



# **Baseball Victoria – National Integrity Framework Child Safeguarding Policy**

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Policy to be reviewed by Sport Integrity Australia September -  
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## **1. Introduction**

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- 1.1. Baseball Australia (BA) and Baseball Victoria (BV) have a zero tolerance policy to child abuse and neglect in any form.
- 1.2. BA and BV are committed to safeguarding and promoting the welfare of Children in baseball by providing a safe and inclusive environment and by ensuring that everyone involved in baseball is educated and informed on their responsibilities to protect and look after Children.
- 1.3. All Children have the right to feel safe and protected from all forms of abuse, harm and neglect. Children have the right to take part in sport in a safe, positive and enjoyable environment.
- 1.4. Therefore, BA and BV aim to create and maintain an inclusive, child-safe environment that is understood, endorsed and respected by everyone involved in baseball.
- 1.5. This Policy is part of BA and BV's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access baseball.
- 1.6. This Policy outlines Prohibited Conduct and imposes obligations on BA and Member Organisations to respond to allegations of Prohibited Conduct and to implement a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.
- 1.7. This Policy seeks to ensure that everyone involved in baseball is aware of their legal and ethical rights and responsibilities as well as the standards of behaviour expected of them

## **2. Application of Policy**

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This Policy is to be read with the provisions set out in the BA National Integrity Framework (**Framework**). Capitalised terms not defined in this Policy are defined terms in the Framework.

## **3. Scope**

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### **3.1. To whom the Policy applies**

This Policy applies to:

- (a) Members
- (b) Participants, and
- (c) Any other person, including individuals and bodies corporate, who has agreed to be bound by this Policy.

### **3.2. When the Policy applies**

- (a) All Relevant Persons must comply with this Policy (at all times while they are a Relevant Person):
  - (i) in relation to any dealings they have with a Child arising from the Relevant Person's, or the Child's, involvement in any capacity with baseball, BA and/or Member Organisations

- (ii) in relation to any dealings they have with BA and Member Organisations or their staff, contractors and representatives
  - (iii) subject to clause 3.2(b), wherever there is a recognised baseball, BA or Member Organisation connection, including participation in programs or events sanctioned by BA and/or Member Organisations, and on social media where there is such a connection
  - (iv) when dealing in their capacity as a Relevant Person with a Child or other Relevant Persons, and
  - (v) in relation to their membership or standing as a Relevant Person in general.
- (b) The following is not within the scope of this Policy:
- (i) interactions (including social media interactions) involving a Relevant Person and a Child or Children where there is no direct or indirect link between the interaction and any of BA, baseball, or a Member Organisation, and
  - (ii) where alleged Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct, or interaction(s) that, while related to the original Prohibited Conduct, no longer directly relates to any of BA, baseball, or a Member Organisation (even where such conduct or interaction(s) would otherwise be Prohibited Conduct), and
- (c) Where BA or a Member Organisation (as applicable) determines, in their absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different policy, it may refer the alleged Prohibited Conduct for determination under that other policy.

## **4. Prohibited Conduct**

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### **4.1. Prohibited Conduct**

For the purposes of clause 12 of the Framework, a Relevant Person engages in Prohibited Conduct when any of the following occurs:

- (a) they, either alone or in conjunction with another or others, commit any of the following against, or in relation to, a Child or Children in the circumstances outlined in clause 3.2:
  - (i) Child Abuse
  - (ii) Misconduct with a Child
  - (iii) requesting or inferring to keep any communication secret from their parents, guardian, carer, or other relevant person such as a coach or administrator
  - (iv) subject to clause 4.3(a):
    - (A) taking images in breach of the Child Safe Practices
    - (B) having physical contact in breach of the Child Safe Practices

- (C) conducting overnight stays in breach of the Child Safe Practices
- (v) supplying alcohol, drugs (including tobacco) or medicines, except with the consent of the parent, guardian or carer of the Child and under a valid prescription for that Child and at the prescribed dosage
- (vi) any act that would constitute MPP Prohibited Conduct, or
- (b) there is a breach of a requirement imposed under clause 4.2, or
- (c) they are complicit in a breach of clauses 4.1(a) or 4.1(b).

