

ROMA PONY CLUB INC MEMBER PROTECTION POLICY

PART B: ROMA PONY CLUB INC CHILD PROTECTION REQUIREMENTS

Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In New South Wales, Queensland, Western Australia, Victoria and South Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. We will add new requirements or any amendments to existing requirements to our Member Protection Policy as they are introduced.

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated clubs takes junior players into another state for training camps, competition or other activities, those travelling with the teams may have to comply with the QLD legislative requirements.

Please note that the state specific child protection requirements apply despite the existence or absence of our Member Protection Policy

As part of ROMA PONY CLUB INC's commitment to protecting the safety and welfare of children and young people involved in ROMA PONY CLUB INC activities, ROMA PONY CLUB INC requires the following measures to be met.

- Provide opportunities for juniors to contribute to and provide feedback on program development;
- Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
- Where applicable meet the requirements outlined in:
 - [B1. *Child Protection Requirements (generic)*]
 - [B2. *Member Protection Declaration*]
 - [B3. *QLD Blue Card Requirements*]

[Note: The information contained in the following state specific attachments is not and should not be considered as legal advice. It is strongly recommended that the wording in each attachment is not modified or condensed as it may result in non-compliance with the legislation.]

Attachment B1: CHILD PROTECTION REQUIREMENTS

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our association that involves regular contact with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If State or Commonwealth legislation sets an equivalent or higher standard of screening, this will take precedence over the process outlined below need not be followed.

Association/club requirements

Under ROMA PONY CLUB INC's Member Protection Policy, our affiliated Clubs are required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed Member Protection Declaration (MPD) (Attachment B2) from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be recorded in a register and kept in a secure place.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), ROMA PONY CLUB INC and affiliated Clubs will:

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then the ROMA PONY CLUB INC and affiliated Clubs will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
 - in the case of a someone applying for the position/role, not appoint them.
3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
 4. Ask people applying for [and people who currently occupy] a position that involves direct and unsupervised contact with people under the age of 18 years to **sign a consent form** for a Working with Children check. (Information on Working with Children Checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp and www.ccypcg.qld.gov.au).
 5. Request a Working with Children check from our relevant police jurisdiction for people applying for, and people who currently occupy, paid and voluntary positions that involves direct and unsupervised contact with people under the age of 18 years

In most police jurisdictions a 'Part Exclusion' check for people working with children can be requested. This check excludes irrelevant records.

If the police check indicates a relevant offence or returns a Negative Notice, ROMA PONY CLUB INC and affiliated Clubs will:

- In the case of an existing employee/volunteer then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
- In the case of someone applying for the position/role, not appoint them.

If the person does not agree to a Working with Children or national police check after explaining why it is a requirement, the ROMA PONY CLUB INC and affiliated Clubs will:

- In the case of an existing employee/volunteer then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
- In the case of someone applying for the position/role, not appoint them.

6. Decide whether to offer the person the position [or retain the person in the position], taking into account the result of the Working with Children check and any other information ROMA PONY CLUB INC has available. Where it is not practical to complete the police check prior to paid employment commencing, ROMA PONY CLUB INC must still complete the check as soon as possible. ROMA PONY CLUB INC will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check. Volunteers may not commence until the Working with Children positive notice is returned.
7. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed Working with Children Check form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.
8. Appoint an MPIO and make the name and contact details known to and freely available to all members

Attachment B2: MEMBER PROTECTION DECLARATION

The ROMA PONY CLUB INC has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with ROMA PONY CLUB INC activities. As part of this duty of care and as a requirement of the ROMA PONY CLUB INC's Member Protection Policy, the ROMA PONY CLUB INC must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves regular contact with people under the age of 18 years

I(name) of
.....(address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the ROMA PONY CLUB INC may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the Administration Manager of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.
8. I hereby consent to the carrying out of a Working with Children Check as required under the Commission for Children and Young People and Child Guardian Act 2000.

Declared in the State/Territory of
on/...../.....(date) Signature

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date:

Attachment B3: QUEENSLAND BLUE CARD REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under their legislation. This information is provided as a guide only.

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

Association/club requirements

ROMA PONY CLUB INC and affiliated clubs are responsible for applying for a blue card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a blue card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a blue card if the activities of the business are regulated under one of the categories in the Act.

Relevant categories of employment regulated by the Act

Note: Only those categories of employment relevant to the sport and recreation industry have been listed below.

Paid employees who commenced work in one of the following categories of employment after 1 May 2001 will need to apply for a blue card unless exempt under the relevant category:

- private teaching, coaching or tutoring
- sport and active recreation
- clubs and associations involving children
- child accommodation services (which incorporates billets).

Paid employees commencing employment in the following category need a blue card irrespective of when they commenced their employment – i.e. before or after 1 May 2001:

- schools - employees other than teachers and parents

Paid employees

Paid employees falling under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, if they work or are likely to work over a period of 12 months for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month over six months.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their blue card application BUT ONLY TO THE EXTENT OF THE ABOVE MINIMUMS.

Volunteers

Volunteers working with children who fall under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, **before** they can commence the child related activity, regardless of how often they come into contact with children and young people.

