sup>5</sup> Refer to Clause 9 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Vilification

<sup>6</sup> Such as pre-existing personal or family relationships or interactions between two Members where the only connection to Netball is that they are both Members.

- c. provide true and accurate information during Recruitment & Screening;
- d. comply with all obligations that they are subject to under the Australian Child Protection Legislation; and
- e. comply with all legislative obligations that they are subject to in relation to Failure to Report or Failure to Protect Obligations or a NSW WWCC.<sup>7</sup>

### **3.2 Organisational Responsibilities**

Netball NSW and/or its Affiliates must:

- a. adopt, implement, and comply with the:
  - (i) Child Safe Commitment;
  - (ii) Child Safe Practices; and
  - (iii) Recruitment & Screening,including reviewing and amending those requirements from time to time;
- b. comply with the 'Responding to Child Abuse Allegations' in Annexure A;
- c. use best efforts to assist Members, Participants and staff or volunteers to fulfil their responsibilities under this Policy;
- d. recognise any sanction imposed under this Policy; and
- e. take all necessary steps to:
  - (i) enforce any sanction imposed under this Policy, the MPP and the Complaint Handling Procedures; and
  - (ii) procure compliance with the 'Responding to Child Abuse Allegations' in Annexure A.

## **4 Breach of this Policy**

### **4.1 Prohibited Conduct**

A Captured Entity engages in Prohibited Conduct when any of the following occurs:

- a. they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2:
  - (i) Child Abuse;

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<sup>7</sup> See NSW Office of the Children's Guardian Working with children | Service NSW.

- (ii) Grooming;
  - (iii) Misconduct with a Child;
  - (iv) requesting or inferring that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation;
  - (v) supplying alcohol, drugs (including tobacco) or medicines, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or
  - (vi) any act that would constitute Prohibited Conduct under the Netball NSW Member Protection Policy;
- b. there is a breach of a requirement imposed under clause 3.1, or sub-clauses 3.2(a), 3.2(b) 3.2(e)(ii));
  - c. they are involved in or have knowledge of and do not report a breach of clauses 4.1(a) or 4.1(b);
  - d. they have engaged in an attempt to breach sub-clauses 4.1(a) (i), (ii), (iii), (v) or (vi); or
  - e. they fail to comply with Failure to Report or Failure to Protect obligations.

#### **4.2 Breach of this Policy to be treated as breach of Netball NSW Member Protection Policy**

- a. Any Captured Entity who engages in Prohibited Conduct under Clause 4.1 of this Policy is to be considered to have breached this Policy;
- b. Breaches of this Policy are to be treated as a breach of the Netball NSW Member Protection Policy;
- c. Allegations of breaches of this Policy should be investigated and managed in accordance with the policies and procedures as set out in Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures (the **Complaints Handling Procedures**). The Complaints Handling Procedures are available at the following link: [Policies - Netball NSW](#).

## **5 Reporting**

- a. Where an alleged breach requires reporting to the NSW Police under Failure to Report obligations:
  - (i) Captured Entities must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Annexure A including Failure to Report obligations; and
  - (ii) no further action under the Complaints Handling Procedures in relation to that alleged breach should occur (excluding an Interim Administrative Arrangement under Clause 7 of



the Complaint Handling Procedures) whilst investigation by any external agency is ongoing.

**Note:** Under NSW Child Protection legislation NNSW and/or Affiliate staff and volunteers are not mandatory reporters in most cases unless providing care for children (e.g. on an overnight camp or trip which is longer than two (2) nights duration) However, given Netball NSW and Affiliates provide child-related services, any person who is employed (whether as a paid employee, volunteer or contractor) and (as a result of their position) has the ability to reduce or remove a serious risk of Child Abuse must do so in accordance with Failure to Protect obligations. Additionally, all adults are subject to Failure to Report obligations whereby they commit an offence if they fail to provide information of a Child Abuse offence to NSW police without reasonable excuse.

## **6 Application of the Complaint Handling Procedures to this Policy**

The Complaint Handling Procedures apply to any alleged Prohibited Conduct under this Policy, including reports of breaches of this Policy.