#### **4.2. Requirements of Relevant Persons**

A Relevant Person must at all times:

- (a) comply with the Child Safe Practices
- (b) comply with the requirements of “Responding to Child Safe Allegations” set out in Annexure C
- (c) report any concerns or allegations of Prohibited Conduct involving any Relevant Person(s)
- (d) provide true and accurate information during Recruitment and Screening
- (e) comply with all obligations that they are subject to under the Child Welfare Laws, and
- (f) comply with all legislative obligations that they are subject to in relation to Mandatory Reporting or a WWCC.

#### **4.3. Additional matters**

- (a) Conduct that would otherwise constitute Prohibited Conduct under clause 4.1(a)(iv) is not Prohibited Conduct where the Relevant Person is the parent, guardian or carer of the Child, or each of the Children, subjected to the conduct.
- (b) Nothing in this Policy prevents the Board from enforcing any other rules and regulations or referring any alleged Prohibited Conduct to a relevant law enforcement agency.

### **5. Complaints and Disputes Policy**

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- 5.1. Clauses 13, 14 and 15 of the Framework apply to alleged Prohibited Conduct under this Policy, including in relation to the reporting and investigation of the alleged Prohibited Conduct.
- 5.2. For Alleged Breaches of this Policy (including allegations of Prohibited Conduct), the Complaints Form set out in the Complaints and Disputes Policy is replaced by the Incident Form set out in Annexure A.
- 5.3. Where an Alleged Breach requires Mandatory Reporting to occur, or constitutes reportable conduct, under any Child Welfare Laws:

- (a) BA or the Member Organisation (as applicable) must comply with, and procure compliance with, the requirements of “Responding to Child Safe Allegations” set out in Annexure C, and
- (b) the Alleged Breach will be managed in accordance with the process set out in clause 4 of the Complaints and Disputes Policy.

## **6. Other Obligations**

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### **6.1. BA and Member Organisation responsibilities**

BA and Member Organisations must:

- (a) develop, adopt and implement the:
  - (i) Child Safe Commitment
  - (ii) Child Safe Practices, and
  - (iii) Recruitment and Screening,including reviewing and amending those requirements from time to time
- (b) comply with, and procure compliance with, the “Responding to Child Safe Allegations” set out in Annexure C
- (c) use their best efforts to assist Relevant Persons to fulfil their responsibilities under this Policy
- (d) publish, distribute and promote this Policy
- (e) recognise and enforce any decisions and/or disciplinary measures imposed under this Policy
- (f) ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies, and
- (g) monitor and review this Policy in accordance with clause 6 of the Framework.

### **6.2. Relevant Person responsibilities**

Relevant Persons bound by this Policy must:

- (a) make themselves aware of the contents of this Policy
- (b) comply with all relevant provisions of the Policy
- (c) be accountable for their behaviour, and
- (d) comply with any decisions and/or disciplinary measures imposed under this Policy.

## 7. Definitions

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In this Policy the following words have the corresponding meaning:

**Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimisation and Vilification** have the meanings given to them in the MPP.

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

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

- (a) Physical Abuse
- (b) Emotional or Psychological Abuse
- (c) Sexual Abuse
- (d) Grooming, and
- (e) Neglect.

**Child Safe Commitment** refers to BA and Member Organisations' commitment to child safety in baseball, as outlined in Annexure D.

**Child Safe Practices** refer to the child safety requirements and practices adopted and implemented by BA and Member Organisations to help ensure the safety of Children participating in baseball, as outlined in Annexure D.

**Child Welfare Laws** mean the child protection legislation applicable in each Australian state and territory to the safety and wellbeing of Children, a summary of which is available [here](#).

**Incident Form** means the form set out in Annexure A, that is to be used to record allegations of Prohibited Conduct.

**Mandatory Reporting** means the legislative requirement for specific people or groups of people to report suspected cases of child abuse, a summary of which is available [here](#).

**Members** means a member of BA admitted in any category of membership in accordance with the provisions of the BA Constitution.

