



# CHILD AND YOUNG PERSON SAFEGUARDING POLICY

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JUNE 2025

<b>Policy Owner</b>	RA General Manager, Community Rugby	<b>Approved by</b>	Rugby AU Board
<b>Date</b>	2 June 2025	<b>Review Date</b>	1 May 2027
<b>Linked legislation, regulations and/or external polices</b>	<i>Sport Integrity Australia Child and Young Person Safeguarding Policy</i> <i>Australian Human Rights Commission Act 1986 (Cth) Children and Young People Act 2008 (ACT)</i> <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>Care and Protection of Children Act 2007 (NT)</i> <i>Child Protection Act 1999 (Qld)</i> <i>Children and Young People (Safety) Act 2017 (SA) Children, Young Persons and their Families Act 1997 (Tas) Children, Youth and Families Act 2005 (Vic)</i> <i>Children and Community Services Act 2004 (WA)</i>		

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# 1. Introduction

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Rugby AU and all other Relevant Organisations (collectively **We**) are committed to providing a positive and safe rugby experience and environment for all participants and ensuring that everyone involved in rugby feels safe and supported, and is treated with respect, dignity and fairness. This means fostering a rugby environment free from discrimination, harassment, bullying and abuse, aligning with our core values of **Discipline, Respect, Integrity, Passion** and **Teamwork**.

We offer diverse programs for Children and Young People and are dedicated to providing a safe, caring and supportive environment for them. This commitment to safeguarding means prioritising their welfare and wellbeing, ensuring rugby is a space where they feel secure and empowered to protect themselves and each other. We encourage open communication and reporting of any safeguarding concerns.

This Policy reflects our ongoing commitment to fostering a safe, inclusive culture and environment where all Children and Young People can enjoy rugby and be safeguarded against any form of Abuse at all levels of the sport.

This Policy contains two key sections:

- **Appendix 3** which details Child and Young Person Safe Practices prescribing the standards of behaviour for Relevant Organisations and Relevant Persons in their interactions with, and facilitation of rugby activities involving, Children and Young People.
- **Clause 4** which defines Prohibited Conduct within rugby and specifies behaviours that may result in Sanctions under the Rugby AU Code of Conduct.

This Policy is designed to support all rugby participants in fulfilling their responsibilities and obligations regarding the safeguarding of Children and Young People. Rugby AU will provide all Relevant Organisations with the necessary guidance, support and training materials to effectively implement this Policy.

This Policy should be implemented in conjunction with:

- all applicable Child Protection Legislation and, if working or travelling abroad, all applicable laws within that jurisdiction;
- the specific requirements of an individual's role as defined in their position description;
- all Rugby AU codes and policies including the Code of Conduct, Safety Policy, Participation Policy and Inclusion Policy; and
- general community standards and expectations regarding appropriate behaviour towards Children and Young People.

In this Policy, we use the term 'Child and Young Person' to inclusively refer to both Children and Young People, acknowledging that some older children, while legally minors, may identify as Young People.

Additionally, we use the term 'parent' to refer to any adult who is responsible for a Child or Young Person, recognising that this may include guardians, carers or individuals in other roles.

## 2. Definitions

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In this Policy, the following words have the corresponding meaning:

**Activity** means any rugby related activity (including any contest, match, competition, tournament, event or training) sanctioned or organised by a Relevant Organisation.

**Adult** means a person aged 18 years or over.

**Approved Person** means a family member (such as a mother, father, sister, brother, grandparent, aunt, uncle or cousin), a guardian or carer, or a person who has an established relationship with the Child/Young Person and/or their family and has been approved by their parent.

**Bullying** means the repeated and intentional use of words or actions, or the misuse of power, by an individual or group against another individual or group that causes distress and/or poses a risk to their wellbeing.

**Child/Young Person** or **Children/Young People** means a person, or two or more persons, under the age of 18 years.

**Child Abuse** means any act, omission, or circumstance (whether singular or recurring) that causes, is causing or is likely to cause harm or such other detrimental effect to a Child/Young Person's physical, psychological or emotional wellbeing, or does, or is likely to, endanger a Child/Young Person's physical or emotional health, development or wellbeing. Child Abuse includes:

- (a) Physical Abuse;
- (b) Emotional (Psychological) Abuse;
- (c) Sexual Abuse;
- (d) Neglect; and
- (e) Exposure to Family and Domestic Violence.

**Child Protection Legislation** means all applicable state/territory Child/Young Person protection legislation as amended from time to time, a summary of which is available [here](#).

**Child Safe Commitment** means Rugby AU's commitment to Children/Young People's safety in rugby, available on its website<sup>1</sup>.

**Child and Young Person Safe Practices** means the mandatory practices and standards set out in **Appendix 3** of this Policy, adopted and implemented by Rugby AU and Relevant

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<sup>1</sup> <https://australia.rugby/about/codes-and-policies/child-safety/child-safe-commitment-statement>.

Organisations to safeguard Children/Young People from harm and to promote their while participating in any Activity.

**Club** means any club that enters a Team to participate in an Activity.

**Code of Conduct or the Code** means the Rugby AU Code of Conduct, adopted by Rugby AU for the handling and resolution of allegations regarding Prohibited Conduct and amended from time to time.

**Complaint Handler** means the person(s) appointed by a Relevant Organisation under the Rugby AU Code of Conduct who is responsible for the administration of the Code within their jurisdiction which includes receiving and investigating Complaints, determining breaches of the Code of Conduct, imposing sanctions, and maintaining accurate records related to the Code.

**Contractor** means any person or organisation engaged to provide services for or on behalf of a Relevant Organisation, and includes agents, advisers, and subcontractors of a Relevant Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.

**Discrimination** includes both direct and indirect discrimination (either in-person or online) which have the following meaning:

- (a) 'direct discrimination' occurs when a person is treated less favourably than a person in the same or similar circumstances, and that less favourable treatment is because of a Protected Characteristic.
- (b) 'indirect discrimination' occurs when a practice, rule, requirement or condition that applies to everyone but it: (1) disproportionately disadvantages people with a Protected Characteristic; and (2) is unreasonable in the circumstances.

