



# SURF LIFE SAVING AUSTRALIA POLICY

<b>Title:</b>	Child Safe
<b>Document Number:</b>	6.04
<b>Last Review Date:</b>	August 2021
<b>Next Review Date:</b>	May 2022
<b>Responsible Portfolio:</b>	Integrity
<b>Authority:</b>	This Policy is made under clause 39 of the SLSA Constitution. It is binding on all Members of SLSA and is to be interpreted in accordance with the SLSA Constitution. It is a Membership directive under SLSA Regulation 4.

## TABLE OF CONTENTS

<b>1</b>	<b>OUR COMMITMENT</b>	<b>3</b>
<b>2</b>	<b>PURPOSE</b>	<b>3</b>
2.1	Who is bound by this policy?	4
<b>3</b>	<b>RESPONSIBILITIES</b>	<b>4</b>
<b>4</b>	<b>CHILD SAFE CODE OF CONDUCT</b>	<b>5</b>
4.1	Positive guidance and discipline	6
4.2	Adhering to professional role boundaries	6
4.3	Uniform	7
4.4	Use of language and tone of voice	7
4.5	Supervision	7
4.6	Use of electronic or online communications	7
4.7	Giving gifts	8
4.8	Photographs of CYP	8
4.9	Physical contact with children and young people	9
4.10	Overnight stays and sleeping arrangements	10
4.11	Change room arrangements	10
4.12	Use of, possession or supply of alcohol or drugs	11
4.13	Transporting children	11
<b>5</b>	<b>RECRUITMENT AND SCREENING OF VOLUNTEERS AND EMPLOYEES</b>	<b>11</b>

5.1	Advertising positions	11
5.2	Meeting/Interviews	12
5.3	Checks for Suitability to volunteer/work with CYP	12
5.3.1	WWCC/WWVP	13
5.3.2	National Criminal History Record Check	14
5.4	International Criminal History Record Checks	14
5.5	Monitoring compliance with checks for suitability to volunteer/work with CYP	14
5.6	Identity check for Paid Positions	14
5.7	Undertaking reference checks	15
5.8	Parent Volunteers	15
5.9	External providers including contractors and consultants	15
5.10	Minors who volunteer or work with CYP	15
5.11	Records and documentation	16
<b>6</b>	<b>POLICY BREACH</b>	<b>16</b>
	<b>APPENDIX A – DEFINITIONS</b>	<b>17</b>

## 1 OUR COMMITMENT

---

Surf Life Saving Australia (SLSA) and its member organisations comprise an organisation involving children and young people (CYP). SLSA operates across Australia and engages CYP through our programs and activities. SLSA takes seriously its responsibility to deliver a safe, fair and inclusive environment for CYP involved in Surf Lifesaving (SLS). We promote equity, respect and diversity by:

- actively anticipating CYP's diverse circumstances and responding effectively to those with additional vulnerabilities;
- providing all CYP access to information, support and reporting processes;
- empowering CYP by giving them a voice and encouraging them to speak up on decisions that affect them;
- creating a fun and positive environment for CYP to be involved in; and
- paying attention to the needs of Aboriginal and Torres Strait Islander CYP, CYP with a disability, CYP who identify as LGBTIQ and CYP from culturally and linguistically diverse backgrounds.

Our Board endorses this commitment to keeping CYP safe from abuse and neglect.

Everyone in SLS, from Board to Executives to Staff and Volunteers, is responsible to:

- protect CYP from all forms of abuse, bullying and exploitation by our people;
- be alert to incidents of CYP abuse and neglect occurring outside of surf lifesaving that may have an impact on the CYP involved in our programs and activities;
- provide CYP with information, support and reporting processes; and
- create and maintain a child safe culture that is understood, endorsed and put into action by all the individuals who work for, volunteer or access our programs and services.

All people within SLS, regardless of role or level of responsibility, must act to keep CYP safe from such harm. They do this by adopting the practices and behaviour we have set as our standard when carrying out their roles, and reporting any concerning behaviours or reasonable belief of abuse or neglect of which they become aware to a Person in Position of Authority and/or to external authorities responsible for child protection or to Police, regardless of whether that abuse is being perpetrated by volunteers or employees within SLS, or by those outside SLS including those from the CYP's family, extended family, their family's extended network or strangers.

The extended SLSA Commitment to Child Safe and supporting resources can be found via <http://sls.com.au/childsafe>.

## 2 PURPOSE

---

SLSA and its member organisations seek to provide a safe, fair and inclusive environment for everyone involved in SLS.

This means providing everyone involved in SLS, including CYP, with a positive and enriching environment that promotes their participation and development.

We are committed to keeping everyone involved in SLS, including CYP in our care and ensuring that they feel, and are, safe. Accordingly, we seek to ensure that our People strive for the highest possible standards with respect to keeping CYP safe from abuse and neglect. To that end, we have developed this Policy to assist to identify and prevent behaviour that may be harmful to CYP.

