

GREAT SOUTHERN AMATEUR BASKETBALL ASSOCIATION

GSABA



**MEMBERS
PROTECTION
POLICY**

Basketball South Australia and the **GSABA** is committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participation in the sport of basketball throughout South Australia.

Most state and territory governments have introduced, or are considering the introduction of, child protection legislation. This legislation aims to ensure that people working (in a voluntary or paid basis) with children do not pose a risk to children.

Increasingly, this legislation requires “screening” to be undertaken in defined circumstances relating to junior sport and the Basketball SA Member Protection Policy generally requires screening in the same situations.

Harassment in sport has become an issue that many sports have unfortunately had to face. As a result, Basketball SA has acknowledged that a proactive and preventative approach needs to be taken in dealing with the issue.

“Member Protection” is a term that is now widely used in the sports industry. Member protection is all about practices and procedures that protect a sports organisation’s members - including players/participants, administrators, coaches and officials.

It involves:

- Protecting members from harassment and inappropriate behaviour;
- Adopting appropriate measures to ensure the right people are involved in an organisation; and
- Providing education

The successful implementation and enforcement of this Member Protection policy requires the cooperation and commitment of Basketball SA members and participants at all levels.

The following document formalises the procedures to be implemented by Basketball SA and its member Clubs and Associations to comply with current legislation in this area and conveys a strong message to all Basketball members and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future.

This document describes the procedures for the registration of employees and volunteers appointed to positions in our Clubs and Associations.

The purpose of implementing these procedures is to:

- Minimise and guard against potential risks to children involved in basketball
- Establish the suitability of people working and volunteering in junior basketball.
- Assist clubs with adherence to legislation regarding the screening of employees and volunteers involved in sport.

This document, which is to read in conjunction with the Basketball SA Member Protection Policy outlines the requirements of individuals, Clubs and Associations in the screening process and the measures taken by Basketball SA to ensure compliance with current legislation aimed at creating and maintaining Child Safe Environments.

Member Protection

Important Information for Clubs and Associations to Assist them in Dealing with Recent Changes to Member Protection Legislation

Child Safe Environments

This document is to be read in conjunction with the Basketball SA Member Protection Policy and the procedures, processes and recommendations contained in it are adopted as part of that policy to be adopted and implemented by all members and affiliates.

Summary

The *Children's Protection Act 1993* requires sport and recreation organisations that provide services 'wholly or partly' for children in South Australia to establish policies and procedures to safeguard and protect children. Recent changes to the *Children's Protection Act 1993* extend the steps organisations must take to help protect the children in their care.

This document is a brief outline of the current changes and the steps sports organisations will need to take to ensure they are compliant. It also provides links to resources to assist you through this process.

Child Safe Environment Compliance Statement

From January 2011, sporting organisations are required to Lodge a Child Safe Environment Compliance Statement with the Department for Education and Child Development.

A 'representative body' such as a Basketball SA may lodge a single compliance statement on behalf of its affiliated associations and clubs.

Basketball SA has done this on behalf of its affiliated clubs and associations.

Basketball SA will require annually, however, each of its member Clubs and Associations to formally commit in writing to support the policies and

procedures put in place by Basketball SA to ensure compliance with the legislative changes and to maintain a child safe environment in our sport.

Police Checks/Criminal History Assessments

Recreation and sport organisations are required to assess all “prescribed” positions and to undertake a relevant history assessment to determine a person’s *suitability for working with children*.

All paid or volunteer persons holding a ‘prescribed position’ will now be required to undertake a ‘relevant history assessment’, to be conducted by the organisation, before they are engaged or appointed, which must include a police check unless an exemption applies.

Organisations must determine what positions in their organisation are ‘prescribed’ positions requiring suitability for working with children screening checks and if the exemptions apply to any positions or persons.

Relevant history assessments must be conducted in accordance with the guidelines set out by the Chief Executive for the Department Education and Child Development.

