

# ONSW SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

Association Manual **1.10**

## 1. ONSW SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

- 1.1. Orienteering has a zero-tolerance policy to harm, abuse and/or neglect of a Child or Young Person in any form. All Children and Young People have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children and Young People have the right to take part in sport in a safe, positive, and enjoyable environment. Orienteering NSW is committed to safeguarding and promoting the welfare of Children and Young People in orienteering by providing a safe and inclusive environment and by ensuring that everyone involved in orienteering is aware of their rights and responsibilities in relation to Children and Young People.
- 1.2. Orienteering NSW (ONSW) is committed to protecting Children/Young People from harm.
- 1.3. ONSW is legally bound by NSW Government legislation and regulations related to child protection and working with children, including:  
*Children's Guardian Act 2019*  
*Child Protection (Working with Children) Act 2012*  
*Child Protection (Working with Children) Regulation 2013*
- 1.4. ONSW is registered as an employer with the NSW Office of the Children's Guardian (OCG) in order to undertake verification of Working with Children Checks for employees, volunteers and other adults as required.
- 1.5. NSW legislation and regulations determine whether ONSW needs to make a reportable conduct notification to the OCG, and any timeframes which may apply.
- 1.6. ONSW endorses and adopts in full the *Orienteering Australia Safeguarding Children and Young People Policy*, as available from the Orienteering Australia (OA) website.
- 1.7. Additional requirements specific to NSW and the underpinning ONSW processes are set out in this ONSW policy.
- 1.8. This policy also abolishes *ONSW Manual 8.5 Junior Team Officials Appointment Policy (adopted April 2018)* as this new policies applies to all ONSW child-related roles.

## 2. Child-related roles and Working With Children Check (WWCC)

- 2.1. Child-related work (including voluntary work) is:
  - a) providing services for children and young people under 18;
  - b) where the work normally involves being face to face with children; and
  - c) where the contact with children is more than incidental to the work.
- 2.2. Parents and close relatives volunteering at their children's usual ONSW events/activities are generally exempt from the WWCC requirement, however we require a WWCC for:
  - a) any adult applying to be appointed as a ONSW junior squad or team official; or
  - b) any official, coach, or other adult providing services for juniors under 18 at any

- official junior training or coaching camp or activity conducted under the auspices of ONSW; or
- c) any adult travelling with and/or being accommodated with any NSW Junior Orienteering team or squad; or
  - d) any official, coach, manager and any other adults travelling with, and/or being accommodated with, juniors at any official junior training or coaching camps or activities, conducted under the auspices of ONSW.
- 2.3. Where a role requires access to confidential records or information about children, but the role is otherwise not child-related work, ONSW may apply to the OCG for the role to be deemed “Child-related” and therefore require a WWCC.
3. Child Safety Officers
- 3.1. ONSW has appointed a Child Safety Officer (CSO) as the first point of contact for child safety related matters in ONSW. The contact email address can be found on the ONSW website at <https://onsw.asn.au/the-association/onsw-board-and-officers>
  - 3.2. ONSW requires each affiliated club to also appoint at least one Child Safety Officer. The Club CSOs act as a first point of contact within their respective clubs. Their contact details are to be provided on the club website or facebook page, as applicable.
4. Recruitment and Screening
- 4.1. In NSW it is against the law to engage anyone in child-related work without a current Working With Children Check (WWCC). Prior to confirmation/appointment into a “Child-related” role, ONSW requires all adults (being persons aged older than 18 years) to undergo an extensive screening process and to provide their current WWCC and date of birth.
  - 4.2. The following recruitment and screening process will apply when a person either applies for, volunteers as, or is identified as an adult meeting either:
    - a) the criteria at section 2.1 above; or
    - b) one or more of the criteria at section 2.2 above.
  - 4.3. The person must familiarize themselves with the following documents which are readily available:
    - 4.3.1. on the OA Integrity website ( <https://orienteering.asn.au/integrity/> )
      - a) *OA Safeguarding Children and Youth Policy;*
      - b) *OA Member Protection Policy;*
      - c) *OA Complaints, Disputes and Discipline Policy;*
      - d) *OA Competition Manipulation and Sport Wagering Policy;*
      - e) *OA Improper Use of Drugs and Medicine Policy;*
    - 4.3.2. on the ONSW Manual website ( <https://onsw.asn.au/resources/onsw-manual> )
      - a) *ONSW Code of Conduct (including Child/Young Person Safe Practices).*
  - 4.4. Prior to their appointment, the person must:
    - a) complete and sign the ONSW Code of Conduct, and lodge with the ONSW Board or its nominee;
    - b) satisfactorily complete the *Safeguarding Children and Young People in Sport Induction* (available through the Orienteering Learning Centre at