## Schedule 1 – Child Abuse Definitions

**Child Abuse** is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect so that a Child's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger that a Child's physical or emotional health, development, or wellbeing, whether through a:
  - single act, omission, or circumstance; or
  - series or combination of acts, omissions, or circumstances and includes:
    1. **Physical Abuse** occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:
      - (a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
      - (b) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.
    2. **Emotional or Psychological Abuse** occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:
      - a. repeated rejection or threats to a Child;
      - b. constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
      - c. Bullying and Harassment;
      - d. harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.
    3. **Sexual Abuse** occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still falls within sexual abuse.

Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites, or images,

or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

4. **Neglect** is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, and educational neglect, and abandonment.
5. **Exposure to Domestic and Family Violence** is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic and family violence, then they may be at risk of serious physical and/or psychological harm.

## Annexure A: Responding to Child Abuse Allegations

### You must ACT.

As a person involved in Netball you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any Child Abuse allegations.

### Action 1 - Responding

If a Child is at risk of immediate harm you must ensure their safety by:

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required;
- Separating at-risk Child and any others who pose a risk to their safety (e.g. an accused person);
- Notify [policy@netballnsw.com](mailto:policy@netballnsw.com) and an appropriate Affiliate contact person for ongoing liaison with the Police.

If there is no immediate harm go to Action 2 below.

### Action 2 – Reporting

If you suspect, on reasonable grounds that a Child is or is at risk of being abused and/or neglected, you must report it to the police under Failure to Report obligations or the NSW Office of the Children’s Guardian (which is mandatory in the case of an overnight camps of three nights or more ONLY) as soon as possible.

The allegation must be documented.

You must also report internally to [policy@netballnsw.com](mailto:policy@netballnsw.com) and the relevant Affiliate.

### Action 3 – Contact

You must contact the police and/or the NSW Department of Communities and Justice to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e. police, child protection department or Affiliate and/or Netball NSW representative). This could include advice:

1. Not to contact the parents or guardians in circumstances where they are alleged to have engaged in the abuse.
2. To contact the parents/guardians and provide agreed information as soon as possible.

### Action 4 - Support

- Support should be provided to any Child that has experienced abuse e.g. putting protective mechanisms in place to keep the child safe whilst maintaining routine and keeping them involved in sport as far as possible.
- It is important that the person providing support to the Child does not attempt to provide support which is outside of the scope of their role e.g. taking a report from the child. Appropriate support would include contacting the child's parent/carer, making the child feel safe and assisting them to continue playing netball in a safe environment.
- Support should also include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions which should be conducted by the appropriate authorities.
- Any allegations or disclosures should be reported to Netball NSW via [policy@netballnsw.com](mailto:policy@netballnsw.com) as soon as practicable.
- Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals such as Sports Chaplaincy Australia ([sportschaplaincy.com.au](http://sportschaplaincy.com.au)) and or the development of a safety plan.

Please contact [policy@netballnsw.com](mailto:policy@netballnsw.com) for further advice and assistance

## Annexure B: Child Safe Commitment and Practices

### 1. CHILD SAFE COMMITMENT STATEMENT

Netball NSW is committed to ensuring the safety and wellbeing of all Children that are involved in Netball. Our policies and procedures seek to address risks to child safety and to establish child safe culture and practices.

#### 1.1 We are committed to keeping Children safe

- a. Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.
- b. We communicate our commitment to all our staff and volunteers and give them access to a copy of this commitment statement.

#### 1.2 We promote equity and respect diversity

- a. We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.
- b. We give all Children access to information, support, and complaints processes.
- c. We consider the needs of all Children, particularly Aboriginal and Torres Strait Islander Children, Children with a disability, LGBTQI Children and Children from culturally and linguistically diverse backgrounds.

#### 1.3 Our staff and volunteers know the behaviour we expect

- a. We ensure that each person involved in our delivery of services to Children understands their role and the behaviour we expect in relation to keeping Children safe from abuse and neglect through application of our Child Safe Practices.
- b. We utilise clear position descriptions which clearly state relevant child safe requirements.
- c. Our staff and volunteers are given a copy of and have access to the Child Safe Practices.
- d. Our staff and volunteers indicate, in writing, that they have read and are committed to the Child Safe Practices.
- e. Our staff and volunteers are aware of their Failure to Report obligations.

