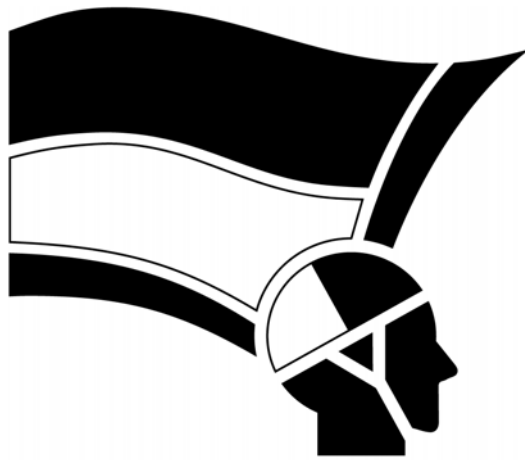


# Surf Life Saving New South Wales



**SURF LIFE SAVING**  

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**NEW SOUTH WALES**

## Child Protection Officer's Handbook

For Branch & Club Child Protection  
Officers

## Forward

Children and young people have a right to be safe from abuse. All people looking after children and young people have a responsibility to provide a safe environment for them.

The Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998 has established the Working With Children Check. This Initiative, has been designed to check both paid and unpaid employees, including volunteers, working with children and young people in New South Wales and aims to help prevent unsuitable people from working with children and young people.

As Employers of paid and unpaid employees working unsupervised with children, including volunteers, Surf Life Saving Clubs and Branches are responsible to comply with the Act.

New South Wales Surf Life Saving fully supports the initiative and wishes to actively promote the compliance with the Act through out its Clubs and Branches by the creation of a new position, of Child Protection Officer in each club, to coordinate child protection at a club level.

This handbook is designed to give a minimum guideline to clubs of the job description of the club based Child Protection Officer position.

The handbook also acts as a basic supplement, for application within New South Wales Surf Life Saving Clubs and Branches, to the Working with Children Check Guidelines for Employers pack produced by the New South Wales Commission for Children and Young People and the relevant Commonwealth and New South Wales Legislation.

The information provided in this handbook is subject to change at any time due to change in legislation and policy.

The Handbook has been produced through the use of the NSW Department of Sport and Recreation Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection Document.

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# Position Description

**Position:** Child Protection Officer

**Responsible to:** Club Board of Directors  
New South Wales Surf Life Saving  
New South Wales Commission for Children and Young People

## Purpose of Position

To coordinate at a club level, child protection activities and to convey a clear message about the importance of child protection to the people involved in surf Life Saving at the club level.

## Responsibilities

The Club's Child Protection officer is responsible for:

- ★ Coordinating the response of the club and New South Wales Surf Life Saving, to child protection within the club and its activities,
- ★ Administering the record keeping associated with the Prohibited Employment Declarations within the club,
- ★ Ensuring the Working with Children Check process is followed within the club,
- ★ Ensuring all people involved in surf life saving within the club are aware of the child protection policy and relevant codes of conduct of the club and New South Wales Surf Life Saving, and
- ★ Ensuring the suitable storage of the Working with Children Check related documents

In addition, it is important that the child protection officer:

- ★ Knows the DOCS help line number (132 111) and has copies of standard reporting forms,
- ★ Is aware of, or creates, reporting procedures to deal with allegations of abuse,
- ★ Promotes child protection awareness in the club, and
- ★ Ensures children and adults in the club have someone to go to if they have a concern or need information on child protection.

**It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position.**

## **The Act Explained in Brief**

### **Child Protection (Prohibited Employment) Act 1998**

The *Child Protection (Prohibited Employment) Act 1998* is an Act to prohibit persons found guilty of committing certain serious sex offences from working in child-related employment.

### **The Commission for Children and Young People Act 1998**

The Act established the Commission for Children and Young People and provides for its functions. It also provides for employment screening for child-related employment. The Act:

- ★ Makes it mandatory to screen preferred applicants for paid primary child-related employment
- ★ Allows for the introduction of discretionary screening of paid employees/volunteers
- ★ Enables the Commission to maintain a database of allegations and convictions against persons, relating to child abuse.

### **Child and Young Persons (Care and Protection) Act 1998**

This Act promotes flexible, responsive and innovative methods of addressing problems experienced by families and seeks to involve children in the decision-making process for their safety, welfare and wellbeing.

#### **Contact**

For further information contact:  
Department Community Services Central Office  
164-174 Liverpool Road, Ashfield, NSW 2131  
Ph: (02) 9716 2222  
Fax: (02) 9789 5486;  
[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

### **Ombudsman Amendment (Child Protection and Community Services) Act 1998**

The Ombudsman Amendment Act (*Child Protection and Community Services*) Act 1998 requires the Ombudsman to oversee and monitor investigations of child abuse against employees of the Department of Community Services, Education and Training, Corrective Services, Health, Juvenile Justice and Sport and Recreation as well as area health services, non-government schools, child care centres and agencies providing substitute residential child care and any other body prescribed by the regulation.

#### **The Ombudsman's powers under the Act**

- ★ Scrutinise systems for the prevention, handling and response to child abuse allegations and convictions within certain organisations.
- ★ Oversee and monitor investigations into child abuse allegations or to intervene to directly investigate the allegation.

- ★ Conduct investigations at its discretion into notifications about child abuse allegations against employees of a designated agency or specified public authorities.

#### Contact

For further information contact:

NSW Ombudsman:

Level 24, 580 George St, Sydney 2000

General enquiries (02) 9286 1000 Fax: (02) 9283 2911

Toll free: (outside Sydney Metropolitan Area) 1800 451 524

E-mail: [nswombo@nswombudsman.nsw.gov.au](mailto:nswombo@nswombudsman.nsw.gov.au)

Website: <http://www.nswombudsman.nsw.gov.au>

Telephone Typewriter (02) 9264 8050

## **The Commission for Children and Young People**

### **What is the Role of the Commission?**

- ★ Promote and monitor the safety, welfare and wellbeing of children particularly in relation to child abuse.
- ★ Co-ordinate education and awareness initiatives for child protection and intervention.
- ★ Research issues affecting children.
- ★ Participate in, and monitor pre and post employment screening for child-related employment, known as the Working with Children Check.
- ★ Develop procedures and standards for the Working with Children Check.

### **The Role of the Commission in Employment Screening**

The Commission may exercise the following functions with respect to employment screening.