“Prescribed” Position

- All people who have regular contact with children or regularly work in close proximity to children and are not directly supervised or
 - Manage or supervise such personnel or
 - Have access to records relating to children that are prescribed by regulation (child protection services, education services, health services, disability services, court orders and proceedings) or
 - Undertake functions of a type prescribed by regulation (currently overnight care is prescribed)

Exemptions

- A person volunteering in their own children’s activities
- A person who volunteers who is less than 18 years of age
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month

- A person occupying a position in which all work involving children is undertaken in the presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children
- A person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services
- A person who has regular contact with a child as part of an employment relationship (for example, a person working alongside a child or supervising an employee who is a child)
- A person who is a police officer or a registered teacher

This document and all documents referred to within it are available on the Basketball SA website: www.basketballsa.com.au

What does the Club/Association need to do?

Much of the work involved in developing appropriate policies and procedures has already been done for you.

If you are affiliated with Basketball SA then we ask that you take the following steps:

Club / Association Checklist:

- Have your Committee or Board discuss this paper and the issues it contains.
- Appoint a member of your Club or Association to be the Member Protection Officer for the organisation and to have responsibility for ensuring that the organisation is compliant with the appropriate legislation. This person will be the point of contact with Basketball SA on Member Protection issues.
- Formally adopt the Basketball Australia Member Protection Policy (**Available at www.basketballsa.com.au**).
- Formally adopt the Basketball SA screening process procedures outlined in the following pages.
- Ensure your by-laws to include the **attached by-law** which formally acknowledges that that the Club/Association has adopted the policies and procedures of Basketball SA in the area of member protection.
- Regularly communicate that by-law to your members.

- Include on your website a link to the member protection information and resources on the Basketball SA website. If your Club or Association does not have a website but would like to have one, this can be set up for you by Basketball SA without cost (this would include a website, database and a competition management tool).
- ***Complete and submit to Basketball SA the attached Child Safe Environment Compliance Statement which formally acknowledges that your Club or Association has adopted the Basketball SA Member protection policies and will commit to providing a Child Safe Environment for its members.***
- Put in place the processes set out in the attached documents titled Basketball SA Screening Process.

Documents and Resources

- 'Child Safe Environments' – Background Information
- Summary of the *Children's Protection Act 1993*
- Mandatory Notification: Summary of Legislative Obligations
- Step by Step Checklists:

1. Conducting a Relevant History Assessment

2. Obtaining a National Police Certificate

3. Applying for a Department for Communities and Social Inclusion Child Related Work Screening (where required)

Documents

1. Working With Children Register Template
2. Child Safe Environment Compliance Statement
3. Draft Club/Association By-Law
4. Obtaining and Assessing Criminal History Reports Flowchart

Additional Resources and Information

Child Safe Environment – Background Information

In order to keep children safe when they are accessing services in the community, the *Children's Protection Act 1993* requires that organisations providing certain services to children create and maintain a child safe environment. In this context, a child safe environment is one which protects children from abuse and harm.

All organisations providing health, education, welfare, **sporting and recreational**, child care, or residential services wholly or partly for children must ensure that they have a child safe environment policy in place to promote the safety and well-being of children.

Organisation in this context includes a wide range of bodies who work with children, including businesses, services providers and incorporated and unincorporated groups. '**Organisation**' covers all sporting and recreational organisations including **basketball clubs and associations**.

Also included in the legislation is the requirement under the law for certain people to report suspected abuse and neglect (Mandatory Notification).

From January 2011 the *Children's Protection Act 1993* extended the steps these organisations must take to help protect the children in their care.

These organisations are required to:

- Conduct relevant history assessments on certain employees, contractors and volunteers who are working with children
- Lodge a Child Safe Environment Compliance Statement with the Department for Education and Child Development.

Basketball SA fully supports the initiatives of the South Australian Government in establishing Child Safe Environments.

