

# *Policy for Safeguarding Children and Young People*



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# 1. Introduction and Interpretation

- a) This Policy should be read in conjunction with Australian Cricket's Policy for Safeguarding Children and Young People, Australian Cricket's Commitment to Safeguarding Children and Young People (contained within the Policy for Safeguarding Children and Young People) and Australian Cricket's Looking After our Kids Code of Behaviour
- b) Capitalised terms used in this Policy are defined in section 4.

## 2. Policy, Commitment and Code of Behaviour

### 2.1 Overview

- a) Children and Young People represent the future of the game of cricket. The wellbeing of Children and Young People is of paramount importance, and the South Australian Cricket Association (**SACA**) is committed to providing them with a safe environment when participating in cricket.
- b) To that end, SACA has adopted:
  - i. Australian Cricket's Policy for Safeguarding Children and Young People;
  - ii. Australian Cricket's Commitment to Safeguarding Children and Young People (contained within the above Policy); and
  - iii. Australian Cricket's Looking After our Kids Code of Behaviour.

These documents establish a single, consistent national framework for safeguarding Children and Young People, which applies comprehensively to stakeholders involved in cricket in Australia.

### 2.2 Adoption, Implementation and Compliance by Affiliated Associations and Clubs

- a) SACA requires that all Affiliated Associations and Clubs must adopt, implement and comply with:
  - i. SACA's Policy for Safeguarding Children and Young People (**this Policy**);
  - ii. Australian Cricket's Policy for Safeguarding Children and Young People;
  - iii. Australian Cricket's Commitment to Safeguarding Children and Young People; and
  - iv. Australian Cricket's Looking After our Kids Code of Behaviour.

(together, the **Safeguarding Children and Young People Framework**)

- b) These documents may be accessed at the SACA Website. The national documents can also be accessed at the Cricket Australia Website.
- c) To formally adopt the Safeguarding Children and Young People Framework, an Affiliated Association or Club must annually pass a resolution at a committee meeting or otherwise annually pass a resolution in accordance with its Constitution or Rules of Incorporation. Where permitted by its Constitution or Rules of Incorporation, this could include the

passage by its committee of a circular resolution (e.g. via email).

- d) Affiliated Associations and Clubs must annually confirm their adoption of the Safeguarding Children and Young People Framework in writing, in the manner advised by SACA.
- e) The Cricket Australia Website contains supporting resources, including an Action Plan, designed to assist Affiliated Associations and Clubs with adopting and implementing the Safeguarding Children and Young People Framework. Affiliated Associations and Clubs must follow all steps set out in the Action Plan and should utilise the other supporting resources as required.
- f) Affiliated Associations and Clubs are responsible for the administration and management of all safeguarding requirements as set out in the Safeguarding Children and Young People Framework, including, but not limited to;
  - i. appointment of a Child Safe Officer;
  - ii. adoption and promotion of the Safeguarding Children and Young People Framework;
  - iii. administration and management of the Affiliated Association or Club's recruitment, screening and induction processes, and;
  - iv. working with children check compliance for all employees and volunteers engaged by or on behalf of an Affiliated Association or Club.

SACA is committed to assisting Affiliated Associations and Clubs with this process.

## 2.3 Audit

- a) Adoption, implementation and compliance with the Safeguarding Children and Young People Framework may be audited by SACA from time to time.
- b) Affiliated Associations and Clubs must on SACA's request provide access to documents, information, systems or personnel of the Affiliated Association or Club as reasonably necessary to undertake the audit and to ascertain compliance.
- c) If notified by SACA in writing, Affiliated Associations and Clubs may be required to undertake remedial action, process improvement, training or other actions in order to achieve compliance with the Safeguarding Children and Young People Framework.

## 2.4 Condition of support and affiliation

- a) SACA may take into account the compliance or non-compliance by an Affiliated Association or Club with the Safeguarding Children and Young People Framework, when determining whether or not to provide assistance or support to that Association or Club. For example, SACA may (amongst other requirements) require that compliance be demonstrated as a condition of awarding grant funding or providing letters of support to an Affiliated Association or Club.
- b) Significant, repeated and/or ongoing non-compliance with the Safeguarding Children and Young People Framework may result in an Affiliated Association or Club being removed from affiliation with SACA, determined at SACA's discretion.