- ★ Establishing procedures and guidelines to implement the Working with Children Check in consultation with Approved Screening Agencies.
- ★ The collection and maintenance of a database of relevant apprehended violence orders and disciplinary proceedings that have been completed against any person.
- ★ Giving access to information on this database, for the Working with Children Check, to Approved Screening Agencies who have entered into a Memorandum of Understanding with the Commission.
- ★ Conducting the Working with Children Check on behalf of employers for whom the Commission has agreed to conduct any such screening.
- ★ Promoting public awareness and providing training and advice on appropriate procedures and standards for the Working with Children Check.
- ★ Monitoring and auditing compliance with the procedures and standards for employment screening.

## **Approved Screening Agencies**

### **What is an Approved Screening Agency?**

- ★ An employer or employer-related body approved by the Minister to carry out all or any of the relevant procedures of the Working with Children Check for itself or on behalf of another employer.

- ★ The Department of Sport and Recreation has been designated an Approved Screening Agency by delegation from the Commission for Children and Young People and the Premier of NSW.
- ★ As an Approved Screening Agency the Department of Sport and Recreation is responsible for undertaking requests for a Working with Children Check from all employers in the sport and recreation industry, including surf lifesaving clubs and branches.

## **Employer Responsibilities**

Under the *Commission for Children and Young Persons Act 1998* employers must:

- ★ Notify the Commission for Children and Young People of the name and other identifying details of any employee against whom relevant disciplinary proceedings have been completed, irrespective of the findings
- ★ Provide details of child abuse allegations/convictions against employees to the Commission
- ★ Notify the Commission of any applicants for child-related employment rejected as a result of risks identified through employment screening processes
- ★ Ensure that records of all information required to be submitted to the Commission for Children and Young People are retained.

## **Relevant offences**

### **Which Offences Will Be Checked?**

Relevant offences that will be checked are:

- ★ Relevant criminal histories.
- ★ Relevant apprehended violence orders.
- ★ Relevant disciplinary proceedings.

The Working with Children Check will help keep people unsuitable for child-related employment from working with children in the future.

## **The Time Line of The Check**

The Working with Children Check will be phased in over a period of time.

In July 2000 checking commenced will be for criminal record checks for all preferred applicants for paid positions in primary child-related employment. Prohibited employment declarations also started at this time.

Later in 2000 apprehended violence order and disciplinary proceedings checks for paid employees were made available.

It was originally planned that from 2001 it would be likely that the screening process would be available for volunteers, however this is yet to materialise.

### **Contact**

For further information about the Commission for Children and Young People and the Working with Children Check contact:

The Commission for Children and Young People,  
Level 2, 407 Elizabeth Street, Surry Hills NSW 2010,  
Telephone: (02) 9286 7276  
[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

# Screening for Child Related Employment

## What is the Working with Children Check?

The Working with Children Check is about checking someone's suitability to work with children. It is a formal process of checks that aims to reduce the risk of abuse to children and young people.

Preventing 'prohibited persons' from seeking and staying in child related employment is another important part of the Working with Children Check.

## Prohibited Persons

Under the *Child Protection (Prohibited Employment) Act 1998* anyone who has been found guilty of committing a serious sexual offence is considered a 'prohibited person' and is not permitted to seek or stay in child-related employment in NSW. A serious sex offence is:

*An offence involving sexual activity or acts of indecency which is or was punishable by penal servitude or imprisonment for 12 months or more in New South Wales*

A 'prohibited person' may apply to the Industrial Relations Commission or the Administrative Decisions Tribunal for an exemption from this Act. An exemption will not be given unless it is considered that the person does not pose a risk to the safety of children.

Under the Act all employers must ask all existing paid and unpaid employees engaged in positions which primarily involve direct, unsupervised contact with children, if they are a 'prohibited person'. Employees must make the declaration to their employer within one month of being requested to do so or, if they are a 'prohibited person', remove themselves from child-related employment.

Where an existing employee notifies that they are a 'prohibited person' they may remain in child-related employment for up to 3 months after the commencement of these procedures provided they comply with any requirement of the employer concerning unsupervised contact with children. Employers may consider transfers to other positions that are not child-related within the organisation. If no such alternative exists, the employee will be required to terminate their services with the employer.

Prior to employment, employers must ensure that all applicants for child-related employment declare whether they are a 'prohibited person' or not.

It is an offence for an employer to fail to ask whether a person is a 'prohibited person' or employ a 'prohibited person'.

It is also an offence for an employee not to disclose his or her 'prohibited person' status.

Employers should also ensure that once they have identified a position as child-related, all information regarding the position clearly states that 'prohibited persons' are not eligible to apply.

### **Child Related Employment**

For the purpose of the Working with Children Check, the *Child Protection (Prohibited Employment) Act 1998* defines child-related employment as being any employment kind that primarily involves direct contact with children, where that contact is not directly supervised. This includes:

- ★ Paid employment
- ★ Sub-contractors
- ★ Volunteers
- ★ Ministers of religion
- ★ Members of religious organisations
- ★ Trainees undertaking training as part of an educational or vocational course
- ★ Persons who are self-employed in child-related employment

### **Activities Involving Child Related Employment**

Activities within the definition include clubs, associations or movements including those of recreational and sporting nature that have a significant child membership or involvement. Therefore all Surf Life Saving Clubs and Branches come under this definition.

All those employed in such activities must make a 'prohibited person' declaration. This applies whether they are working or seeking work in either a paid or unpaid capacity.

The definition of child-related employment under Section 33 of the *Commission for Children and Young People Act 1998* differs slightly as follows:

"Any employment that involves direct contact with children where the contact is not directly supervised..."

This definition does not require a person to be 'primarily' involved in direct contact with children where that contact is not directly supervised. Nor does it limit that employment to certain fields of activity. All these people may be checked however not all of them must be checked.

Employment screening must be conducted for people seeking positions in paid child-related employment in the fields of activity listed in the *Child Protection (Prohibited Employment) Act 1998*.

### **The Working with Children Check**

Two important pieces of legislation are integral to the Working with Children Check:

- ★ Commission for Children and Young People Act 1998
- ★ Child Protection (Prohibited Employment) Act 1998.

### **How Will The Working With Children Check Work?**

The *Child Protection (Prohibited Employment) Act 1998* makes it mandatory for all people commencing paid work that primarily involves direct contact with children where that contact is unsupervised, must complete a 'prohibited person' declaration and consent to the Working with Children Check.

Screening for current employees and unpaid workers, such as volunteers engaged in child-related employment, is not mandatory, however, under the Act employers may also screen them.

Unpaid workers, such as volunteers, must declare whether they are a 'prohibited person' or not. However at this stage they are not subject to the checking process past this point.

The following table indicates the responsibilities of persons working in child-related positions or seeking work in child-related positions under the legislation.