#### 1.4 We minimise the likelihood of recruiting a person who is unsuitable

- a. We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work/volunteer with Children.
- b. We will meet the requirements of the NSW Working with Children check laws.

#### 1.5 Induction and training are part of our commitment

- a. We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Abuse Allegations.
- b. We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- c. We ensure that our staff and volunteers have up-to-date information relevant to NSW Child Safety Legislation.

### **1.6 We encourage the involvement of Children and their parents**

- a. We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their carers (such as brochures, posters, handbooks, guidelines) about:
  - (i) our commitment to keeping Children safe and communicating their rights;
  - (ii) the behaviour we expect of our staff and volunteers and of themselves;
  - (iii) our policy about responding to child abuse.
- b. We have processes for encouraging two-way communication with Children and families.
- c. We seek their feedback and have a process for responding.
- d. We respect diversity and seek to facilitate effective communication and involvement.

### **1.7 Our staff and volunteers understand their responsibility for reporting child abuse**

- a. Our policy for responding to child abuse is approved and endorsed by the Netball NSW Board and applies to all our staff and volunteers. Staff and volunteers must:
  - (i) immediately report any potential breaches of this policy by any Captured Entity and/or any concerns with policies, practices or the behaviour of any Captured Entity that they become aware of;
  - (ii) meet any legislated or other jurisdictional reporting requirements including but not limited to Failure to Report obligations;
  - (iii) follow a specified process when reporting abuse or neglect.
- b. Our staff and volunteers are given a copy of and have access to the Complaint Handling Procedures and understand the implications of the policy for their role.
- c. We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

### **1.8 We maintain and improve our policies and practices**

- a. We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.
- b. We have assigned responsibility for regularly maintaining and improving our policies and procedures to our Policy and Member Protection team.
- c. Netball NSW and Affiliates monitor their staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- d. Netball NSW and Affiliates require their staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. Netball NSW and Affiliates review NSW WWCC checks regularly.
- e. We have formally reviewed our service delivery to identify and document potential risks to Children.
- f. We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

## 2. CHILD SAFE PRACTICES

- Netball NSW is committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. Netball NSW Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our sport.
- A breach of the Child Safe Practices is a breach of Netball NSW Member Protection Policy and will be managed in accordance with the Complaints Handling Procedures.
- There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child. However, it is crucial that, where possible, that an individual seeks authorisation prior to taking action that does not comply with these standards or that you notify Netball NSW and/or its relevant Affiliate as soon as possible after any incident in which these standards are not complied with.

### 2.1 Sexual misconduct

- a. Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- b. 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - (i) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
  - (ii) 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

### 2.2 Professional boundaries

- a. Members, Participants and Netball NSW staff and volunteers must act within the scope of their role when working with Children who are involved or have been involved in Netball. They must not:
  - (i) provide any form of support to a child or their family unrelated to the scope of their role (e.g. financial assistance, babysitting, provide accommodation), where there is no existing social, personal, or family relationship;
  - (ii) use personal phone, camera, or video camera to take images of Children;
  - (iii) exhibit any type of favouritism towards a Child;
  - (iv) transport Children unless specifically approved;
  - (v) giving gifts/presents to Children other than the provision of official awards, where there is no existing social, personal, or family relationship;
  - (vi) engage in open discussions of a mature or adult nature in the presence of Children;
  - (vii) discriminate against any Child, including on the basis of gender identity, culture, race, or disability;
  - (viii) have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online), where there is no existing social, personal, or family relationship; or
  - (ix) accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- b. If a Captured Entity becomes aware of a situation in which a Child requires assistance that is beyond the confines of that Captured Entities' role, they should undertake any or all of the following at the earliest opportunity:
  - (i) refer the matter to NSW Police;
  - (ii) refer the Child to an appropriate support agency;

- (iii) contact the Child's parent or guardian; or
- (iv) seek advice from Netball NSW and/or the relevant Affiliate.

