

Policy for Safeguarding Children and Young People

Purpose

Children and Young People are the future of cricket. Their wellbeing is paramount, and South Australian Cricket Association Limited (**SACA**) is committed to providing a safe environment for their participation.

The purpose of this Policy is to support and supplement the Australian Cricket Safeguarding Children and Young People Framework by outlining SACA's approach to safeguarding Children and Young People in South Australia, including providing general guidance on applicable Child Safety Laws.

Defined terms used in this Policy are explained in Schedule 1.

Scope

This Policy applies to SACA Affiliated Associations and Clubs.

Adoption and compliance requirements

SACA adopts and applies the Australian Cricket Safeguarding Children and Young People Framework, comprising:

- Australian Cricket's Policy for Safeguarding Children and Young People;
- Australian Cricket's Statement of Commitment to Child Safety; and
- Australian Cricket's Looking After Our Kids Code of Behaviour.

Together, these documents establish a single, nationally consistent framework for safeguarding Children and Young People involved in cricket across Australia.

SACA requires all Affiliated Associations and Clubs to adopt, implement and comply with the following:

- SACA's Policy for Safeguarding Children and Young People (**this Policy**); and
- the Australian Cricket's Safeguarding Children and Young People Framework (**AC Framework**).

These documents are available on the SACA website. The AC Framework can also be accessed on the Cricket Australia website.

Affiliated Associations and Clubs must formally adopt this Policy and the AC Framework annually in accordance with their Constitution or Rules of Incorporation (including, where permitted, by circular resolution).

Affiliated Associations and Clubs must also annually confirm to SACA in writing their adoption of

this Policy and the AC Framework, in the manner advised by SACA.

The Cricket Australia website contains supporting resources, including an Adoption Guide, designed to assist Affiliated Associations and Clubs with adopting and implementing the AC Framework. Affiliated Associations and Clubs must follow all steps set out in the Adoption Guide and should utilise other supporting resources as required.

Affiliated Associations and Clubs are responsible for the administration and management of all safeguarding requirements set out in the AC Framework, including, but not limited to;

- Appointment of a Child Safe Officer;
- Adoption and promotion of the Safeguarding Children and Young People Framework;
- Administration and management of recruitment, screening and induction processes; and
- Working with Children Check compliance for all employees and volunteers engaged by or on behalf of an Affiliated Association or Club.

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

Audit

Adoption, implementation and compliance with this Policy and the AC Framework may be audited by SACA from time to time.

Affiliated Associations and Clubs must on SACA's request provide access to documents, information, systems or personnel of the Affiliated Association or Club as reasonably necessary to undertake the audit and to ascertain compliance.

If notified by SACA in writing, Affiliated Associations and Clubs may be required to undertake remedial action, process improvement, training or other actions in order to achieve compliance with this Policy and the AC Framework.

Condition of support and affiliation

SACA may take into account the compliance or non-compliance by an Affiliated Association or Club with this Policy and the AC Framework when determining whether or not to provide assistance or support to that Affiliated Association or Club. For example, SACA may (amongst other requirements) require that compliance be demonstrated as a condition of awarding grant funding or providing letters of support to an Affiliated Association or Club.

Significant, repeated and/or ongoing non-compliance with this Policy or the AC Framework may result in an Affiliated Association or Club being removed from affiliation with SACA, determined at SACA's discretion.

Additional requirements – South Australian Child Safety Law

Background

The AC Framework applies generally across cricket organisations in Australia, but it acknowledges that there are differences in the Child Safety Laws which apply in each jurisdiction.



This Policy supplements the AC Framework by providing guidance on the Child Safety Law in South Australia. This is intended as general summary and guidance only, current as at the date of this Policy. Consult the legislation and the relevant government departments directly for comprehensive current details.

In South Australia, relevant child safety laws are set out in the *Children and Young People (Safety) Act 2017 (SA)*, *Children and Young People (Safety) Regulations 2017 (SA)*, *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *Child Safety (Prohibited Persons) Regulations 2019 (SA)* (collectively, the **Child Safety Law**).

All Affiliated Associations and Clubs, and their Cricket Participants, must comply with the Child Safety Law.

The AC Framework, and in particular Australian Cricket's Policy for Safeguarding Children and Young People and this Policy, must also be read, interpreted and applied with reference to, and in conjunction with, the Child Safety Law.