## 3. Additional Requirements – South Australian Child Safety Law

### 3.1 Background

- a) The Safeguarding Children and Young People Framework applies generally across cricket organisations in Australia, but it acknowledges that there are differences in the child safety laws which apply in each jurisdiction.
- b) Section 3 of this Policy supplements the Safeguarding Children and Young People Framework by providing guidance on the Child Safety Law in South Australia. This is intended as general summary and guidance only, current as at the date of this Policy. Consult the legislation and the relevant government departments directly for full and up to date details.
- c) In South Australia, relevant child safety laws are set out in the *Children and Young People (Safety) Act 2017 (SA)*, *Children and Young People (Safety) Regulations 2017 (SA)*, *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *Child Safety (Prohibited Persons) Regulations 2019 (SA)* (collectively, the **Child Safety Law**).
- d) All Affiliated Clubs and Associations, and their Cricket Participants, must comply with the Child Safety Law.
- e) The Safeguarding Children and Young People Framework, and in particular Australian Cricket’s Policy for Safeguarding Children and Young People and this Policy must also be read, interpreted and applied with reference to, and in conjunction with, the Child Safety Law.

### 3.2 Screening and Working with Children Checks

- a) As noted in sections C5 and C6 of Annexure C of Australian Cricket’s Policy for Safeguarding Children and Young People, Working with Children Check regimes apply throughout Australia but differ between jurisdictions.
- b) In South Australia, the relevant laws are set out in the *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *Child Safety (Prohibited Persons) Regulations 2019 (SA)*.
- c) Affiliated Associations and Clubs:
  - i. with significant membership of, or involvement by, Children and Young People; or
  - ii. who provide coaching to Children and Young People;

must ensure that all employees and volunteers have a valid Working with Children Check regardless of whether they have any direct contact with children.

- d) An Affiliated Association or Club must not engage a person (whether as an employee or volunteer), unless the Affiliated Association or Club has verified that a Working with Children Check has been conducted in relation to the person in the last 5 years, and that the person is not prohibited from working with Children and Young People.
- e) Contravention of these prohibitions is an offence, punishable by fines of up to \$120,000

and/or imprisonment for 1 year.

- f) Affiliated Associations and Clubs must register as an Organisation on the DHS Screening Unit website and maintain an Organisation Portal as a means of managing, verifying and monitoring Working with Children Checks of all employees and volunteers.
- g) Registering as an Organisation on the DHS Screening Unit website requires an Australian Business Number (ABN). If an Affiliated Association or Club does not have an ABN, it will need to obtain one.
- h) Verification of all employee and volunteer Working with Children Checks is to be undertaken utilising the Affiliated Association or Club Organisation Portal.
- i) To ensure continuous monitoring, the Affiliated Association or Club must 'register interest' in all employees and volunteers via the Organisation Portal.
- j) Working with Children Check applications are free for volunteers, and may be lodged directly by the individual, or may be initiated by an Affiliated Association or Club on the individual's behalf, through the Association or Club Organisation Portal.
- k) Employees and volunteers of an Affiliated Association or Club must, if requested by a parent or guardian of a Child or Young Person, provide the parent or guardian with the person's full name and their Working with Children Check screening reference number, to enable the parent or guardian to verify the person's Working with Children Check status.
- l) Affiliated Associations and Clubs should bear in mind that a Working with Children Check that does not result in a person being prohibited from working with children is not proof of good character and is not proof that the person does not pose a risk to Children and Young People. The Working with Children Check is simply an assessment of prior conduct and does not, of itself, satisfy the Affiliated Association or Clubs' obligations to ensure that they are providing a safe environment for Children and Young People (in relation to which, refer to section 3.4 below).
- m) If an Affiliated Association or Club becomes aware of any of the following information in relation to a person it has engaged (whether as an employee or volunteer) to work with Children and Young People, it must notify the DHS Screening Unit as soon as reasonably practicable:
  - i. any assessable information (including information about any serious criminal offence, child protection information, or disciplinary or misconduct information) in relation to the person;
  - ii. information that the person is prohibited from working with children under a law of the Commonwealth or of another state or territory;
  - iii. information that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006 (SA)*; or
  - iv. if the person makes a disclosure to the Affiliated Association or Club under section 66 of the *Child Sex Offenders Registration Act 2006 (SA)*.