### **2.3 Use of language and tone of voice**

Language and tone of voice used in the presence of Children should:

- a. provide clear direction, boost their confidence, encourage, or affirm them;
- b. not be harmful to Children. In this respect, avoid language that is:
  - (i) discriminatory, racist, or sexist;
  - (ii) derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
  - (iii) intended to threaten or frighten; or
  - (iv) profane or sexual.

### **2.4 Positive guidance (Discipline)**

- a. Children participating in Netball will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- b. Captured Entities must appropriate techniques and behaviour management strategies to ensure:
  - (i) an effective and positive environment; and
  - (ii) the safety and/or wellbeing of Children, or personnel participating in sport.
- c. Captured Entities must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- d. Children need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.
- e. Under no circumstances are Captured Entities to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

### **2.5 Supervision**

- a. Children participating in Netball Activities must always be supervised. Supervision must be constant, active, and diligent and requires Members and Participants to always be in a position to observe each Child, respond to individual needs, and immediately intervene if necessary.
- b. One-to-one unsupervised situations with Children should be avoided, however some Netball Activities may involve such circumstances (e.g., medicine and physical therapy) and in this case, these situations will need to be identified and recorded by Netball NSW and/or the relevant Affiliate.
- c. Any incident of one-to-one unsupervised contact should be immediately reported to Netball NSW and/or the relevant Affiliate within 24 hours of the incident occurring.

### **2.6 Use of electronic or online communications**

- a. For any electronic or online communication with Children in Netball we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.
- b. When communicating with Children, Captured Entities must ensure content is:
  - (i) directly associated with delivering our services, such as advising that a scheduled event is cancelled;



- (ii) concise with personal or social content limited only to convey the message in a polite and friendly manner;
- (iii) devoid of any sexual behaviour; and
- (iv) not promoting unauthorised social activity or contact.

## **2.7 Photographs of Children**

- a. Netball NSW requires every person to obtain permission from a Child's parent or guardian before taking images of a Child that is not their own. They should also make sure the parent/guardian understands how the image will be used.
- b. Netball NSW requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- c. If any person believes that another person is taking photos that are indecent or inappropriate, they should immediately contact police.
- d. In the event that the taking of any images is banned for example due to child custody matters, wards of the state, restraining orders and witness protection, it is the responsibility of the parent or guardian or individual to notify Netball NSW or the Affiliate including where appropriate the provision of a confidential copy of the order. In such cases Netball NSW and/or the Affiliate will use its best endeavours to prevent the taking of such images.
- e. Netball NSW and/or an Affiliate will not name or identify any Child or publish any personal information such as residential address, email address or telephone numbers without written approval from the Child's parent or guardian.
- f. Netball NSW and/or an Affiliate will not provide or publish to any person or organisation information about a Child's hobbies, interests, school etc.
- g. Netball NSW and Affiliates will only use appropriate images of a Child, relevant to Netball and depicting the Child suitably clothed in a manner that promotes participation in Netball. Wherever possible, Netball NSW and/or an Affiliate will seek permission from a Child's parent or guardian before using the image.
- h. Images (digital and hardcopy) will be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.

## **2.8 Physical contact with Children**

- a. Any physical contact with Children must be appropriate to the delivery of Netball Activities and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- b. Under no circumstances should any person have contact with Children participating in Netball Activities that:
  - (i) involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
  - (ii) would appear to a reasonable observer to have a sexual connotation;
  - (iii) is intended to cause pain or distress to the Child (e.g. corporal punishment);
  - (iv) is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);
  - (v) is unnecessary (e.g. assisting with toileting when a Child does not require assistance); or
  - (vi) is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
    - physical restraint should be a last resort;
    - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
    - the incident must be reported to Netball NSW and/or an Affiliate as soon as possible.

- c. Captured Entities are required to report to Netball NSW and/or an Affiliate any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child and all Captured Entities.