Screening and Working with Children Checks

As noted in Annexure C of Australian Cricket's Policy for Safeguarding Children and Young People, Working with Children Check regimes apply throughout Australia but differ between jurisdictions.

In South Australia, the relevant laws and requirements are set out in the *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *Child Safety (Prohibited Persons) Regulations 2019 (SA)*.

Affiliated Associations and Clubs:

- with significant membership of, or involvement by, Children and Young People; or
- who provide coaching to Children and Young People

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

An Affiliated Association or Club must not engage a person (whether as an employee or volunteer), unless the Affiliated Association or Club has verified that a Working with Children Check has been conducted in relation to the person within the previous 5 years and that the person is not a prohibited person under Child Safety Law.

Failure to comply with these requirements may constitute an offence under the Child Safety Law, with maximum penalties of up to \$120,000 and/or imprisonment for 1 year.

Affiliated Associations and Clubs must register as an Organisation on the DHS Screening Unit website and maintain an Organisation Portal as a means of managing, verifying and monitoring Working with Children Checks for all employees and volunteers.

Registering as an Organisation on the DHS Screening Unit website requires an Australian Business Number (ABN). If an Affiliated Association or Club does not have an ABN, it will need to obtain one.

Verification of all employee and volunteer Working with Children Checks is to be undertaken by the relevant Affiliated Association or Club using the Organisation Portal.



To ensure continuous monitoring by the Department of Human Services (**DHS**), the Affiliated Association or Club must 'register interest' in all employees and volunteers via the Organisation Portal.

Working with Children Check applications are free for volunteers and may be lodged directly by the individual or may be initiated by an Affiliated Association or Club on the individual's behalf (through the Association or Club Organisation Portal).

Employees and volunteers of an Affiliated Association or Club must, if requested by a parent or guardian of a Child or Young Person, provide the parent or guardian with the person's full name and their Working with Children Check screening reference number, to enable the parent or guardian to verify the person's Working with Children Check status.

Affiliated Associations and Clubs should bear in mind that even if a Working with Children Check result does not indicate that a person is prohibited from working with children, this is not proof of good character and is not proof that the person does not pose a risk to Children and Young People. The Working with Children Check is simply an assessment of prior conduct and does not, in and of itself, satisfy the Affiliated Association's or Clubs' obligations to ensure that they are providing a safe environment for Children and Young People (in relation to which, refer to the section on '*Child safe environments*' below).

If an Affiliated Association or Club becomes aware of any of the following information in relation to a person it has engaged (whether as an employee or volunteer), it must notify the DHS Screening Unit as soon as reasonably practicable:

- any assessable information (including information about any serious criminal offence, child protection information, or disciplinary or misconduct information) in relation to the person;
- information that the person is prohibited from working with children under a law of the Commonwealth or of another State or Territory;
- information that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006* (SA); or
- a disclosure by the person to the Affiliated Association or Club under section 66 of the *Child Sex Offenders Registration Act 2006* (SA).

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

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

Mandatory reporting

Affiliated Associations and Clubs and their Cricket Participants must be aware of South Australian mandatory reporting laws under the *Children and Young People (Safety) Act 2017* (SA).

Employees of, or volunteers in, organisations that provide sporting or recreational services to Children and Young People (i.e. Affiliated Associations and Clubs) are "mandated notifiers" if they provide sporting or recreational services directly to Children and Young People, or if they



manage or supervise the provision of such services.

Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line, Ph: 13 14 78, if they suspect on reasonable grounds that a Child or Young Person is, or may be, at risk of harm and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.

By way of general guidance, reporting obligations arise where there is "*a reasonable suspicion*" that a Child or Young Person may be "*at risk*". Under the Child Safety Law, a Child or Young Person is taken to be "*at risk*" if they have suffered relevant "*harm*" or there is a reasonable likelihood they will suffer relevant "*harm*". "*Harm*" in that context means physical or psychological harm including (but not limited to) such harm caused by "*sexual, physical, mental or emotional abuse or neglect*".

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

Reasonable grounds to report suspected harm or risk of harm to a Child or Young Person may include:

- when your own observations of a particular Child or Young Person's behaviour and/or injuries lead you to suspect they are, or may be, at risk of harm;
- when a Child or Young Person tells you they have been harmed;
- when a Child or Young Person tells you that they know of someone who has been harmed (they may possibly be referring to themselves);
- when your own observations of the behaviour of a Child or Young Person, or of their parent, guardian or caregivers, give you cause to suspect that a Child or Young Person is being harmed or is at risk of being harmed; or
- when you receive information from a person who can provide reliable information (for example, a relative, friend or neighbour) that a Child or Young Person is being harmed or is at risk of harm.

