

NSWIS Child Safe Policy

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CEO: _____
(signature)

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**Policy Author and
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NOTE: Any agreed changes to the Policy 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

29/09/19	Version 1	Reviewed by Kirsten Thomson	Initial version
27/07/2021	Version 2	Reviewed by Wayne Earl	Alignment to Sport Integrity Australia Child Safeguarding Policy Policy established.
29/01/2024	Version 3	Reviewed by Richard Sullivan	Minor changes made to item 5.3 and 5.5 and other minor changes throughout

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NSWIS Child Safe Policy



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1.0 Purpose and Scope

The NSW Institute of Sport (**NSWIS**) has a zero-tolerance policy to child abuse and neglect in any form. NSWIS is committed to safeguarding, protecting, and promoting the welfare of Children through providing a safe and inclusive environment, and by ensuring that everyone involved in NSWIS 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 sport in a safe, positive, and enjoyable environment. NSWIS aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in NSWIS.

This Policy constitutes part of the Institute's overall proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation, and empowerment of all Children in our daily training environments and workplace. This Policy seeks to ensure that everyone involved in NSWIS is aware of their rights and responsibilities in relation to Children.

This Policy sets out the standards of behaviour expected of those involved in NSWIS and the behaviours that are not acceptable (**Prohibited Conduct**).

This Policy also imposes obligations in relation to Mandatory Reporting and the required responses to allegations of Prohibited Conduct.

The purpose of this Policy is to:

- Create and promote a safe and positive environment for Children.
- Provide the foundation for procedures and decision-making about NSWIS'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.

All Relevant Persons to which this Policy applies must always comply with this Policy (while they are a Relevant Person), including in relation to any dealings they have with a Child arising from the Relevant Person's association with NSWIS.

As part of our sport partnership agreements with National Sporting Organisations (**NSO**), NSWIS requires that each NSO either (1) aligns with the policy requirements of the National Integrity Framework established by Sport Integrity Australia or (2) provides to NSWIS the NSO's child safeguarding policies.

2.0 Definitions

In this Policy, the following words have the corresponding meanings:

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 or a person's wellbeing, whether that Abuse occurs in person, as the result of a publication viewable by any other person, or by any means.

Australian Child Protection Legislation means all Commonwealth, State and Territory child protection legislation as amended from time to time.

Bullying means a person or group of people repeatedly and intentionally using words or actions or the inappropriate use of power or any combination of any of the foregoing, against someone or a group of people to cause distress and risk to the wellbeing of that person or persons.

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 Safe Practices refer to the child safety requirements and practices adopted and implemented by NSWIS to help ensure the safety of Children participating in an Activity.

Grooming refers to the process by which a person 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 unwanted or uninvited behaviour towards a person that the person does not want which is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

Mandatory Reporting means any legislative requirement or scheme for specific people or groups of people to report suspected Abuse of Children.

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

Prohibited Conduct means conduct in breach of this Policy.

Recruitment & Screening means the child safety recruitment and screening requirements adopted and implemented by NSWIS to help ensure the safety of Children participating in NSWIS's sport programs, as outlined in **Appendix A**.

Relevant Person refers to any staff member, volunteer, contractor, service provider or athlete who is performing duties for or on behalf of NSWIS.

Reportable Allegation in relation to an employee of a public authority, means:

- a) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment, or
- b) if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, unless the conduct is alleged to have occurred outside the course of the employee's employment with the public authority.

Reportable Conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a) any sexual offence,
- b) sexual misconduct,
- c) ill-treatment of a child
- d) neglect of a Child
- e) an assault against a child
- f) an offence under section 43B or 316A of the crimes Act 1900,
- g) behaviour that causes significant emotional or psychological harm to a child

Reportable Conviction means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct—

- a) in relation to an employee of a Schedule 1 entity—whether or not the conduct occurred in the course of the employee’s employment with the Schedule 1 entity, or
- b) in relation to an employee of a public authority—
 - i) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—whether or not the conduct occurred in the course of the employee’s employment, or
 - ii) if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—unless the conviction relates to conduct that occurred outside the course of the employee’s employment with the public authority, or
- c) in relation to an employee of a religious body—whether or not the conduct occurred in the course of the employee’s engagement with the religious body.
- d) A reference in this Part to a reportable conviction includes a conviction in respect of conduct occurring before the commencement.

Sexual Misconduct means conduct with, towards or in the presence of a child that:

- a) Is sexual in nature; but
- b) Is not a sexual offence.

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.

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, as covered by applicable legislation, including without limitation their race or religion, sexual orientation, transgender status, or HIV/AIDS status.