Our commitment to CYP is inclusive of those from all backgrounds and vulnerable groups. This includes but is not limited to CYP who are:

- Aboriginal and Torres Strait Islander;
- Living with a disability;
- LGBTIQ; and/or
- from Culturally and linguistically diverse backgrounds.

A failure to meet the requirements within this Policy will be deemed misconduct and will attract appropriate disciplinary action. In addition to any internal disciplinary proceedings, we will report to the Police, all instances in which a breach of the law has, or we suspect may have occurred.

There may be exceptional situations where elements of this Policy do not apply, for example, in an emergency situation. It is crucial, however, that, where possible, you seek authorisation from a Person in a Position of Authority (PPA) within your SLS Entity, prior to taking action that contravenes this Policy or that you advise a PPA as soon possible after the incident.

### 2.1 Who is bound by this policy?

This Policy binds everyone who is involved in SLS, including but not only:

- a. persons appointed or elected to boards, committees and sub-committees;
- b. volunteers;
- c. all Members and members of Members where they have different membership categories; and
- d. support personnel;
- e. any other person involved in SLS including but not limited to participants, parents, guardians, spectators, sponsors and licensees and other contracted parties to the full extent possible.

This Policy will continue to apply to a person, even after they have ceased any involvement (subject to this Policy’s terms) with an SLS Entity, if disciplinary action against that person has commenced.

If a person reports a breach of this Policy, against someone who is no longer a Member, that matter may proceed if (and when) the person is a Member at a later date.

## 3 RESPONSIBILITIES

All SLS Entities, including SLSA, State Centres (State Centres) and any other affiliated Surf Lifesaving entity (SLS Entity), are committed to the health, safety and wellbeing of CYP.

Position	Responsibility
President/Vice President/ Board Members/Executive/ CEO/General Manager/Officers	<ul style="list-style-type: none"> <li>- Implement policy and procedures across the SLS Entity.</li> <li>- Ensure personnel have access to and understand this policy and related procedures.</li> <li>- Ensure all supervisors/patrol captains/managers/trainers &amp; assessors have access to support and advice to understand and implement policies and any supporting resources.</li> </ul>

	<ul style="list-style-type: none"> <li>- Communicate any updates to this document and supporting resources with relevant stakeholders.</li> <li>- Provide training and advice in the application of this policy and supporting resources.</li> </ul>
Supervisors/Patrol Captains/ Managers/Age Managers/Trainers & Assessors	<ul style="list-style-type: none"> <li>- Ensure the policy is followed and implemented.</li> <li>- Assist in the training and advice in the application of this policy and supporting resources.</li> </ul>
Members/Volunteers/Employees	<ul style="list-style-type: none"> <li>- Compliance with this policy and any supporting resources.</li> <li>- Report any breach of this policy by others or yourself.</li> </ul>

This Policy sets out all SLS members' responsibility for reporting any child abuse and neglect.

All Persons:

- must immediately report a reasonable suspicion of abuse or neglect and any concerns about practices or the behaviour of volunteers and employees;
- must meet any legislated mandatory or other jurisdictional reporting requirements (Appendix A);
- must follow a specified process when reporting abuse or neglect including who will receive reports; and
- who fail to report a reasonable suspicion of abuse or neglect are in breach of this Policy, and such breach constitutes serious misconduct.

## 4 CHILD SAFE CODE OF CONDUCT

Standards of behaviour are required of all persons involved in SLS. This Policy is underpinned by the following core values:

- act within the vision, mission and values of our organisation/movement;
- display respect and courtesy towards everyone involved and prevent discrimination and harassment;
- prioritise the safety and wellbeing of CYP involved in our organisation/movement;
- report any behaviour that is a breach of this Policy to help prevent the abuse of CYP in SLS; and
- encourage and support opportunities for participation of CYP in all aspects of SLS and empower them to have a voice.

### Sexual misconduct

Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of a CYP while participating in SLS programs or activities. Engaging in sexual behaviour while participating in SLS programs or activities is prohibited even if the CYP involved is above the legal age of consent.

Sexual behaviour must be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, touching an intimate part (buttocks, genitals or breast area) of a CYP's body, sexual penetration or exploiting a child through prostitution;
- 'non-contact behaviour', such as harassment, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity;

- showing a CYP any offensive written material or images, whether in hard copy or electronic (e.g. any form of pornography including via social media platforms); and
- taking or displaying photographs of a CYP that are inappropriate, covert, and/or any images that are taken without the CYP's consent.

#### 4.1 Positive guidance and discipline

CYP participating in SLS programs/activities should be aware of the acceptable limits of their behaviour so that a positive experience can be provided for all participants. There are times, however, when personnel may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment; and
- the safety and/or wellbeing of CYP or personnel participating in our programs/activities.