**Emotional (Psychological) Abuse** means any act, behaviour or pattern of conduct that may diminish a Child/Young Person's sense of identity, dignity or self-worth or may cause emotional or mental harm. This can include but not be limited to:

- (a) repeated rejection or threats to the Child/Young Person (including on Social Media);
- (b) constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness and rejection (including on Social Media);
- (c) Bullying and Harassment (including on Social Media);
- (d) threats to physically harm or hurt a Child/Young Person (including on Social Media); and
- (e) harmful training methods or overtraining where there is the potential to damage a Child/Young Person's emotional wellbeing or development.

**Employee** means a person employed by a Relevant Organisation.

**Exposure to Family and Domestic Violence** refers to abusive behaviour in any personal relationship that allows one person to intimidate, or to gain power and control over the other. This is often thought of to occur between married spouses or in other intimate relationships, but actually refers to any family relationship, or persons living in the same home.

**Grooming** means behaviours that manipulate or control a Child/Young Person, their family, guardian and carers or other support networks, or organisations, with the intention to gain access to the Child/Young Person, obtain the Child/Young Person's compliance, maintain the Child/Young Person's silence, avoid discovery of Sexual Abuse or otherwise create an environment in which abuse can occur.

**Harassment** means any type of behaviour directed towards a Child/Young Person that is reasonably likely to cause harm or distress or make the Child/Young Person feel offended, humiliated and/or intimidated.

**Harmful Behaviour Towards a Child/Young Person** means any behaviour involving a Child/Young Person that is objectively age inappropriate and/or places the Child/Young Person at risk of harm. This includes, but is not limited to:

- (a) harmful training methods including physical punishment or overtraining which could reasonably cause harm to a Child/Young Person;
- (b) excessive or unnecessary emphasis on appearance, weight requirements or muscularity (including on Social Media) that may include practices such as:
  - (i) encouraging or enforcing excessive dieting or restrictive eating;
  - (ii) excessive weigh-ins or focus on weight goals; or
  - (iii) unsafe practices that could put health at risk to reach weight or appearance requirements without medical support (for example, dehydration or restrictive eating);
- (c) forcing a Child/Young Person to train or compete when ill or injured;
- (d) threatening or humiliating a Child/Young Person (including on Social Media);
- (e) using disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating;
- (f) making sexual comments to a Child/Young Person or engaging in open discussions of a sexual or adult nature (including on Social Media), with or in the presence of, a Child/Young Person;
- (g) taking inappropriate photos or footage of a Child/Young Person; or
- (h) inappropriate and/or intimate physical contact with a Child/Young Person which is sexual in nature and causes them to feel uncomfortable or feel pain or distress.

**Individual Member** means an individual who is registered with, or a member of, a Relevant Organisation.

**Mandatory Reporting** means the legislative requirement for specific people or groups of people to report suspected child abuse and/or neglect, a summary of which is available through the Australian Institute of Family Studies website<sup>2</sup>.

**Member** means a Relevant Organisation or an Individual Member.

**National Principles for Child Safe Organisations** means the National Principles which give effect to the child safe standards recommended by the Royal Commission into Institutional

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<sup>2</sup> <https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>.

Responses to Child Sexual Abuse and establish a nationally consistent approach to creating organisational cultures and practices that promote the safety and wellbeing of children in Australia<sup>3</sup>.

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

**Participant** means any of the following individuals:

- (a) **Players:** those registered, or entitled to play, with a Relevant Organisation or in any Activity;
- (b) **Coaches:** those appointed to train Player(s) or Team(s) within a Relevant Organisation or in any Activity;
- (c) **Administrators:** those involved in the administration or operation of a Relevant Organisation or any Activity, including owners, directors, committee members or other persons;
- (d) **Officials:** those appointed by a Relevant Organisation or any league, competition, series, Club or Team sanctioned by a Relevant Organisation including referees, citing commissioners, television match officials, match managers, ground marshals, or other officials.
- (e) **Support Personnel:** those appointed in a professional or voluntary capacity by a Relevant Organisation or in any Activity including, but not limited to, sports science or sport medicine personnel, Team managers and staff, agents and selectors; and
- (f) **Other Individuals:** those attending Activities, match venues or other facilities, including parents, guardians, spectators and sponsors.

**Person in a Position of Authority** means a person, regardless of age, who through their position or involvement in rugby or any Activity can exercise power, control, or influence over a Child/Young Person.

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

- (a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
- (b) harmful training methods or overtraining which have the potential to result in damage to a Child/Young Person's physical development.

**Player** means an individual that plays rugby or participates in any Activity as a player.

**Policy** means this Rugby Australia Child and Young Person Safeguarding Policy including any appendices or addendums.

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<sup>3</sup> National Principles for Child Safe Organisations | National Office for Child Safety.

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

**Protected Characteristic** means:

- (a) age;
- (b) disability or health status such as HIV/AIDS status;
- (c) race or ethnicity;
- (d) sex or intersex status;
- (e) gender identity;
- (f) sexual orientation;
- (g) religion or religious beliefs;
- (h) political affiliation or political beliefs.

**Recruitment and Screening** means the Child and Young Person safety recruitment and screening recommendations outlined in **Appendix 4**.

**Relevant Organisation** means any of the following organisations:

- (a) **Rugby AU;**
- (b) **Member Unions**<sup>4</sup>;
- (c) **Affiliated Unions**<sup>5</sup>;
- (d) **Rugby Bodies**<sup>6</sup>; and
- (e) **Any other organisation** that has agreed to be bound by this Policy.

**Relevant Person** means any of the following persons:

- (a) **Individual Member;**
- (b) **Participant;**
- (c) **Employee;**
- (d) **Contractor;**
- (e) **Volunteer;** and
- (f) **Any other individual** who has agreed to be bound by this Policy.

**Rugby AU** means Rugby Australia Ltd (ACN 002 898 544).

**Sexual Abuse** occurs when an Adult, or a Person in a Position of Authority involves a Child/Young Person in any act of a sexual nature. Perpetrators of Sexual Abuse take

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<sup>4</sup> Member Unions include Australian Capital Territory & Southern New South Wales Rugby Union Limited; New South Wales Rugby Union Limited; Northern Territory Rugby Union; Queensland Rugby Union Limited; Rugby Union South Australia Limited; Tasmanian Rugby Union; Victorian Rugby Union; Western Australia Rugby Union and any other body that is or becomes a 'Member Union' pursuant to the terms of the Rugby AU Constitution, as amended from time to time.