	Must sign 'Prohibited Person' Declaration	Mandatory Screening	Non-Mandatory Screening
Existing Paid	Yes	No	Yes
Preferred new applicant for paid employment	Yes	Yes	No
Existing Volunteer	Yes	No	Yes (not yet available)
Prospective Volunteer	Yes	No	Yes (not yet available)

## Steps in using the Working with Children Check

### **Step 1 - Identify if you are a child related employer**

All Surf Life Saving Clubs and Branches are child related employers; therefore you are required to adopt these procedures to ensure compliance with the child-related employment legislation.

#### **Identifying Child-Related Positions**

Employers must determine which positions in their organisation are primarily child-related employment.

Refer to the list of types of employment included in the Child-Related Employment section of this document (Page 6).

Employers should identify child-related positions to determine which employees need to be asked to make a 'prohibited person' declaration.

Consider both paid and unpaid (such as volunteer) positions to determine if they are child-related.

In most cases, within surf lifesaving clubs, where a member's role requires that they may come into contact with a person under the age of 18 years old; this will mean that they must sign a Prohibited Persons Declaration form

### **Step 2 - Asking for declaration from current employees**

Employers must ask all paid and unpaid employees in child-related employment, including volunteers, to declare whether or not they are a 'prohibited person' (i.e. a person convicted of a serious sex offence). Employees with such convictions are disqualified from working in child related employment unless they seek an exemption from either the Industrial Relations Commission or Administrative Decisions Tribunal.

If a current employee declares that they are a 'prohibited person', the employer should consider alternative employment options. The employee must remove his or herself from child-related employment within 3 months of the commencement of these procedures.

Should no alternative employment option be available, the employee will be required to terminate services with the employer.

Employees in child-related employment should be formally and regularly reminded by the employer of their obligations. These include the obligation to cease employment that primarily involves direct contact with children where that contact is not directly supervised should they be subject to relevant criminal convictions as prescribed by the *Child Protection (Prohibited Employment) Act 1998* at any time.

Although it is mandatory for employers to seek 'prohibited person' declarations from existing employees engaged in child-related employment, it is not mandatory for employers to conduct criminal record checks on these employees. It may, however, be prudent to do so in any case where the employee's behaviour gives rise to concern or the position is one of high risk.

### **Step 3 – Advertising the position**

The purpose of the Working with Children Check is to exclude or deter people who are clearly unsuited to working with children or having unsupervised access to children. It is not intended to discourage people who are capable of making a worthwhile contribution, but who may perceive the checking process as intrusive or intimidating.

Employers must provide child-related employment applicants; employees and volunteers with a clear and accurate description of the checking process at the time of first contact and deal confidentially and sympathetically with their concerns.

Therefore, when a child-related position is advertised, consideration should be given to the advertisement incorporating the following information:

- ★ The disclosure requirements in relation to a 'prohibited person'
- ★ The checking procedures that will apply to preferred applicants.

For example, advertisements may contain a statement similar to the following:

***It is an offence under the NSW Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious sex offence to apply for this position.***

OR

***Relevant Criminal History, Apprehended Violence Orders and prior employment checks, including relevant disciplinary proceedings, will be conducted on recommended applicants.***

If an advertisement does not include the above references or similar information, an alternative would be to provide applicants with detailed information when they register their interest in a position.

For positions not formally advertised, the above statements, where applicable, should be included in any initial verbal and/or written information that is provided to the applicant, including any formal offer of employment. It is advisable that a notation to that effect be made on some appropriate documentation retained by the Surf Life Saving Club or Branch.

## **Information to Prospective Applicants**

Where an organisation engages people in either paid or unpaid child related employment, such as in surf lifesaving, applicants must be advised in writing of the requirements of the *Child Protection (Prohibited Employment) Act 1998* relating to their application. In particular, it must be stated that it is an offence for a 'prohibited person' to apply for such employment.

In addition, information must be provided to applicants indicating the screening process that will be undertaken in relation to their application for child-related employment, including structured referee checks, criminal history checks, certain apprehended violence orders checks and relevant discipline checks with past and/or current employers.

Applicants must give their written consent to the undertaking of the Working with Children Check that has been outlined to them. A model form for applicants to sign is provided at Attachment 2. If an applicant is not willing to consent to the checking procedures, it is inappropriate for an employer to consider that person for the position, as it is not possible to offer employment until such procedures are completed.

### **Declaration**

It is an offence to employ a person in employment that primarily involves direct contact with children where that contact is not directly supervised without requiring the person to disclose whether or not they are a 'prohibited person'.

It is also an offence to commence employing, or continue to employ, a person the employer knows is a 'prohibited person' in employment that primarily involves direct contact with children where that contact is not directly supervised.

All people seeking employment in these types of positions must declare to their prospective employer whether or not they are a 'prohibited person'. An example of the type of declaration required is provided at Attachment 3.

Should a 'prohibited person' apply for a child-related position, prosecution action will be instigated which, if successful, carries a penalty of imprisonment for up to 12 months.

### **Application Forms**

By providing applicants with standard application forms, organisations will be able to collect the information required by the legislation. An application form, as a minimum, should include:

- ★ Nomination of referees with full contact details
- ★ A detailed work history, and
- ★ A signed consent to screening.

It is recommended that the 'prohibited person' declaration be separate from the application form to ensure that applicants give this matter the important consideration it requires.

#### **Step 4 – Registration with the Department of Sport and Recreation**

To undertake a Working with Children Check, the employer needs to register with the NSW Department of Sport and Recreation as their Approved Screening Agency.

To obtain the form:

- ★ Copy the employer registration form at Attachment 7
- ★ Download the form from the Department of Sport and Recreation website [www.dsr.nsw.gov.au](http://www.dsr.nsw.gov.au)
- ★ Copy the forms provided by the Commission for Children and Young People.

To submit the registration form you may:

- ★ Post the form to the Coordinator Employment Screening, Department of Sport and Recreation, Locked Bag 1422 Concord West DC NSW 2138
- ★ Fax the form marked to the attention of the Coordinator Employment Screening on (02) 9006 3900

Once the request has been processed, an Employer Identification Number will be issued. This number must be quoted on all checking requests made to the Department of Sport and Recreation. It applies to the specific Surf Life Saving Club or Branch detailed on the registration form and is not transferable. The Department will notify the employer of the identification number in writing.

#### **Step 5 – Requesting the Working with Children Check**

When the preferred applicant has been selected and before an offer of employment is made, employers must submit a request for a Working with Children Check to the Department of Sport and Recreation.

To obtain the Working with Children Check form:

- ★ Copy the Working with Children Check request form at Attachment 2
- ★ Download the form from the Department of Sport and Recreation website [www.dsr.nsw.gov.au](http://www.dsr.nsw.gov.au)
- ★ Copy the form provided by The Commission for Children and Young People.

