



**BASKETBALL
VICTORIA**



**BASKETBALL
AUSTRALIA**

CHILD SAFEGUARDING POLICY

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SUMMARY

Basketball has a zero-tolerance policy to child abuse and neglect in any form.

Basketball Victoria and its Member Organisations are committed to safeguarding and promoting the welfare of Children in basketball by providing a safe and inclusive environment and by ensuring that everyone involved in basketball is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in sport in a safe, positive, and enjoyable environment.

Basketball Victoria aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in basketball.

This Policy is part of Basketball Victoria's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access basketball.

This Policy seeks to ensure that everyone involved in our Sport is aware of their rights and responsibilities in relation to Children. This Policy sets out the minimum standards of behaviour expected of those involved in basketball and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy imposes obligations on Basketball Victoria and Member Organisations in relation to responding to allegations of Prohibited Conduct, including by reporting suspected Child Abuse to the appropriate authorities, and to implementing a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.

The Child Safeguarding Policy sets out the expected standards to be implemented by Basketball Victoria, Member Organisations and Authorised Providers and any complaints or matters arising under this Policy will be dealt with by the applicable Member Organisation or Authorised Provider. Each Member Organisation and each Authorised Provider are responsible for applying this Child Safeguarding Policy.

1. DEFINITIONS

1.1 Defined terms not otherwise defined in this Policy have been defined in and have the meaning given to them, in the Basketball Australia National Integrity Framework. In this Policy the following words have the corresponding meaning:

'Australian Child Protection Legislation' means all state/territory child protection legislation as amended from time to time.

'Bullying' means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

'Child or Children' means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

'Child Abuse' means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

Child Abuse has the meaning given to it in Schedule 1 and includes the following as outlined in that Schedule:

Physical Abuse

Emotional or Psychological Abuse

Sexual Abuse

Neglect

Exposure to Family Violence

'Child Safe Commitment' refers to Basketball Australia, Member Organisation or Authorised Providers' commitment to child safety in basketball, as outlined in Annexure B.

'Child Safe Practices' refer to the child safety requirements and practices adopted and implemented by Basketball Australia, Member Organisations or Authorised Providers to help ensure the safety of Children participating in basketball as outlined in Annexure B.

'Complaints Policy' means the Complaints Policy set out as Appendix 7 to the Framework.

'Grooming' refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

'Harassment' means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

'Misconduct with a Child' means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

'MPP' means the Member Protection Policy.

'Policy' means this Child Safeguarding Policy including any schedules and annexures.

'Prohibited Conduct' means conduct in breach of clause 4 of this Policy.

'Recruitment & Screening' means the child safety recruitment and screening requirements adopted and implemented by Basketball Australia, Basketball Victoria, Member Organisations or Authorised Providers to help ensure the safety of Children participating in basketball, as outlined in Annexure C.

'Sexual Misconduct' means:

Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and

Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.

'Unlawful Discrimination' includes:

Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and

Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

'Victimisation' means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

'Vilification' means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.

'WWCC' means a 'Working with Children Check' (however named) under the applicable legislation of a state or territory.

2. JURISDICTION

Who the Policy applies to?

- 2.1 This Policy applies to all Participants of Basketball Victoria, a Member Organisation or an Authorised Provider.

When the Policy applies

- 2.2 Participants must comply with this Policy (at all times whilst they are participating in any sanctioned Basketball Activities), including:
- 2.2.1 in relation to any dealings they have with a Child arising from the Participant's, or the Child's involvement in any capacity in Basketball Activities.
 - 2.2.2 in relation to any dealings in relation to a Child that they might have with Basketball Victoria, a Member Organisation or an Authorised Provider or their Employees, Contractors and Volunteers;
 - 2.2.3 when dealing with a Child or other Participant or Basketball Victoria, a Member Organisation or an Authorised Provider in their capacity as a Participant in Basketball Activities; and
 - 2.2.4 in relation to their standing as a Participant in Basketball Activities.
- 2.3 The following is not within the scope of this Policy:
- 2.2.5 interactions involving a Participant and a Child where there is no direct or indirect link to Basketball Activities or Basketball Victoria, a Member Organisation or an Authorised Provider.