<sup>5</sup> The Affiliated Unions include Australian Schools Rugby Union; Australian Defence Force Rugby Union; Australian Universities Rugby Union; Australian Barbarian Rugby Club; Classic Wallabies; and any other body that is or becomes an 'Affiliated Union' pursuant to the terms of the Rugby AU Constitution, as amended from time to time.

<sup>6</sup> Rugby Bodies mean Rugby AU, each Member Union and Affiliated Union, any union, association or other body in membership with or affiliated to a Member Union or Affiliated Union and any rugby Club in membership with or affiliated to any of the foregoing which includes each Super Rugby Licensee (as that term is defined under the Rugby AU Constitution, as amended from time to time).



advantage of their power, influence, authority, or position over the Child/Young Person for their own benefit. It can include:

- (a) kissing, touching a Child/Young Person's genitals or breasts, oral sex, or intercourse with a Child/Young Person;
- (b) making sexual comments to a Child/Young Person (including on Social Media);
- (c) forcing or enticing a Child/Young Person to view, or be involved in the production of, pornographic material, including images or videos;
- (d) encouraging a Child/Young Person to behave in a sexually inappropriate way or grooming them for intended sexual abuse.

**Social Media** means any digital platform or application that enables users to create, display, share, or interact with and/or upload content including, but not limited to social networking sites, content sharing platforms, messaging apps, blogs, review sites, live streaming apps, podcasts, forums, online games and other similar platforms.

**Team** means a collection or squad of Players who compete and/or train in any Activity.

**Victimisation** means subjecting or threatening to subject a Child/Young Person (including on Social Media) to any unfair treatment because the Child/Young Person has made, or has indicated they or their parent intends to make, a complaint, report 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 (including on Social Media) that incites hatred, serious contempt for, or revulsion or severe ridicule of, a Child/Young Person or group of Children/Young People because of a Protected Characteristic, as may be covered by applicable legislation, as amended from time to time.

**Volunteer** means any person engaged by a Relevant Organisation or in any Activity in any capacity who is not otherwise an Employee or Contractor, including parents or carers that volunteer, directors, office holders, coaches, officials, administrators and Team support personnel.

**WWCC** means a 'Working with Children Check' (however named) under applicable state or territory legislation<sup>7</sup>.

## 3. Jurisdiction

### 3.1. WHO THIS POLICY APPLIES TO

This Policy applies to all Relevant Organisations and Relevant Persons.

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<sup>7</sup> A summary of which is available [here](#).

### 3.2. WHEN THIS POLICY APPLIES

- (a) All Relevant Organisations and Relevant Persons must comply with this Policy at all times. This includes but is not limited to:
  - (i) in relation to any dealings they have with a Child/Young Person arising from their involvement in any capacity within rugby and any Activity;
  - (ii) in relation to any dealings relating to a Child/Young Person that they might have with any Relevant Organisation or their Employees, Contractors, Volunteers and representatives;
  - (iii) when dealing with a Child/Young Person or other Relevant Person or Relevant Organisation in their official capacity; and
  - (iv) when engaging in Activities related to their general membership or standing as a Relevant Person or Relevant Organisation.
- (b) This Policy does not apply to interactions involving a Relevant Person and a Child/Young Person where there is no direct or indirect link to rugby or a Relevant Organisation<sup>8</sup>.

## 4. Prohibited Conduct

### 4.1. RELEVANT PERSONS

A Relevant Person commits a breach of this Policy when they:

- (a) are found guilty of breaching a relevant State, Territory, or Commonwealth law relating to or involving Child Abuse or Grooming; or
- (b) either alone, or in conjunction with another or others, engage in any of the following conduct (including on Social Media) against, or relating to, a Child/Young Person:
  - (i) Bullying;
  - (ii) Child Abuse;
  - (iii) Discrimination;
  - (iv) Harassment;
  - (v) Harmful Behaviour Towards a Child/Young Person;
  - (vi) Sexual Abuse;
  - (vii) Victimisation;
  - (viii) Vilification;
  - (ix) request or infer that a Child/Young Person keep any communication secret from their parents, or any other primary caregiver, or other

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<sup>8</sup> Such as a pre-existing personal or family relationship.

Relevant Persons such as a coach or administrator, or Relevant Organisation<sup>9</sup>;

- (x) supply alcohol, or drugs, which includes tobacco and e-cigarettes or vapes, to a Child/Young Person;
- (xi) supply medicine to a Child/Young Person, except for:
  - A. where the Relevant Person reasonably believes that the medicine is necessary for lifesaving medical treatment; or
  - B. when permitted by law; or
  - C. with the consent of the parent, carer, guardian or primary caregiver of the Child/Young Person, and under a valid prescription for that Child/Young Person and at the prescribed dosage;
- (xii) do not comply with the Child and Young Person Safe Practices set out in **Appendix 3** of this Policy that are applicable to all Relevant Persons;
- (xiii) have knowledge of, and fail to report, any concerns or allegations of Prohibited Conduct under this Policy in accordance with the Rugby AU Code of Conduct<sup>10</sup>;
- (xiv) do not provide true and accurate information during recruitment and screening or as part of any complaint or investigation conducted in relation to alleged Prohibited Conduct under this Policy;
- (xv) fail to comply with any provisional suspension or Sanction imposed on them under the Rugby AU Code of Conduct in relation to a breach or alleged breach of this Policy;
- (xvi) fail to comply with any obligation to which they are subject under Child Protection Legislation including in relation to Mandatory Reporting or obtaining a WWCC.

## 4.2. PERSONS IN A POSITION OF AUTHORITY

In addition to the Prohibited Conduct outlined in clause 4, a Person in a Position of Authority commits a breach of this Policy when they, either individually or collectively, engage in any of the following conduct against, or in relation to, a Child/Young Person in the circumstances outlined in clause 3:

- (a) continue in a Child/Young Person-related position<sup>11</sup> if they are aware they are the subject of a police investigation for, or have been charged or convicted of, a crime that would make them ineligible to be granted a WWCC; or
- (b) do not comply with the Child and Young Person Safe Practices that are applicable to Persons in a Position of Authority as set out in **Appendix 3**.

<sup>9</sup> This does not include ordinary peer to peer interactions between Children/Young People.

<sup>10</sup> Reports of a concern can be made via <https://australia.rugby/about/codes-and-policies/reporting-a-concern>.