All persons in SLS should use strategies that are fair, respectful and appropriate to the developmental stage of the CYP involved. The CYP needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are any persons involved to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating, including:

- emotional and/or psychological abuse or intimidation;
- physical intimidation and/or assault, such as pushing, striking, kicking, biting, pinching, choking and/or intentional physical harm of a CYP; and
- any punishment that causes pain or distress to a CYP.

#### 4.2 Adhering to professional role boundaries

All persons should not, of their own volition or at the request of any other party, act outside the scope of their duties (as specified in their position description) when involved in SLS programs/activities.

Volunteers and Employees must NOT:

- Provide unauthorised transportation to CYP, for example, from school to club. Authorisation must be provided to the SLS Entity by way of written permission or by using the Picking Up and Dropping Off Guideline and Approval Form located on Members Area.
- Provide any unwanted or inappropriate support to a CYP or their family, unrelated to SLS programs/activities.
- Seek contact with CYP (or former participants) outside authorised programs/activities, either via social media or any other means per **clause 4.6** of this policy.
- Engage in activities with CYP who are participants of SLS programs/activities outside authorised programs/activities, without the full knowledge and acceptance of the parent/guardian.
- Accept an invitation to attend any private social function at the request of a CYP who has participated, or is participating, in SLS programs/activities without the full knowledge, acceptance or invitation of the parent/guardian.
- Invite a CYP who has participated, or is participating, in SLS programs/activities to attend any private social function without the full knowledge and acceptance of the parent/guardian.

If anyone becomes aware of a situation in which a CYP requires assistance that is beyond the scope of that person's role, they should undertake any or all of the following at the earliest opportunity:

- refer the matter to an appropriate support agency, such as the Police or relevant Child Protection Agency, if there is any risk to the CYP;
- refer the CYP to an appropriate support agency;
- contact the CYP's parent or guardian; and/or
- seek advice from the appropriate person in your State/Territory governing body.

### 4.3 Uniform

All persons should only wear their uniform while involved in delivering a service or as required by SLS, in line with **Policy 1.05 Patrol Uniforms**. The wearing of the SLS uniform outside of these times is a breach of Policy 1.05.

### 4.4 Use of language and tone of voice

Language and tone of voice used in the presence of CYP should:

- provide clear direction, boost their confidence, encourage or affirm them;
- not be harmful to CYP – in this respect, avoid language that is:
  - discriminatory, racist or sexist
  - derogatory, belittling or negative, for example, by calling a CYP a 'loser' or telling them they are 'too fat'.
  - intended to threaten or frighten
  - profane or sexual.

### 4.5 Supervision

All persons delivering SLS programs/activities are responsible for supervising the CYP engaged in those programs/activities to ensure those participants:

- engage positively with SLS programs/activities
- behave appropriately toward one another
- are in a safe environment and are protected from external and internal threats.

All persons are required to avoid one-to-one unsupervised situations with CYP with whom SLS deals or to whom SLS provides services, and (where possible) to conduct all activities and/or discussions with them in view (sight and sound) of other people.

### 4.6 Use of electronic or online communications

Express permission of parents/guardian should be obtained, wherever possible, prior to electronic communication between volunteers/employees and CYP with whom SLS deals or to whom SLS provides services. Once permission is obtained, it should be recorded, electronically or in writing (noting in surfguard record) and provided to the relevant SLS Entity. Wherever possible, email and text messages sent to a CYP should be copied to their parent/guardian.

Volunteers and Employees are required to report to the relevant SLS Entity management, as outlined in Section 2, if a CYP is attempting to:

- a. engage with them via electronic communication platforms without parental/guardian permission; or
- b. send them inappropriate content.

Where a parent is not included in the communication:

- Restrict such communication to issues directly associated with delivering SLS programs/activities, such as advising that a scheduled event is cancelled.
- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. Specifically, do not communicate anything that a reasonable observer could view as being of a sexual nature.
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact.
- Do not request a CYP to keep communication a secret from their parents.
- Do not communicate with CYP using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging unless related to SLS matters and parent/guardian is aware and has been offered the opportunity to join.
- Do not request to be linked to an individual CYP through social media or follow or make comments on their social media activities.

All persons are required to ensure appropriate monitoring of CYP when they use SLS electronic communication equipment to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

#### 4.7 Giving gifts

Gifts to CYP or to their families, involved in SLS programs/activities including rewards, treats, second-hand equipment or prizes awarded as part of authorised events or competitions must be approved by both the relevant SLS Entity and the parents/guardians of the CYP.

#### 4.8 Photographs of CYP

SLS Entities should only permit organisational photography within SLS programs/activities as outlined in the SLS Membership Form, Policy 6.02 Privacy, Policy 6.20 Social Media and Policy 6.21 Photography, Digital Recording & Images. From time to time, SLS Entities may seek to promote SLS activities in publications, website etc. Images and media are managed and controlled by the relevant SLS Entity and should only be used for approved promotional and marketing purposes.