3. HOW TO MAKE A COMPLAINT

Requirements of Participants

- 3.1 Participants must always:
- 3.1.1 comply with the requirements of Responding to Child Abuse Allegations in Annexure A;
 - 3.1.2 comply with the Child Safe Practices as set out in Annexure B;
 - 3.1.3 report any concerns or allegations of Prohibited conduct involving any Participant to Basketball Victoria, the relevant Member Organisation or the relevant Authorised Provider in accordance with the Complaints Policy;
 - 3.1.4 provide true and accurate information during Recruitment & Screening;

- 3.1.5 comply with all obligations that they are subject to under the Australian Child Protection Legislation; and
- 3.1.6 comply with all legislative obligations that they are subject to in relation to reporting suspected Child Abuse or a WWCC.

Requirements of Basketball Victoria, Member Organisations and Authorised Providers

- 3.2 Basketball Victoria, Member Organisations and Authorised Provider must:
 - 3.2.1 adopt, implement, and comply with the:
 - 3.2.1.1 Child Safe Commitment;
 - 3.2.1.2 Child Safe Practices; and
 - 3.2.1.3 Recruitment & Screening,
including reviewing and amending those requirements from time to time;
 - 3.2.2 Comply with the "Responding to Child Abuse Allegation in Annexure A.
 - 3.2.3 use best efforts to assist Participants to fulfil their responsibilities under this Policy and relevant State legislation;
 - 3.2.4 recognise any Sanction imposed under this Policy by Basketball Victoria, a Member Organisation or an Authorised Provider; and
 - 3.2.5 take all necessary steps to:
 - 3.2.5.1 enforce any Sanction imposed under this Policy; and
 - 3.2.5.2 procure compliance with the 'Responding to Child Abuse Allegations' in Annexure A.

4. PROHIBITED CONDUCT

Prohibited Conduct

- 4.1 A Participant, Basketball Victoria, Member Organisations and Authorised Providers commit a breach of this Policy when:
 - 4.1.1 they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2:
 - 4.1.1.1 Child Abuse;
 - 4.1.1.2 Grooming;
 - 4.1.1.3 Misconduct with a Child;
 - 4.1.1.4 request or infer that the Child keep any communication secret from their parents, guardian, carer or other Participant such as a coach or administrator, or Basketball Victoria, Member Organisation or Authorised Provider;
 - 4.1.1.5 supply alcohol, tobacco or illicit drugs to a Child; or
 - 4.1.1.6 supply medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or
 - 4.1.1.7 commit any act that would constitute Prohibited Conduct under the Member Protection Policy;
 - 4.1.2 there is a breach of a requirement imposed under clause 3.1, or sub-clauses 3.2.1, 3.2.2 or 3.2.5.2;
 - 4.1.3 they are involved in or have knowledge of and do not report a breach of clauses 4.1.1 or 4.1.2; or
 - 4.1.4 they have engaged in an attempt to breach sub-clauses 4.1.1.1, 4.1.1.2, 4.1.1.3, 4.1.1.4, 4.1.1.5, 4.1.1.6 or 4.1.1.7.

5. REPORTING

- 5.1 Where there is an Alleged Breach, this should be reported to and handled by the relevant Member Organisation or Authorised Provider in accordance with the Complaints Policy.
- 5.2 Where an Alleged Breach is such that it would cause a reasonable person to suspect that a Child is, or is at risk of, being abused and/or neglected:
 - 5.2.1 Basketball Victoria, Member Organisations and Authorised Providers must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Annexure A; and
 - 5.2.2 no further action under the Framework, the Complaints Policy or any other relevant policy in relation to that Alleged Breach, except Provisional Action or Assessment, should occur unless/ or until the obligations in 5.2.1 are complied with.