<sup>11</sup> Appendix 5 outlines the criteria for how a role may be considered a Child/Young Person-related position.

### 4.3. RELEVANT ORGANISATIONS

- (a) A Relevant Organisation commits a breach of this Policy when it:
  - (i) does not comply with the Child and Young Person Safe Practices set out in **Appendix 3** that are applicable to Relevant Organisations;
  - (ii) does not comply with their obligations under the relevant Child Protection Legislation;
  - (iii) engages a person who does not have a satisfactory WWCC in the relevant state or territory<sup>12</sup>;
  - (iv) does not confirm the validity of a Relevant Person's WWCC currency;
  - (v) does not undertake any screening measures when appointing a person to a Child/Young Person-related position;
  - (vi) does not obtain adequate informed consent from a Child/Young Person's Approved Person/s prior to any transportation or overnight accommodation of Children/Young People sanctioned by a Relevant Organisation;
  - (vii) does not recognise or enforce any provisional suspension or sanction imposed under the Rugby AU Code of Conduct in respect of a breach or alleged breach of this Policy; or
  - (viii) has knowledge of and, without reasonable excuse, does not promptly report, a breach of clause 4 of this Policy in accordance with the Rugby AU Code of Conduct<sup>13</sup>.
- (b) Rugby AU, where operating outside of Australia as part of a program that is funded, or part funded by the Department of Foreign Affairs and Trade (DFAT), must report to DFAT any breaches of the Policy or Rugby AU Code of Conduct that are alleged to have occurred in that international environment.

## 5. Reporting and Complaints

- 5.1. Allegations of Prohibited Conduct under this Policy will be managed in accordance with the Rugby AU Code of Conduct.
- 5.2. Where a Relevant Organisation becomes aware of an alleged breach of this Policy, and the information known about that alleged breach would cause a reasonable person to suspect that a Child/Young Person is, or is at risk of, being abused and/or neglected:
  - (a) Relevant Organisations must comply with, and procure compliance with, the requirements of *Responding to Child Abuse Allegations* in **Appendix 2**. This includes

<sup>12</sup> For the avoidance of doubt, if a person is not eligible to apply for a WWCC in the relevant jurisdiction (e.g. because they are a parent volunteering), it will not be a breach of this clause for a Relevant Organisation to engage that person without a WWCC.

<sup>13</sup> Reports of a concern can be made via <https://australia.rugby/about/codes-and-policies/reporting-a-concern>.

waiting until statutory agencies have confirmed that they are either not responding to an allegation or have finalised any intervention they deem appropriate;

- (b) no further action under the Rugby AU Code of Conduct in relation to that potential breach, except provisional action or assessment, should occur unless or until the obligations in clause 5.2(a) are complied with;
- (c) the Relevant Organisation must apply appropriate risk mitigation strategies to keep all Children/Young People safe while an allegation or complaint is being assessed/investigated. This may include interventions such as supervision, suspension from duties, restriction of duties or temporary redeployment, or suspension or restriction of rights, privileges or benefits.

- 5.3. Any behaviour that may constitute a criminal offence must be reported to the relevant authorities or statutory agencies, such as the Police or Children's Services, in accordance with the relevant state/territory law. Contact details for these services and agencies can be found in **Appendix 1**.
- 5.4. Complaints about an alleged breach of the Policy should be submitted to Rugby AU in writing, via the Rugby AU website<sup>14</sup>.
- 5.5. Where complaints are managed under the Rugby AU Code of Conduct, the complaint handling processes set out in the Code of Conduct must be followed.
- 5.6. When dealing with complaints about an alleged breach of this Policy, the implementation of the complaint handling processes needs to be accessible and responsive to the needs of Children/Young People and must incorporate child-safe practices. This may include allowing the parent or guardian of the Child/Young Person to accompany them through and/or act on their behalf through the complaints process.

## 6. Other Matters

### 6.1. EDUCATION

- (a) Rugby AU is committed to ensuring all Relevant Organisations and Relevant Persons are afforded the opportunity to improve their understanding of this Policy, their responsibilities under it, as well as the threats and risks that Prohibited Conduct poses to Children/Young People and will develop an education plan to reflect this.
- (b) Rugby AU will make education modules related to the Rugby AU Code of Conduct and this Policy available to all Participants.
- (c) A Relevant Organisation may require certain Participants to undertake education and training, which will be relevant and proportionate to their level of participation in rugby and the associated integrity risks.

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<sup>14</sup> <https://australia.rugby/about/codes-and-policies/reporting-a-concern>.

## 6.2. STATE/TERRITORY SPECIFIC CHILD SAFE STANDARDS

This Policy is underpinned by the National Principles for Child Safe Organisations. Some states and territories have established their own child safe standards with compliance requirements. Relevant Organisations and Relevant Persons are responsible for familiarising themselves with the legislative requirements in their state or territory and taking steps to ensure that they are meeting any additional compliance requirements, including by adopting additional procedures, policies or standards where necessary.

## **APPENDIX 1: Australian State/Territory Agencies**

<p>ACT Police</p> <p>Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a></p>	<p>Child and Youth Protection Services:  <a href="https://www.communityservices.act.gov.au/ocys/children/child-and-youth-protection-services">https://www.communityservices.act.gov.au/ocys/children/child-and-youth-protection-services</a> Ph: 1300 556 729</p>
<p>New South Wales Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a></p>	<p>Office of the Children's Guardian  <a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a> Ph: (02) 8219 3600</p> <p>Family and Community Services - Child Protection Helpline  <a href="https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk">https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk</a> Ph: 132 111</p>
<p>Northern Territory Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a></p>	<p>Child Abuse Hotline – NT Govt: <a href="https://nt.gov.au/law/crime/report-child-abuse">https://nt.gov.au/law/crime/report-child-abuse</a> Ph: 1800 700 250</p>
<p>Queensland Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a></p>	<p>Department of Children, Youth Justice and Multicultural Affairs:  <a href="https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse">https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse</a>  Ph: 1800 177 135</p>
<p>South Australia Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.police.sa.gov.au">www.police.sa.gov.au</a></p>	<p>Department for Child Protection: <a href="http://www.childprotection.sa.gov.au">www.childprotection.sa.gov.au</a>  Ph: 131 478</p>
<p>Tasmania Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a></p>	<p>Department of Communities:  <a href="https://www.communities.tas.gov.au/children/child_protection_services">https://www.communities.tas.gov.au/children/child_protection_services</a>  Ph: 1800 000 123</p>
<p>Victoria Police</p> <p>Non-urgent police assistance Ph: (03) 9247 6666  <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a></p>	<p>Families, Fairness and Housing: <a href="https://services.dffh.vic.gov.au/child-protection">https://services.dffh.vic.gov.au/child-protection</a> Ph: 131 278</p>
<p>Western Australia Police</p> <p>Non-urgent police assistance Ph: 131 444  <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a></p>	<p>Department of Communities, Child Protection and Family Support:  <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a>  Ph: 1800 273 889</p>