The purpose of this document is to assist basketball clubs and associations to establish and maintain Child Safe Environments and to comply with these legislative requirements by putting in place the appropriate policies and procedures.

Summary of the Children's Protection Act 1993 (section 8C)

Sporting and recreational organisations need to:

- Conduct **relevant history assessments** for people **working with children** in a prescribed position unless an **exemption** applies, and
- Lodge a **child safe environment compliance statement** with the Department for Education and Child Development.

Note: Basketball Clubs and Associations are sporting and recreational organisations.

Relevant History Assessment

A **relevant history assessment** is a decision by the club or association about whether a particular person is suitable to **work with children**, having regard to:

- The person's criminal history (if any) and
- The assessed risk to children who receive the service.

Note: A relevant history assessment involves more than simply getting a police check.

Working with Children

A prescribed position is one where a person:

- Has regular contact with children that are not directly supervised at all times;
or
- Works in close proximity to children on a regular basis and is not directly supervised at all times; or
- Supervises or manages people who:
 - Have regular contact with children or
 - Work in close proximity to children on a regular basis
 - Has access to certain records relating to children
- Undertake functions of a type prescribed by regulation (currently overnight care is prescribed)

Note: In basketball the people who may fall into these categories are:

- Coaches
- Assistant coaches
- Managers
- Referees
- Administrators
- Volunteers

Exemptions:

The following people are exempt under the legislation from requiring the assessment:

- Parents volunteering in activities in which their child ordinarily participates.
- People volunteering or working for short term events or activities of less than ten days duration or for no more than one day in any month.
- People who work with children – but only ever in the presence of their parents (*i.e. a parent of each of the children*)
- A person whose only relationship with a child is a colleague or employer.
- Volunteers who are less than 18 years of age
- Work that is primarily provided to adults or provided to the community generally and is not provided to any child on an individual basis.
- An organisation or position that provides equipment, food or venues for children's parties or events but does not provide any other services.
- A sworn police officer or registered teacher.

Note: The Basketball SA District Competition Coach Registration Policy requires that all coaches and assistant coaches obtain and have assessed a National Police Record regardless of whether they are exempt under the legislation.

Given that people move from position to position within sporting organisations and this is often done at short notice, Clubs and Associations should consider whether it would be a more efficient process to conduct an assessment of all adult members (except police officers and teachers) who are involved in their junior programs rather than relying on exemptions to avoid doing the work involved in those assessments.

Conducting an Assessment

An organisation must request that an individual working in a prescribed position either:

- Apply to the Department for Communities and Social Inclusion screening unit for a Child Related Work Screening Assessment. (There is a cost involved in this process) This assessment is a requirement for any person in a prescribed position working at a DECD facility.
- Obtain a National Police Certificate and present the original to the organisation for assessment.
- Present 'other evidence' such as a working with children check from interstate.

Note: Sporting organisations have generally followed the second of these options in that they have insisted on production of a National Police Certificate which does not involve a cost (utilising the VOAN system through their peak body) but it must be noted that the assessment process involves two steps:

1. Obtain a National Police Certificate from the applicant/employee/volunteer, and
2. Conduct the assessment.

In most cases, a person will have no criminal history. It is important however that a record of the assessment is maintained including the reference number of the criminal report and the due date for reassessment.

No further assessment of this document is required and it must be returned to the applicant within three months and must not be copied.

However, where a person does have a criminal history, this information must be assessed in accordance with Standard 5 of the Standards issued by Department for Education and Child Development.

Please note: Other assessments such as referee checks should be conducted particularly when engaging new staff or volunteers.

When must an assessment be conducted?

- **Prior to the appointment of the employee or volunteer.**
- At least once every three years for current employees and volunteers

Note: The requirement that the assessment must be conducted **prior to appointment** might encourage clubs and associations to be proactive and conduct an assessment of all adult members who are involved in their junior programs in anticipation of their potential appointment to a position and possible appointment on short notice.

Basketball SA, as the peak body for basketball completed and submitted a Child Safe Environment Compliance Statement on behalf of its affiliated clubs and associations.