6. COMPLAINTS POLICY

- 6.1 All reports, complaints and matters arising under this Child Safeguarding Policy will be dealt with in accordance with the Complaints Policy.

7. FRAMEWORK

- 7.1 This Child Safeguarding Policy has been adapted from the Basketball Australia Child Safeguarding Policy, which forms part of Basketball Australia's National Framework for Ethical Behaviour and Integrity in Basketball (the Framework) and all definitions within the Framework apply to this Policy.

SCHEDULE 1 – CHILD ABUSE DEFINITIONS

'Child Abuse' is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect to a Child's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger a Child's physical or emotional health, development, or wellbeing, whether through a:

- single act, omission, or circumstance; or
- series or combination of acts, omissions, or circumstances,
- and includes:

'Physical Abuse' occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:

- shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
- harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.

'Emotional or Psychological Abuse' occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:

- repeated rejection or threats to a Child;
- constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
- Bullying and Harassment; or
- harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.

'Sexual Abuse' occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child under the age of 16 cannot provide consent, therefore even if 'consent' is given, it still constitutes sexual abuse. Where the adult is in a position of power or authority, for example a coach, this age of consent increases to 18 years of age.

Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media or otherwise. Encouraging a Child to view pornographic videos, websites, or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

'Neglect' is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.

'Exposure to Family Violence' is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic violence, then they may be at risk of significant physical and/or psychological harm.

ANNEXURE A: RESPONDING TO CHILD ABUSE ALLEGATIONS

YOU MUST ACT.

As a person involved in Basketball Activities you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any Child Abuse allegations.

ACTION 1 - RESPONDING

If a Child 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 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, 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.

If the alleged Child Abuse is occurring in Basketball Victoria, a Member Organisation or an Authorised Provider, it must be documented and reported to Basketball Victoria, the relevant Member Organisation or the relevant Authorised Provider. Basketball Victoria, each Member Organisation and each Authorised must have efficient reporting systems in place.

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/guardians, and who should lead this contact (i.e. police, child protection department or Basketball Victoria, a Member Organisation or an Authorised Provider representative). This could include advice:

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

ACTION 4 - SUPPORT

- Support should be provided to any Child that has experienced abuse.
- It is important that the person providing support to the Child 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.
- This information needs to be well documented and shared with any required contact.
- Further support for the Child, 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 Contacts in Basketball Victoria:

Basketball VIC Child.safety@basketballvictoria.com.au

Name: Gerry Glennen

Contact Details: Gerry.glennen@basketballvictoria.com.au

Name: Sarah Wolokh

Contact Details: sarah.wolokh@basketballvictoria.com.au

ANNEXURE B: CHILD SAFE COMMITMENT AND PRACTICES

CHILD SAFE COMMITMENT STATEMENT

Basketball Victoria, Member Organisations and Authorised Providers are committed to ensuring the safety and wellbeing of all Children that are involved in our sport. Our policies and procedures seek to address risks to child safety and to establish child safe culture and practices.

1.1 We are committed to keeping Children safe

- (a) Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.
- (b) We communicate our commitment to all our staff and volunteers and give them access to a copy of our commitment statement.

1.2 We promote equity and respect diversity

- (a) We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.
- (b) We give all Children access to information, support, and a complaints process.
- (c) We consider the needs of all Children, particularly Aboriginal and Torres Strait Islander Children, Children with a disability, LGBTIQ Children and Children from culturally and linguistically diverse backgrounds.

1.3 Our staff and volunteers know the behaviour we expect

- (a) We ensure that each person involved in our delivery of services to Children understands their role and the behaviour we expect in relation to keeping Children safe from abuse and neglect through application of our Child Safe Practices.
- (b) We utilise clear position descriptions which clearly state relevant child safe requirements.
- (c) We have Child Safe Practices, which are approved and endorsed by Sport Integrity Australia and the Basketball Australia and Basketball Victoria Boards, that outline our expectations for behaviour towards Children.
- (d) Our staff and volunteers are given a copy of and have access to the Child Safe Practices.
- (e) Our staff and volunteers indicate, in writing, that they have read and are committed to the Child Safe Practices.