## **APPENDIX 2: Responding to allegations of Child Abuse**

You have an obligation to act. Under relevant state/territory laws, failure to report any reasonable suspicion or knowledge that a Child/Young Person is or is likely to be at risk of harm could result in criminal proceedings. This Annexure provides examples of the main actions that must be followed, however knowledge of the relevant state/territory reporting obligations is critical.

### **You **must** ACT.**

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

#### **Action 1 - Respond**

**If a Child/Young Person 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/Young Person and others involved; and
- 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 – Report**

If you suspect, on reasonable grounds that a Child/Young Person 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 (a list of which can be found [here](#)).

If the alleged Child Abuse is occurring in a Relevant Organisation, it must also be reported to Rugby AU via the [Reporting a Concern](#) page on the Rugby AU website.

#### **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/carers, and who should lead this contact (i.e. Police, Child Protection agency or Relevant Organisation representative). This could include advice:

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

#### **Action 4 – Support**

- Support should be provided to any Child/Young Person that has experienced abuse.
- It is important that the person providing support to the Child/Young Person does not attempt to provide support which is outside 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.
- Information regarding allegations of Child Abuse need to be well documented and shared with Rugby AU in writing, via the [Reporting a Concern](#) page on the Rugby AU website.
- Further support for the Child/Young Person, relevant Adults and others involved may be required, including a referral to wellbeing or healthcare professionals and/or the development of a safety plan.



## **APPENDIX 3: Child and Young Person Safe Practices**

These Child and Young Person Safe Practices (**Practices**) have been developed to ensure that Relevant Persons and Relevant Organisations can identify and prevent behaviour that may be harmful to Children/Young People in rugby.

The Practices do not apply<sup>15</sup>:

- (a) when a Relevant Person or Person in a Position of Authority is also an Approved Person in respect to that Child/Young Person; or
- (b) in an emergency and where the action is protective of a Child/Young Person, when prior authorisation is not reasonably possible.

These Practices set out requirements for how Relevant Organisations and Relevant Persons must interact with Children/Young People. A failure to comply with these Child/Young Person Safe Practices will be a breach of this Policy and constitute Prohibited Conduct as set out in clause 4 of the Policy.

### **1. Positive guidance (discipline)**

- (a) Children/Young People participating in rugby should be made aware of the acceptable limits of their behaviour so that a positive experience can be provided for all Participants.
- (b) Relevant Persons and Relevant Organisations must use appropriate techniques and behaviour management strategies to ensure an effective and positive environment and the safety/wellbeing of Children/Young People.
- (c) Strategies should be fair, respectful and appropriate to the developmental stage of the Children/Young People involved and should they behave inappropriately, it is important that they are provided with clear directions and given an opportunity to understand and address their behaviour.
- (d) Relevant Organisations or Relevant Persons must not, under any circumstances, take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered degrading, harmful, embarrassing, cruel, frightening or humiliating.

### **2. Use of language and tone of voice**

The use of positive language and tone of voice is critical to ensuring a positive environment where Children/Young People can thrive.

- (a) Relevant Persons should ensure their use of language and tone of voice in the presence of Children/Young People:
  - (i) provides clear direction, boosts their confidence and encourages and affirms them; and
  - (ii) is not harmful to them.

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<sup>15</sup> Relevant Organisations and Relevant Persons are still expected to take all reasonable steps to follow the Practices where possible and must ensure that they always act in the best interests of the Children and Young People involved. If the Practices are not followed, then the reasons must be clearly documented.

- (b) Relevant Persons must not use language towards or in the presence of Children/Young People that is:
- (i) discriminatory, racist or sexist;
  - (ii) derogatory, belittling or negative, for example, by calling a Child/Young Person a 'loser' or telling them they are 'too fat' or 'not big/strong enough';
  - (iii) intended to threaten or frighten; or
  - (iv) profane or sexual.

### **3. Adhere to professional boundaries**

- (a) A Person in a Position of Authority must establish and maintain professional boundaries (including on Social Media) when working with Children/Young People in rugby. Professional boundaries ensure that the nature of the relationship between a Person in a Position of Authority and a Child/Young Person does not shift from a professional relationship to a personal one and becomes harmful or exploitative to the Child/Young Person and/or their family.
- (b) Unless they are also the Child/Young Person's Approved Person, a Person in a Position of Authority must not:
- (i) provide any form of support to a Child/Young Person, or their family (where there is no existing social, personal or family relationship), that is unrelated to the scope of their role (this could include financial assistance, babysitting or providing accommodation to the Child/Young Person);
  - (ii) accept any invitations to attend private social functions at the request of a Child/Young Person who has participated in, or is participating in, any Activity;
  - (iii) engage in activities with Children/Young People outside the scope of their role or outside of any authorised Activities;
  - (iv) use a personal phone, camera, or video camera to take images of Children/Young People (subject to paragraph 6 below);
  - (v) exhibit any type of favouritism towards a Child/Young Person;
  - (vi) transport Children/Young People unless specifically approved and in accordance with paragraph 12 below;
  - (vii) give gifts/presents from Children/Young People other than the provision of official awards;
  - (viii) engage in open discussions of a mature or adult nature, or anything else that could be reasonably considered as inappropriate, in the presence of Children/Young People;
  - (ix) have one-to-one contact with a Child/Young Person outside of Activities, which includes direct contact such as 'in-person contact' as well as indirect, including via a phone or on Social Media.
- (c) If Relevant Persons become aware of any situation where a Child/Young Person requires

assistance that is outside the scope of their role, or beyond the scope of the Relevant Organisation's usual service, unless it is an emergency, they should at the earliest opportunity:

- (i) refer the matter to an appropriate support agency (see **Appendix 1**);
- (ii) refer the Child/Young Person to an appropriate support agency;
- (iii) contact the Child/Young Person's parent(s), carer(s) or guardian(s);
- (iv) seek advice from Club management, the relevant Member Union or Rugby AU;
- (v) submit a report via the 'Child Safeguarding' option on Rugby AU's Report a Concern website<sup>16</sup>.