## **2.9 Overnight stays and sleeping arrangements**

- a. Overnight stays involving Children are to occur only with the Netball NSW and/or Affiliate approval and consent of the parents or guardians of the Children involved.
- b. Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.
- c. Practices and behaviour by Captured Entities involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of Netball Activities at all other times.
- d. Standards of conduct that must be observed by Captured Entities involved during an overnight stay include:
  - (i) Children are provided with privacy when bathing, toileting, and dressing;
  - (ii) appropriate dress standards are observed when Children are present – such as no exposure to adult nudity;
  - (iii) Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;
  - (iv) Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers;
  - (v) sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child; and
  - (vi) Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

## **2.10 Change room arrangements**

- a. Children should be supervised in change rooms whilst ensuring their right to privacy.
- b. A minimum of two Members or Participants of the same gender as the group should always be present.
- c. Members or Participants must not shower or change at the same time as supervising groups of Children.
- d. Members or Participants must avoid one-to-one situations with a Child in a change room area.
- e. Members or Participants need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.
- f. Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed, showering or using toilets.

## **2.11 Use of, possession or supply of alcohol or drugs**

Members or Participants, whilst responsible for the care of Children, must not:

- a. use, possess or be under the influence of an illicit drug;
- b. use or be under the influence of alcohol;
- c. be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- d. supply alcohol or drugs (including tobacco) to a Child;

- e. supply medicines, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

### **2.12 Parent/Guardian Involvement**

Captured Entities must:

- a. ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Netball.
- b. conduct all Netball Activities in open locations and allow parents/guardians to watch their Children during Netball Activities.
- c. make parents/guardians are aware of the standard of behaviour required when watching their Child during Netball Activities.

### **2.13 Transporting Children**

- a. Children are only to be transported in circumstances that are directly related to the delivery of Netball Activities.
- b. Other than in an emergency, it is not acceptable for Captured Entities to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey, including the:
  - (i) form of transport to be used;
  - (ii) reason for the journey;
  - (iii) route to be followed, including any stops or side trips; and
  - (iv) details of anyone who will be present during the journey
- c. When transporting Children, the driver must drive responsibly, not be impaired by alcohol or any other mind-altering substances, have an unrestricted drivers' licence and to the extent practicable, not be alone in the car with a Child.
- d. Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

### **2.14 Drop off and Pick up of Children**

Netball NSW and/or an Affiliate must:

- a. ensure Children and their parents or guardians know the time and location of Netball Activities, including start and finish times.
- b. arrive before scheduled practice or game times to ensure that Children are not left unattended.
- c. have an accessible register of parent and guardian emergency contact numbers and an operational phone.
- d. ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.
- e. ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of a Captured Entity to transport Children home if their parent or guardian is late for pick up.
- f. not leave the training or match until all Children have been collected by their parents and guardians.

## Annexure C: Recruitment and Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across Netball. Netball NSW takes Child protection seriously and ensures that the organisation recruits' personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

### 1. Child Related Positions

- 1.1 All positions within Netball NSW or an Affiliate (employees and volunteers) will be assessed by Netball NSW or the relevant Affiliate as appropriate (new and existing) using Appendix 1: Position Assessment Checklist.
- 1.2 Positions identified as 'child related' will require the successful applicant to be cleared by the NSW Office of the Children's Guardian as a person suitable to work with Children through obtaining a Working with Children Check.

### 2. Position Descriptions

- 2.1 Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.
- 2.2 Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children', 'Must be able to provide evidence of a valid and current NSW WWCC'.

### 3. Advertising

- 3.1 All positions identified as child related will include the following statement in the position description and any advertising: *[Netball NSW/ Affiliate] is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.*

### 4. Interviews

- 4.1 All applicants for child related positions are required to attend at least one formal interview or informal discussion, preferably in person or on a videoconference (e.g. Zoom etc.).
- 4.2 During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 2: Interview Requirements and Sample Questions.

### 5. Working with Children Checks

- 5.1 NSW Working with Children Check laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. The relevant Working with Children Check legislation in NSW is the *Child Protection (Working with Children) Act 2012 (NSW) (Child Protection Act)*.
- 5.2 These 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.
- 5.3 Netball NSW and its Affiliates must be aware of and compliant with the Working with Children Check employer obligations as set out in the Child Protection Act.