Exemptions

The following people are exempt from the Working with Children Check and do not need a blue card:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies with an education provider such as a registered training organisation, or university);
- a volunteer guest of a school or a registered charity, corporation or incorporated association:
 - for the purpose of observing, supplying information or entertainment to 10 or more people, and
 - the activity is for 10 days or less on no more than two occasions per year, and
 - the person is unlikely to be physically present with a child without another adult being present, or
- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
 - a sporting, cultural or skill based activity, and
 - the event is attended by more than 100 people, and
 - the work is for 10 days or less on no more than two occasions per year; and
 - the person is unlikely to be physically present with a child without another adult being present.

In addition, the following specific exemptions apply under each category regulated by the Act. It is critical to note that the exemptions below apply to the specific categories of regulated employment and business as stated, and therefore are not transferable. For example, a 'registered teacher' is only exempt in the first two categories of regulated employment mentioned below, as that specific exemption does not apply to the remaining three identified categories of employment.

1. Schools - employees other than teachers and parents

- a 'registered teacher'; and
- a volunteer parent of a child attending the school.

2. Private teaching, coaching or tutoring

- a 'registered teacher'; or
- a person carrying out work in their capacity as an employee of an 'education provider' .

3. Sport and active recreation

- the employment takes place at an 'amusement park'; or
- the person provides the service or conducts the activity in their capacity as an employee of a 'government entity'; or

- a volunteer parent of a child to whom the services are provided; or
- a volunteer parent of a child in relation to whom the activities are conducted
- the services are provided, or the activities are conducted by or within a club or association or similar entity and are regulated under that category (See Item 4: Clubs and associations involving children)).

4. Clubs and associations involving children

- the person carries out the work in their capacity as an employee of a 'government entity'; or
- a volunteer parent of a child who receives the same or similar services to which the employment relates; or
- a volunteer parent of a child who participates in the same or similar activities to which the employment.

5. Child accommodation services (including billets)

- the 'child accommodation service' is being provided to a relative of the home stay provider;
- the work is carried out for a 'government service provider' that carries on a business which includes arranging a 'child accommodation service'; or
- the employment is organised by a school or a registered charity, corporation or incorporated association and is for 10 days or less and provided on no more than two occasions per year.

Relevant categories of business regulated by the Act

Note: Only those categories of business relevant to sport and recreation industry have been listed below.

A person or a corporation carrying on the following regulated businesses in Queensland must also apply for a blue card:

- private teaching, coaching or tutoring
- child accommodation services including homestays (including billets)
- Sport and active recreation (which may include recreational activities such as sporting camps and programs (excluding amusement parks)

Exemptions

1. Private teaching, coaching or tutoring

- If the business is conducted by an education provider

2. Child accommodation services including homestays (including billets)

- If the business is conducted at a:
 - boarding facility; or
 - residential facility funded by the Commonwealth government, or the Department of Child Safety, Disabilities Services Queensland, Department of Communities, Qld Health; or licensed by the Child Protection Act; or
 - or another place mainly providing accommodation for children which is funded by the Commonwealth government or Education Queensland.

3. Sport and active recreation

- If the business takes place at an amusement park; or
- The activities are conducted by or within a club, association or similar entity and are regulated under that category (See Item 4).

Where the business is a corporation, **each person** whose principal place of residence is in Australia, who takes part in the management of the corporation needs a blue card.

A person carrying on a regulated business must hold a blue card **before** they commence the regulated activity regardless of how often they come into contact with children and young people.

Application forms

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from www.ccyipcq.qld.gov.au. Volunteer applications are processed free of charge; there is a \$40 processing fee for paid employees and business applications. This fee is to be paid by organisation.

Change in criminal history

If ROMA PONY CLUB INC knows or reasonably suspects that an employee who commenced employment prior to 1 May 2001 and therefore does not require a blue card, has a criminal history relevant to their work with children or young people, the ROMA PONY CLUB INC can apply for a blue card for that person. In such a case, the relevant application form to submit is a 'current employee blue card application form'.

This requirement also applies to interstate Coaches and Managers that visit Queensland and apply to the Commission for a Working with Children Check.

Risk management

From 1 January 2007, employers and businesses regulated by the Commission for Children and Young People and Child Guardian Act must have a written risk management strategy in place which complies with the minimum requirements specified in the Commission for Children and Young People Amendment Regulation (No 1 2006).

To comply with the requirements under the Act, as a minimum, a risk management strategy for child protection must include:

The key elements an organisation needs to consider in creating a risk management strategy includes:

- a child protection policy, with a statement of commitment to the safety and wellbeing of children and the protection of children from harm:
 - a Code of Conduct for interaction with children and young people
 - recruitment, training and management procedures for staff (including appropriate employment screening – ie blue cards and registers of staff who hold blue cards)
 - reporting guidelines and directions for handling disclosures or suspicions of harm
 - A policy for managing breaches of the risk management strategy
 - Policies and procedures for compliance with blue card legislation
 - Risk management plans for high risk activities and special events,
- communication and support strategies, such as:
 - information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
 - training materials and communication strategies which help staff, volunteers and parents identify risks of harm
- Please note that documentation of risk management processes should include:
 - registers of staff/volunteers and blue card details

- strategies and plans for high-risk and special events
 - complaints registers, and
 - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.
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