1.4 We minimise the likelihood of recruiting a person who is unsuitable

- (a) We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work/volunteer with Children.
- (b) We will meet the requirements of the relevant state or territory Working with Children Check legislation.

1.5 Induction and training are part of our commitment

- (a) We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Abuse Allegations.
- (b) We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- (c) We ensure that our staff and volunteers have up-to-date information regarding relevant Victorian legislation, and legislation for any other jurisdiction where they may travel to as a part of their duties.

1.6 We encourage the involvement of Children and their parents

- (a) We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their parents/carers (such

as brochures, posters, handbooks, guidelines) about:

- (i) our commitment to keeping Children safe and communicating their rights;
 - (ii) the behaviour we expect of our staff and volunteers and of themselves;
 - (iii) our policy about responding to child abuse.
- (b) We have processes for encouraging two-way communication with Children and families.
 - (c) We seek their feedback and have a process for responding.
 - (d) We respect diversity and seek to facilitate effective communication and involvement.

1.7 Our staff and volunteers understand their responsibility for reporting child abuse

- (a) Our policy for responding to child abuse is approved and endorsed by Basketball Victoria's Board and applies to all our staff and volunteers. Staff and volunteers must:
 - (i) immediately report abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers;
 - (ii) meet any legislated mandatory or other jurisdictional reporting requirements;
 - (iii) follow a specified process when reporting abuse or neglect.
- (b) Our staff and volunteers are given a copy of and have access to any relevant policies and understand the implications of the policy for their role.
- (c) We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

1.8 We maintain and improve our policies and practices

- (a) We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.
- (b) We work closely with the Basketball Australia Integrity Unit to regularly maintain and review our policies and procedures.
- (c) We monitor our staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- (d) We require our staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. We review WWCC checks regularly.
- (e) We have formally reviewed our service delivery to identify and document potential risks to Children.
- (f) We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

CHILD SAFE PRACTICES

Basketball Victoria, Member Organisations and Authorised Providers are committed to safeguarding everyone involved in our organisations including Children, ensuring that they feel and are safe. Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in basketball.

A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed by Basketball Victoria, the relevant Member Organisation or Authorised Provider in accordance with the Complaints Policy.

There may be exceptional situations where aspects of the Child Safe Practices do not apply. For example in an emergency it may be appropriate to physically restrain a child. However, it is crucial that, where possible, you seek authorisation prior to taking action that does not comply with these standards or that you notify Basketball Victoria, the relevant Member Organisation or relevant Authorised Provider as soon possible after any incident in which these standards are not complied with.

2.1 Sexual misconduct

- (a) Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- (b) 'Sexual behaviour' needs to 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:
 - (i) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
 - (ii) 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or inappropriate nudity.

2.2 Professional boundaries

- (a) Participants must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in our sport. They must not:
 - (i) provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal or family relationship (e.g. financial assistance, babysitting, provide accommodation);
 - (ii) exhibit any type of favouritism towards a Child;
 - (iii) transport Children unless specifically approved in writing by the Child's Parent or Guardian;
 - (iv) give gifts/presents to Children other than the provision of official awards;
 - (v) engage in open discussions of a mature or adult nature (other than reasonable conversations directly related to the Child's participation in Basketball Activities) in the presence of Children;
 - (vi) discriminate against any Child, including on the basis of gender identity, culture, race or disability;
 - (vii) have one on one contact with a Child outside of Basketball Activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or
 - (viii) accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- (b) If a Participant becomes aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, they should undertake any or all of the following at the earliest opportunity:
 - (i) refer the matter to an appropriate support agency;
 - (ii) refer the Child to an appropriate support agency;
 - (iii) contact the Child's parent or guardian;
 - (iv) seek advice from Basketball Victoria, a Member Organisation or an Authorised Provider.