Please refer to the DHS Screening Unit website for further advice about making a notification.

- n) Affiliated Associations and Clubs must keep and maintain adequate records of all Working with Children Checks associated with employees and volunteers. Refer to section C10 of Annexure C of the Australian Cricket's Policy for Safeguarding Children and Young People for further details on record-keeping requirements.

### 3.3 Mandatory reporting

- a) Annexure B of Australian Cricket's Policy for Safeguarding Children and Young People sets out a *Procedure for Handling Complaints and Allegations of Prohibited Conduct*. This Procedure must be followed by Affiliated Associations and Clubs and their Cricket Participants.

*(NOTE: Refer to Article 3 of the Australian Cricket's Policy for Safeguarding Children and Young People for the full definition of "Prohibited Conduct", but in summary this term refers to a prohibition on engaging or attempting to engage in any conduct that may adversely impact on the safety and wellbeing of Children and Young People, including harmful behaviours, bullying, victimisation and any other inappropriate conduct (including conduct that is objectively age inappropriate) that places the Child or Young Person at risk of harm.*

- b) In addition, Affiliated Associations and Clubs and their Cricket Participants must be aware of South Australian mandatory reporting laws under the *Children and Young People (Safety) Act 2017 (SA)*.
- c) Employees of, or volunteers in, organisations that provide sporting or recreational services to Children and Young People (i.e. such as Affiliated Associations and Clubs) are "mandated notifiers" if they provide sporting or recreational services directly to Children and Young People, or if they manage or supervise the provision of such services.
- d) Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line, Ph: 13 14 78, if they suspect on reasonable grounds that a Child or Young Person is, or may be, at risk of harm and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.
- e) By way of general guidance, reporting obligations arise where there is "*a reasonable suspicion*" that a Child or Young Person may be "*at risk*". Under the Child Safety Law, a Child or Young Person is taken to be "*at risk*" if they have suffered relevant "*harm*" or there is a reasonable likelihood they will suffer relevant "*harm*". "*Harm*" in that context means physical or psychological harm including (but not limited to) such harm caused by "sexual, physical, mental or emotional abuse or neglect".

*(NOTE: Under the Child Safety Law, psychological harm "does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life".)*

- f) Reasonable grounds to report suspected harm or risk of harm to a child or young person may include:
  - i. when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm;

- ii. when a child tells you they have been harmed;
  - iii. a child telling you that they know of someone who has been harmed (they may possibly be referring to themselves);
  - iv. when your own observations about the behaviour of the child, or their adult caregivers, give you cause to suspect that a child is being, or is at risk of being harmed, or;
  - v. when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.
- g) It is an offence to prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.
- h) There is no legal requirement for a mandatory reporter to be trained. Rather, everyone in the roles referred to in section 3.3(c) has a legal responsibility to report (irrespective of whether or not they have had mandatory notification training).
- i) The Child Safety Law recognises that making a notification does not necessarily exhaust a mandated notifier's duty of care to a Child or Young Person and their family. This means that a mandated notifier's duty of care is not over when they make a report to the Child Abuse Report Line.
- j) A mandated notifier (and the Affiliated Association or Club at which they are employed or volunteer) should consider how they can continue to respond to the needs of the Child or Young Person and their family. There are also other support services available for Children and Young People and families that may be able to help. More information on these services may be found on the Department for Child Protection's website.
- k) SACA and/or Cricket Australia may also assist with providing support to the Child or Young Person or referring them to appropriate support services (in accordance with step 6 of the *Procedure for Handling Complaints and Allegations about Prohibited Conduct*, in Annexure B of Australian Cricket's Policy for Safeguarding Children and Young People).