This means that individual clubs and associations have not had to lodge that statement.

The compliance statement is a record that affiliated basketball clubs and associations are providing the necessary policies and procedures to ensure that there is a child safe environment within our sport.

Affiliated clubs and associations are expected to commit their support and best endeavours to maintain a child safe environment within the sport by adopting the policies and procedures outlined in the following pages.

Mandatory Notification

The Children's Protection Act 1993 requires organisations to put in place policies and procedures to ensure appropriate reports of abuse and neglect are made by mandated notifiers.

Under this legislation certain volunteers in sport and recreation organisations have a legal obligation to report child abuse or anyone suspected of child abuse or neglect

Maximum penalty for breach: \$10,000

Definition

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,

Obligation Notify Abuse or Neglect

Under Part 4 of the Children's Protection Act 1993, certain people are obliged to notify Families SA via the Child Abuse Report Line (CARL) 13 14 78 if they suspect on reasonable grounds that a child/young person has been, or is being, abused and/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.

Mandated notifiers are any person who is an employee of or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children.

These people:

- a) Are engaged in the actual delivery of those services to children; or
- b) Hold a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

Protection from liability for voluntary or mandatory notification

A person who notifies CARL of a suspicion that a child has been or is being abused or neglected or provides any information to CARL in respect of such a notification is protected from any criminal or civil liability provided they have acted in good faith.

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

Confidentiality of notification of abuse or neglect

A person who receives a notification of child abuse or neglect from a notifier, or who otherwise becomes aware of the identity of a notifier, must not disclose the identity of the notifier to any other person unless the disclosure:

- (a) Is made in the course of official duties to another person acting in the course of official duties; or
- (b) Is made with the consent of the notifier; or
- (c) Is made by way of evidence adduced in accordance with provisions of the Act designed to protect the identity of the notifier.

For More Information:

- Department for Education and Child Development
- Office for Recreation and Sport
- Keeping Children Safe in Recreation and Sport
- Managing allegations of child abuse in recreation and sport

Basketball SA Screening Process: Conducting a Relevant History Assessment

The following outlines the obligations of Clubs and Associations under legislation to conduct relevant history assessments of members who work with children and recommends appropriate processes to fulfil those obligations.

Recommendation:

Basketball SA recommends that the procedures and processes outlined here be the responsibility of an appointed **Member Protection Officer** for the Club/Association who will respect and maintain the confidentiality of the information provided in the course of the process.

See the link below to the Department Education and Child Development website for information and assistance in conducting relevant history assessments.

<http://www.families.sa.gov.au/childsafe>

Sporting and recreational organisations will need to conduct relevant history assessments on people working with children unless an **exemption applies**

Step 1: Determine who in your organisation is 'working with children' (see definition earlier in this paper).

This will include coaches, assistant coaches and team managers.

Clubs and associations will need to assess all other roles in their organisation to determine if those roles involve the appointed person 'working with children'.

Step 2: Prepare and maintain a '**Working with Children Register**'. (See attached template).

Enter in that register **all** persons appointed to positions in your organisation that are deemed to be 'working with children'.

Step 3: Determine who is exempt from the relevant history assessment under the legislation. (See list of exemptions earlier in this paper)

Record the nature of the exemption in the 'Working with Children Register'.

If the exemption relates to the individual's role as a teacher or police officer it is recommended that the responsible person in the club or association sight some evidence of that fact e.g. police badge or Teacher's Registration Certificate.

Step 4: Ensure that all others appointed to positions working with children obtain a National Police Certificate and allow the responsible person in your organisation to sight that certificate.

(The procedure for obtaining a National Police Certificate is set out in the attached document titled 'Basketball SA Screening Process: Obtaining a National Police Certificate').

Step 5: Conduct an assessment of that person's suitability to work with children having regard to:

- ☐ The person's criminal history (if any) and
- ☐ The assessed risk to children who receive the service.
- ☐ Referee check or other relevant information.