It is an offence to prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.

There is no legal requirement for a mandatory reporter to be trained. Everyone in the roles referred to in this section has a legal responsibility to report, irrespective of whether or not they have had mandatory notification training.

The Child Safety Law recognises that making a notification does not necessarily exhaust a mandated notifier's duty of care to a Child or Young Person and their family. This means that a mandated notifier's duty of care is not over or complete when they make a report to the Child Abuse Report Line.

A mandated notifier (and the Affiliated Association or Club at which they are employed or volunteer) should consider how they can continue to respond to the needs of the Child or Young Person and their family. There are also other support services available for Children and Young People and families that may be able to offer assistance. More information on these services may be found on the Department for Child Protection's website.



SACA and/or Cricket Australia may also assist with providing support to the Child or Young Person or referring them to appropriate support services.

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

Child safe environments

Under the *Children and Young People (Safety) Act 2017* (SA), Affiliated Associations and Clubs:

- with significant membership of, or involvement by, Children and Young People; or
- who provide coaching to Children and Young People, must:
 - a) prepare or adopt policies and procedures designed to ensure that safe environments for Children and Young People are established and maintained; and
 - b) lodge (or have a representative body such as SACA lodge on its behalf) a Child Safe Environment Compliance Statement with the Department of Human Services certifying that these child-safe environment policies and procedures are in place.

Adoption and implementation of this Policy and the AC Framework will assist Affiliated Associations and Clubs to meet these obligations.

To be included in SACA's Child Safe Environments Compliance Statement, Affiliated Associations and Clubs must complete SACA's affiliation requirements within the timeframe specified annually by SACA.

If an Affiliated Association or Club does not complete these requirements within the specified timeframe, it may need to lodge its own Child Safe Environments Compliance Statement, confirming that it has met its child-safe environment obligations.

Under South Australian law, organisations that are required to lodge a Child Safe Environments Compliance Statement and fail to do so may be liable for a penalty of up to \$10,000.

SACA will lodge a new Child Safe Environments Compliance Statement when it develops, adopts, reviews and updates, or replaces its child safe environment policies or procedures, and otherwise as required under applicable legislation or for the purposes of SACA's affiliation or compliance processes.



Schedule 1 - Definitions

Unless the subject or context indicates a contrary intention, the following words and phrases used in this Policy will have the following meanings:

Affiliated Association	means any cricket association that has been granted affiliate status by SACA.
Affiliated Club	means any cricket club that has been granted affiliate status by SACA.
Affiliated Association or Club	is a reference to a relevant Affiliated Association or Affiliated Club, as applicable.
Affiliated Associations and Clubs	is a reference to Affiliated Associations and Affiliated Clubs collectively.
Child Safety Law	has the meaning given in this Policy under the heading “ Additional requirements – South Australian Child Safety Law”
Children and Young Person	means a person under the age of 18 that participates or is involved in any program or services delivered by Australian Cricket or an Affiliated Association or Club and Children and Young People and Children or Young People have corresponding meanings.
Cricket Australia website	means https://www.cricket.com.au/
Cricket Participants	has the meaning given in Australian Cricket’s Policy for Safeguarding Children and Young People.
Department for Child Protection website	means https://www.childprotection.sa.gov.au/
Department of Human Services Screening Unit website	https://dhs.sa.gov.au/how-we-help/screening-and-background-checks
Employee	means a person employed by the Affiliated Association or Club under an employment contract, including permanent, fixed-term and casual employees.
Organisation Portal	is a secure, online platform where registered organisations can manage and verify the Working with Children Check status of their employees and volunteers.
Prohibited Conduct	has the meaning given in Australian Cricket’s Policy for Safeguarding Children and Young People.
SACA	means South Australian Cricket Association Limited.





SACA website	means https://www.saca.com.au/
Safeguarding Children and Young People Framework	has the meaning given in this Policy under the heading “Adoption and compliance requirements”
This Policy	means this SACA Policy for Safeguarding Children and Young People.
Volunteer	is an individual who freely offers their time to support the Affiliated Association or Club’s activities without financial compensation, including (but not limited to) committee members, officers, selectors, scorers, coaches, team managers, umpires, match officials.

