

## Child Protection Policy

### **POLICY STATEMENT**

The Working with Children Policy outlines the mandatory requirements for Baseball NSW, Associations, Clubs, Leagues and parental responsibilities to ensure the safety of all children participating in the sport. This policy mandates that the protection of children is a priority and must be adhered to in its entirety. To ensure compliance with the policy, the Working with Children Check (WWCC) must be valid and be held by all members who have a role that relates to children.

### **BACKGROUND**

In 1998 the Office of the Children's Guardian was established under the Children and Young Persons (Care and Protection) Act 1998 to promote the interests and rights of children and young people living in out-of-home care.

In 2013 legislative changes expanded the role of the Office to be an independent government agency that works to protect children by promoting and regulating quality, child safe organizations and services. Amongst other responsibilities, the Office of the Children's Guardian administers the Working With Children Check and encourages organizations to be safe for children.

### **OVERVIEW**

Baseball NSW (BNSW), as the State Sporting Organisation (SSO), and governing body of the sport (and its various forms) in NSW, has a strong interest in keeping children safe. As such, BNSW has developed several procedures and resources which complement the BNSW Member Protection Policy.

All affiliated BNSW members, Clubs, Associations and Leagues must understand that good child safe policies and practices are the best way to reduce potential environmental risks and keep children safer throughout our organisation. BNSW encourages all affiliated membership, to use a range of responses, to manage the potential risks in their environments, which includes meeting their Working With Children Check (WWCC) legal obligations.

The result of a WWCC is either a clearance to work with children for five years or a bar against working with children. It should be understood that cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked.

### **NSW WORKING WITH CHILDREN CHECK**

All BNSW affiliated members and others as defined under the Act, who are specifically involved in child-related roles must have a valid Working With Children Check (WWCC), before any involvement. If there is no valid WWCC, then there can be no involvement under any circumstances.

### **WHO IS REQUIRED TO HOLD A WORKING WITH CHILDREN CHECK**

Baseball New South Wales advises that anyone aged 17 and 9 months, or over, requires a current, verified WWCC the following roles:

- Member Protection and Information Officers / Grievance Officers
- Coaches – head, assistant, specialist or otherwise
- Managers of any junior team be they Executive Officers or Assistant Executive Officers
- Youth or Junior Coordinator
- Anyone (18 years of age or over) who assists the coaching staff, including ancillary staff and (non-coach accredited) parents at training and at games
- Any coach who offers private tuition to children under the age of 18

### **5.1 Clarification on Exemptions – Important Note as mandated by BNSW**

Part 4 - Exemption of workers and employers from Act. Clarification of an exemption quoted in the Child Protection (Working With Children) Regulation 2013 (NSW), as quoted below, as it applies to BNSW and its affiliated members, is herewith clarified.

#### **Exemption from Act for specified workers and employers**

The following workers engaged in child-related work (and employees of those workers in that capacity are exempt from the Act (other than section 7 of the Act) d) a parent, or close relative, of a child when volunteering in connection with a team, program or other activity of which the child is a member or in which the child usually participates.

#### **Aussie T-Ball and Tee-ball Parental/Close Relative participation**

Although anyone who assists the coaching staff with their Aussie TBall / T-Ball teams should have a WWC, it is recognised that, at this level, there can be a need for several people to be on the field at any given time to assist younger players. Therefore, any parent, close relative or carer is permitted to assist the coaching staff at training, and during games, without having to obtain a Working With Children Check. However, they must complete the Australian Sports Commission's Community Coach General Principle online course, a copy of which must be held by the club secretary.

#### **Live Ball (player pitch) age groups and above**

BNSW has, as a matter of policy, mandated that anyone, 18 years of age, or above, who is involved with children, playing Live Ball (player pitch) and above, must have a current, verified Working With Children Check number, regardless of their relationship to any player in the team that they are involved with. All affiliated members, clubs, associations and leagues are to strictly adhere to this requirement, there are to be no exceptions. If there is no valid WWCC, then there can be no involvement under any circumstances.

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### **CLUB, ASSOCIATION AND LEAGUE WORKING WITH CHILDREN RESPONSIBILITIES**

All clubs, associations and leagues who maintain junior competitions must ensure that all persons (as outlined in “Who needs a WWCC”) who are involved with children, have a current and verified WWCC. You are required to:

- Register as an employer (the term as it applies to you under the Act)
- Verify all WWCC online
- Keep a copy of the verification details on file
- Record all relevant details on the Working With Children Check Audit Organisation List

The Office of the Children’s Guardian conducts audits on the above requirements, and significant penalties can apply to both the organisation and office bearers who fail to comply accordingly.

### **Parental Responsibilities**

If your child is being privately coached the Office of the Children’s Guardian and Baseball NSW both advise that you should, as a matter of course, verify that the coach has a current and valid WWCC number. To do this you should:

- Obtain the coach or tutor's full name, date of birth and Working With Children Check APP or WWC number.
- Go to [www.kidsguardian.nsw.gov.au/check/apply](http://www.kidsguardian.nsw.gov.au/check/apply) and enter the details to verify the tutor or coach has a valid clearance for working with children in NSW.
- If registers to verify a person who is later barred from working with children, the parent will be notified of the change in status.
  - If anyone suspects an adult is providing services to children without a valid Working With Children Check, a confidential report can be made to the Office of the Children’s Guardian online or by phone on (02) 286 7219. Report a concern online. To find out more go to #parentscheckthecheck.

### **Coaches providing private tuition**

It is incumbent on all people who offer private coaching/tuition to have a current, valid Working With Children Check number. You are required to provide:

- your full name
- date of birth
- Working With Children Check, APP or WWC number

### **Interstate Coaches**

An Interstate coach who is working in, and visiting, New South Wales for child-related work, and is the holder of an interstate WWCC, in the jurisdiction in which they ordinarily reside, may do so without further requirement, providing their work in New South Wales, does not exceed a total of 30 days in any calendar year.

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The details of their Interstate WWCC must be recorded, by the club, association and league accordingly.

### **Import Players and WWCC**

It is a Baseball NSW minimum requirement that all “import” players obtain a WWCC if they are involved in any coaching clinics/courses to junior players under the age of 18.

An import player is defined as a person who is not an Australian Citizen and whose permanent residence is outside Australia.

**The Working With Children Check (WWCC) is a prerequisite for anyone in child-related roles - either paid or voluntary.**

### **REFERENCE**

The references below should be reviewed and read with the above information

- Child Protection (Working With Children) Act 2012 No 51 [NSW]
- Division 2 Mandatory requirements for child-related work
- Restrictions on engaging in child-related work (1), (2) and (3)
- Employers must require clearance or current application (1) and (2)
- An employer must verify worker has a clearance or current application (1), (2), (3) and (4)
- Governing body to ensure persons appointed to key positions hold clearance (1), (2), (3), (4) and (5)
- Division 6 Working with Children Register
- The Child Protection (Working with Children) Act 2012
- The Child Protection (Working with Children) Regulation 2013
- The Child Protection Legislation Amendment Act 2015
- Working With Children Register (1), (2), (3), (4), (5) and (6)
- Miscellaneous
- Offences by corporations (1), (2), (3), (4) and (5)
- Child Protection (Working with Children) Regulation 2013 (under the Child Protection (Working with Children) Act 2012
- Part 2 Child Related Work
- Clubs or other bodies providing services for children (1), (2) and (3)
- Schedule 1 Savings and transitional provisions
- Staged application of Act to volunteers and existing workers and others (5) 1 April 2015 to 31st March 2016 compliance period (a)