As outlined in the **SLSA Membership Form** a parent/guardian consents to the use of image of the child or young person. In signing they consent to the relevant SLS Entity(ies) of which the CYP is a member, using the name, image, likeness and also performance of the CYP in or of any SLS Activity at any time to promote the Objects of the relevant SLS Entity(ies), by any form of media. As per the Membership form the parent/guardian waives any rights they might have to or in such use of the CYP name, image or likeness by the relevant SLS Entity(ies).

Sport Australia has produced guidelines to assist in these instances. SLSA supports and follows these guidelines. SLSA supports as follows:

- a. The SLS Entity, where possible, should obtain permission from the CYP's parent/guardian prior to the images of the CYP being published;
- b. The SLS Entity, should ensure that all persons relevant to the CYP's wellbeing are aware of the way in which the images are to be used and how long they are to be displayed;
- c. If an image of a CYP is to be used, the SLS Entity will avoid naming the CYP, without parent/guardian permission being granted;



- d. The SLS Entity, will not display information about a minor's hobbies, likes/dislikes, school, etc as this information has the potential to be used as grooming tools;
- e. The SLS Entity, should only use appropriate images of the CYP, relevant to surf lifesaving programs/activities, and ensure that the CYP is suitably attired. Images of CYP participating in sports or activities that involve minimal clothing (e.g. swimming) or unusual body positions/poses have the potential to be misused;
- f. The SLS Entity, where possible, will reduce the ability for direct copying of pictures from a website or digital channel to another source (i.e. disable the 'right mouse click' function);
- g. The SLS Entity, should clearly outline in its written contracts with photographers any restrictions for use, distribution and sale. Contracts must outline the arrangements for any images taken and kept by the photographer including, arrangements made for negatives, retained digital files and proofs;
- h. The SLS Entity, must not distribute the images of the CYP to anyone outside SLS Entity, other than the child photographed or their parent/guardian, without management knowledge and providing approval; and
- i. The SLS Entity, should consider using models for promotional/advertising purposes.

**Note:** the general rule is that where a SLS activity is occurring in a public place, it is legal for anyone (including parents) to take photographs or digital recordings of activities without permission. For example, parents taking photographs of their children in a group; amateur or professional photographers shooting a crowd scene; or tourists photographing a beach. There are some exceptions to this rule depending on the state or territory law where an image is deemed indecent or offensive, and it may constitute an offence. For private property, the general rule is permission is required, and restrictions on photography can be imposed. Please refer to the appropriate State, Territory and Federal legislation for specifics and incorporate as necessary.

Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required. If images (digital or hard copy) are to be kept, they must be stored securely in a manner that prevents unauthorised access. For example, if in:

- hard-copy form, in a locked drawer or cabinet; or
- electronic form, in a 'password protected' folder.

#### 4.9 Physical contact with children and young people

Any physical contact with CYP must be appropriate to the delivery of our programs/activities such as technical instruction and based on the needs of the CYP (such as to assist or comfort a distressed CYP) rather than on the needs of SLS personnel.

Under no circumstances should any personnel have contact with CYP participating in SLS:

- that involves touching:
  - of genitals;
  - of buttocks;
  - of the breast area;
- that is other than as part of delivering medical or allied health services.
- would appear, to a reasonable observer, to have a sexual connotation;
- is intended to cause pain or distress to the child or young person – for example, corporal punishment;
- is overly physical (for example, wrestling, horseplay, tickling or other roughhousing);

- is unnecessary (for example, assisting with toileting when a child does not require assistance);
- is initiated against the wishes of the CYP, except if such contact may be necessary to prevent injury to the CYP or to others, in which case:
- physical restraint should be a last resort; and
- the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the CYP from preventing harm to themselves or others.

All persons are required to report to management any incident, especially physical contact initiated by a CYP that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed appropriately.

#### 4.10 Overnight stays and sleeping arrangements

Overnight stays are to occur only with the written authorisation from the management of the relevant SLS Entity. Written approval from the parents/guardians of the CYP involved must be obtained. This approval needs to be prior and in writing. Volunteers and employees attending an overnight camp must be appropriately screened as set out in Section 5.

Prior written approval includes electronic messaging formats such as email, or team messaging Apps, e.g. TeamApp. Attendance by CYP at formal events such as an annual awards event or State/Regional Conference, is only permitted with a parent/guardian travelling and attending with them or providing permission. Practices and behaviour by all persons involved during an overnight stay must be consistent with the practices and behaviour expected during the delivery of our programs/activities at other times.

Standards of conduct that must be observed by all persons involved during an overnight stay include:

- providing CYP with privacy when bathing and dressing;
- observing appropriate dress standards when children and young people are present – such as no exposure to any adult nudity or undressing;
- not providing access to CYP where they can be exposed to pornographic material, for example, through movies, television, the Internet, magazines or literature;
- not leaving CYP under the supervision or protection of unauthorised persons such as hotel staff or friends;
- providing sleeping arrangements that do not compromise the safety of CYP such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a CYP. Having adults sleep in rooms adjacent to youth member's rooms (or as close as possible) affords easy monitoring of CYP's rooms;
- the right of CYP to contact their parent/guardian, or others, if they feel unsafe, uncomfortable or distressed during the stay;
- not removing a CYP's access to their mobile phone or ability to contact whilst away from their families/guardians; and
- an expectation that parents/guardian can, if they wish, make contact, with the CYP.