**Misconduct with a Child** means any behaviour that, while not constituting Child Abuse, constitutes behaviour involving a Child that is objectively inappropriate and/or places the Child at risk of harm.

**MPP** means the Member Protection Policy of BA.

**MPP Prohibited Conduct** means conduct that constitutes "Prohibited Conduct" under the MPP.

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

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

**Recruitment and Screening** means the child safety recruitment and screening requirements adopted and implemented by BA and Member Organisations to help ensure the safety of Children participating in baseball, as outlined in Annexure E.

**Relevant Person** means any of the persons identified in clause 3.1.

**WWCC** means a “Working with Children Check” (however named) under applicable legislation of a state or territory, a summary of which is available [here](#).



## SCHEDULE 1

### Child Abuse

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

- causes, is causing or is likely to cause any detrimental effect of a significant nature to that Child's physical, psychological or emotional wellbeing, or
- does, or is likely to, endanger that Child's physical or emotional health, development or wellbeing,

whether through a:

- single act, omission or circumstance, or
- series or combination of acts, omissions or circumstances,

and includes:

1. **Physical Abuse**, which occurs when a person subjects a Child to non-accidental physically aggressive acts, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes:
  - (a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking, and
  - (b) harmful training methods or overtraining where there is the potential to result in significant damage to a Child's physical development.
2. **Emotional or Psychological Abuse**, which occurs when a Child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve:
  - (a) repeated rejection or threats to a Child
  - (b) constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection
  - (c) bullying and harassment
  - (d) continual coldness, and
  - (e) harmful training methods or overtraining where there is the potential to result in significant damage to a Child's physical, intellectual or emotional wellbeing and development.
3. **Sexual Abuse**, which occurs when an adult or person in authority (i.e., older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex or intercourse with a Child. Encouraging a Child to view pornographic videos, websites or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual abuse.

Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of photographs or videos, whether or not published or circulated on the internet or social media.

4. **Grooming**, which describes what happens when a perpetrator or potential perpetrator of Child Abuse builds a relationship with a Child with a view to abusing them in the future. There is no set pattern in relation to the grooming of Children. For some perpetrators, there will be a lengthy period of time before the abuse begins - the Child may be given special attention, and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child in and abuse them relatively quickly. Some abusers do not groom Children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as sport, leisure, music, religious activities, on social media or by other technological means.
5. **Neglect**, which is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child's health and development is, or is likely to be, harmed. Types of neglect include physical, medical, emotional and educational neglect, and also includes abandonment.

## ANNEXURE A: CHILD SAFETY REPORT FORM

Name of Child:		
Child's Date of Birth:		
Reporter's Details:	Name:	
	Phone:	
	Email:	
	Address:	
Reporter's role/position within the Sport:	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Official	<input type="checkbox"/> Board/Committee member <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other (Please Specify)
Parent/Guardian's Details (if not the Reporter):	Name:	
	Phone:	
	Email:	
	Address:	
Person complained about ( <b>Respondent</b> ):	Name:	
	Age: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position:	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Official	<input type="checkbox"/> Board/Committee member <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other (Please Specify)
Date/s of alleged breach/es by Respondent:		
Location of alleged breach/es by Respondent:	Venue/Facility:	
	Address:	

<p>Description of alleged breach/es by Respondent:</p> <p><i>Please provide as much information as possible, including details of who is involved, describe what happened and when, and how you found out about the breach - attach further pages if necessary</i></p>	
<p>Witnesses (if any):</p>	<p>Did anyone else witness this alleged breach by the Respondent?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No                      <input type="checkbox"/> Not Sure</p> <p>If 'Yes', please list the witnesses and their contact details (if known):</p> <p>1. Name: Phone: Email:</p> <p>2. Name: Phone: Email:</p> <p>3. Name: Phone: Email:</p>
<p>Level of the Sport at which the alleged breach/es occurred:</p>	<p><input type="checkbox"/> NSO level - where it relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the NSO level.</p> <p><input type="checkbox"/> SSA level where it relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the State (Territory) Sporting Association level.</p> <p><input type="checkbox"/> Affiliate level - where it relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Affiliate level (Association/League/Club level).</p>
<p>Eligible policy of the Sport Organisation that Respondent has allegedly breached:</p>	
<p>Sections of policy allegedly breached:</p>	
<p>Signed by Reporter:</p>	<p>Signature: _____ Date: _____</p>