- <http://learning.orienteering.asn.au/>) and provide evidence of completion to the NSW Administration Officer;
- c) obtain a NSW Working With Children Check and forward it along with the applicant's date of birth to the NSW Administration Officer for verification. (In doing so, the applicant accepts that this involves the disclosure of confidential information by the applicant to NSW.); and
  - d) satisfactorily complete the screening process, which includes at least one interview, in accordance with the *OA Safeguarding Children and Youth Policy Annexure 3*. (The screening process will be organized and undertaken by NSW Board members and/or their nominees).
- 4.5. The NSW Administration Officer will undertake verification of the provided WWCC including:
- a) confirmation that the clearance is the correct class (E for employed, or V for volunteer); and
  - b) proof of identity (a WWCC will only be issued in a person's legal name so, if they are known by any other name, they will not be found during a WWCC database search).
- 4.6. Once a WWCC clearance has been verified, the NSW Admin Officer is to advise the NSW Board member responsible for the appointment.

## 5. Record Keeping

- 5.1. A register of WWCC records will be maintained in the NSW Office. It must be provided to the OCG when requested. For each clearance it is to include, as a minimum:
- a) Full legal name;
  - b) Alternate name (if known by a name other than full legal name);
  - c) Date of birth;
  - d) WWCC number/s;
  - e) Expiry date of WWCCs;
  - f) Date each WWCC was verified;
  - g) Class of each WWCC clearance.
- 5.2. A register of completed OLC inductions and screening interviews will be maintained in the NSW Office. For each person it is to include, as a minimum:
- a) Full name;
  - b) Date of OLC induction completion;
  - c) Name of persons who conducted screening interview;
  - d) Date of screening interview;
  - e) Name of persons who conducted screening interview;
  - f) Names of two references;
  - g) Date each reference provided, and to whom.

## 6. WWCC Ongoing Monitoring and Renewals

- 6.1. Unless a person becomes barred or their WWCC is closed, a WWCC clearance will remain valid for five years. During this time clearance holders are subject to ongoing monitoring by the relevant authorities.

- 6.2. Towards the end of the five year period a person will be notified of the impending expiry of their WWCC and must reapply for a clearance if they intend to continue working with children. Once the new clearance is obtained a new WWCC number will be issued and this must be provided to the ONSW Administration Officer for re-verification as set out in section 4.5 above.
- 6.3. If a person becomes barred before the five year expiry date and ONSW had verified that person as an ONSW employee or volunteer, ONSW will be notified by the OCG of that person becoming barred. The ONSW Admin Officer is to advise both the ONSW President and Child Safety Officer should this occur.
- 6.4. A person who is barred cannot work in a child-related role. It is an offence to continue to employ a person in a child-related role if they do not hold the appropriate clearance. ONSW will be required to confirm in writing that a barred worker has been removed from child-related work.
7. Reporting
  - 7.1. Reporting of allegations of Prohibited Conduct under the *OA Safeguarding Children and Young People Policy* is set out at clause 5 (a) of that policy.
  - 7.2. Reporting of a potential breach of the *OA Safeguarding Children and Young People Policy* is set out at clause 5 (b) of that policy. It includes the requirement to comply with *Annexure A: Responding to Risk of Abuse and Harm to Children and Young People* of that policy. A modified version of said *Annexure A* has been provided with additional NSW and ONSW specific information and is **Appendix A** to this *ONSW Safeguarding Children/Young People Policy*.

Adopted 23 April 2024

Reason for update:

New – to document requirements with respect to Safeguarding Children and Young People, including as required under State legislation, and NIF & OA policies.