- 5.4 All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment, be that Netball NSW or an Affiliate. The organisation making the appointment is responsible for verifying the WWCC.
- 5.5 Netball NSW and/or an Affiliate may not engage a person who does not have a satisfactory NSW WWCC. A WWCC from another jurisdiction is not valid in NSW and does not meet the legal requirements which exist under the *Child Protection Act*.
- 5.6 For the purpose of Clause 4.1 of this Policy, it is a serious breach of the Policy if an individual:
- (a) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child related position in Netball; or
  - (b) continues in their position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- 5.7 Any Member or Participant is required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault. It is a breach of this Policy under Clause 4.1 to fail to disclose any such conviction or charge

## 6. Monitoring compliance

- 6.1 Netball NSW and its Affiliates will ensure that all personnel (both employees and volunteers) in Child related positions have a current NSW WWCC.
- 6.2 Netball NSW and its Affiliates are responsible for verifying all WWCC held by all personnel in Child related positions in accordance with the requirements in the Child Protection Act.
- 6.3 Netball NSW and its Affiliates will retain, update and review relevant records of all personnel in Child related positions including the following:
- (a) Full Name;
  - (b) Date of Birth;
  - (c) WWCC number;
  - (d) WWCC expiry date;
  - (e) Verification date; and
  - (f) Verification status.

## 7. Reference checks

- 7.1 Netball NSW and/or Affiliates will conduct a minimum of two reference check for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- 7.2 The selected referees must:
- (a) be able to provide information relating to the applicant's suitability to work with Children;
  - (b) have known the applicant for at least 12 months;
  - (c) not be related to the applicant;
  - (d) be able to vouch for the applicant's reputation and character.

**Please note:** Written character references are not sufficient unless also followed up and verified through direct contact.

- 7.3 Referees will be asked directly about any concerns they may have about the applicant working with Children.  
*Refer to Appendix 3: Reference Check Requirements and Sample Questions.*

## **8. Qualification and registration checks**

Educational or vocational qualifications, or professional registration, including any coaching or umpiring qualifications will be verified for the preferred applicant for the position, if applicable.

## **9. Minors**

- 9.1 If a person under the age of 18 is appointed to a child-related position, the Netball NSW or the relevant Affiliate must:
- (a) comply with NSW WWCC requirements. Note that NSW WWCC requirements do not permit a minor to obtain a WWCC. When a minor transitions to 18 years of age they must then meet the WWCC requirements;
  - (b) undertake appropriate screening (interviews and referee checks);
  - (c) ensure that they are aware that they are bound by the Child Safe Policy, Child Safe Practices and the obligations associated with working with Children; and
  - (d) obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.

## Appendix 1: Position Assessment Checklist

### Step 1 - Exemptions (for certain positions only – not activities)

Netball NSW takes the view that all personnel working in a Child-related position should hold a verified NSW WWCC.

If the position is **not exempt**, please move to **Step Two**.

### Step 2 – Contact

Contact with children Assessment		
Category	Question- Does the position/activity	Y/N
<b>Degree of Isolation</b>	Involve supervising children?	
	Involve being alone with children? [Please note that this should be avoided where possible].	
	Involve being alone with children? [Please note that this should be avoided where possible].	
	Involve meeting one-on-one with children? [Please note that this should be avoided where possible].	
	Involve working in unpredictable or remote settings?	
<b>Online Environment</b>	Involve having contact with children via phone, letter, email, or social media?	
	Involve direct one-on-one or group access to children online?	
	Involve supervising child-to-child online contact?	
	Involve online access to a child's or children's personal and/or confidential information?	

### Step 3 – Vulnerability

Contact with children Assessment		
Category	Question- Does the position/activity	Y/N
<b>Context</b>	Engage with children with disabilities?	
	Engage with children with additional vulnerabilities?	
	Engage with children with limited support? (e.g. away from home)	
<b>Physical</b>	Involve demonstrating a skill to children?	
	Involve the need for physical contact/touching children?	
	Involve providing a personal service? (e.g. washing, dressing or toileting)	
	Involve transporting children?	
<b>Supervision</b>	Involve personnel having unsupervised contact with children?	
	Involve engaging with children in a way that is not observed or monitored?	
	Involve any of the following: one-on-one supervision; over-night supervision; out-of- town activities; advising or offering guidance to children; spending extended periods of time with children e.g. camps?	