To register, the following information must be completed:

- ★ Full name
- ★ Gender
- ★ Any former names the person may have had
- ★ Place of birth
- ★ Date of birth
- ★ A current address is not compulsory however; this information will assist in completing the check as quickly as possible.

To submit the Working with Children Check form:

- ★ Post the form to The Coordinator Employment Screening, Department of Sport and Recreation, Locked Bag 1422 Concord West DC NSW 2138
- ★ Fax the form marked to the attention of the Coordinator Employment Screening on (02) 9006 3900

## **Employing a person before checking is complete**

Occasionally it will not be practical for the checking process to be undertaken prior to the person commencing employment. Under these circumstances it is possible for a person to be employed subject to the check being completed as soon as possible after the person has commenced. If that is the case, this must be included in the written letter of offer and accepted in writing by the prospective employee, or, where no written offer is made, appropriately documented.

It is recommended that employers who may need to employ a person with limited notice should maintain a pool of potential employees who have been checked to enable them to deal with such emergencies.

Where it has been necessary to employ a person prior to the checking process being completed, employers should consider modifying the work requirements of the new employee until such time as the check can be completed. Such modifications may include limiting the access of the person to children or providing additional supervision in the interim. As the checking process is brief, any variation to the work will be for a limited period of time.

In these situations employers should ensure that they undertake appropriate referee checks as a minimum.

### **Applicant Identification**

Preferred applicants must provide documentation that supports their true identity. To ensure that applicants identify themselves appropriately they should provide one document from each of the following two lists.

#### **List One**

- ★ Full birth certificate (showing parental details)
- ★ An Australian passport or Document of Identity issued by the Australian Passport Office that expired within the last two years
- ★ A current overseas passport
- ★ An Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Multicultural Affairs
- ★ A current photo driver license issued within Australia
- ★ A current photo consular identity card issued by the Department of Foreign Affairs and Trade

#### **List Two**

- ★ A current Medicare card, Pensioner Concession Card, Department of Veterans' Affairs entitlement card or any other current entitlement card issued by the Commonwealth Government
- ★ A current credit card, or account card from a bank, building society or credit union, or a passbook or account statement up to one year old
- ★ A telephone, gas or electricity bill up to one year old
- ★ A water rates notice, council rates or land valuation notice up to two years old, an electoral enrolment card or other evidence of enrolment up to two years old
- ★ An armed services discharge document up to two years old
- ★ A current student identity card, or a certificate or statement of enrolment up to two years old from an educational institution.

All documents should be originals. Photocopies are not considered acceptable. At least one of the documents should show the applicant's signature and preferably a current address.

Where it is not possible for a person to provide a document from both lists, such as in the case of an adolescent, consideration should be given to alternative proof of identification methods. These may include items such as a tax file number, reference from a person of appropriate standing in the community or other acceptable documentation.

### **Referee Checks**

It is a requirement of the Working With Children Check that employers undertake a relevant check relating to previous employment or other activities of the preferred employee.

Structured referee checks should be undertaken for all preferred child related employees, including overseas applicants, wherever possible. Attachment 4 provides guidance for undertaking referee checks.

### **Step 6 - Checking**

On receiving the Working with Children Check request form the Department of Sport and Recreation will conduct a national criminal record check on the following information:

- ★ Sexual offences including child pornography and child prostitution
- ★ Sexual assault charges which are proven but have not led to a conviction
- ★ Sexual assault charges which have been dismissed, withdrawn or discharged by a court
- ★ Charges relating to sexual assault or child abuse carrying a minimum penalty of 12 months or more imprisonment that may have not been heard or finalised by a court
- ★ A relevant apprehended violence check which have been made on application of a police officer or other public official for the protection of a child, and
- ★ A relevant completed disciplinary proceedings check.

### **Step 7 - Verifying an applicant's identity**

In the event that adverse findings are obtained through any of the checks, the Department will contact the preferred applicant and notify them of the findings. The person will then be provided with an opportunity to verify whether they are the individual to whom the information relates.

The person will be asked to:

- ★ Confirm that the information relates to her/him
- ★ Advise whether it is factually correct, and if so, make comments in relation to the information and to have it placed on his/her record.

Should the person dispute the findings, the Department will provide an opportunity to supply details, which will assist in determining the accuracy of identification. While it is the responsibility of the preferred applicant to provide details verifying their identity, an opportunity will be made available to discuss the matter during the risk assessment process.

Should a record of a completed disciplinary proceeding exist, the Department of Sport and Recreation will obtain further details of the disciplinary matter directly from the originating employer. This information will include:

- ★ Content of the allegation(s)
- ★ Employee's position at the time of the allegation(s)
- ★ Date on which the alleged breach of discipline occurred
- ★ Nature of the disciplinary procedure
- ★ A summary of the evidence obtained during the disciplinary process
- ★ Findings of the investigation (i.e.: substantiated or not), and
- ★ Penalty imposed or action taken, if any.

In providing this information to the Department, the employer is protected from any action, liability, claim or other demand, which the prospective employee may choose to take in relation to the result of the screening process.

### **Step 8 – Assessing the risk**

It is the responsibility of the Department of Sport and Recreation to undertake a risk assessment to determine the risk of employing the person in child-related employment in accordance with the framework determined by the Commission for Children and Young People. Only appropriately selected and trained staff from the Department will conduct these assessments.

The risk assessment will take into consideration the following factors:

- ★ The nature of the position in which the person would be employed
- ★ The type of contact with children the position entails
- ★ The supervision that will be available
- ★ The findings of the screening process, and
- ★ Any additional information considered relevant in developing the report.

When the risk assessment is complete, a report outlining the perceived level of risk, if any, in employing the preferred applicant in child-related employment will be sent to the employer.

It should be noted that criminal records, Apprehended Violence Order or disciplinary matters identified as part of the working with children check will not be revealed to the employer and will not be written in the report.

### **Step 9 – Making an offer of employment**

The decision whether to employ a person who has been subject to the Working with Children Check shall always remain that of the employer.

If a person has been checked and information has been obtained in the checking process, which requires consideration before offering employment, employers should consider:

- ★ The information provided by the employee in their 'prohibited person' declaration
- ★ The risk assessment provided by the Department of Sport and Recreation and
- ★ The findings of the referee's checks they have undertaken.

Where the preferred applicant does not have a criminal record, Apprehended Violence Order or disciplinary proceedings against him or her, but a referee raises concern in relation to child-related employment, an assessment of suitability for employment should

be undertaken by the employer. The Department of Sport and Recreation will not do a risk assessment for these cases.

The employer will determine whether it is appropriate to offer the person employment, based on all the information available.