#### **4. Supervision**

- (a) Relevant Organisations must ensure that Children/Young People participating in Activities are adequately supervised.
- (b) Relevant Persons responsible for supervising Children/Young People who participate in Activities provided by a Relevant Organisation should use their best endeavours to ensure that those participants:
  - (i) positively engage in Activities;
  - (ii) behave appropriately towards one another; and
  - (iii) are in a safe environment and are protected from external threats.
- (c) Supervision must be constant, active, and diligent, prioritising the safety and wellbeing of Children/Young People, and where possible a Relevant Person must be able to observe each Child/Young Person.
- (d) Where direct supervision is not possible, a Relevant Person must know the location of each Child/Young Person and ensure that they can respond to their individual needs and immediately intervene if necessary.
- (e) Relevant Persons should avoid one-to-one situations with Children/Young People under their supervision and (where possible) should conduct all Activities and/or discussions with them in the presence/view of others. This is for the safety and integrity of both Relevant Persons and Children/Young People.

#### **5. Use of electronic communications**

Rugby AU acknowledges the benefits that technology, communication platforms and devices can offer to Relevant Organisations and Relevant Persons, for example, in managing schedules, teams and competitions. However, it must also be recognised that these technologies and communication platforms and devices also present a fundamental risk to child safety, such as being used to groom or make inappropriate and unsupervised contact with Children/Young People. As such:

- (a) A Person in a Position of Authority unless they are also an Approved Person (in respect

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<sup>16</sup> <https://australia.rugby/about/codes-and-policies/reporting-a-concern>.

to the relevant Child/Young Person), Medical Practitioner or Health Professional, must not communicate directly (one to one, or one to group) with a Child/Young Person either electronically or online (including phone calls) without the inclusion of a representative from the Relevant Organisation and/or the Child/Young Person's parent or carer. Communication by Medical Practitioners and Health Professionals must only relate to appropriate and required medical care in this context.

- (b) When communicating with Children/Young People, a Person in a Position of Authority must ensure content is:
  - (i) directly associated with delivering Activities, such as advising that a scheduled event is cancelled;
  - (ii) concise with personal or social content in such communications, limited to what is required to convey the service-related message in a polite, friendly manner;
  - (iii) devoid of any sexualised language;
  - (iv) not promoting unauthorised social activity or attempting to arrange unauthorised contact; and
  - (v) not requesting a Child/Young Person to keep a communication secret from their parents/carers/guardians.
- (c) When communicating with Children/Young People, a Person in a Position of Authority must not communicate with Children/Young People using internet chat rooms or similar forums such as social networking sites or game sites.

## **6. Photographs and video recordings of children and young people**

- (a) An Approved Person may photograph or film their Child/Young Person when participating in rugby.
- (b) Relevant Persons and Relevant Organisations must always act in accordance with any applicable laws or regulations within their state/territory relating to the capture, storage and dissemination of photographs or video recordings of Children and Young People.
- (c) Additionally, the following applies:
  - (i) When arranging official photography/videography of Children/Young People involved in rugby, Relevant Organisations must:
    - A. ensure the Child/Young Person's parent(s), carer(s) or guardian(s) has granted prior consent through Rugby AU's Registration terms and conditions or other means which may include electronic messaging formats such as email or SMS. Where appropriate and possible, consent should also be sought from the Child/Young Person;
    - B. give due consideration to Children/Young People who are known to the Relevant Organisation to be protected by a court order;
    - C. appoint a photographer/videographer who holds a current WWCC;
    - D. ensure the photographer/videographer is supervised at all times and

that the image is taken in the presence of others;

- E. ensure the context is directly related to participation in rugby;
  - F. ensure the Child/Young Person is appropriately dressed and posed;
  - G. not distribute images or videos (including as an attachment to an email) to anyone outside the Relevant Organisation other than to the Child/Young Person or their parent/carer/guardian, without parent/carer knowledge and approval.
- (ii) Relevant Organisations must store images (digital or hard copy) in a manner that prevents unauthorised access by others and enables them to be destroyed or deleted as soon as they are no longer required.
  - (iii) Video footage of matches and training must be used appropriately and, in the context, directly related to participation in rugby.
  - (iv) Relevant Organisations must not publish images or footage of a Child/Young Person or identify the Child/Young Person pictured, whether online or in print, without written consent from the Child/Young Person's parent or carer. Where appropriate and possible, consent should also be sought from the Child/Young Person.
  - (v) Relevant Organisations must ensure any Employee, Volunteer or Contractor (such as an event photographer) comply with the above requirements whilst working at an Activity.

## **7. Physical contact with Children and Young People**

Rugby AU acknowledges that occasional and appropriate physical contact may be required to teach the correct technique of certain skills in rugby, such as technique correction, and to administer first aid.

Additionally, the following applies:

- (a) Any physical contact with Children/Young People must be appropriate in the context of delivering Activities and based on the needs of the Child/Young Person (including adjustments based on any additional needs due to impairment or disability) such as assisting with the use of equipment, technique assistance or correction, treatment by a health practitioner or administering first aid.
- (b) Relevant Persons must not make contact with Children/Young People participating in rugby that:
  - (i) involves touching of genitals or the breast area other than as part of delivering necessary 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/Young Person (e.g. corporal punishment);

- (iv) is overly physical (e.g. horseplay, tickling or other roughhousing), except where this contact is consistent with the rules and context of rugby and accepted and reasonable behaviour within the Activity when undertaking the Activity;
- (v) is unnecessary (e.g. assisting with toileting when a Child/Young Person does not require assistance); or
- (vi) is initiated against the wishes of the Child/Young Person, except if such contact may be necessary to prevent injury to the Child/Young Person or to others, in which case:
  - A. physical restraint should be a last resort;
  - B. the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child/Young Person to prevent harm to themselves or others; and
  - C. the incident must be reported through Rugby AU's Report a Concern platform<sup>17</sup> as soon as possible.
- (c) Relevant Persons must report to the Relevant Organisation any physical contact initiated by a Child/Young Person that is sexual and/or otherwise inappropriate (e.g., acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the Child/Young Person, Relevant Persons, and any other participants.

