

GREAT SOUTHERN AMATEUR BASKETBALL ASSOCIATION

GSABA



CHILD SAFE

POLICY

1. PURPOSE AND SCOPE

This policy provides guidelines to GSABA Members in recognising the duty of care the GSABA has to protect children involved in basketball competitions and programs. The GSABA is committed to providing a child safe environment. Where every child has the right to be safe from harm and the safety and well-being of all children is paramount.

2. DEFINITIONS

2.1 Child Abuse or neglect means:

- Sexual Abuse of the child; or
- Physical or emotional abuse of the child, or neglect of the child, to the extent that:
 - the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
 - the child's physical or psychological development is in jeopardy

2.2 A child means a person under 18 years of age.

2.3 Duty of care means - The law states that when it is foreseeable that a person may suffer harm or loss due to what someone else does or fails to do, then they owe that person a duty of care; it is the organisations responsibility to provide the children with adequate level of protection against harm.

2.4 Mandatory Reporting - a requirement by law that a person must notify the Child Abuse Report Line (Families SA) when they have suspicion on reasonable grounds, that a child has been, or is being abused or neglected.

2.5 Mandated Notifier - A person, who must by law, report suspicion of abuse or neglect of a child formed

LEGISLATION

Under Section II (1) & (2) of the Child Protection Act 1993, the following persons are obliged by law to notify the department if they suspect on reasonable grounds that a child/young person has been abused or neglected and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties:

- a medical practitioner
- a registered or enrolled nurse
- a dentist
- a pharmacist
- a psychologist

- a police officer
- a probation officer
- a social worker
- a minister of religion
- a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes
- a teacher in any educational institution (including a kindergarten)
- an approved family day provide

Any other person who is an employee of, volunteer in, a government department, agency or instrumentality, or a local government or non-government organisation, that provides health, welfare, education, sporting or recreational childcare or residential services wholly or partly for children/young people, being a person who:

- is engaged in the actual delivery of those services to children/young people.
- holds a management position in the relevant organization the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children/young people.

The above people are referred to as mandated notifiers.

It is now an offence to prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.

DISCOUNTING

The levels of discounting:

Existence: - there is no problem

Significance - there is a problem, but it is not very big.

Solvability - there is a problem, but there is nothing that can be done about it.

Self - there is a problem, but I cannot do anything about it.

Existence: There is no problem - a refusal to believe it exists. At this level one does not accept that child abuse exists. Statements that children/young people are fantasising about abuse or lying about it often reflects a refusal by the adult to accept that this problem even exists.

Significant: The problem exists but it's not very big - its insignificant and therefore not worth worrying about. At this level one accepts that child abuse exists, but refuses to accept that it is a very serious problem. Statements about it only happening in certain 'types' of families etc., are often attempts to discount the problem, to see it as something that affects a limited group of people and certainly not anyone in one's own circle. Statements about abuse being harmless to the child/young person also deny the significance of the

problem. Refusing to see the problem as significant is another level of resistance that is used to justify inaction.

Solvability: There is a problem but there is nothing we can do to stop it. the significance of the problem is acknowledged but seen as too overwhelming to tackle. It is out of society's control. Believing there is no solution to the problem justifies the refusal to even attempt to find one. The problem ends up in the "too hard basket".

Self: There is a problem but what can I do about it?

At this level, one accepts that child abuse exists, that it is a significant problem, and that it may be solved, but the individual does not wish to be involved or is unable to see how one person can make a difference. Child protection is not seen as a personal responsibility, but the responsibility of the governments and experts. This level resists personal involvement.

THE CHILDREN'S PROTECTION ACT 1993

- Requires that organisations providing certain services to children create and maintain a child safe environment.

A child safe organisation is committed to protecting children from physical, sexual, emotional and psychological harm and from neglect. this commitment is embedded in the organisation's culture, it is reflected in the policies and procedures of the organisation and is understood and practised at all levels of the organisation.

An organisation can do this by:

- reviewing how well it protects children
- having a child safe policy in place
- taking steps to ensure that staff and volunteers are safe people to work with children
- listening to children and respecting their rights
- making sure that everyone knows how to report concerns about child safety.

LEGISLATION

In South Australia if your organisation is providing services wholly or partly for children in the areas of recreation and sport then your organisation is required by law to establish and maintain child safe environments policies and procedures.