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

3.0 Requirements of Relevant Persons

Relevant Persons must always:

- a) comply with NSWIS Child Safe Practices.
- b) report any concerns or allegations of Prohibited Conduct involving any Relevant Person to the Manager , Financial Services, People & Culture or the Child Safety Officer.
- 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.
- e) comply with all legislative obligations that they are subject to in relation to Mandatory Reporting and the WWCC scheme.

4.0 Prohibited Conduct

A Relevant Person commits a breach of this Policy when:

- a) they, either alone or in conjunction with any other person(s), engage in any of the following conduct against, or in relation to, a Child or Children:
 - a. Child Abuse.
 - b. Grooming.
 - c. Misconduct with a Child.
 - d. request or infer that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator.
 - e. supply alcohol, drugs (including tobacco) or medicines, except with the written consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

5.0 Our Commitment to a Child Safe Organisation

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

5.1 We are committed to keeping Children safe.

- a) Through this 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 and this Policy.

5.2 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 a complaints process.
- 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.

5.3 Our Relevant Persons know the behaviour we expect.

- a) We ensure that each person involved in our delivery of services to Children understand 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) We have Child Safe Practices, which are approved and endorsed by the NSWIS Executive, that outline our expectations for behaviour towards Children.
- d) Our Relevant Persons are given a copy of and have access to the Child Safe Practices within this Policy.
- e) Our staff, contractors and volunteers indicate, in writing, that they have read and are committed to these Child Safe Policy via the *Keeping Children and Young People Safe* e-learn.
- f) We create safe spaces online and offline, minimising potential abuse, equip staff with child safety training and prioritise both risk mitigation and child rights.

5.4 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. This is outlined in further detail in **Appendix A**.
- b) We will meet the requirements of the WWCC legislative regime.

5.5 Induction and training are part of our commitment.

- a) We will provide all new Relevant Persons with information about our commitment to Child safety including this Policy and NSWIS's Complaints Handling Guidelines.
- b) We support ongoing education and training (online and offline) for our Relevant Persons to ensure child safety information is provided and updated as required.
- c) We ensure that our Relevant Persons have up-to-date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.

5.6 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 parents/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 Relevant Persons, staff, and volunteers and of Children themselves
 - (iii) our policy about dealing with and 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 managing complaints through the NSWIS Complaints Handling Guidelines.
- d) We respect diversity and seek to facilitate effective communication and involvement.

5.7 Our Relevant Persons understand their responsibility for reporting Child Abuse

- a) Our Policy for responding to Child Abuse is approved and endorsed by the NSWIS Board and applies to all our Relevant Persons. Relevant Persons must:
 - (i) immediately report Abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers.
 - (ii) meet any legislated mandatory or other jurisdictional reporting requirements.
 - (iii) follow a specified process when reporting Abuse or neglect.
- b) Our Relevant Persons are given a copy of and have access to NSWIS's Complaints Handling Guidelines and understand the implications of those Guidelines for their role.
- c) We document any allegation, disclosure or concern regarding Child Abuse and monitor responses to all allegations, disclosures, or concerns.

5.8 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 NSWIS's Manager, Financial Services, People & Culture.
- c) We monitor our Relevant Persons to ensure appropriate practice, behaviour and policies are followed.
- d) We require our Relevant Persons to disclose convictions or charges affecting their suitability to work with Children. We review police records where appropriate and WWCC checks.
- 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.

6.0 Our Child Safe Practices

NSWIS is committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. NSWIS's Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our high-performance programs.

A breach of the Child Safe Practices is a breach of this Policy and will be managed through NSWIS's Grievance Handling & Dispute Resolution Policy.

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, you seek authorisation prior to taking action that does not comply with these Child Safe Standards or that you notify the NSWIS Manager, Financial Services, People & Culture or the Child Safety Officer as soon possible after any incident in which these Child Safe Standards are not complied with.

6.1 Sexual misconduct

- a) Under no circumstances is any form of sexual behaviour (as described in clause 6.1(b)) 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 or intimate 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.

6.2 Professional boundaries

- a) Relevant Persons must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in our sport programs. They must not:
 - (i) provide any form of support to a Child or their family unrelated to the scope of their role (for example the provision of financial assistance, babysitting or accommodation).
 - (ii) use a personal phone, camera, or video camera to take images of Children without the consent of a Child's parents or guardian.
 - (iii) exhibit any type of favouritism towards a Child.
 - (iv) transport Children unless specifically approved by the parent or guardian of the Child and the Relevant Persons supervisor.
 - (v) give gifts/presents to Children other than the provision of official awards.
 - (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); or
- b) If a Relevant Person become aware of a situation in which a Child requires assistance that is beyond the scope of that Relevant Person's role, they should undertake any or all of the following at the earliest opportunity:
 - (i) refer the matter to the Office of the Children's Guardian.
 - (ii) refer the Child to an appropriate support agency.
 - (iii) contact the Child's parent or guardian; and
 - (iv) seek advice from NSWIS's Manager, Financial Services, People & Culture, or the Child Safety Officer.