Abolishes *ONSW Manual 8.5 Junior Team Officials Appointment Policy* as this new policy relates to all child-related roles.

## **Appendix A: Responding to Risk of Abuse and Harm to Children and Young People (NSW Version)**

Under relevant state/territory laws, failure to report any reasonable suspicion or knowledge that a Child/Young Person is or is likely to be at risk of harm could result in criminal proceedings. This Annexure provides examples of the main actions that must be followed, and has been adapted by NSW to meet NSW reporting obligations.

### **You must ACT.**

As a person involved in orienteering you play a critical role in protecting Children/Young People. You **must** follow the four actions set out below when responding to any Child Abuse allegations.

### **Action 1 – Responding**

**If a Child/Young Person is at risk of immediate harm, you must ensure their safety by:**

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required;
- Separating at-risk Child/Young Person and others involved;
- Identifying an appropriate contact person for any on-going liaison with the Police.

If there is no immediate harm, go to Action 2 below.

### **Action 2 – Reporting**

If you suspect, on reasonable grounds that a Child was, is, or is at risk of being abused and/or neglected, you must report it to the police and/or the relevant State/Territory child protection agency.

A Safeguarding Complaints and Allegations Record Form is provided at Appendix C to this policy for recording relevant information.

#### **Reporting criminal conduct**

Contact **NSW Police on 131 444** or **attend a NSW Police Station in person** for anything you consider could be a criminal offence. This includes sexual assault, physical assault, grooming offences, and producing, disseminating or possessing child abuse material.

**Note:** It is a criminal offence for adults not to report to police if they know or believe that a child abuse offence has been committed. In addition, people employed in child-related work may be subject to a criminal offence if they fail to reduce or remove the risk of a child becoming a victim of child abuse.

#### **Reporting risk of significant harm**

Any person who has reasonable grounds to believe that a child or young person is at risk of significant harm (ROSH) can report to the **NSW Department of Communities and Justice (DCJ)** via the **Child Protection Helpline on 132 111** (this is a 24-hour service, 7 days a week).

## Action 2 – Reporting (continued)

### Reporting to Sport Integrity Australia

If the alleged Child Abuse is occurring in a *Relevant Organisation* (which could include ONSW, an ONSW Club, an ONSW Team/Squad, or a Provider to any of these ONSW entities), it may also be documented on the Report Form found at “MAKING AN INTEGRITY COMPLAINT OR REPORT: Sport Integrity Australia”

<https://www.sportintegrity.gov.au/what-we-do/national-integrity-framework/making-integrity-complaint-or-report>

See **Definitions** at Appendix B of this policy for full definition of *Relevant Organisation*

If the alleged Child Abuse is occurring in ONSW, an ONSW Club, an ONSW Team/Squad, or a Provider to any of these ONSW entities you should also advise the ONSW Child Safety Officer.

**Child Safe Contact at Orienteering NSW:**

**Name:** Sandra Stewart

**Position:** ONSW Child Safety Officer

**Email and/or Phone:** sandra.stewart1957@gmail.com

## Action 3 - Contact

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

- not to contact the parents or carers in circumstances where they are alleged to have engaged in the abuse.
- to contact the parents/carers and provide agreed information as soon as possible.

## Action 4 - Support

Support should be provided to any Child/Young Person that has experienced abuse.

- It is important that the person providing support to the Child/Young Person does not attempt to provide support which is outside of the scope of their role.
- Support should include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- Information regarding allegations of Abuse need to be well documented and shared with Orienteering Australia's designated contact.
- Further support for the Child/Young Person, relevant Adults and others involved may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.

**Child Safe Contact at Orienteering Australia:**

**Name:** Andrew Shipton

**Position:** National Integrity Manager

**Email and/or Phone:** integrity@orienteering.asn.au

## **Appendix B: Safeguarding Definitions (NSW Version)**

In this Policy the following words have the corresponding meaning:

**Activity** means an Orienteering competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition sanctioned or organised by OA or another Sport Organisation.

**Affiliated Club** means an Orienteering club affiliated with a state or territory orienteering association.

**Authorised Provider** means any non-Member organisations authorised to conduct activities sanctioned by OA or a State Organisation.