2.3 Use of language and tone of voice

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

- (a) provide clear direction, boost their confidence, encourage, or affirm them;
- (b) not be harmful to Children. In this respect, not use language that is:
 - (i) discriminatory, for example racist, or sexist;
 - (ii) derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
 - (iii) intended to threaten or frighten; or
 - (iv) profane or sexual.

2.4 Positive guidance (Discipline)

- (a) Children participating in our sport will be made aware of the acceptable limits of their behaviour

so that we can provide a positive experience for all participants.

- (b) Participants must use appropriate techniques and behaviour management strategies to ensure:
 - i. an effective and positive environment; and
 - ii. the safety and/or wellbeing of Children and Participants participating in sport.
- (c) Participants must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- (d) Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.
- (e) Under no circumstances are Participants to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

2.5 Supervision

- (a) Children participating in our sport programs and services must always be supervised. Supervision must be constant, active, and diligent and requires Participants to always be in a position to observe each Child, respond to individual needs and immediately intervene if necessary.
- (b) One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medical treatment and physical therapy) and in this case, these situations will need to be identified and recorded by Basketball Victoria, a Member Organisation or an Authorised Provider.
- (c) Any incident of one-to-one unsupervised contact should be immediately reported to Basketball Victoria's, the relevant Member Organisation's or relevant Authorised Providers' management within 24 hours of the incident occurring.

2.6 Use of electronic or online communications

- (a) For any electronic or online communication with Children in our sport we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.
- (b) When communicating with Children, Basketball Victoria, Member Organisations or Authorised Providers and Participants must ensure content is:
 - (i) directly associated with delivering our services, such as advising that a scheduled event is cancelled;
 - (ii) concise with personal or social content limited only to convey the message in a polite and friendly manner;
 - (iii) devoid of any sexualised language; and
 - (iv) not promoting unauthorised social activity or contact.

2.7 Photographs of Children

- (a) Children are to be photographed or videoed while involved in our sport only if:
 - (i) the context is directly related to participation in our sport;
 - (ii) the Child is appropriately dressed and posed; and
 - (iii) the image is taken in the presence of other personnel.
- (b) Basketball Victoria, Member Organisations or Authorised Providers and Participants must not distribute images or videos (including as an attachment to an email) to anyone outside their organisation other than to the Child photographed or their parent or guardian, without organisational knowledge and approval.
- (c) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.
- (d) Images are not to be exhibited online or in publications without organisational knowledge and approval. Any caption or accompanying text may need to be checked so that it does not identify a Child if such identification is potentially detrimental.

- (e) Nothing in this provision is intended to restrict parents or guardians from reasonably photographing their own child's participation in basketball. When taking their own photographs, parents and guardians should be mindful of other children and respect the wishes of any parents or guardians who may not want their child to be photographed by other parents or guardians.

2.8 Physical contact with Children

- (a) Any physical contact with Children must be appropriate to the delivery of our sport programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- (b) Under no circumstances should Participants have contact with Children participating in our programs and services that:
- (i) involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
 - (ii) would appear to a reasonable observer to have a sexual connotation;
 - (iii) is intended to cause pain or distress to the Child (e.g. corporal punishment);
 - (iv) is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);
 - (v) is unnecessary (e.g. assisting with toileting when a Child does not require assistance); or
 - (vi) is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
 - physical restraint should be a last resort;
 - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
 - the incident must be reported to management as soon as possible.
- (c) Participants are required to report to Basketball Victoria, the relevant Member Organisation or the relevant Authorised Provider any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child and Participants.