## ANNEXURE B: RECORD OF REPORT MANAGEMENT

Internal Use Only	
Date Form Received:	
Name of person receiving Report:	
How was the Report received?	
Date sent to Respondent:	
<b>Please tick any who of the following that have been informed of the alleged incident:</b> <input type="checkbox"/> Police <input type="checkbox"/> Child Protection <input type="checkbox"/> Ambulance <input type="checkbox"/> Doctor <input type="checkbox"/> Other (please specify)	
<b>Initial Assessment</b>	
Not Proceed	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please provide reason:
External Referral:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date:	
Agency:	
Name of person notified:	
Position:	
Phone:	
Email:	
Advice Provided:	
<b>Provisional Action</b>	
Was Provisional Action taken?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what action:	
<b>Process</b>	
Process chosen to resolve Report:	
Date process commenced:	
<b>Alternative Dispute Resolution (ADR)</b>	
Date of referral to ADR:	



## ANNEXURE C: RESPONDING TO CHILD SAFE ALLEGATIONS

### You must ACT.

As a person involved in baseball you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any child abuse allegations.

### Action 1 - Responding

If a Child is at risk of immediate harm, you must ensure their safety by:

- Separating alleged victims and others involved
- Administering first aid, if required
- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns, 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 – Reporting

**All incidents must be documented on the Child Safe Report Form.**

Where does the source of the suspected abuse or harm come from?

#### Within the family or community

Report to your State/Territory child protection body in accordance with the requirements.

Report to your local police and internally to the designated contact in your organisation.

#### Within the sport

Report to the police or to the relevant State/Territory child protection body as required.

You must also report internally to your designated contact in your organisation, who then needs to report to the Integrity Unit, CEO and Board.

### Action 3 – Contact

You must consult with the relevant child protection body or local police to determine the information that may be shared with parents/guardians. This could include advice:

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

### Action 4 - Support

- Support should be provided to any child that has experienced abuse.
- It is important that the person providing support to the child does not attempt to provide support which is outside of the scope of their role.
- Support should include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- This information needs to be well documented and shared with baseball's designated contact.
- Further support may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.

**Name and position and contact information for the Child Safe Contact in your organisation:**

XXXX XXXX, XXXX XXXX

## **ANNEXURE D: CHILD SAFE COMMITMENT AND PRACTICES**

### **1. Child Safe Commitment Statement**

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

#### **1.1 We are committed to keeping Children safe**

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

#### **1.2 We promote equity and respect diversity**

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

#### **1.3 Our staff and volunteers know the behaviour we expect**

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

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

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



### **1.5 Induction and training are part of our commitment**

- (a) We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Safe Allegations.
- (b) We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- (c) We ensure that our staff and volunteers have up-to-date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.

### **1.6 We encourage the involvement of Children and their parents**

- (a) We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their carers (such as brochures, posters, handbooks, guidelines) about:
  - (i) our commitment to keeping Children safe and communicating their rights
  - (ii) the behaviour we expect of our staff and volunteers and of themselves
  - (iii) our policy about responding to child abuse.
- (b) We have processes for encouraging two-way communication with Children and families.
- (c) We seek their feedback and have a process for responding.
- (d) We respect diversity and seek to facilitate effective communication and involvement.

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

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

### **1.8 We maintain and improve our policies and practices**

- (a) We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.

- (b) We have assigned responsibility for maintaining and improving our policies and procedures to Kellie Thomas, Baseball Victoria's Operations
- (c) We monitor our staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- (d) We require our staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. We review police record and WWCC checks periodically.
- (e) We have formally reviewed our service delivery to identify and document potential risks to Children.
- (f) We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

## **2. Child Safe Practices**

- Baseball Australia and our Member Organisations are committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. Baseball Australia Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our sport.
- A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed by the Complaints and Disputes Policy.
- There may be exceptional situations where the Child Safe Practices do not apply, for example in an emergency situation, however it is crucial that, where possible, you seek authorisation prior to taking action that does not comply with these standards or that you notify management as soon possible after any incident in which these standards are not complied with.