**Code of Conduct** means this Code of Conduct.

**Contractor** means any person or organisation engaged to provide services for or on behalf of OA or a Sport Organisation, and includes agents, advisers, and subcontractors of OA or a Sport Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.

**Employee** means a person employed by OA or a Sport Organisation.

**Individual Member** means refers to a person who is a member of a State Organisation or Affiliated Club.

**National Integrity Framework (NIF)** means the set of “National Integrity Framework” integrity policies produced by Sport Integrity Australia from time to time if and as adopted by OA.

**Orienteering** means the sport of orienteering as governed by OA.

**Orienteering Australia (OA)** means Orienteering Australia Inc.

**Orienteering NSW (NSW)** means Orienteering New South Wales Inc

**Participant** means:

- (a) Athletes who are registered with or entitled to participate in a Sport Organisation or OA Activity;
- (b) A person who participates in, and or attends, an Activity of a Sport Organisation or OA, including people who may not be an Individual Member;
- (c) Coaches appointed to train an Athlete or Team in a Sport Organisation or OA Activity;
- (d) Administrators who have a role in the administration or operation of a Sport Organisation or OA, including owners, directors, committee members or other persons;
- (e) Officials including technical officials, course setters, or other officials appointed by a Relevant Organisation or any competition, series or Team sanctioned by a Relevant Organisation;
- (f) Support Personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation or any competition, series or Team sanctioned by a Relevant Organisation including sports science sports medicine personnel, team managers, agents, selectors, and team staff members; and/or
- (g) Parents/carers and spectators who are subject to registration conditions or venue conditions of entry that bind them under this Policy.

**Prohibited Conduct** under the **OA Safeguarding Children and Young People Policy** means the conduct prescribed at clause 4 of that policy (see insert below)

#### **4. Prohibited Conduct**

##### **4.1 Prohibited Conduct – Relevant Persons**

A Relevant Person commits a breach of this Policy when they:

- (a) are found guilty of any breach of a relevant state or territory or Commonwealth law relating to or involving Child Abuse or Grooming; or
- (b) either alone or in conjunction with another or others, engage in any of the following conduct, either in person, online or via any other form of telecommunication, against, or in relation to, a Child/Young Person in the circumstances outlined in clause 3.2:
  - i. Harmful Behaviours Towards a Child/Young Person;
  - ii. Bullying;
  - iii. Discrimination;
  - iv. Harassment;
  - v. Victimisation;
  - vi. Vilification;
  - vii. request or infer that the Child/Young Person keep any communication secret from their parents/carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation<sup>3</sup>;
  - viii. supply alcohol, or drugs (including tobacco) to a Child/Young Person;
  - ix. supply medicine to a Child/Young Person, except for:
    - (A) where the Relevant Person reasonably believes that the medicine is necessary for lifesaving medical treatment;
    - (B) when permitted by law; or
    - (C) with the consent of the parent, guardian, or carer of the Child/Young Person and under a valid prescription for that Child/Young Person and at the prescribed dosage; or
- (c) do not comply with the Child/Young Person Safe Practices as set out in Annexure B: Child/Young Person Safe Practices that are applicable to all Relevant Persons.

##### **4.2 Prohibited Conduct – Person in a Position of Authority**

In addition to Prohibited Conduct outlined in 4.1, a Person in a Position of Authority commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child/Young Person in the circumstances outlined in clause 3.2:

- (a) continue in a Child/Young Person-related position<sup>4</sup> if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC; or
- (b) do not comply with the Child/Young Person Safe Practices that are applicable to Persons in a Position of Authority as set out in Annexure B: Child/Young Person Safe Practices.

##### **4.3 Prohibited Conduct – Relevant Organisations**

A Relevant Organisation commits a breach of this Policy when it:

- (a) engages a person who does not have a satisfactory WWCC in the relevant jurisdiction(s) <sup>5</sup>;
- (b) does not confirm the validity of a Relevant Person's WWCC currency;
- (c) does not undertake any screening measures when appointing a person to a child-related position;
- (d) does not obtain adequate informed consent from Approved Person/s prior to any sport sanctioned transportation or overnight accommodation of Children/Young People; or
- (e) has knowledge of and does not report a breach of clauses 4.1 or 4.2 to Sport Integrity Australia or Orienteering Australia in accordance with the Complaints, Disputes and Discipline Policy.