6.3 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, Relevant Persons should not use language that is or is likely to be reasonably interpreted as:
 - (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.
 - (iv) profane or sexual.

6.4 Positive guidance (Discipline)

- a) Children participating in our high-performance programs will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- b) Relevant Persons must use appropriate techniques and behaviour management strategies to ensure:
 - (i) an effective and positive environment.
 - (ii) the safety and/or wellbeing of Children and personnel participating in sport.
- c) Relevant Persons 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 behaviour in a positive manner.
- e) Under no circumstances are Relevant Persons to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

6.5 Supervision

- a) Children participating in our sport programs and services must always be supervised. Supervision must be constant, active, and diligent and requires Relevant Persons 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 services and programs may involve such circumstances (e.g., medical treatment and physical therapy) and in this case, these situations will need to be identified and recorded.
- c) Any incident of one-to-one unsupervised contact should be immediately reported to the Manager, Financial Services, People & Culture management or the Child Safety Officer within 24 hours of the incident occurring.

6.6 Use of electronic or online communications

When communicating with Children, Relevant Persons 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 sexualised language.
- (iv) not promoting unauthorised social activity or contact.

6.7 Photographs of Children

- a) Children are to be photographed or videoed while involved in relation to their sport and their involvement with NSWIS only if:
 - (i) the Child's parent or guardian has provided prior written approval for the photographs to be taken or for the video footage to be captured.
 - (ii) the context is directly related to participation in our sport
 - (iii) the Child is appropriately dressed and posed
 - (iv) the image is taken in the presence of other personnel.
- b) NSWIS and our Relevant Persons must not distribute images or videos (including as an attachment to an email) to anyone outside NSWIS other than to the Child photographed or their parent or guardian without the approval of the NSWIS Marketing Manager.
- c) Images (digital or hard copy) are to 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.
- d) Images are not to be exhibited online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), or such images must be presented in a manner that deidentifies the Child. Any caption or accompanying text may need to be checked so that it does not identify a Child if such identification is potentially detrimental.
- e) Consent for 6.7 a), b), c), d) will be included within the NSWIS Athlete Agreement.

6.8 Physical contact with Children

- a) Any physical contact with Children must be appropriate to the delivery of our sport programs or services 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 Relevant Persons have contact with Children participating in our programs and services 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 element or connotation.
 - (iii) is intended to cause pain or distress to the Child.
 - (iv) is overly physical (e.g., wrestling, horseplay, tickling or other roughhousing).
 - (v) is unnecessary.
 - (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 management as soon as possible.
- c) Relevant Persons are required to report to the NSWIS Manager, Financial Services, People & Culture or the Child Safety Officer 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, Relevant Persons, and any other participants.

6.9 Overnight stays and sleeping arrangements.

- a) Overnight stays involving Children are to occur only with NSWIS's approval and consent of a parent or guardian of the Children involved. This approval can only be given by the relevant NSWIS High Performance Manager once notified by the parent or guardian.
- b) Written approval must be obtained prior to the overnight stay. Written approval could in certain circumstances and subject to urgency include electronic messaging formats such as email or SMS.
- c) Practices and behaviour by Relevant Persons involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of our sport at all other times.
- d) Standards of conduct that must be observed by Relevant Persons 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 Children sharing a bed or an adult sleeping in the same bed as a Child.
 - (vi) Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

6.10 Change room arrangements

- a) Children should be supervised in change rooms whilst ensuring their right to privacy.
- b) A minimum of two Relevant Persons of the same gender as the group should always be present.
- c) Relevant Persons must not shower or change at the same time as supervising groups of Children.
- d) Relevant Persons must avoid one-to-one situations with a Child in a change room area.
- e) Relevant Persons 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.

6.11 Use of, possession, or supply of alcohol or drugs

Relevant Persons, 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 impaired by any other legal drug such as prescription or over-the-counter drugs.
- d) supply alcohol or drugs (including tobacco).
- e) supply or administer 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.

6.12 Parent/Guardian Involvement

NSWIS must:

- a) ensure that a parent/guardian participates in any significant decision, including the signing of any documentation in relation to their Child's involvement in a NSWIS sport program.
- b) conduct all training sessions in open locations.
- c) make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

6.13 Transporting Children

- a) Children are only to be transported in circumstances that are directly related to the delivery of our sport programs and services.
- b) Other than in an emergency, it is not acceptable for Relevant Persons to transport Children without prior written approval from their parent or guardian.
- c) Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to, seatbelts fitted and if a child restraint is required it meets the Australian Standards AS/NZS1754.