### **2.1 Sexual misconduct**

- (a) Under no circumstances is any form of "sexual behaviour" to occur between, with, or in the presence of Children. Engaging in sexual behaviour while participating in our sport is prohibited even if the young persons involved may be above the legal age of consent.
- (b) "Sexual behaviour" needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - (i) "contact behaviour", such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution, and
  - (ii) "non-contact behaviour", such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

## 2.2 Professional boundaries

- (a) Personnel must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in our sport. They must not:
  - (i) provide any form of support to a child or their family unrelated to the scope of their role (e.g. financial assistance, babysitting)
  - (ii) use personal phone, camera, or video camera to take images of Children
  - (iii) wear uniform or identification outside of authorised sport activities
  - (iv) exhibit any type of favouritism towards a Child
  - (v) transport Children unless specifically approved
  - (vi) giving gifts/presents to Children other than the provision of official awards
  - (vii) engage in open discussions of a mature or adult nature in the presence of Children
  - (viii) use inappropriate language, in the presence of Children (e.g. swearing, sexually explicit language)
  - (ix) discriminate against any Child, including on the basis of gender identity, culture, race, or disability, or
  - (x) have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online).
- (b) If personnel become aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, they should undertake any or all of the following at the earliest opportunity:
  - (i) refer the matter to an appropriate support agency
  - (ii) refer the Child to an appropriate support agency
  - (iii) contact the Child parent or guardian
  - (iv) seek advice from organisational management.

## 2.3 Use of language and tone of voice

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

- (a) provide clear direction, boost their confidence, encourage, or affirm them
- (b) not be harmful to Children – in his respect, avoid language that is:
  - (i) discriminatory, racist, or sexist

- (ii) derogatory, belittling, or negative, for example, by calling a Child a “loser” or telling them they are “too fat”
- (iii) intended to threaten or frighten, or
- (iv) profane or sexual.

#### **2.4 Positive guidance (Discipline)**

- (a) We will ensure that Children participating in our sport are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- (b) When required personnel may be required to use appropriate techniques and behaviour management strategies to ensure:
  - (i) an effective and positive environment, and
  - (ii) the safety and/or wellbeing of Children, or personnel participating in sport.
- (c) We require all personnel to use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- (d) Children need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.
- (e) Under no circumstances are any persons involved to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

#### **2.5 Supervision**

- (a) Children participating in our sport programs and services must be supervised at all times. Supervision must be constant, active and diligent and it requires the supervisor to always be in a position to observe each Child, respond to individual needs, and immediately intervene if necessary. All reasonable endeavours will be made to ensure Children are released from programs and services only to authorised parents or guardians.
- (b) One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medicine and physical therapy) and in this case, these situations will need to be identified and recorded.
- (c) Any incident of one-to-one unsupervised contact should be immediately reported to the responsible manager/supervisor within 24 hours of the incident occurring.

#### **2.6 Use of electronic or online communications**

- (a) For any electronic or online communication with Children in our sport we adopt a “two-deep” model, that is, copy in the organisation and a parent or guardian in all communication.
- (b) When communicating, ensure content is:

- (i) directly associated with delivering our services, such as advising that a scheduled event is cancelled
- (ii) concise with personal or social content limited only to convey the message in a polite and friendly manner
- (iii) devoid of any sexual behaviour, and
- (iv) not promoting unauthorised social activity or contact.