### **Step 10 – Notifying the Commission**

Should an employer decide not to offer a person child-related employment as a consequence of a risk assessment undertaken through the Working with Children Check, the employer must notify the Commission for Children and Young People.

The information required by the Commission is limited to:

- ★ Full name of the person denied employment
- ★ The gender of the person
- ★ Date of birth of the person denied employment
- ★ Employer's details and relevant contact officer
- ★ Date the decision to deny employment was made, and
- ★ The position they applied for.

The Commission shall retain this information for the purposes of auditing and monitoring the employment screening process only. The information will not be released to any person and shall not be used to determine a prospective employee's suitability for future employment opportunities.

A standard notification form for the completion of employers is provided at Attachment 6 of this document.

To comply with this requirement, employers should maintain the following records centrally, separately from any personnel files and under strict security:

- ★ The basis for any decision not to employ, at the time the decision was made, if that decision primarily was based on an assessment that the applicant poses an unacceptable risk in child-related employment, and
- ★ The basis for any decision to employ, despite some adverse information gained through the checking process.

Within Surf Life Saving New South Wales clubs and branches; the Club Child Protection Officer, will deal with the process of notification by informing the CEO of Surf Life Saving New South Wales. The CEO will then notify the appropriate authorities.

### **Completed Relevant Disciplinary Proceedings**

Employers must provide details to the Commission for Children and Young People of any employee who has been the subject of completed relevant disciplinary proceedings.

For the purposes of child protection employment legislation, relevant disciplinary proceedings include any action taken to investigate matters that have been the subject of an allegation involving any of the following matters:

- ★ Child abuse
- ★ Sexual misconduct, or
- ★ Acts of violence committed by the employee in the course of employment.

It is only a requirement to notify the Commission for Children and Young People of sexual misconduct or acts of violence in the workplace where these acts:

- ★ Involve children
- ★ Are directed at children, or
- ★ Take place in the presence of children.

It is not necessary to notify the Commission for Children and Young People where completed disciplinary proceedings have proven the allegations to be false, vexatious or misconceived.

For the purposes of these procedures allegations are considered:

- ★ False, if investigation has concluded that the alleged conduct did not occur
- ★ Vexatious, if investigation concluded that the allegation was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made
- ★ Misconceived, if investigation has concluded that, whilst the allegation was made in good faith, a misunderstanding on behalf of the person making the allegation occurred.

For the purposes of the Commission for Children and Young People's requirements, a disciplinary matter is considered completed once the employer or professional body has reached a point where the investigation of the matter has concluded and a finding has been reached, irrespective of whether disciplinary action is yet to be initiated.

Completed disciplinary proceedings also include processes, which have been completed at the instigation of the employee i.e., those circumstances where an employee terminates their employment by their own choice prior to an employer having the opportunity to finalise the disciplinary process.

All contact within Surf Life Saving New South Wales with the commission for Children and Young People will be facilitated by the CEO of Surf Life Saving New South Wales.

#### **Information Required By The Commission**

Employers are only required to provide the Commission for Children and Young People minimum identification details of the individual and the Surf Life Saving Club or Branch involved. Full details of the matter are not required by the Commission for Children and Young People.

The identification details are:

- ★ The full name of the person who was the subject of relevant disciplinary proceedings
- ★ The date of birth of the person who was the subject of relevant disciplinary proceedings
- ★ The date of the completion of the disciplinary proceedings
- ★ The name of the Surf Life Saving Club or Branch which holds the full details of the record of the disciplinary proceedings, and
- ★ Contact details of the person in that Surf Life Saving Club or Branch, including position title, to whom inquiries in relation to the disciplinary proceedings should be made.

This information must be provided to the Commission for Children and Young People as soon as the relevant disciplinary proceedings are completed irrespective of any information required by the Ombudsman in relation to the same matter.

A standard notification form for the completion of employers is provided at Attachment 7 of this document.

#### **Past Disciplinary Proceedings**

It is a requirement that employers provide the Commission for Children and Young People with information regarding any relevant completed disciplinary proceedings, which have occurred in the five (5) year period prior to the legislation coming into effect. This detail should be provided to the Commission for Children and Young People as soon as possible.

#### **Notifying The Employee**

Where employers advise the Commission for Children and Young People of an employee's disciplinary proceedings, the employer must notify the employee in writing that such action has been taken. A standard format for this notification is provided at Attachment 8.

The requirement to notify the Commission for Children and Young People and the employee exists irrespective of whether the employee is still employed with the Surf Life Saving Club or Branch.

#### **Keeping Records of Disciplinary Proceedings**

The *Commission for Children and Young People Act 1998* requires the employer to keep records of disciplinary proceedings supplied to the Commission for Children and Young People.

The responsibility to keep these records applies despite any requirement for disposal of the record that may exist elsewhere, such as any regulation applying to records of information of disciplinary proceedings with respect to public sector employees.

It is important that employers keep all information regarding disciplinary matters referred to the Commission for Children and Young People for an indefinite period.

#### **Access to information**

Any person who has been the subject of completed relevant disciplinary proceedings is entitled, under the Freedom of Information Act 1989, to access any documents which contain disciplinary proceedings information related to their case. This right exists irrespective of whether the employer is a public or private sector employer.

Individuals may apply to amend those documents held by the employer if they consider that they are inaccurate.

Section 43 of the *Commission for Children and Young People Act 1998* extends Freedom of Information to cover all non-government organisations involved in child-related employment.

If employers receive requests from current or former employees about disciplinary proceeding documents that they wish to access, employers should consult the Freedom of Information legislation to determine the most appropriate course of action.

The prospective applicant's right to obtain information under the *Commission for Children and Young People Act 1998* is limited to documentation regarding the disciplinary proceedings. This Act does not provide access to information regarding the risk assessment undertaken by an Approved Screening Agency.

There shall be no cost charged to any person seeking access to information in accordance with these arrangements.

### **Confidentiality and Accuracy**

An employment screening process can only be effective where the integrity of the information can be assured. Access to valid, accurate and reliable information and the expertise to evaluate, collate and analyse this information is essential.

It is important that all people involved in the Working with Children Check ensure that they treat the information obtained during the process with the utmost confidentiality. Information obtained is not to be provided to any person not authorised to access such information.

Non-government organisations should collect and hold personal information relating to the checking process in accordance with the Data Protection Principles endorsed by the former NSW Privacy Committee and currently accepted by the NSW Privacy Commissioner.

These principles relate to:

- ★ The manner and purpose of collection of personal information
- ★ The solicitation of personal information from the individual concerned
- ★ The solicitation of personal information generally
- ★ The storage and security of personal information
- ★ Information relating to records kept by the record keeper
- ★ Access to records containing personal information
- ★ Alteration of records containing personal information
- ★ Record keeper to check accuracy etc of personal information before use
- ★ Limits on use of personal information
- ★ Limits on disclosure of personal information.