#### 4.11 Change room arrangements

CYP have a right to privacy, and this must be balanced by all persons with the responsibility of supervising the safety of members whilst using change rooms. All persons in addition must:

- ensure adequate supervision in 'public' change rooms when they are used;

- provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a CYP's privacy;
- avoid one-to-one situations with a CYP in a change room area; ensuring that they do not undress and avoid using a changing room with a CYP unless there are other people present;
- ensure female identifying persons do not enter male change rooms, and male identifying persons do not enter female change rooms; and
- ensure there is no use of camera devices in changerooms. This includes photography, filming and live streaming.

#### 4.12 Use of, possession or supply of alcohol or drugs

While on duty, involved in SLS activities/programs, or having supervision of CYP including overnight stays, all persons must not:

- use, possess or be under the influence of an illegal drug;
- use or be under the influence of alcohol;
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- supply alcohol or drugs (including tobacco) to CYP participating in our programs/activities.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with your ability to care for CYP involved in our service.

#### 4.13 Transporting children

CYP are to be transported only in circumstances that are directly related to the delivery of SLS programs/activities, for example, team transport to and from competition and training. CYP are to be transported only with prior authorisation from the relevant SLS Entity management or other persons designated with authority from the CYP's parent/guardian by providing written approval or using the Picking Up and Dropping Off Guideline and Approval Form located on Members Area. Such approval needs to be in writing and provided to the SLS Entity as soon as practicable.

Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as a private car, taxi, self-drive bus, bus with driver, train, plane or boat;
- the reason for the journey;
- the route to be followed, including any stops or side trips;
- details of anyone who will be present during the journey other than our personnel who are involved in delivering our programs/activities.

## 5 RECRUITMENT AND SCREENING OF VOLUNTEERS AND EMPLOYEES

---

All SLS Entities must ensure appropriate steps are taken to recruit and screen volunteers and employees appropriately, to ensure that they are suitable to provide SLS programs/activities to CYP.

### 5.1 Advertising positions

Where a position (volunteer or employee) is advertised at or by any SLS Entity, the advertisement should contain the following statement or similar, or where space is limited, an abbreviated form of the statement:

*"Surf Life Saving is committed to protecting children and young people (CYP) from harm and promotes the safety, wellbeing and inclusion of all CYP. We require all applicants who are to*

*volunteer or work with CYP to undergo a screening process prior to appointment, a process that may include, but is not limited to, reference checks, an identity check, a 'working with children' or equivalent check and/or a 'national criminal history record' check."*

Abbreviated:

*"We are committed to protecting children and young people from harm. All applicants must undergo an screening process prior to appointment."*

## 5.2 Meeting/Interviews

All applicants for SLS Entity positions (volunteer or employee) that involve working directly with CYP must participate in at least one meeting or interview either in person or online. During the meeting/interview SLS Entities should discuss the following issues, where relevant, relating to the applicant's suitability to work with CYP:

- beliefs and values in relation to the treatment of CYP;
- professional experience, qualifications and competence relating to CYP;
- general awareness and understanding of child protection issues.
- if there would be any reason that they would be deemed unfit to work with children or young people.

SLS Entities should document an applicant's responses and, if they are the successful applicant, keep a record of the documentation.

As part of the meeting/interview, SLS Entities must highlight the commitment to protecting CYP.

## 5.3 Checks for Suitability to volunteer/work with CYP

Australia has three types of checks for child-related positions, either volunteer or employee:

### **Working with Children Checks (WWCC)**

- WWCC involves checking a person's criminal history and, in some jurisdictions, disciplinary information to determine their suitability to engage in CYP-related work. Successful applicants are granted a clearance, which they can use as evidence of their suitability to engage in child-related work for a specified period.
- WWCCs are used in New South Wales, the Northern Territory, Queensland, Victoria, South Australia, and Western Australia.

### **Working with Vulnerable People (WWVP)**

- WWVPs are similar to WWCCs. WWVPs assess a person's suitability to work with vulnerable people in regulated activities. Children and disadvantaged adults (such as adults with a disability and adults who cannot communicate in English) are considered vulnerable people.
- The Australian Capital Territory, South Australia and Tasmania have implemented WWVP schemes.

### **Criminal history assessments (Police Check)**

- Under this type of check, organisations must ensure criminal history assessments are conducted before engaging people to work in particular positions. The onus is on the relevant jurisdictional legislation organisation to ensure the assessments are undertaken, not the individual.

- Criminal history checks are not monitored on an ongoing basis as they are in other jurisdictions; they are a point-in-time check only. Employers must ensure that assessments are conducted at least once every three years.
- South Australia is the only jurisdiction utilising criminal history assessments for CYP-related work.