Further information on reporting harm or risk of harm to a Child or Young Person, including information about the indicators of harm, may be found on the Department for Child Protection's website.

### 3.4 Child Safe Environments

- a) Under the *Children and Young People (Safety) Act 2017*, Affiliated Associations and Clubs:
- i. with significant membership of, or involvement by, Children and Young People; or
  - ii. who provide coaching to Children and Young People, must:
    - a) prepare or adopt policies and procedures designed to ensure that safe environments for Children and Young People are established and maintained; and
    - b) lodge (or have a representative body such as SACA lodge on its behalf) a statement with the Department of Human Services certifying that these childsafe environment policies and procedures are in place.

- b) Adoption and implementation of the Safeguarding Children and Young People Framework will assist Affiliated Associations and Clubs to meet these obligations.
- c) SACA will review this Policy (and participate in national review of the Safeguarding Children and Young People Framework) at least once in every 5-year period.
- d) To be included in SACA's Child Safe Environments Compliance Statement, Affiliated Clubs and Associations must complete SACA's affiliation requirements in the stipulated time frame (as annually communicated by SACA).
- e) Failure to do so means that a club or association will need to separately and independently lodge a compliance statement of its own, confirming its compliance (assuming appropriate compliance steps have been taken). Failure to lodge a compliance statement can result in a fine up to \$10,000.
- f) SACA will lodge a new Child Safe Environments Compliance Statement when it prepares or adopts new child safe environment policies or procedures, or when it varies or substitutes this Policy, and otherwise as necessary for the purposes of SACA's affiliation process.

## 4. Definitions

Unless the subject or context indicates a contrary intention, the following words and phrases have the following meanings:

**Affiliated Association** means any cricket association that has satisfied SACA's affiliation requirements as specified by SACA from time to time and which has been approved by SACA as affiliated or is a member of such an association.

**Affiliated Club** means any cricket club that is a member of an Affiliated Association or has itself satisfied SACA's affiliation requirements as specified by SACA from time to time and which has been approved by SACA as affiliated, including (without limitation) those clubs defined in the SACA Constitution.

**Affiliated Association or Club** is a reference to a relevant Affiliated Association or Affiliated Club, as applicable.

**Affiliated Associations and Clubs** is a reference to Affiliated Associations and Affiliated Clubs collectively.

**Child Safety Law** has the meaning given in section 3.1(c).

**Children and Young Person** means a person under the age of 18 that participates or is involved in any program or services delivered by Australian Cricket or an Affiliated Association or Club and **Children and Young People** and **Children or Young People** have corresponding meanings.

**Cricket Australia Website** means <https://www.cricket.com.au/>

**Cricket Participants** has the meaning given in Australian Cricket’s Policy for Safeguarding Children and Young People.

**Department for Child Protection Website** means <https://www.childprotection.sa.gov.au/>

**Department of Human Services Screening Unit Website** means <https://dhs.sa.gov.au/how-we-help/screening-and-background-checks>

**Employee** means a person employed by the Affiliated Association or Club under an Employment Contract, including permanent, fixed-term and casual employees.

**Organisation Portal** is a secure, online platform where registered organisations can manage and verify the Working with Children Check status of their employees and volunteers.

**Prohibited Conduct** has the meaning given in Australian Cricket’s Policy for Safeguarding Children and Young People.

**SACA** means South Australian Cricket Association Limited.

**SACA Website** means <https://www.saca.com.au/>

**Safeguarding Children and Young People Framework** has the meaning given in section 2.2(a) of this Policy.

**This Policy** means this SACA Policy for Safeguarding Children and Young People.

**Volunteer** is an individual who freely offers their time to support the Affiliated Association or Club’s activities without financial compensation, including (but not limited to); committee members, officers, selectors, scorers, coaches, team managers, umpires, match officials.