Details of these principles may be obtained from:

Privacy New South Wales (the Office of the Privacy Commissioner)  
Level 17, 201 Elizabeth Street, Sydney 2000  
Telephone: (02) 9268 5588.

### **Unauthorised Collection or Disclosure of Information**

It is an offence under Section 42 of the *Commission for Children and Young People Act 1998* to disclose any information obtained:

- ★ In connection with employment screening, except as allowed by Section 42(1)(a-d) of the Act, and
- ★ Dishonestly obtain confidential information relating to employment screening.

A person found guilty of an offence under this Section of the Act may face imprisonment for 6 months.

Where it is considered a breach of confidentiality has occurred, the Commission for Children and Young People should be notified to discuss the available options.

## **Responsibilities of Agencies, Employers and Employees**

### **Approved Screening Agencies**

In regards to Surf Life Saving New South Wales, the approved agency to be used by surf lifesaving club and branches is the NSW Department of Sport and Recreation

### **Approved Screening Agencies Responsibilities**

- ★ Approved Screening Agencies are responsible for:
- ★ Providing the Working with Children Check for child-related employers
- ★ Upon the request of employers:
  - Completing a criminal record check for prospective child-related employees
  - Undertaking a check of relevant apprehended violence orders for prospective child-related employees,
  - Determining if a prospective child-related employee has any previous relevant disciplinary proceeding
  - Undertaking a risk assessment of any prospective child-related employee whose check has identified any matter which should be taken into consideration before employment commences
  - Contacting any prospective child-related employee whose check has identified a matter which should be taken into consideration and discuss the findings prior to completing the Working with Children Check
  - Submitting a report to the employer about the assessed level of risk for any person before employment commences
  - Providing assistance and advice to employers in relation to the Working with Children Check
  - Ensuring that the Working with Children Check is undertaken on behalf of employers in a timely, effective and responsive manner
  - Ensuring that processes and practices are responsive to the needs of employers and embody strict standards of fairness in relation to the person being screened
  - Protecting the security and confidentiality of all information obtained in relation to the Working with Children Check.

### **Employer Responsibilities**

All employers of persons working in child-related positions have responsibilities under the new legislation. These fall into two categories.

### **Prohibited Employment Responsibilities**

- ★ Ensure that all current employees are informed about the child related employment requirements regarding 'prohibited persons' (i.e.: a person convicted of a serious sex offence).
- ★ Obtain a declaration from all existing employees employed in positions that primarily involve direct contact with children where that contact is not directly supervised as to whether they are a 'prohibited person'.
- ★ Take appropriate action to ensure that any such employee does not remain in child related employment. Employers have a 6 month period from the start of these procedures to ask for a 'prohibited person' declaration from their existing child-related employees.
- ★ Ensure information given to the employee regarding child related employment includes advice regarding "prohibited person" restrictions and the Working with Children Check.

- ★ Request all applicants for employment that primarily involves direct contact with children where that contact is not directly supervised to declare whether they are a 'prohibited person' prior to any offer of employment being considered.
- ★ Ensure protection of privacy of any person who is checked and ensure any information obtained through the checking process is confidential.

### **Working with Children Check Responsibilities**

- ★ Register with the relevant Approved Screening Agency to enable checks to be undertaken.
- ★ Identify positions in the Surf Life Saving Club or Branch (paid and voluntary), which are child-related employment positions.
- ★ Ensure the full Working with Children Check has been completed before employment is offered for all preferred applicants for paid employment that primarily involves direct contact with children where that contact is not directly supervised.
- ★ Ensure information given to the employee regarding child related employment includes advice regarding 'prohibited person' restrictions and the Working with Children Check.
- ★ Where it is not practical to complete the check prior to employment commencing, ensure the checking process is completed as soon as possible after the person is employed. In these cases employers must advise employees that their ongoing employment is conditional on the satisfactory completion of the checking process.
- ★ Based on the risk assessment undertaken by an Approved Screening Agency, decide whether to offer child-related employment to the preferred applicant.
- ★ Notify the Commission for Children and Young People of any person whose application for child-related employment has been rejected because of a risk assessment in employment screening.
- ★ Ensure that each request for employment screening is appropriate and is made for the reasons provided for by these procedures.

### **Responsibilities for all employers**

All employers, not just child-related employers:

- ★ Must notify the Commission for Children and Young People of any employee against whom relevant disciplinary proceedings have been completed up to a period of 5 years immediately prior to July 2000
- ★ Are able to provide appropriate information on request to Approved Screening Agencies relating to employees who have been subject to completed relevant disciplinary proceedings.
- ★ As an employer you must not:
- ★ Employ or continue to employ a 'prohibited person' in child related employment
- ★ Commence employing a person in employment that primarily involves direct contact with children where that contact is not directly supervised without first asking that person to disclose whether or not she/he is a 'prohibited person'
- ★ Commence employing a person in paid child-related employment without completing the Working with Children Check, unless it can be shown that it is not practicable to complete the process prior to employment, in which case the process must be completed as soon as possible, or
- ★ Inappropriately obtain or disclose information relating to the Working with Children Check.

<b>WHAT ALL EMPLOYERS SHOULD HAVE</b>
Guidelines to respond to disclosure or discovery of child abuse by an employee
Ongoing training and awareness regarding child protection issues
Codes of conduct which set out professional standards of behaviour
Appropriate work and supervision practices

## **Responsibilities for all employees**

It is the responsibility of all employees currently engaged in employment that primarily involves direct contact with children where that contact is not directly supervised, to:

- ★ Declare whether they are a 'prohibited person' (i.e.: a person convicted of a serious sex offence) when requested to do so by their employer
- ★ Cease employment in a child-related position if they become a 'prohibited person'.

Existing employees must return their Prohibited Employment Declaration to their employer within one month of being asked to provide the Declaration, or remove themselves from child-related employment within three months of the commencement of these procedures. During these three months, they will not have committed an offence if they have notified their employer that they are a 'prohibited person' and complied with any requirements of the employer concerning unsupervised contact with children.

It is the responsibility of applicants seeking employment that primarily involves direct contact with children where that contact is not directly supervised, to:

- ★ Complete a declaration saying whether or not they are a 'prohibited person' when applying for child-related employment
- ★ Agree to allow the employer to undertake all aspects of the employment screening process.

It is an offence for a 'prohibited person' to apply for child-related employment and as a result it is that person's responsibility not to apply for any such position. A 'prohibited person' may apply to the Industrial Relations Commission or the Administrative Decisions Tribunal for an exemption from this Act. An exemption will not be given unless it is considered that the person does not pose a risk to the safety of children.