In most cases, a person will have no criminal history. No further assessment of the document is required therefore it must be returned to the applicant and must not be copied.

However, where a person does have a criminal history, this information must be assessed in accordance with the **Standards issued by the Department for Education and Child Development**. This document is available on the Basketball SA website.

Alternatively, the club or association may choose to pay a fee (or have the individual pay the fee) and apply to the Department for Communities and Social Inclusion to undertake this task.

Information regarding this service is available through the following website link to the Department for Communities and Social Inclusion Screening Unit: <http://www.dcsi.sa.gov.au/services/screening>

Step 6: Record the outcome of the relevant history assessment in the Working with Children Register.

Step 7: Provide to Basketball SA and/or SA Country Basketball a copy of the Working with Children Register as and when it is requested by them.

This is an ongoing process.

The relevant history assessment will be valid for three years.

The process will need to be repeated for each individual every three years.

The Working with Children Register should be updated as needed to ensure:

- **All persons 'working with children' in the organisation are included.**
- **Exemptions are valid and current.**
- **All assessments are less than three years old.**

Basketball SA Screening Process: Obtaining a National Police Certificate

It is a requirement of the Basketball SA member protection policy that all people 'working with children' should undergo a police check and screening process.

Step 1:

The individual must complete an application form for a National Police Certificate. This certificate is available online and **must be completed online** before being printed.

The application is available through this link: here.

<http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check>

Advice for completing the Application form:

- a) **Applicant Details** - self explanatory
- b) **Purpose of Check** - Basketball Coach/Basketball Team Manager/Junior Club Administrator etc.
- c) **Category** - Working with Children/Vulnerable Groups
- d) **Check Type** - VOAN Volunteer
- e) **Fingerprints** - leave blank
- f) **Consent** - Do not sign this until you attend the police station because it must be signed in front of a police officer at the same time as you produce your proof of identity.

Step 2:

Print the form

Step 3:

Take the form and your proof of identity (see details on the application form for what this entails) to your local police station or to a Justice of the Peace where you will be asked to sign the consent in front of the police officer or Justice of the Peace.

The police officer or Justice of the Peace will then complete other sections of the form. You will need to have photocopies of your proof of identity documents which they will endorse.

Do not leave these documents with the police or Justice of the Peace. Once signed or endorsed the application form and proof of identity documents should be given back to you by the police or Justice of the Peace.

Step 4:

Return the **Original** Police Check application form and the proof of identity documents to your club secretary who will pass them on to Basketball SA or SA Country Basketball.

Basketball SA will then complete the **Volunteer Authority** section. This will include inserting the VOAN number which will enable the check to be done without charge.

Please note that it is the individual's responsibility to ensure that the form is completed and completed correctly. Basketball SA and SA Country Basketball will not be checking the documents for completeness or accuracy. Failing to complete the document or inserting inaccurate information may result in the document being rejected by the Police Records Unit.

Step 5:

Basketball SA or SA Country Basketball will send the application to the Police Records Unit.

Step 6:

The National Police Certificate will be returned directly to you (this may take a few weeks). The certificate remains the property of the applicant.

Step 7:

Arrange for the person appointed by your club or Association (Member Protection Officer) to sight the **original** of the National Police Certificate to enable them to complete the relevant history assessment process to determine if the individual is suitable to work with children.

The Screening Unit Alternative

If there are matters contained in the National Police Certificate which are of concern to the Club or Association in making the appropriate assessment they may elect to submit an application to the **Department for Communities and Social Inclusion Screening Unit** for a recommendation in this regard i.e. The Screening Unit will investigate and conduct the assessment for you.

This will involve the completion of further forms and will involve the payment of a fee by the individual or the club/association.

This additional process will only be done with the consent and cooperation of the individual involved.

This option to apply to the Screening Unit for a recommendation is available from the outset and may be used if the person being assessed wishes to maintain complete confidentiality in regard to their criminal history.