6.14 Drop off and pick up of Children.

NSWIS must:

- a) ensure Children and their parent or guardian know the time and location of training and matches, 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 Relevant Persons 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 parent or guardian.

7.0 Responsibilities

7.1 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 Office of the Children's Guardian.
- provide information, as the Office of the Children's Guardian 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 Office of the Children's Guardian 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 Office of the Children's Guardian on request, documentation, and other information (including records of interviews) with respect to an investigation being undertaken.

7.2 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)

Once the CEO is satisfied that the investigation has been concluded, they must, as soon as practicable, provide the Office of the Children's Guardian with:

- a completed **Entity Report Form**
- 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.

8.0 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* (NSW).

It is important to note that due to our obligations to report child safety issues NSWIS 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.

9.0 Reporting an Issue

Child safe reporting at NSWIS can be directed to the NSWIS Manager, Financial Services, People & Culture, or the Child Safety Officer.

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 security the response will be immediate and will be escalated appropriately.

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.

When NSWIS becomes aware of a reportable allegation or a reportable conviction, the CEO must notify the Office of the Children's Guardian within seven business days and investigate the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion. The Office of the Children's Guardian will monitor NSWIS's response to the allegation. The Children's Guardian may also monitor the progress of the investigation if the Children's Guardian considers it is in the public interest to do so.

Responding to Child Abuse Allegations

You MUST ACT

As a person employed, contracted or volunteer engaged by NSWIS, you play a crucial role in protecting Children. You must follow the four actions set out below when responding to 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 and safety concerns.
- Administering first aid, if required
- Separating the at-risk Child and others involved
- Identifying an appropriate contact person for any on-going liaison with the police

If there is **no** immediate harm go to Action 2

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 police and/or Child protection Helpline 132 111.

If the alleged Child Abuse is occurring in NSWIS, you must notify the Child Safety Officer or Manager, Financial Services, People & Culture as soon as practicable.

The Manager, Financial Services, People & Culture or Child Safety Officer will notify the Director Corporate and Communications and CEO who will notify the Board as required.

Action 3 – Contact

You must contact the police and /or the relevant child protection agency to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e., police, child protection department or NSWIS representative) this could include advice:

1. Not to contact the parents of 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.
- It is important that the person providing support to the Child does not attempt to provide support which is outside the scope of their role.
- Support should include maintain a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- This information needs to be well documented and shared with Section Lead, People & Culture
- Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.

Child Safe Contact

Section Lead, People & Culture
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10.0 Where to get help.

Contact our Child Safety Officer via (02) 9763 0214 or Manager, Financial Services, People & Culture via (02) 9763 0350.

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.

Appendix 1

Recruitment and Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process. NSWIS 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

- a) All positions within NSWIS have been identified as 'child-related' and will require the successful applicant to be cleared by the relevant authorities as a person suitable to work with Children.

2. Position Descriptions

- a) 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.
- b) 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.'

3 Advertising

- a) All positions identified as child-related will include the following statement in the position description and any advertising: *NSWIS 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

- a) All applicants for child-related positions are required to attend at least one interview, preferably in person or on a video conference (e.g., Zoom etc.). As per the NSWIS Recruitment Guidelines.

5. Working with Children Checks

- a) Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.
- b) 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.
- c) All personnel that require a WWCC will supply a copy of it to NSWIS on appointment to a role.
- d) NSWIS will not engage a person who does not have a satisfactory WWCC in the state of NSW.
- e) It is a serious breach of this Policy if an individual:
 - i) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child-related position or
 - ii) continues in their position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- f) Relevant Persons are 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.

6. International Criminal History Record Checks

- a) Any applicant who has resided overseas for 12 months or more in the last ten years must obtain an international criminal history check.

- b) Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks must be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.
- c) NSWIS will inform the applicant that referees will be asked whether they have knowledge or information concerning the applicant that would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers or government officials.
- d) Overseas applicants should not commence until this process is satisfactorily completed.

7. Monitoring compliance

- a) NSWIS will ensure that all personnel in child-related positions have a current WWCC as specified in the WWCC legislation.

8. Reference checks

- a) NSWIS will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- b) The selected referees must:
 - i) be able to provide information relating to the applicant's suitability to work with Children;
 - ii) have known the applicant for at least 12 months;
 - iii) not be related to the applicant; and
 - iv) be able to vouch for the applicant's reputation and character.
- c) Referees will be asked directly about any concerns they may have about the applicant working with Children.

9. Qualification and registration checks

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

10 Minors

- a) If a person under the age of 18 is appointed to a child-related position, NSWIS will:
 - i) comply with the relevant WWCC legislation;
 - ii) undertake appropriate screening (interviews and referee checks);
 - iii) 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
 - iv) obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.