## **Privacy and Access to Information**

Throughout the checking process there are strict provisions to protect information and privacy.

It will be an offence for any person to inappropriately obtain or disclose information gathered during the screening process.

All forms and other documents obtained through the checking process are to be kept by Surf Life Saving Clubs and Branches on the own premises. The storage of these documents must be in such a manner to ensure privacy and restriction of access by unauthorised persons. The extent of access should be limited to only the Child Protection Officer.

If any adverse information is obtained as part of the checking process, the applicant should be given the right to discuss this with the employer or Approved Screening Agency before a final decision is made about suitability.

Any person who has had disciplinary proceedings taken against them has a right, under Freedom of Information, to access this information and have the records amended if they are not correct or complete.

## **Definitions and Indicators of Abuse**

There are many known parameters regarding what constitutes child abuse and child sexual abuse. Even for professionals working in the field of child abuse certain indicators are not necessarily easy to detect and for those who have not been professionally involved in the prevention of child abuse the task can be somewhat daunting. Yet everyone whose work brings them into contact with children and young people has a responsibility to express concern when there are indicators that child abuse or neglect may be occurring.

The following definitions and indicators of abuse have been taken from the NSW Interagency Guidelines for Child Protection Intervention. For people working with children but not experienced in child abuse, the definitions and indicators provide a tool to help raise their awareness and gain confidence in their ability to assess whether child abuse is occurring. Recognising the indicators is about forming a reasoned concern or well-founded suspicion. It is not necessary to prove that abuse or neglect has occurred or who is responsible. This is a matter that the courts must determine when considering whether or not a criminal offence relating to child abuse or neglect has occurred, or if a child is in need of care.

It is essential for employers to meet their responsibilities regarding the new child protection legislation in New South Wales and for the management of issues thereafter.

It should be stated from the outset that these definitions and indicators have been included as a guide for workers without significant experience in this area. They do not replace the need for consultation with professionals who work in the field of child abuse to assist all staff, officials, coaches, members and volunteers in understanding and identifying child abuse.

These definitions and indicators are not prescriptive and should not be used as a checklist.

Consideration should be given to the fact that various forms of abuse are often inter-related. Similar relationships or links are evident when determining whether abuse is taking place, and therefore a range of factors present in the situation should be taken into account.

For instance, a child who is the victim of physical abuse is also suffering emotional abuse. Feelings of worthlessness and lack of trust are a direct consequence of physical abuse.

### **Physical Abuse**

Due to the nature of sport, several injuries that appear on the list of 'common indicators of physical abuse', may actually be a common occurrence in sport. For example: sprains, bruising or dislocations.

Administrators, coaches, officials, members and volunteers involved in surf life saving should use professional judgment and common sense when determining what constitutes a physical abuse.

### **Definition**

Physical abuse refers to non-accidental injury and/or harm to a child or young person caused by a parent, care-giver or another person responsible for the child or young person.

### **Indicators of Physical Abuse**

It is important to note that one indicator alone may not constitute abuse. Common indicators of physical abuse include:

- ★ Lacerations and welts from excessive discipline or physical restraint
- ★ Severe beating or shakings
- ★ Facial, head and neck bruising
- ★ Strangulation
- ★ Attempted suffocation
- ★ Burns or scalds
- ★ Multiple injuries or bruises
- ★ Dislocations, sprains, twisting
- ★ Ingestion of poisonous substances, alcohol or other harmful drugs
- ★ Other bruising and marks that show the shape of the object that caused it, for example: handprint or buckle print
- ★ The explanation offered by the child is not consistent with the injury
- ★ Bite marks and scratches where the bruise may show a print of teeth and experts can determine whether or not it is an adult bite
- ★ Ruptured internal organs without a history of major trauma
- ★ Fractures of bones
- ★ Head injuries where the child or young person may have indicators of drowsiness, vomiting, fits or retinal hemorrhages, suggesting the possibility of having been shaken.

General indicators of female genital mutilation may include:

- ★ Difficulties with toileting
- ★ Having a special operation associated with celebrations
- ★ A reluctance to be involved in sport or other physical activities when previously interested.

## **Emotional Abuse**

### **Definition**

Emotional abuse encompasses a range of behaviours that may psychologically harm a child or young person. It is behaviour by a parent or caregiver that can destroy the confidence of a child and result in significant emotional deprivation or trauma. It involves the impairment of a child's social, emotional, cognitive, intellectual development and/or disturbance of behaviour.

Emotional abuse may include:

- ★ Excessive or unreasonable demands
- ★ Failure to provide the psychological nurturing and affection necessary for a child's physical and emotional growth and development
- ★ Scapegoating or rejecting

- ★ Severe verbal abuse and threats of abuse.

#### **Indicators**

Indicators of emotional abuse may include:

- ★ Feelings of worthlessness about life and themselves
- ★ Inability to value others
- ★ Lack of trust in people and expectations
- ★ Lack of interpersonal skills necessary for adequate functioning
- ★ Extreme attention seeking behaviour
- ★ Behavioral disorders (e.g. disruptiveness, aggressiveness, bullying).

### **Sexual Abuse**

It takes a great deal of courage for a child or young person to disclose that they have been sexually abused. The way they tell may not be direct. When a child discloses, the person they tell is someone they trust and the manner that the person deals with the information is very important.

If a child tells you that he/she has been sexually abused, listen carefully and believe the child. Reassure the child that he/she is not to blame and has done the correct thing in telling of the abuse. Try not to show emotions such as shock, and inform the child that you must tell some other trustworthy people and that those people will help.

#### **Definition**

Child sexual abuse is any sexual act or sexual threat imposed on a child or young person. Adults or adolescents who perpetrate child sexual abuse exploit the dependency and immaturity of children. Coercion, which may be physical or psychological, is intrinsic to child sexual abuse and differentiates such abuse from consensual peer sexual activity.

#### **Sexually Abusive Behaviours**

Behaviours that constitute sexual abuse include:

- ★ Inappropriate kissing and fondling
- ★ Masturbation, flashing, fellatio, cunnilingus
- ★ Digital, penile or object penetration of a child's or young person's body
- ★ Use of children for pornography or prostitution
- ★ Bestiality, forced participation in sexual activity with other children.

#### **Indicators**

Below are indicators that will assist in determining if a child or young person has been, is, or may be being sexually abused:

- ★ Child describing sexual acts (e.g. 'daddy hurts my wee wee')
- ★ Direct or indirect disclosures
- ★ Persistent running away from home
- ★ Age-inappropriate behaviour, drug dependency, suicide attempts, self-mutilation
- ★ Anorexia or overeating
- ★ Going to bed fully clothed
- ★ Regression in developmental achievements in younger children
- ★ Child or young person being in contact with a known or suspected perpetrator of sexual assault
- ★ Unexplained accumulation of money or gifts
- ★ Bleeding from the vagina or external genitalia or anus
- ★ Injuries such as tears or bruising to the genitalia, anus or perineal region
- ★ Sexually transmitted diseases

- ★ Adolescent pregnancy
- ★ Trauma to the breast, buttocks, lower abdomen or thighs.