In that case the person being assessed can elect at the outset to pay the fee and make the application direct to the Screening Unit for an assessment of their suitability to work with children at a particular club/association. The outcome will be an email to the club involved and a simple letter of assessment sent directly to the person being assessed. In this case the person's criminal history remains confidential and will not be disclosed to anyone in the club or association.

Documents and information regarding this option are available here:

<http://www.dcsi.sa.gov.au/services/screening>

An updated National Police Certificate or DCSI screening assessment must be provided every three years.

Common mistakes made by applicants for a National Police Certificate:

- **Failing to sign the form (not necessarily be picked up at the police station or by the Justice of the Peace)**
- **Sending in to your club and Basketball SA a photocopy of the application. The original is required to be submitted.**
- **Failing to attach the proof of identification documents with the application when submitting it to the Club/Association and Basketball SA.**

Basketball SA Screening Process: Applying for a Department for Communities and Social Inclusion Child Related Work Screening (Where required)

This assessment is a requirement for any person in a prescribed position working at a **Department for Education and Child Development** facility.

Apply to the Department for Communities and Social Inclusion screening unit for a Child Related Work Screening Assessment.

There is a cost involved in this process.

The forms and process can be accessed here:

<http://www.dcsi.sa.gov.au/services/screening>

The screening information on the DECD web site is located at the Relevant History Screening page.

The Relevant History Screening – Summary for Site Leaders document gives specific details of who needs a DCSI Screening within a DECD site.

There is also a link within the Summary for Site Leaders to assist specifically identifying Community Groups which may or may not require the DCSI Screening.

All Contact should be through the Screening Liaison Officers, phone 8226 0430.

Basketball SA: Child Safe Environment Compliance Statement

The *(Insert full name of Club or Association)*, hereby acknowledges that we have read the Basketball SA Member Protection Update accompanying this document.

We confirm that we understand the obligations required of our club/Association by the Children's Protection Act 1993.

We agree to adopt and implement throughout our Club/Association the Member Protection Policies and Procedures adopted and implemented by Basketball SA.

We understand that Basketball SA has lodged on our behalf, and on behalf of our members, with the Department for Education and Child Development, a Child Safe Compliance Statement pursuant to the Children's Protection Act 1993.

Signed *(Association Secretary or President)*

Full Name *(Print name of signatory)*

Date

This form is to be returned to Basketball SA:

Draft Club/Association By-Law

To be inserted in Club/Association By-Laws

Member Protection

The ***(Name of Basketball Club/Association)*** is committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participation in the sport of basketball.

In this regard the Association recognises and adopts the Basketball SA Member Protection Policy and adheres to the procedures, processes and guidelines issued pursuant to that policy by Basketball SA.

Additional Resources and Information

Basketball SA documents: Available on the Basketball SA website

[www.basketballsa.com.au /Administration/Policies/Member Protection](http://www.basketballsa.com.au/Administration/Policies/Member%20Protection)

- A Summary of the Children's Protection Act 1993 Section 8C
- Checklist of Actions Your Club/Association Needs to Do
- The Basketball SA Screening Process:
- Step by Step: Conducting a Relevant History Assessment
- Step by Step: Obtaining a National Police Certificate
- Document Templates:
- Draft Club/Association Member Protection By-Law
- Working With Children Register
- Basketball SA Child Safe Environment Compliance Statement
- Basketball SA Member Protection Policy
- Obtaining and Assessing Criminal History Reports Flowchart

Department for Education and Child Development:

www.families.sa.gov.au/childsafes

- Information Sheet 1 – Child Safe Environments
- Child Safe Environments: Standards for dealing with information obtained about the criminal history of people working with children
- Conducting Relevant History Assessments

Office for Recreation and Sport:

Create a Child Safe Environment
Keeping Children Safe in Recreation and Sport
Managing allegations of child abuse in recreation and sport
Play by the Rules

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