2.9 Overnight stays and sleeping arrangements

- (a) Overnight stays involving Children are to occur only with the Basketball Victoria, Member Organisation or Authorised Provider approval and consent of a parent or guardian of the Children involved.
- (b) Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.
- (c) Practices and behaviour by Participants involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of our sport at all other times.
- (d) Standards of conduct that must be observed by Basketball Victoria, Member Organisations or Authorised Providers and Participants involved during an overnight stay include:
- (i) Children are provided with privacy when bathing, toileting, and dressing;
 - (ii) appropriate dress standards are observed when Children are present – such as no exposure to inappropriate adult nudity;
 - (iii) Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;
 - (iv) Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff or peers;
 - (v) sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements or Children sharing a bed with another Child or a Child sharing a room with an adult; and
 - (vi) Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

2.10 Change room arrangements

- (a) Children should be supervised in change rooms whilst ensuring their right to privacy.
- (b) A minimum of two Participants of the same gender as the group should always be present.
- (c) Participants must not shower or change at the same time as supervising groups of Children.
- (d) Participants must avoid one-to-one situations with a Child in a change room area.
- (e) Participants need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.
- (f) Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed.

2.11 Use of, possession or supply of alcohol or drugs

Participants, whilst responsible for the care of Children, must not:

- (a) use, possess or be under the influence of an illicit drug;
- (b) use or be under the influence of alcohol;
- (c) be impaired by any other legal drug such as prescription or over-the-counter drugs;
- (d) supply alcohol or drugs (including tobacco); or
- (e) supply or administer medicines, except when permitted in a first aid emergency and/or by law or with the consent of the parent, guardian, or carer of the Child or under a valid prescription for that Child and at the prescribed dosage.

2.12 Parent/Guardian Involvement

Basketball Victoria, Member Organisation or Authorised Providers must:

- (a) ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Basketball Activities;
- (b) conduct all training sessions in open locations and allow parents/guardians to watch their Children during training;
- (c) make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

2.13 Transporting Children

- (a) Children are only to be transported in circumstances that are directly related to the delivery of our sport programs and services.
- (b) Other than in an emergency, it is not acceptable for Participants to transport Children without prior approval from their parent or guardian. Gaining approval involves providing information about the proposed journey (and may be a standing approval for regular transport), including the:
 - (i) form of transport to be used;
 - (ii) reason for the journey;
 - (iii) route to be followed, including any stops or side trips; and
 - (iv) details of anyone who will be present during the journey
- (c) When transporting Children, the Participant must drive responsibly, not be impaired by alcohol or any other mind-altering substances, have an unrestricted drivers' licence and to the extent practicable, not be alone in the car with a Child.
- (d) Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

2.14 Drop off and Pick up of Children

Basketball Victoria, Member Organisations or Authorised Providers must:

- (a) ensure Children and their parent or guardian know the time and location of training and matches, including start and finish times.
- (b) arrive before scheduled practice or game times to ensure that Children are not left unattended.
- (c) have an accessible register of parent and guardian emergency contact numbers and an operational phone.
- (d) ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.
- (e) ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of Participants to transport Children home if their parent or guardian is late for pick up.
- (f) not leave the training or match until all Children have been collected by their parent or guardian.

ANNEXURE C: RECRUITMENT & SCREENING

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across our sport. Our sport takes child protection seriously and ensures that the organisation recruits personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

1. CHILD-RELATED POSITIONS

- 1.1 All roles within our sport (employees and volunteers) (both new and existing) must be assessed using Appendix 1: Child-Related Position Assessment.
- 1.2 A child-related position means a position that involves or may involve contact with children, either under the position description or due to the nature of the role.
- 1.3 Positions assessed as 'child-related' must be appointed using the recruitment and screening process outlined in Annexure C.

2. POSITION DESCRIPTIONS

- 2.1 Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.
- 2.2 Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children.'

3. ADVERTISING

- 3.1 All positions identified as child-related will include the following statement in the position description and any advertising: {Organisation} is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.

4. INTERVIEWS

- 4.1 All applicants for child-related positions are required to attend at least one interview, preferably in person or on a videoconference (e.g. Zoom etc.).
- 4.2 During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 2: Interview Requirements and Sample Questions.