## **8. Overnight stays and sleeping arrangements**

- (a) Overnight stays involving Children/Young People must be approved and managed by the Relevant Organisation.
- (b) Written parent/carer consent must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS. Where appropriate and possible, consent should also be sought from the Child/Young Person.
- (c) The standards of conduct and practices and behaviour by Relevant Persons during an overnight stay must be consistent with the practices and behaviours that are expected when delivering rugby.
- (d) Standards of conduct that must be observed by Relevant Organisations and Relevant Persons involved during an overnight stay include:
  - (i) providing Children/Young People with privacy when bathing, toileting and dressing;
  - (ii) observing appropriate dress standards when Children/Young People are present and ensuring Children/Young People are not exposed to nudity;
  - (iii) ensuring that Children/Young People are not exposed to pornographic material, which may include, movies, television, internet, magazines or any other form;

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<sup>17</sup> <https://australia.rugby/about/codes-and-policies/reporting-a-concern>.

- (iv) ensuring that Children/Young People are not left under the supervision or protection of unauthorised persons such as accommodation staff or friends;
- (v) ensuring that sleeping arrangements do not compromise the safety of Children/Young People, including:
  - A. an Adult must not sleep in the same room as Children/Young People unless they are the parent or have parental responsibility for those Children/Young People;
  - B. Children/Young People only share hotel rooms or bedrooms with other Children/Young People of the same gender and of a similar age, unless they are sharing with their parent/carer/guardian;
  - C. Children/Young People must not share a bed with an Adult or another Child/Young Person; and
  - D. Children/Young People who are transgender are consulted on their choice of sleeping arrangements;
- (vi) ensuring that Children/Young People are able to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay and take immediate steps to address any risks identified by them;
- (vii) ensuring that parents/carers/guardians are permitted to contact their Child/Young Person if required; and
- (viii) there are adequate chaperones present; and any chaperones have been adequately screened, briefed and trained<sup>18</sup>.

## **9. Change room arrangements**

- (a) Children/Young People must be supervised in any change room that is in official use by a Relevant Organisation, whilst ensuring their right to privacy.
- (b) A Person in a Position of Authority must not:
  - (i) shower or change at the same time as Children/Young People; or
  - (ii) be alone with a Child/Young Person in a change room.
- (c) Relevant Persons must not use any camera or other recording device in a change room.
- (d) Persons in a Position of Authority must 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/Young Person's privacy.

## **10. Alcohol or drug use, possession and supply**

- (a) Persons in a Position of Authority must not:

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<sup>18</sup> Examples of an adequate chaperone ratio are 1 chaperone to 4 children under 16 years of age, or 1 chaperone to 6 children over 16 years of age.

- (i) use, possess or be under the influence of an illicit drug while supervising or in the presence of a Child/Young Person or Children/Young People;
- (ii) use or be under the influence of alcohol while supervising a Child/Young Person or Children/Young People during an Activity;
- (iii) be impaired by any other legal drug such as prescription or over-the-counter drugs while supervising or in the presence of a Child/Young Person or Children/Young People;
- (iv) supply alcohol or drugs (including tobacco, e-cigarettes or vapes) to any Child/Young Person or Children/Young People; or
- (v) supply or administer medicines, except when permitted by law or with the consent of the Child/Young Person's parent or carer and under a valid prescription for that Child/Young Person and at the prescribed dosage.

### **11. Parent/Guardian/Carer Involvement**

(a) Relevant Organisations must:

- (i) ensure that a parent/carers is involved in any significant decision, including the signing of any documentation in relation to their Child/Young Person's involvement in any Activities;
- (ii) not prevent parents/carers from accessing their Child/Young Person when required; and
- (iii) make parents/carers aware of the standard of behaviour required when watching their Child/Young Person during an Activity. Parents/carers displaying inappropriate conduct may be asked to leave, however may not be denied access to their Child/Young Person for an undetermined amount of time.

### **12. Transporting children and young people**

- (a) Children/Young People must only be transported in circumstances that are directly related to the delivery of rugby.
- (b) Other than in an emergency, a Person in a Position of Authority, unless they are an Approved Person, must not transport a Child/Young Person without prior written approval from their parent or carer.
- (c) When transporting Children/Young People, the Person in a Position of Authority 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/Young Person.
- (d) Children/Young People must only be transported in a roadworthy vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints are fitted as required.

### **13. Drop off and Pick Up of Children and Young People**

(a) Relevant Organisations must:



- (i) have an accessible register of parent and carer emergency contact numbers and an operational phone; and
- (ii) ensure that if a parent or carer is late, they make reasonable attempts to contact them. It is not the responsibility of a Person in a Position of Authority to transport Children/Young People home if their parent or carer is late for pick up.

## **APPENDIX 4: Recruitment and Screening Recommendations**

Rugby AU takes safeguarding Children/Young People seriously and ensures that only personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children/Young People are recruited.

These recruitment and screening recommendations have been developed to provide a fair, safe, consistent, and comprehensive process to engage personnel across our sport.

These recommendations should be read in conjunction with clause 4 of this Policy which sets out the specific conduct and failures in relation to recruitment and screening that will amount to a breach of this Policy and for which sanctions may be imposed.

### **1. Child/Young Person-Related Positions**

- (a) A Child/Young Person-related position means a position that involves or may involve contact with Children/Young People, either under the position description or due to the nature of the role.
- (b) All roles within rugby (employees and volunteers) both new and existing should be assessed using **Appendix 5**.
- (c) Positions assessed as 'Child/Young Person-related' should be appointed using the recruitment and screening process outlined in this **Appendix 4**.

### **2. Position Descriptions**

- (a) Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a Child/Young Person safety risk.
- (b) Examples of appropriate selection criteria may include:

*'Must have experience working with Children/Young People.'*

*'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children/Young People.'*

### **3. Advertising**

All positions identified as Child/Young Person-related should include the following statement in the position description and any advertising:

*(Sport Organisation, e.g. Rugby AU) is committed to protecting Children/Young People from harm. We require all applicants that will work with Children/Young People to undergo an extensive screening process prior to appointment.*

### **4. Interviews**

- (a) Relevant Organisations should conduct an interview when appointing a person to a Child/Young Person-related position, preferably in-person or on a videoconference (e.g., Zoom).
- (b) During the interview, questions regarding the applicant's suitability to work with Children/Young People should be included. Refer to **Appendix 6**.