Working with children Assessment	
	Involve developing close, personal, long-term relationships with children and/or their parents?
Authority	Contribute to important decisions regarding the future of children?
	Have access to personal/confidential information of children?
	Have a perceived or actual level of authority? (From a child's perspective)
Role Specific	Require specific skills, knowledge, qualifications, or service eligibility requirements to undertake a child-related position/role?
Vulnerability can include	Physical and mental disability, homelessness, children and families impacted by disasters, displacement, being a migrant, refugee or an asylum seeker, children who are known to police or child protection services, orphans, children in out of home care, unaccompanied minors and being a very young child.

#### Step 4 – Assess the Risk

Based on your responses to Step Two & Three, identify the inherent risk of the position/activity using the table below.

<b>LOW</b>	Nil contact	The position / activity does not have contact or work with children ( <b>i.e. you answered NO to all questions in Steps Two and Three</b> ).	Netball NSW and/or an Affiliate <b>does not</b> require the position or person in the position to hold a NSW WWCC. Netball NSW and/or and Affiliate <b>does not</b> require the activity to be supervised or the person to be on restricted duties.
<b>MODERATE</b>	Contact with Children	The position / activity involves or may involve contact with children ( <b>i.e. you answered YES to one or more questions in Step Two</b> ).	Netball NSW and /or an Affiliate. <b>does</b> require the position and person in the position to hold a NSW WWCC. If the person does not have a NSW WWCC they <b>MAY</b> begin in the role provided that the Netball NSW and/or an Affiliate has verified their application submission, but they <b>MUST</b> be supervised at all times by another adult with a NSW WWCC. These measures are to be in place until a copy of the NSW WWCC is provided to Netball NSW and/or Affiliate. The person <b>MUST NOT</b> begin child-related work if an interim decision on their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.



HIGH	Working with Children	The position / activity involves working with children (i.e. you answered <b>YES to one or more questions in Step Three</b> ).	<p>Netball NSW and/or Affiliate <b>does</b> require the position and person in the position to hold a NSW WWCC.</p> <p>If the person does not have a NSW WWCC they <b>MAY</b> begin in the role provided that Netball NSW and/or Affiliate has verified their application submission, but the person <b>MUST</b> be supervised at all times by another adult that has a WWCC. These measures are to be in place until a copy of the WWCC is provided Netball NSW and/or the relevant Affiliate.</p> <p>The person <b>MUST NOT</b> begin child-related work if an interim decision in their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.</p>
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## Appendix 2: Interview Requirements and Sample Questions

- The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
- An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
- All applicants should be informed during the interview that referees will be contacted as part of the any final selection process.

### Questions that **MUST** be asked

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

### Additional Questions (for positions that work predominately with children) that **MAY** be asked

- What do you find most rewarding about working with children?
- What do you find most challenging about working with children?
- How would you handle a child that is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child who is acting aggressively?
- Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
- How would you respond to a child who disclosed they were being subjected to abuse?
- A parent of a child attending your service wants someone from the organisation to care for their child out of hours.
- What would be your response to this request?
- What would you do if you thought another staff member or volunteer had harmed or was harming a child?
- What would you do if you thought a child was being abused at home?
- Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child that appears sad and refuses to participate in activities?

Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.

Red Flags include, but are not limited to:

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography.
- being evasive or inconsistent in responding to questions

### Appendix 3: Reference Check Requirement and Sample Questions

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- Ask the same questions of each referee.
- When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
- Before asking questions, describe the job and the competencies that you are seeking.

#### Questions that **MUST** be asked

- Are you related to the applicant? (Please note, if the person answers Yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
- How would you describe the personal character of the applicant?
- Would you have any concerns about this applicant working with or being in contact with children?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

#### The panel should consider the validity of the referees by reflecting on the following questions:

- What is the relationship between the referee and the applicant?
- Has the referee known the applicant in a professional capacity and if so when and for how long?
- Is the referee able to provide relevant information about the applicant's work history and performance?
- Has the referee observed the applicant demonstrating the skills and knowledge required for the position?

#### **Red Flags include, but are not limited to:**

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted

Referees that were not informed they would be used.