5. WORKING WITH CHILDREN CHECKS

- 5.1 Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.
- 5.2 These laws require certain individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with Children. Whether a particular individual is required to undertake a check depends on the WWCC laws of the relevant state or territory.
- 5.3 Basketball Victoria, Member Organisations or Authorised Providers must meet the requirements of Victorian WWCC laws. Specific state and territory requirements can be found here: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-b-state-and>
- 5.4 All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment.
- 5.5 Basketball Victoria, Member Organisations or Authorised Providers may not engage a person who does not have a satisfactory WWCC.

- 5.6 Regardless of whether an individual is required or otherwise eligible to obtain a WWCC in Victoria, it is a serious breach of the Child Safe Policy if an individual:
- (a) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child-related position in our sport; or
 - (b) continues in a child-related position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- 5.7 Participants are required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault.

6. NATIONAL CRIMINAL HISTORY RECORD CHECKS

- 6.1 Member Organisations or Authorised Providers may require the preferred candidates to have completed a 'national criminal history record check' (also known as a 'police check') where the candidate does not otherwise meet the jurisdictional threshold to apply for and obtain a WWCC.
- 6.2 A criminal history does not automatically preclude an applicant from being appointed unless their criminal history suggests that they may pose a risk to Children. If there is information relevant to the employment decision, the applicant will be provided with an opportunity to respond to the contents of their police check (if they wish to do so).
- 6.3 The decision to appoint or not appoint an applicant because of a police check result, along with the rationale for that decision, must be communicated to the applicant by Basketball Victoria, Member Organisations or Authorised Provider.
- 6.4 A copy of the police check must not be retained. The original must either be returned to the applicant if requested or be destroyed in a secure manner on completion of the recruitment process. If the applicant is appointed, a record of the date and certificate number of the police check should be recorded in their personnel file.

7. INTERNATIONAL CRIMINAL HISTORY RECORD CHECKS

- 7.1 Any applicant who has resided overseas for 12 months or more in the last ten years must obtain an international criminal check.
- 7.2 Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks must be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.
- 7.3 Basketball Victoria, Member Organisations or Authorised Provider must inform the applicant that referees will be asked whether they have knowledge or information concerning the applicant that would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers or government officials.
- 7.4 Overseas applicants should not commence until this process is satisfactorily completed.

8. MONITORING COMPLIANCE

- 8.1 Basketball Victoria, Member Organisations or Authorised Providers will ensure that all personnel in child-related positions have a current Victorian WWCC as specified in the following legislation: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview>

9. REFERENCE CHECKS

- 9.1 Basketball Victoria, Member Organisations or Authorised Provider will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- 9.2 The selected referees must:
- (a) be able to provide information relating to the applicant's suitability to work with Children;

- (b) have known the applicant for at least 12 months;
- (c) not be related to the applicant;
- (d) be able to vouch for the applicant's reputation and character.

Please note: Written character references are not sufficient unless also followed up and verified through direct contact.

- 9.3 Referees will be asked directly about any concerns they may have about the applicant working with Children. Refer to Appendix 3: Reference Check Requirements and Sample Questions.

10. QUALIFICATION AND REGISTRATION CHECKS

- 10.1 Educational or vocational qualifications, or professional registration will be verified for the preferred applicant for the position, if applicable.

11. MINORS

- 11.1 If a person under the age of 18 is appointed to a child-related position, Basketball Victoria, Member Organisations or Authorised Provider must:
- (a) comply with the relevant WWCC legislation;
 - (b) undertake appropriate screening (interviews and referee checks);
 - (c) ensure that they are aware that they are bound by the Child Safeguarding Policy, Child Safe Practices and the obligations associated with working with Children; and
 - (d) obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.

APPENDIX 1: POSITION ASSESSMENT CHECKLIST

Note: State and territory jurisdictions have different requirements regarding screening and WWCC. This child-related position assessment aims to assist Member Organisations identify child-related positions however, it should not be used to determine if a Participant requires a WWCC.