## **2.7 Photographs of Children**

- (a) Children are to be photographed or videoed while involved in our sport only if:
  - (i) the Child's parent or guardian has provided prior written approval for the photographs to be taken or for the video footage to be captured
  - (ii) the context is directly related to participation in our sport
  - (iii) the Child is appropriately dressed and posed, and
  - (iv) the image is taken in the presence of other personnel.
- (b) Personnel must not distribute images or videos (including as an attachment to an email) to anyone outside our sport organisation other than the Child photographed or their parent, without organisational knowledge and approval.
- (c) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.
- (d) Images are not to be exhibited online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), or such images must be presented in a manner that de-identifies the Child. Any caption or accompanying text may need to be checked so that it does not identify a Child if such identification is potentially detrimental.

## **2.8 Physical contact with Children**

- (a) Any physical contact with Children must be appropriate to the delivery of our sport programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- (b) Under no circumstances should any personnel have contact with Children participating in our programs and services that:
  - (i) involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services
  - (ii) would appear to a reasonable observer to have a sexual connotation
  - (iii) is intended to cause pain or distress to the Child (e.g., corporal punishment)
  - (iv) is overly physical (e.g., wrestling, horseplay, tickling or other roughhousing)

- (v) is unnecessary (e.g., assisting with toileting when a Child does not require assistance), or
- (vi) is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
  - physical restraint should be a last resort
  - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others, and
  - the incident must be reported to management as soon as possible.
- (c) Personnel are required to report to management any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, our personnel, and any other participants.

## **2.9 Overnight stays and sleeping arrangements**

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

## **2.10 Change room arrangements**

- (a) Children should be supervised in change rooms whilst ensuring their right to privacy.
- (b) The level of supervision must be adequate to prevent abuse by members of the public, adult service users, peer service users, or general misbehaviour.
- (c) A minimum of two adults of the same gender as the group should be present at all times.
- (d) Adults should not shower or change at the same time as supervising groups of Children.
- (e) Adults should avoid one-to-one situations with a Child in a change room area.
- (f) Children up to (and including) seven years of age may use the male or female changes rooms with their parent or guardian.

## **2.11 Use of, possession or supply of alcohol or drugs**

- (a) Personnel, whilst responsible for the care of Children, must not:
  - (i) use, possess or be under the influence of an illegal drug
  - (ii) use or be under the influence of alcohol
  - (iii) be incapacitated by any other legal drug such as prescription or over-the-counter drugs, or
  - (iv) supply alcohol or drugs (including tobacco) or medicines, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage

## **2.12 Transporting Children**

- (a) Children are only to be transported in circumstances that are directly related to the delivery of our sport programs and services.
- (b) Other than in an emergency, it is not acceptable to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey, including the:
  - (i) form of transport to be used
  - (ii) reason for the journey
  - (iii) route to be followed, including any stops or side trips, and
  - (iv) details of anyone who will be present during the journey
- (c) Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

## ANNEXURE E: RECRUITMENT AND SCREENING

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

### 1. Child Related Positions

- 1.1 All positions within our sport (employees and volunteers) will be assessed (new and existing) using Appendix 1: Position Assessment Checklist.
- 1.2 Positions identified as “child related” will require the successful applicant to be cleared by the relevant authorities as a person suitable to work with Children.

### 2. Position Descriptions

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

### 3. Advertising

- 3.1 All positions identified as child related will include the following statement in the position description and any advertising:

*[Organisation Name] is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.*

### 4. Interviews

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

### 5. Working with Children Checks

- 5.1 Working with Children Check laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. Working with Children Check laws are currently in place in all Australian states and territories.
- 5.2 These laws require 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.
- 5.3 Baseball Australia, Member Organisations and affiliates must meet the requirements of the relevant state or territory Working with Children Check laws. Specific state and territory



requirements can be found here: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-b-state-and>

- 5.4 All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment.
- 5.5 An organisation may not engage a person who does not have a satisfactory WWCC in the relevant jurisdiction(s).
- 5.6 It is a serious breach of the Child Safe Policy if an individual:
  - (a) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child related position in our sport, or
  - (b) continues in their position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- 5.7 All personnel involved in our sport are required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services.

