

NSWIS Child Safe Guidelines

**Guideline Author and
Contact person for more information:
Manager, People & Culture**

Guideline endorsed by Executive: Aug 2019

Guideline approved by NSWIS Board:

**CEO: _____
(signature)**

Next formal review by Executive: Aug 2021

NOTE: Any agreed changes to the Guideline approved by the NSWIS Board between the date of issue and the date for next review are to be updated and made available to all staff for advice.

Revision History

Date	Version	Reviewed by	Changes made
29/09/19	Version 1	Reviewed by Kirsten Thomson	Initial version
Date	Version	Reviewed by	Changes made
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NSWIS Child Safe Guidelines



Purpose

The purpose of the NSWIS Child Safe Guidelines are to:

- Create and promote a safe and positive environment for children
- Demonstrate that the organisation is taking its duty of care seriously
- Provide the foundation for procedures and decision-making about the Institute's interactions and involvement with children

Child safety is about keeping children and young people safe from abuse and protecting them from people who are identified as unsuitable to work with children.

Safe and enjoyable sport experiences are the right of every Australian child. Keeping children and young people safe is a priority and everyone's responsibility.

Definitions

For the purpose of the *Ombudsman Act 1974*, an employee of an agency is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as any individual engaged by the agency to provide services to children, such as contractors, foster carers, volunteers, students on placement and instructors of religion.

Our Commitment to a Child Safe Organisation

The Institute embeds child safety into leadership and culture, actively involving children and families and has a number of measures in place to safeguard children.

Employees can refer to the NSWIS Code of Conduct for information in relation to our expectations.

We require all employees, coaches, contractors and service providers to provide a Working With Children Check to our People & Culture team prior to commencement.

The Working with Children Check

The NSW Office of the Children's Guardian (OCG) manages the Working With Children Check (WWCC) in NSW.

In NSW, a person who is in a paid position or who volunteers in child-related work is required by law to have a WWCC. In NSW the WWCC is a WWC number and involves a national police check and review of workplace misconduct involving children.

A WWCC clearance lasts for five years and must be renewed before the expiry date to remain in child related work. If your details are up to date, individuals with a current WWCC clearance will receive an email from the OCG to renew their check, three months prior to the expiry date.

The NSW Ombudsman

The NSW Ombudsman is responsible for monitoring the handling of reportable allegations and convictions against employees of all government and certain non-government agencies in NSW. The Ombudsman is also responsible for scrutinising the systems of these agencies for preventing and handling reportable allegations and convictions against employees.

Heads of agencies (or their delegates) are required to make a notification to the Ombudsman within 30 days of becoming aware of a reportable allegation or conviction. This reporting requirement enables the Ombudsman to determine our level of involvement in a matter at an early point in the investigation. We consider issues including the type of allegation/s being investigated, the nature of the risks arising, and how we might assist an agency to complete its investigation to a satisfactory standard.

At the end of the investigation, the head of agency must send a report to the Ombudsman that includes the agency's findings in relation to the allegations, details of any action taken and copies of documents on which the report is based. This enables the Ombudsman to determine if the investigation was carried out in a satisfactory manner.

The Ombudsman can:

- Monitor the progress of an investigation conducted by the agency, or an investigation conducted on behalf of the agency, concerning the reportable allegation or conviction. This means that we will have contact with the agency during the course of the investigation and may request information about the investigation.
- Conduct a direct investigation into any reportable allegation or conviction against an employee of an agency, regardless of whether or not it has been notified to us by the head of agency. If the Ombudsman decides to directly investigate a reportable allegation or conviction, the agency may be required to defer its own investigation. When we conclude the investigation, or we ask the agency to resume its own investigation, we will provide the agency with recommendations for action, as well as any necessary information relating to the recommendations.

Ombudsman staff may also observe interviews conducted by, or on behalf of, the agency and may confer with the people conducting the investigation about its conduct and progress. If asked, the investigators must provide the Ombudsman with any information relating to the investigation.

The Ombudsman maintains records relating to all notifications of reportable allegations, regardless of the results of the investigation. All information is kept confidentially by the Ombudsman and is stored according to the State Records Act. The Ombudsman's complaint handling, investigation and reporting records are not publicly accessible, as they are exempt from disclosure under the *Government Information (Public Access) Act 2009* and records cannot be requested or subpoenaed as evidence in a court.