Specific state and territory requirements can be found here.

**QUESTION – DOES THE POSITION/ACTIVITY
(PAID/UNPAID OR VOLUNTEER):**

Y/N

Involvement supervising children?

Involvement being alone with children or engaging with children in a way that is not observed or monitored?

Involvement activities with children away from the organisation’s usual location?

Involvement direct one-on-one or group contact with children via phone, letter, email, online or social media?

Involvement supervising child-to-child online contact?

Have access (online or paper based) to a child’s or children’s personal and/or confidential information?

Involvement the need for physical contact/touching children?

Involvement any of the following: transporting children; over-night supervision; and/or out-of-town activities?

Have a perceived or actual level of authority (including from a child’s perspective)?

Involvement any other type of contact with children?

If you answered YES to one or more of the above questions, the position is a child-related position.

Basketball Victoria, the Member Organisation or Authorised Provider (as applicable) is required to undertake the recruitment and screening process as outlined in Annexure 3, including conducting interviews and reference checks.

Basketball Victoria, the Member Organisation or Authorised Provider (as applicable) must also meet the requirements of the relevant state or territory WWCC laws.

APPENDIX 2: INTERVIEW REQUIREMENTS AND SAMPLE QUESTIONS

- The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
 - An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
 - All applicants should be informed during the interview that referees will be contacted as part of any final selection process.
-

QUESTIONS THAT MUST BE ASKED

- Would you please tell us about your beliefs and values in relation to working with children?
 - Would you please tell us about your awareness and understanding of child protection?
 - Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
 - What boundaries are important when working with children?
 - Have you ever had any disciplinary action taken against you in relation to you working with children?
-

ADDITIONAL QUESTIONS (FOR POSITIONS THAT WORK PREDOMINATELY WITH CHILDREN) THAT MAY BE ASKED

- What do you find most rewarding about working with children?
 - What do you find most challenging about working with children?
 - How would you handle a child that is behaving in a manner that is disruptive in a group setting?
 - How do you think your peers, supervisors and referees would describe the way you work with children?
 - Are there any children whom you would not wish to work with and, if so, why?
 - How would you deal with a child who is acting aggressively?
 - Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
 - How would you respond to a child who disclosed they were being subjected to abuse?
 - A parent of a child attending your service wants someone from the organisation to care for their child out of hours. What would be your response to this request?
 - What would you do if you thought another staff member or volunteer had harmed or was harming a child?
 - What would you do if you thought a child was being abused at home?
 - Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
 - How would you handle a child that appears sad and refuses to participate in activities?
-

Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.

RED FLAGS INCLUDE, BUT ARE NOT LIMITED TO:

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography
- being evasive or inconsistent in responding to questions.

APPENDIX 3: REFERENCE CHECK REQUIREMENTS AND SAMPLE QUESTIONS

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
 - Ask the same questions of each referee.
 - When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
 - Before asking questions, describe the job and the competencies that you are seeking.
-

QUESTIONS THAT MUST BE ASKED:

- Are you related to the applicant? (Please note, if the person answers yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
 - In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
 - How would you describe the personal character of the applicant?
 - Would you have any concerns about this applicant working with or being in contact with children?
 - Would you have any concerns if this applicant was working with or being in contact with children unsupervised?
 - How does the person respond to supervision/oversight?
 - In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
 - To your knowledge, has this person ever been involved with any kind of abuse or neglect of children?
-

THE PANEL SHOULD CONSIDER THE VALIDITY OF THE REFEREES BY REFLECTING ON THE FOLLOWING QUESTIONS:

- What is the relationship between the referee and the applicant?
 - Has the referee known the applicant in a professional capacity and if so when and for how long?
 - Is the referee able to provide relevant information about the applicant's work history and performance?
 - Has the referee observed the applicant demonstrating the skills and knowledge required for the position?
-

RED FLAGS INCLUDE, BUT ARE NOT LIMITED TO:

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted
- Referees that were not informed they would be used