Where jurisdiction<sup>1</sup> allows, an SLS Entity must not appoint any position (volunteer or employee) with direct involvement with CYP, until after completion of their WWCC or ‘national criminal history record’ check.

This table sets out the various schemes in place across Australia:<sup>2</sup>

ACT	Working with Vulnerable People	<a href="https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/kw/wwwvp">https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/kw/wwwvp</a>
NSW	Working with Children Checks	<a href="http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check">http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check</a>
NT	Working with Children Checks	<a href="http://www.workingwithchildren.nt.gov.au/">http://www.workingwithchildren.nt.gov.au/</a>
SA	Criminal History Assessments, Working with Children Checks and Working with Vulnerable People	<a href="https://screening.sa.gov.au/types-of-check/working-with-children-check">https://screening.sa.gov.au/types-of-check/working-with-children-check</a> <a href="https://screening.sa.gov.au/types-of-check/vulnerable-people">https://screening.sa.gov.au/types-of-check/vulnerable-people</a> <a href="https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check">https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check</a>
QLD	Working with Children Checks	<a href="https://www.bluecard.qld.gov.au">https://www.bluecard.qld.gov.au</a>
TAS	Working with Vulnerable People	<a href="http://www.justice.tas.gov.au/working_with_children">http://www.justice.tas.gov.au/working_with_children</a>
VIC	Working with Children Checks	<a href="http://www.workingwithchildren.vic.gov.au">http://www.workingwithchildren.vic.gov.au</a>
WA	Working with Children Checks	<a href="https://workingwithchildren.wa.gov.au/">https://workingwithchildren.wa.gov.au/</a>

### 5.3.1 WWCC/WWVP

The SLS Entity responsible for recruiting volunteers and/or employees must sight the applicable WWCC/WWVP or equivalent as applicable (this may vary depending on the jurisdiction). The SLS Entity must keep a secure record of relevant details.

SLS Entities must not engage a person who does not have a satisfactory WWCC/WWVP in the relevant jurisdiction(s). It is a serious breach of this Policy if an individual, who has convictions that would make them ineligible to be granted a WWCC/WWVP, is put in a position with CYP who access our services, programs/activities, events or facilities.

It is also a serious breach if an individual continues in their position (volunteer/unpaid or paid) if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC/WWVP. All volunteers and employees are advised that they must report before their appointment to a position and during their tenure, any criminal conviction or charge that indicates that they present a potential risk to the children or young people to whom they help deliver service, as further outlined in the SLSA Membership Form and **Policy 6.16 Criminal Convictions**.

<sup>1</sup> Refer to each State jurisdiction and legislation for specific requirements and exemptions. Note that in WA parents are not required to complete a WWCC unless involved in an overnight stay.

<sup>2</sup> The table is correct as at 01 September 2021. Information in it may change from time to time.

### 5.3.2 National Criminal History Record Check

Depending on the relevant jurisdictional legislation and/or role, applicants (volunteer or employee) may also be required to complete a National Criminal History Record Check (also known as a Police Check) or where a WWCC is not possible.

Unless their criminal history suggests that they may pose a risk to CYP<sup>3</sup>, a criminal history does not automatically preclude them from obtaining a position within SLS. If the information on their criminal history is relevant, the applicant must be provided with an opportunity to respond to the contents of their Police Check (if they wish to do so).

In such cases, the matter must be documented and referred to the SLS State Centre for assessment of the applicant's suitability in accordance with the requirements of the position for which they have applied. The SLS Entity must keep a secure record of the police check (date and certificate number). The SLS Entity is not permitted to keep a copy of the police check and must return the original document (once sighted and recorded) to the applicant.

### 5.4 International Criminal History Record Checks

Any applicant who has resided in an overseas country for 12 months or more in the last ten years should contact the relevant overseas police force to obtain a criminal or police record check. CrimTrac accredited agencies do not conduct international police checks.

Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, referee checks must be conducted with at least two individuals who personally knew the individual while they were residing in the country outside of Australia. The applicant must be informed that referees will be asked whether they have knowledge or information concerning the applicant, which would adversely affect the applicant from performing the position, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers, government officials and family members. If the information on their criminal history is relevant, the applicant must be provided with an opportunity to respond to the contents of their International Police Check (if they wish to do so).

Applicants should not commence positions, either volunteer or employee, with direct CYP involvement until this process is satisfactorily completed.

### 5.5 Monitoring compliance with checks for suitability to volunteer/work with CYP

SLS Entities must ensure that all volunteers and employees undergo a periodic WWCC/WWVP or equivalent to confirm that they do not have criminal charges and/or convictions that would pose a particular risk if they work with CYP. Any SLS Member who undergoes a WWCC/WWVP or equivalent must have this recorded in SurfGuard.