<sup>3</sup> This does not include ordinary peer to peer interactions between Children/Young People.

<sup>4</sup> Appendix 3: Child-Related Position Assessment Recommendations provides examples of roles that may be considered Child-related positions.

<sup>5</sup> For the avoidance of doubt, if a person is not eligible to apply for a WWCC in the relevant jurisdiction (e.g. because they are a parent), it will not be a breach of this clause for a Relevant Organisation to engage that person without a WWCC.

**Relevant Organisation** means any of the following organisations:

- (a) OA;
- (b) A Sport Organisation;
- (c) A Team; and
- (d) Any other organisation that has agreed to be bound by this Policy.

**Relevant Person** means any of the following individuals:

- (a) An Individual Member;
- (b) A Participant;
- (c) An Employee;
- (d) A Contractor;
- (e) A Volunteer; and
- (f) Any other individual who has agreed to be bound by this Policy.

**Risk Of Significant Harm (ROSH)** as defined in the *Children and Young Persons (Care and Protection) Act 1998* is that the threshold of ROSH is met *if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances.*

1. The child's basic care needs are being neglected or at risk of being neglected, and the parents or caregivers are unable or unwilling to meet those needs (physical, psychological, medical or educational).
2. The child is living in a home where there have been incidents of domestic violence and, consequently, they are at risk of more serious physical or psychological harm.
3. The child has been, or is at risk of being, abused or ill-treated (physically, psychologically or sexually).
4. A baby has been the subject of a pre-natal report and the birth mother did not engage successfully with support services to minimise or lower the level of risk to the baby.

The *Children and Young Persons (Care and Protection) Act 1998* states that any of these circumstances may relate to a single act or omission, or to a series of acts or omissions.

**Sport Organisation** which means and includes:

- (a) A State Organisation;
- (b) An Affiliated Club; and
- (c) An Authorised Provider.

**State Organisation** means each State and Territory Organisation of OA and includes:

- (a) Orienteering ACT;
- (b) Orienteering New South Wales;
- (c) Orienteering Queensland;
- (d) Orienteering South Australia;
- (e) Orienteering Tasmania;
- (f) Orienteering Victoria; and

(g) Orienteering Western Australia.

**Team** means any collection or squad of athletes who compete and/or train in the sport of Orienteering.

**Volunteer** means any person engaged by OA or a Sport Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel.

**Appendix C: Safeguarding Complaints and Allegations Record Form (NSW Version)**

## **Complaints and Allegations Record**

This form should be used to record a suspicion, allegation or disclosure of child abuse, or a complaint of unacceptable behaviour.

**Your full name**

**Your position**

**Name of the child/young person involved**

**Name of person making complaint, and position (if any)**

**Name of person who the complaint was made against, and position (if any)**

1. Nature of the complaint: include time, date, location, what happened and who was involved. (This can include observations of the child's behaviour).

2. Details of any injuries and if the child received medical attention.

3. Accurately record what the child said when describing what happened – use their exact words – or record why you suspect abuse due to an indirect disclosure, such as a drawing or observed behaviour.

(In the case of an allegation of abuse, formal investigations and interviews will be carried out by DCJ and/or NSW Police. You must record what the child has said but unless it is your role to investigate, you should not interview the child.)

4. Details of anyone who saw what happened.

5. Does this complaint indicate the possibility of child abuse, such as physical abuse, psychological or emotional abuse, sexual abuse or neglect?

Yes  No

6. Who did you make a report to?

NSW Police

DCJ via 132 111

Internal reporting obligations (ONSW Safety Officer)

Internal reporting obligations (OA Integrity Manager)

Other (name them)

7. People spoken to in relation to the matter (describe who was spoken to and why they were spoken to about the matter – include police officers, DCJ staff, OCG staff and anyone else you spoke to – and any reference/case numbers you were given).

Date(s):