



## CHILD PROTECTION FACT SHEET for NSWIS ATHLETES

### Purpose

To advise athletes and coaches that the NSW Institute of Sport is committed to the safety and protection of any child who comes in direct or indirect contact with the NSW Institute of Sport.

### Policy

The NSW Institute of Sport has developed a policy and procedures that comply with the legislative requirements of Part 3A of the Ombudsman Act 1974, Child Protection (Prohibited Employment) Act 1998, Commission for Children and Young People Act 1998 and the Children and Young Persons (Care and Protection) Act 1998. *A copy of this policy or any of the above legislation is available through the HR Coordinator.*

### NSWIS Code of Conduct

You have been provided with the NSW Institute of Sport's Athlete Code of Conduct and Coach Code of Conduct. Familiarise yourself with the contents of these documents and refer any questions to your coach.

### Important Definitions

| TERM                      | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Child</i>              | A person under the age of 18 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Reportable Conduct</i> | Reportable conduct is: <ul style="list-style-type: none"> <li>(a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or</li> <li>(b) any assault, ill treatment or neglect of a child; or</li> <li>(c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <i>Physical Assault</i>   | Using common law principles, physical assault must include all three of the following elements: <ul style="list-style-type: none"> <li>(a) It is an act committed on or towards a child;</li> <li style="text-align: center;">AND</li> <li>(b) It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them;</li> <li style="text-align: center;">AND</li> <li>(c) It is either hostile or reckless (a reckless act is one where the person foresees the likelihood of inflicting injury or fear, and ignores the risk).</li> </ul> <p>Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.</p> <p><i>Physical contact which is an inevitable part of everyday life does not amount to an assault.</i></p> |
| <i>Harassment</i>         | Any behaviour that: <ul style="list-style-type: none"> <li>(a) the other person does not want and does not return;</li> <li>(b) offends, humiliates or intimidates them and that in the circumstances, a reasonable person would feel offended, humiliated or intimidated;</li> <li>(c) is sexual and/ or targets them because of their race, sex, pregnancy, marital status, carers responsibilities, disability or age.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### Safe Sporting Environment

It is important that your coach promotes acceptable behaviours from other coaches and athletes as this can greatly affect the 'safe' nature of a training environment. Your coach should at all times:

- Use acceptable and professional language with coaches, athletes and parents;
- Use positive reinforcement and adopt positive procedures when dealing with children in their care;

- Encourage positive behaviours from athletes, coaches and parents;
- Minimise situations where an adult may be alone with a child e.g. dressing room;
- Ask permission before appropriate physical contact (that is a necessary part of a coaching session) is initiated;
- Not transport or reside with children alone;
- Report any suspect behaviour by staff or athletes to NSWIS immediately;
- Be aware of child protection principles and educate staff under their supervision.

### **Employee Screenings**

NSWIS is responsible for conducting employment screenings of any new employee in accordance with the requirements of the Child Protection Act. By signing the “Working with Children Check Form” and “Prohibited Employment Declaration” employees are consenting to a national criminal check (for child related and /or sexual offences). *All coaches and support staff employed on a voluntary or paid basis by NSWIS must complete and sign this document.*

### **Coach Reporting Responsibilities**

Any staff member who has **reasonable grounds to suspect** that a child participating in an NSWIS program has been the victim of “reportable conduct”, **must report the matter to NSWIS immediately**. They must report their concern to either their manager, the CEO or Human Resources.

In the event that an employee of the NSWIS has reasonable grounds to suspect another employee of NSWIS of being involved in “reportable conduct”, it is imperative that the situation be handled with extreme sensitivity and discretion.

**No matter how minor the incident may appear all suspected allegations of “reportable conduct” must be reported.** Minor allegations may reveal more serious misconduct or a pattern of behaviour which requires further investigation. For this reason, it is mandatory that all allegations involving child abuse/sexual assault are reported and appropriate action taken, regardless of how minor or trivial the actions may seem.

The Children (Care and Protection) Act 1987 makes provision for safeguarding the identity of a person making a notification of suspected “reportable conduct” or neglect. It provides that notification shall not be held to be a breach of professional ethics, or a departure from accepted professional standards and states that no liability for defamation will be incurred for notifying.

### **Allegations and Investigations of Child Abuse**

NSWIS has procedures in place and is legally bound to investigate **any allegations** of “reportable conduct” and report findings to the NSW Ombudsman, the Commission for Children and Young People, Department of Community Services and the Police (if necessary). NSWIS will conduct investigations into child abuse allegations and take appropriate action without undue delay and will ensure procedural fairness, natural justice and confidentiality throughout.

Please refer to the NSWIS Child Protection Notification and Reporting Procedures for specific guidelines. This is available from Human Resources.

### **Contacts & More Information**

For any further information regarding child protection, any policies, procedures or legislation referred to in this document please contact the Manager- Finance & Corporate Services or Human Resources by telephone on REDACTED

REDACTED

ED