### 5.6 Identity check for Paid Positions

If proof of identity document is not sighted as part of the WWCC/WWVP/Police Check process, or other recruitment processes, the identity of the applicant, who is preferred for the position, is confirmed by sighting original 'proof of identity' documents presented by the applicant.

On completion of the recruitment process, a record of the proof of identity documents must be stored securely by the SLS Entity. If a variation is required in relation to proof of identity requirements, such as an applicant being unable to provide specific documentation, advise President or relevant Executive, as outlined in Section 2 of this Policy, and seek approval for a variation.

<sup>3</sup> For information about relevant criminal offences contact the SLS State Centre.

## 5.7 Undertaking reference checks

For a position where a reference check is required, a minimum of two reference checks for the preferred applicant should be conducted to gather additional information about the applicant's suitability to work in the position for which they have applied.

Applicants being considered for appointment should, in the first instance, be asked to provide contact details for two professional referees who can provide information relating to the applicant's suitability to work with CYP. Professional referees:

- should include a representative of the applicant's current or other recent employers; and
- must have had a direct managerial relationship with the applicant and be capable of commenting knowledgeably in relation to the applicant, and ideally have been the applicant's supervisor or line manager.

Personal referees are not recommended. However, if there is no option but to include a personal referee, then that referee:

- should not be related to the applicant;
- should have known the applicant for at least 12 months;
- should have knowledge on the applicant's suitability to work with CYP; and
- must be able to vouch for the applicant's reputation and character.

The referee checks undertaken must involve directly contacting the referee. Written character references are not sufficient unless also followed up and verified through direct contact. Difficulty in contacting referees, such as those based overseas, or those who have left an organisation, is no justification for accepting lower standards of scrutiny.

Checks must also be undertaken to verify educational or vocational qualifications or professional registration for preferred applicants.

## 5.8 Parent Volunteers

SLS Entities must inform prospective parent volunteers that, in the light of the above, SLS' approach is to take every precaution to protect the CYP in SLS.

Where jurisdiction allows, parents should undergo relevant checks (WWCC/WWVP/Police Check). SLS will comply with any legislation that specifically exempts parent volunteers from undergoing such checks.

## 5.9 External providers including contractors and consultants

Where SLS Entities make use of services of volunteers/employees for short periods, they must comply with the requirements under legislation (in relevant jurisdiction) with respect to WWCC/WWVP/Police Check. Recruitment, screening and induction requirements for external providers are dependent on their level of interaction with CYP both in terms of the level of unsupervised contact they may have and the duration of contact.

## 5.10 Minors who volunteer or work with CYP

Minors (over 16 years of age) who volunteer or work with CYP in SLS, are required to comply with any WWCC/WWVP legislation that applies across the jurisdiction(s) in which an SLS Entity operates and undertakes such checks for all minors volunteering or working with CYP. Where WWCC/WWVP legislation specifically exempts minors from undergoing such checks, we require those Minors who volunteer or work with CYP to undergo screening as detailed by the relevant State Centre, including:

- screening during recruitment interviews and reference checks; and
- on-the-job supervision.

### 5.11 Records and documentation

SLS Entities should maintain secure records of recruitment and screening processes, per each jurisdiction's legislative requirements, including records of:

- Recruitment applications;
- Relevant details of WWCC/WWVP and Criminal History checks;
- Relevant Meeting/Interview details; and
- Reference and Proof of Identity checks, if required.

## 6 POLICY BREACH

---

Any matter relating to the abuse or suspected abuse of children and young people (CYP), under the age of 18, must be reported. If you believe there has been a breach of the Child Safe policy, please report and submit details of the alleged breach in the SLS Reporting System (<https://reporting.sls.com.au/>).

If criminal activity has occurred or if you believe a child is at immediate risk of harm or danger, contact the Police (**call 000**) to report the matter prior to submitting a report through the SLS Reporting System.





## APPENDIX A – DEFINITIONS

These definitions set out the meaning of words used in, or referenced by, this Policy without limiting the ordinary and natural meaning of the words.

Term	Definition
Abuse	Abuse means Physical Abuse, Emotional Abuse (including psychological abuse), Sexual Abuse and abuse of power that has caused, is causing or is likely to cause harm to a person’s wellbeing or development. Examples of Abuse include but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
Bullying	Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying may take many forms that are often interrelated and can include: <ul style="list-style-type: none"><li>• verbal (name calling, put-downs, threats)</li><li>• physical (hitting, punching, kicking, scratching, tripping, spitting)</li><li>• social (ignoring, excluding, ostracising, alienating)</li><li>• psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li><li>• For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences.</li></ul>
Discrimination	Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following: <ul style="list-style-type: none"><li>• age</li><li>• breastfeeding</li><li>• disability</li><li>• gender identity</li><li>• irrelevant criminal record</li><li>• irrelevant medical record</li><li>• marital status</li><li>• parental or carer status</li><li>• physical features</li><li>• political belief or activity</li><li>• pregnancy</li><li>• race</li><li>• religious belief or activity</li><li>• sexual orientation</li><li>• trade union membership or activity.</li></ul>