This includes any recreation and sport organisation that provides programs and services either wholly or partly for children. The Children's Protection Act 1993 applies to both not-for-profit organisations and for profit organisations and businesses, so types of organisations affected could include:

- sport
- community recreation
- outdoor recreation
- fitness

Recent changes to the Children's Protection Act 1993 extends the steps these organisations must take to help protect the children in their care. From January 2011, these organisations will also be required to:

- Conduct criminal history assessment on certain employees, contractor and volunteers who are working with children.
- Lodge a Child Safe Environment Compliance Statement with the Department for Families and Communities (Completed by Basketball SA and SACBC)

LEGISLATION MANDATE

The Chief Executive of the Department for Families and Communities is also responsible for monitoring progress toward child safe environments in the government and non-government sectors. Organisations that do not meet their legislative obligations regarding the establishment and maintenance of child safe environments may face a fine of up to \$10,000.

Failure to lodge a Child Safe Environment Compliance Statement may incur a fine of \$5000.

PRINCIPLES OF GOOD PRACTICE

The principles and philosophy that underpin child protection work within Australia are based on the United Nations Convention on the Rights of the Child. The Convention provides the foundation for both the Children's Protection Act 1993 and these standards and principles of good practice.

The convention emphasises that:

- All children have equal rights to protection from abuse and neglect.
- All children should be encouraged to fulfil their potential and inequalities challenged.

*All children should be encouraged to participate fully in cultural and artistic life and appropriate and equal opportunities should be provided for cultural, artistic, recreational and leisure activities.

- Everyone has a responsibility to support the care and protection of children.
- Organisation(s) shall take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse, neglect or negligent treatment whilst in their care.
- Organisations have a duty of care to children with whom they work and with whom their agents, contractors and subcontractors work.

* If organisations work through partners (e.g. contractors, subcontractors or agents), they have a responsibility to meet minimum standards of protection for their children in the partners programs.

KEY PRINCIPLES

- Identify and analyses risk of harm
- Develop a clear and accessible child safe policy (this can be part of existing MPP)
- Develop codes of conduct for adults and children.
- Develop a thorough screening process for employees and volunteers who work with children.
- Support, train and supervise employees and volunteers in all aspects of establishing and maintaining child safe environments.
- Promote the involvement of children and young people in developing and maintaining child safe environments.
- Report and respond appropriately when child abuse and/or neglect is suspected.

DEFINITIONS AND INDICATORS

Section 6 (1) Children's Protection Act 1993 abuse or neglect in relation to a child means:

(a) sexual abuse of the child; or

(b) physical or emotional abuse of the child, or neglect of the child, to the extent that:

i. the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or

ii. the child's physical or psychological development is in jeopardy, and 'abused' or 'neglected' has a corresponding meaning.

Section 6 (2) Children's Protection Act 1993 states a child is at risk if:

- (a) the child has been, or is being, abused or neglected; or
- (aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or
- (b) a person with whom the child resides (whether a guardian of the child or not):
 - i. has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or
 - ii. has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person.

SEXUALISED BEHAVIOURS

It is important for individuals and groups to be aware of the range of expected through to problematic or abusive sexual behaviours that can be observed in children and young people.

The table provided as a handout is a useful guide for assessing this range of behaviours and for considering the most appropriate response.

RESPONDING TO THE CHILD OR YOUNG PERSON

What can I say or do to help the child or young person?

Some suggestions for responding to the child/young person who discloses include:

- . listening to the child/young person
- . controlling your expressions of panic or shock
- . expressing your belief that the child/young person is telling the truth
- . using the child/young person's language or vocabulary
- . reassuring the child/young person that to disclose is the right thing to do
- . emphasising that whatever happened was not the child/young person's fault, and that the child/young person is not bad
- . acknowledge that it is difficult to talk about such things
- . telling the child/young person you will do your best to support and protect him or her
- . indicating what you will do, for example, "I will find out who else can help with this problem".

Handling disclosures:

Disclosure of abuse

A disclosure occurs when a child tells you or lets you know in some other way that he or she has been or is being abused. Sometimes children will tell you directly that they are being abused.

Often, they use indirect ways to let you know, for example, drawing pictures about hitting or inappropriate touching, writing about abuse in journal stories or play-acting frightening scenes. These indirect ways may be a child's way of hitting about abuse.

Children may disclose abuse that is ongoing, or abuse that happened weeks, months or years ago, abuse which took place in another location, or abuse that is happening to someone else.

You need to report all disclosures of abuse, no matter where or when they happened.

Listen in a caring and calm manner. Let the child tell the story in their own way. Don't ask leading questions about the disclosure. Make sure the child knows that you believe them and that what happened to them was not their fault. Let them know that telling someone was the right decision and that now you will contact a child protection worker to try to get some help. It is important that at the end of the disclosure the child must continue to think that what they have to say is important, and they must feel safe enough so they can relate the complete disclosure to the child protection worker.

Don't make promises to the child that you have no way of keeping. For example, telling a child "everything is all right" or "now you will get the help you need" are promises that cannot be guaranteed.

Immediately after a disclosure, you should write down and date any comments or statements made by the child during the disclosure. Try to use their exact words. Also keep notes about the child's emotional state.