## **5. Working with Children Checks**

- (a) Working with Children Check (WWCC) laws aim to help prevent people who pose a known unacceptable risk from working with Children/Young People as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.
- (b) 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/Young People. Whether a particular individual is required to undertake a check depends on the WWCC laws of the relevant state or territory.
- (c) Relevant Organisations must meet the requirements of the relevant state or territory WWCC laws. Specific state and territory requirements can be found [here](#).
- (d) All personnel that require a WWCC will supply a copy of it to, and/or authorise the Relevant Organisation making the appointment to verify the currency of the WWCC.
- (e) Relevant Organisations must not engage a person who does not have a satisfactory WWCC in the relevant jurisdiction(s).
- (f) Regardless of whether an individual is required or otherwise eligible to obtain a WWCC in the relevant jurisdiction(s), it would be a breach of the Safeguarding Children and Young People Policy if an individual:
  - (i) who has guilty findings that would make them ineligible to be granted a WWCC is appointed to a Child/Young Person-related position in our sport; or
  - (ii) continues in a Child/Young Person-related position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- (g) Relevant Persons are required to report to a Relevant Organisation any criminal guilty findings or charge that indicates that they may present a potential risk to the Children/Young People 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**

- (a) Depending on the relevant jurisdictional legislation a Relevant Organisation 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.
- (b) 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/Young People. 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).
- (c) 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 the Relevant Organisation.
- (d) 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**

- (a) Any applicant who has resided overseas for 12 months or more in the last ten years should obtain an international criminal check.
- (b) Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks should be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.
- (c) The Relevant Organisation should 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 should be verified and can include previous employers.
- (d) Overseas applicants should not commence until this process is satisfactorily completed.

## **8. Monitoring compliance**

Relevant Organisations will ensure that all personnel in Child/Young Person-related positions have a current WWCC and or relevant probity checks, as specified in state and territory legislation, a summary of which can be found [here](#).

## **9. Reference checks**

- (h) The Relevant Organisation should 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.
- (i) The selected referees should:
  - (i) be able to provide information relating to the applicant's suitability to work with Children/Young People;
  - (ii) have known the applicant for at least 12 months;
  - (iii) not be related to the applicant;
  - (iv) 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.

- (j) Referees should be asked directly about any concerns they may have about the applicant working with Children/Young People. Refer to **Appendix 7**.

## **10. Qualification and registration checks**

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

## **11. Engagement of Children/Young People**

- (a) If a person under the age of 18 is appointed to a Child/Young Person-related position, the Relevant Organisation should:
- (i) comply with the relevant WWCC legislation;
  - (ii) undertake appropriate screening (interviews and referee checks);
  - (iii) ensure that they are aware that they are bound by the Safeguarding Children and Young People Policy, Child/Young Person Safe Practices and the obligations associated with WWCC; and
  - (iv) obtain information about any pre-existing relationships, especially where the Child/Young Person-applicant interacts personally with another Child/Young Person participant.

## **APPENDIX 5: Child/Young Person-Related Position Assessment Recommendations**

Note: State and territory jurisdictions have different requirements regarding screening and WWCC. This Child/Young Person-related position assessment aims to assist Relevant Organisations identify Child/Young Person-related positions however, **it should not be used to determine if a Relevant Person requires a WWCC.**

Specific state and territory requirements can be found [here](#).

<b>Question – Does the position/activity (paid/unpaid or volunteer):</b>	<b>Yes</b>	<b>No</b>
Involve supervising children?		
Involve being alone with children or engaging with children in a way that is not observed or monitored?		
Involve activities with children away from the organisation's usual location?		
Involve direct one-on-one or group contact with children via phone, letter, email, online or social media?		
Involve supervising child-to-child online contact?		
Have access (online or paper-based) to a child's or children's personal and/or confidential information?		
Involve the need for physical contact/touching children?		
Involve 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)?		
Involve any other type of contact with children?		
<p>If you answered YES to one or more of the above questions, the position <b>is a Child/Young Person-related position.</b></p> <p>The Relevant Organisation is required to undertake the recommended recruitment and screening process as outlined in <b>Appendix 4.</b></p> <p>Relevant Organisations must also meet the requirements of the relevant state or territory WWCC laws.</p>		

## **APPENDIX 6: Interview Recommendations 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/Young People. 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 should be asked**

- Would you please tell us about your beliefs and values in relation to working with Children/Young People?
- 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/Young People?
- What boundaries are important when working with Children/Young People?
- Have you ever had any disciplinary action taken against you in relation to you working with Children/Young People?

### **Additional Questions (for positions that work predominantly with Children/Young People) that MAY be asked**

- What do you find most rewarding about working with Children/Young People?
- What do you find most challenging about working with Children/Young People?
- How would you handle a Child/Young Person who is behaving disruptively in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with Children/Young People?
- Are there any Children/Young People whom you would not wish to work with and, if so, why?
- How would you deal with a Child/Young Person who is acting aggressively?
- Have you ever lost your temper working with Children/Young People? What was the trigger for this? What was the outcome?
- How would you respond to a Child/Young Person who disclosed they were being subjected to abuse?
- A parent of a Child/Young Person attending your service wants someone from the organisation to care for their Child/Young Person 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/Young Person?

- What would you do if you thought a Child/Young Person was being abused at home?
- Can you tell us about Children/Young People you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a Child/Young Person 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 their responses.

**RED FLAGS** include, but are not limited to:

- unexplained lengthy gaps in employment history;
- strange or inappropriate questions / statements about Children/Young People;
- expresses an interest in spending time alone with Children/Young People or in working with Children/Young People of a particular age or gender;
- excessive interest in Child/Young Person photography; and
- being evasive or inconsistent in responding to questions.



## **APPENDIX 7: Reference Check Recommendations 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 should 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/Young People?
- 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/Young People?
- To your knowledge, has this person ever been involved with the abuse or neglect of Children/Young People?

### **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; and
- referees that were not informed they would be used.