Term	Definition
	<p>Discrimination also includes any other behaviour recognised by commonwealth, state or territory law as discrimination. Examples of Discrimination are available on the <i>Play by the Rules</i> website. Some exceptions to state and federal anti-discrimination law apply, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• holding a competitive sporting activity for girls and boys who are under the age of 12 or of any age where strength, stamina or physique is relevant</li> <li>• not selecting a Participant if the person’s disability means that he or she is not reasonably capable of performing the actions reasonably required for that particular activity.</li> </ul>
Emotional or Psychological Abuse	<p>Emotional or Psychological Abuse occurs when a person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse can also apply to an adult. Such abuse may involve repeated rejection or threats. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to sport, overtraining can constitute Emotional or Psychological Abuse. These behaviours continue to an extent that results or has the potential to result in significant damage to a person’s physical, intellectual or emotional wellbeing and development.</p>
Harm	<p>Harm to a person, is any detrimental effect of a significant nature to the person’s physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• physical, psychological or emotional abuse or neglect</li> <li>• sexual abuse or exploitation</li> <li>• a single act, omission or circumstance</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
Member	<p>A Member is an entity or individual who is recognised and/or registered as a member of an SLS Entity including SLSA and the State Centres.</p>
Member Code of Conduct	<p>The Member Code of Conduct outlines what is, and what is not, acceptable behaviour or practice.</p>
Member Protection Information Officer	<p>Member Protection Information Officer or MPIO means a person who may be appointed by an SLS Entity as a contact for a person seeking assistance with a Formal complaint of a possible breach of this Policy. They should provide impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of this Policy.</p>
Neglect	<p>Neglect is the persistent failure or deliberate failure or denial to provide a person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the person’s health and development is, or is likely to be, significantly harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect must be considered within the context of resources reasonably available.</p>
Participant	<p>A Participant includes anyone who participates in an SLS Entity service, event, activity or program, including people who may not be a Member.</p>
Physical Abuse	<p>Physical Abuse occurs when a person subjects a person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or</p>

Term	Definition
	inadvertently as a result of physical punishment or the aggressive treatment of a person. Physically abusive behaviour includes, but is not limited to, shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful overtraining, and kicking. It also includes giving a person harmful substances such as drugs, alcohol or poison. Certain types of punishment, while not causing injury, can also be considered Physical Abuse if they place a person at risk of Harm.
Report	Report is the notification of a breach of the child safe policy whereby a member reports any activities that they perceive to have breached this Policy via the SLS Reporting System: <a href="https://reporting.sls.com.au/">https://reporting.sls.com.au/</a> .
Serious Criminal Offence	<p>Serious Criminal Offence means any of the following:</p> <ul style="list-style-type: none"> <li>• Sexual Offences</li> <li>• drug possession, use, sale or any other drug-related conduct</li> <li>• assault causing serious injury</li> <li>• any criminal conduct deemed serious enough to warrant escalation to SLSA by a State Centre.</li> </ul> <p>See SLSA Policy 6.16 Criminal Conviction</p>
Sexual Abuse	Sexual Abuse occurs when an adult or a person of authority involves a person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over a person for their own benefit. It can include making sexual comments, engaging in sexual conversations over the internet or on social media, kissing, touching a person’s genitals or breasts, oral sex or intercourse. Encouraging viewing of pornographic magazines, websites and videos is also Sexual Abuse.
Sexual Exploitation	Sexual Exploitation occurs when a person is forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet.
Sexual Harassment	Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
Sexual Offence	<p>Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual assault</li> <li>• assault with intent to have sexual intercourse</li> <li>• incest</li> <li>• sexual penetration of Child under the age of 16</li> <li>• indecent act with Child under the age of 16</li> <li>• sexual relationship with Child under the age of 16</li> <li>• sexual offences against people with impaired mental functioning</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• abduction and detention</li> <li>• procuring sexual penetration by threats of fraud</li> <li>• procuring sexual penetration of a Child under the age of 16</li> <li>• bestiality</li> <li>• soliciting acts of sexual penetration or indecent acts</li> <li>• promoting or engaging in acts of Child prostitution</li> <li>• obtaining benefits from Child prostitution</li> <li>• possession of Child pornography</li> <li>• publishing Child pornography and indecent articles.</li> </ul>
Transgender	<p>Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation. See: <a href="http://www.sportaus.gov.au/__data/assets/pdf_file/0008/706184/Trans_and_Gender_Diverse_Guidelines_2019.pdf">www.sportaus.gov.au/__data/assets/pdf_file/0008/706184/Trans_and_Gender_Diverse_Guidelines_2019.pdf</a> (Guidelines for the inclusion of transgender and gender diverse people in sport).</p>
Victimisation	<p>Victimisation means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a Formal Complaint under law or under this Policy, or for supporting another person to make a Formal complaint.</p>