NSWIS CEO Responsibilities

The NSWIS CEO is expected to:

- ensure systems are in place for recording and responding to allegations or convictions of a child protection nature against employees. This includes reportable allegations and convictions and allegations that are exempt from notification to the Ombudsman.
- provide information, as the Ombudsman requires, about the type and operation of systems for providing a safe environment for children in the agency's care, and systems for handling and responding to reportable allegations and convictions made against employees (including allegations which are exempt from notification).
- make arrangements within the agency to require all employees to inform the head of agency (or delegate) of any allegation or conviction of a child protection nature against an employee, of which they become aware. These arrangements should include the requirement that employees notify the head of agency or delegate of any such allegation or conviction as soon as practicable.
- notify the Ombudsman of reportable allegations or convictions made against an employee of the agency, what action it intends to take and for what reason.
- provide to the Ombudsman on request, documentary and other information (including records of interviews) with respect to an investigation being undertaken.

What does the CEO need to report?

When an employment-related child protection allegation is made against an employee, the NSWIS CEO will consider whether there is reason to believe that it constitutes an allegation of reportable conduct (a reportable allegation or a reportable conviction).

Reportable conduct means:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

A **reportable allegation** means an allegation of reportable conduct against an employee. For an allegation to be notifiable to the Ombudsman, the following components are necessary:

- the person who is the subject of the allegation must be a current employee of a designated agency or public authority, or have been an employee at the time the allegation was made (the person must be identified or identifiable either by name or by other information including their description, work schedules and locations of the agency)
- the allegation must contain a description of behaviour that may constitute reportable conduct, and
- the child or young person who was alleged to have been involved in reportable conduct by an employee, must have been under 18 years at the time of the alleged incident or conduct.

Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the child and to any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated by the agency and the result of the investigation recorded under workplace employment procedures, or
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman.

Once the CEO is satisfied that the investigation has been concluded, they must, as soon as practicable, provide the Ombudsman with:

- a completed **Part B** of the Ombudsman's notification form, which is available on our website.
- any report prepared by or for them relating to the investigation, as well as copies of all statements and other documents which form the basis of the report.
- any comments that they may want to make about the report.
- the results of the investigation.
- advice of the action that has been taken, or will be taken (arising from the investigation), in respect to the reportable allegation or conviction.

Privacy

The Institute is aware of our privacy obligations and respects the privacy rights of children as well as those people who provide information. Because of the sensitive nature of personal information all complaints processes at NSWIS align with the NSWIS Privacy Policy that establishes the procedures by which information will be collected, used, disclosed and stored.

Our Privacy Policy ensures we meet our obligations defined under the *Privacy and Personal Information Protection Act 1998*.

It is important to note that due to our obligations to report child safety issues the Institute cannot promise confidentiality in these matters; however, we can assure privacy in handling the matter and that only those who need to know will be advised.

Reporting an Issue

Child safe reporting at the Institute is covered by our Complaints Handling Guidelines and can be directed to the NSWIS Manager, People & Culture.

Receipt of complaints will be acknowledged promptly and assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or

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security the response will be immediate and will be escalated appropriately in line with the NSWIS Critical Incident Policy, if appropriate.

People making complaints will be informed about the process, expected timeframes and of the progress and reasons for any delay. People will be advised as soon as possible when NSWIS is unable to deal with any part of their complaint and advised where such issues and/or complaints may be directed (if known and appropriate).

All complaints will be handled with integrity and in an equitable, objective and unbiased manner.

Staff allocated to any complaint handling will be different from any staff member whose conduct or services is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly.

Where a complaint involves multiple organisations, NSWIS will work with the other organisation/s where possible, to ensure communication with the person making a complaint and/or their representative is clear and coordinated.

Where to get help

Contact our People & Culture Manager via (02) 9763 0251.

If you believe a child is in immediate danger or in a life-threatening situation, contact the NSW Police immediately by dialing 000.

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of harm should report it to the Child Protection Helpline on phone 132 111, 24 hours a day, 7 days a week.