## **Neglect**

### **Definition**

Neglect occurs where there is a risk of harm or actual harm to a child or young person caused by the failure to provide the basic physical and emotional necessities of life. Neglect is characterised as a continuum of omissions in the care of a child or young person.

It may include failure to provide:

- ★ Food, clothing, shelter
- ★ Emotional security, affectionate attachments
- ★ Medical care and adequate supervision.

### **Indicators**

Neglect may be detected by observing if the following occurs on a regular basis:

- ★ Poor standards of hygiene leading to social isolation
- ★ Scavenging or stealing food
- ★ Extended stays at school, public places or other homes
- ★ Being focused on basic survival
- ★ Extreme longing for adult affection
- ★ A flat and superficial way of relating, lacking a sense of genuine interaction
- ★ Anxiety about being dropped or abandoned
- ★ Self comforting behaviour e.g.: rocking, sucking
- ★ Loss of skin bloom and hair texture
- ★ Untreated physical problems.

## **Domestic Violence**

Domestic violence is violence, abuse and intimidatory behaviour perpetrated by one person against another in a personal, intimate relationship. Domestic violence occurs between two people where one has power over the other causing fear, physical and/or psychological harm.

Domestic violence can have a profound effect on children and young people and can constitute a form of child abuse. Children and young people can be affected by:

- ★ being in the presence of or by being exposed to violence in the parental relationship
- ★ becoming victims of violence
- ★ A combination of the two.

## **Children with Disabilities**

Child abuse may occur to children and young people with disabilities. Some children with disabilities are at a higher risk of abuse due to the nature of their disability. This may be because of the limitations the disability creates for them such as mobility constraints or dependence on others to communicate for them. Limitations such as these make it more difficult for children and young people with disabilities to stop abuse from occurring.

Indicators of child sexual assault and child abuse in children with a disability should not be confused with the disability itself. If a significant change in the child's behaviour occurs, accompanied by a range of indicators, consideration should be given to whether there are reasonable grounds to suspect child abuse or child sexual abuse.

## Notification Procedures for Allegations of Child Abuse

### **Rationale**

Surf Life Saving New South Wales acknowledges that issues regarding child abuse and the reporting of allegations of child abuse is highly sensitive, and should be dealt with in a confidential manner.

Surf Life Saving New South Wales has developed these notification procedures to ensure that confidentiality is maintained throughout the process and that consistent procedures for reporting are encouraged.

Surf Life Saving New South Wales will be proactive in its role to protect children and encourage an open environment that allows employees and members to be aware of their rights and responsibilities within the organisation.

### **Child Protection Officer**

To deal appropriately with these issues and to ensure that the confidentiality of all parties involved is maintained, one person within each Surf Life Saving Club will be designated as the child protection officer.

The child protection officer is responsible for reporting any allegations of child abuse that occur within surf lifesaving to the Chief Executive Officer of Surf Life Saving New South Wales. The Chief Executive Officer of Surf Life Saving New South Wales will then intern contact the Department of Community Services (DoCS), and the NSW Police Service.

### **Contact Information:**

**Phillip Vanny**  
**Chief Executive Officer**  
**Surf Life Saving New South Wales**  
**Ph: 02 9984 7188**  
**Fax: 02 9984 7199**  
**Mob: 0408 663 321**

### **What Should Be Reported**

Some incidents **may seem minor**, however, they may in fact reveal more serious concerns of misconduct or a pattern of behaviour that requires further scrutiny. All people associated with Surf Life Saving New South Wales should be aware of the indicators for child abuse and sexual abuse so that they may make an informed decision on what to report.

If you have reasonable grounds to suspect that a child participating in any organised activities conducted by surf lifesaving is at risk, report the matter to the child protection officer.

## **Written Notification**

Verbal notification of alleged child abuse must be followed up in writing within 24 hours to the local Department of Community Services using the child protection notification form provided.

## **Investigation**

If an incident of child abuse occurs within surf lifesaving it is not the responsibility of persons within surf lifesaving to take it upon themselves to determine whether the allegation is true or false. This responsibility belongs with the NSW Department of Community Service and the Judiciary.

Depending on the nature of the allegations and the extent of the situation, the NSW Department of Community Service will determine the manner in which the matter will be investigated. This may involve the NSW Police Service.

## **Confidentiality**

All matters regarding allegations of child abuse are to be treated as confidential. The person designated as the child protection officer is the contact person for any incident involving allegations of child abuse and then must forward these allegations onto the Chief Executive Officer of Surf Life Saving New South Wales. This is essential for confidentiality. Confidentiality protects all individuals involved:

- ★ The alleged victim
- ★ The alleged offender, and
- ★ The person making the notification.

## **Commission For Children and Young People Act 1998**

Under the **Commission for Children and Young People Act 1998** Surf Life Saving New South Wales is required to:

1. Notify the Commission for Children and Young People of the name and other identifying details of any employee against whom relevant disciplinary proceedings have been completed by Surf Life Saving New South Wales irrespective of the findings (except where the allegation has been proven to be vexatious, mischievous or false)
2. Provide details of child abuse allegations/ convictions against employees to the Commission
3. Notify the Commission of any applicants for child-related employment, rejected as a result of risks identified through employment screening processes
4. Ensure that records of all information required to be submitted to the Commission for Children and Young People are retained by Surf Life Saving Clubs and Branches on behalf of Surf Life Saving New South Wales.

## **Child Protection (Prohibited Employment) Act 1998**

Under the **Child Protection (Prohibited Employment) Act 1998** Surf Life Saving New South Wales

1. **Will not** commence employing a person in a child-related position without first requiring them to disclose whether or not they are a 'prohibited person'
2. **Will not** commence employing, or continue to employ, in child related employment, a person that has been identified as a 'prohibited person'.

## Further Information

For further information contact:

- ★ The New South Wales Department of Sport and Recreation  
Telephone: 1300 366 407  
Email: [workingwithchildrencheck@dsr.nsw.gov.au](mailto:workingwithchildrencheck@dsr.nsw.gov.au)  
Web Page: [www.dsr.nsw.gov.au](http://www.dsr.nsw.gov.au)
  
- ★ The Commission for Children and Young People  
Telephone: 02 9286 7220  
Fax: 02 9286 7201  
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