While you are not to conduct an investigation, it is appropriate to engage in a dialogue with the child for clarification. Use non-leading or open questions and comments.

While some child/young people may be relieved by the outlet of talking with a sympathetic adult, others may feel threatened and withdraw.

The child/young person may feel Guilty, Ashamed, Confused or Scared. The child/young person will need reassurance and support.

REPORTING PROCESS AND PROCEDURES

Legal Responsibility of Mandated Notifiers

Notification is mandatory under the Children's Protection Act 1993 and is not regarded as a breach of professional etiquette, ethics or conduct (Section 13). You are not helping the child/young person if you agree not to tell someone. Notification does not provide grounds for civil action if the report is made in good faith. Good faith simply means an honest belief by the notifier that the child/young person was abused, or that the substance of the notification, which may be only a suspicion, is based on reasonable grounds. Good faith does mean that you are professionally required to believe, beyond doubt, that abuse or neglect has occurred.

Any person who is legally required to report suspected abuse and acts in compliance with the law (Children's Protection Act 1993, Section 12 a 7 b) is immune from civil liability for reporting their suspicion.

Under Section 13 of the Children's Protection Act 1993 your identity as the notifier will not be disclosed to any other person unless the disclosure is made in the course of official duties to another person acting in the course of official duties (e.g., police acting in the matter of a criminal prosecution), or where the court deems the identity of the notifier is evidence which is important to the proceedings, or where the notifier has given permission for his/her identity to be disclosed.

It is the responsibility of Families SA or the police to inform parents of the allegations during the investigation stage. The notifier's identity will not be disclosed.

When notifying you may feel torn between your legal responsibility to report and your own beliefs which suggest that reporting itself may jeopardise the opportunity to maintain or develop a satisfactory working relationship with the

family. The child/young person's safety must be paramount: it is essential therefore that a notification occurs.

A mandated notifier can be called before the youth court or criminal court to give evidence, but it is the exception rather than the rule.

It is an offence for anyone to prevent you from making a report. The law states that no one can prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.

OBJECTS OF THE CHILDREN'S PROTECTION ACT 1993

Objects of the Act are:

- (a) to ensure that all children are safe from harm;
- (b) to ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential;
- (c) to promote caring attitudes and responses towards children among all sections of the community so that the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood, risks to a child's well-being are quickly identified, and any necessary support, protection or care is promptly provided;
- (d) to recognise the family as the primary means of providing for the nurture, care and protection of children and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.

FOUR FUNDAMENTAL PRINCIPLES OF THE ACT ARE:

- (1) Every child has the right to be safe from harm.
- (2) Every child has the right to care in a safe and stable family environment or, if such a family environment cannot for some reason be provided, in some alternative form of care in which the child has every opportunity that can be reasonably provided to develop his or her full potential.
- (3) In the exercise of powers under the act, the above principles and the child's wellbeing and best interests are to be the paramount considerations.
- (4) In determining a child's best interests, consideration must be given to the following:
 - (a) the desirability of keeping the child within the child's own family and the undesirability of withdrawing the child unnecessarily from a neighbourhood or environment with which the child has an established sense of connection;

(b) the need to preserve and strengthen relationships between the child, the child's parents and grandparents and other members of the child's family (whether or not the child is to reside with those parents, grandparents or other family members);

(c) the needs to encourage, preserve and enhance the child's sense of racial, ethnic, religious, spiritual and cultural identity and respect the traditions and values of the community into which the child was born;

(d) if the child is able to form and express his or her views as to his or her best interests - those views;

(e) the undesirability of interrupting the child's education or employment unnecessarily.

(5) In relation to an Aboriginal child, the Aboriginal Child Placement Principle applies.

(6) A child who is placed or about to be placed in alternative care.

(a) must be provided with:

(i) a nurturing, safe and stable living environment;

(ii) care that is, as far as practicable, appropriate to the child's needs and culturally appropriate;

(b) must be allowed to maintain relationships with the child's family (including the child's grandparents) and community, to the extent that such relationships can be maintained without serious risk of harm;

(c) must be consulted about, and (if the child is reasonably able to do so) take part in making decisions about the child's ongoing care, where the child is to live, contact with the child's family and the child's health and schooling;

(d) must be given information that is appropriate, having regard to the child's age and ability to understand, about plans and decisions concerning the child's future;

(e) is entitled to have his or her privacy respected;

(f) if the child is in alternative care and under the guardianship, or in the custody, of the Minister - is entitled to regular review of the child's circumstances and the arrangements for the child's care.

(7) All the proceedings under the act must be dealt with expeditiously, with due regard to the degree of urgency of each particular case.

POLICE CHECKS/CRIMINAL HISTORY ASSESSMENTS

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