## **6. National Criminal History Record Checks**

- 6.1 Depending on the relevant jurisdictional legislation we may require our preferred candidates to have completed a “national criminal history record check” (also known as a “police check”) where obtaining a WWCC is not possible.
- 6.2 A criminal history does not automatically preclude an applicant from being appointed unless their criminal history suggests that they may pose a risk to Children. If there is information relevant to the employment decision, the applicant will be provided with an opportunity to respond to the contents of their police check (if they wish to do so).
- 6.3 The decision to appoint or not appoint an applicant because of a police check result, along with the rationale for that decision, must be communicated to the applicant.
- 6.4 No copy of the police check must be retained, and the original must be destroyed in a secure manner on completion of the recruitment process. If the applicant is appointed, a record of the date and certificate number of the police check should be recorded in their personnel file.

## **7. International Criminal History Record Checks**

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

7.4 Overseas applicants should not commence until this process is satisfactorily completed.

## **8. Monitoring compliance**

8.1 We will ensure that all personnel in child related positions have a current WWWC as specified in state and territory legislation: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview>

## **9. Reference checks**

9.1 A minimum of two reference checks will be conducted for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.

9.2 The selected referees must:

- (a) be able to provide information relating to the applicant's suitability to work with Children
- (b) have known the applicant for at least 12 months
- (c) not be related to the applicant
- (d) be able to vouch for the applicant's reputation and character.

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

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

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

Educational or vocational qualifications, or professional registration(s) will be verified for the preferred applicant for the position, if applicable.

## **11. Minors**

11.1 If a person under the age of 18 is appointed to a child-related position, we will:

- (a) comply with the relevant WWCC legislation
- (b) undertake appropriate screening (interviews and referee checks)
- (c) ensure that they are aware that they are bound by this Child Safeguarding Policy and the obligations associated with working with Children, and
- (d) obtain information about any pre-existing relationships, especially where the child-applicant interacts personally with another Child participant.

## Appendix 1: Position Assessment Checklist

### Step 1 - Exemptions (for certain positions only – not activities)

In addition to child-related employment legislation, all states and territories have legislation that requires people who wish to register in certain occupations (eg. teachers, doctors or child care workers) to be screened for criminal offences. Where professional registration requirements require screening, certain persons are exempt from the WWCC.

To check relevant exemptions please go to: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-b-state-and>

Regardless of the exemption of a WWCC, before engaging the candidate into the position you **must** undertake all other specified screening requirements.

If the position is **not exempt**, please move to **Step 2**.

### Step 2 - Contact

Contact with children assessment		
Category	Question – Does the position/activity:	Y/N
Degree of Isolation	Involve supervising children?	
	Involve being alone with children?	
	Involve activities with children away from the organisation’s location?	
	Involve meeting one-on-one with children? [Please note that this should be avoided where possible].	
	Involve working in unpredictable or remote settings?	
Online environments	Involve having contact with children via phone, letter, email, or social media?	
	Involve direct one-on-one or group access to children online?	
	Involve supervising child-to-child online contact?	
	Involve online access to a child’s or children’s personal and/or confidential information?	

### Step 3 - Vulnerability

Working with children assessment		
Category	Question - Does the position/activity:	Y/N
Context	Engage with children with disabilities?	
	Engage with children with additional vulnerabilities?	
	Engage with children with limited support? (e.g. away from home)	
Physical	Involve demonstrating a skill to children?	
	Involve the need for physical contact/touching children?	
	Involve providing a personal service? (e.g. washing, dressing or toileting)	
	Involve transporting children?	
Supervision	Involve personnel having unsupervised contact with children?	
	Involve engaging with children in a way that is not observed or monitored?	
	Involve any of the following: one-on-one supervision over-night supervision out-of-town activities advising or offering guidance to children spending extended periods of time with children e.g. camps?	

	Involve developing close, personal, long-term relationships with children and/or their parents?	
<b>Authority</b>	Contribute to important decisions regarding the future of children?	
	Have access to personal/confidential information of children?	
	Have a perceived or actual level of authority? (From a child's perspective)	
<b>Role specific</b>	Require specific skills, knowledge, qualifications or service eligibility requirements to undertake a child-related position/role?	
<b>Vulnerability can include:</b>	<i>Physical and mental disability, homelessness, children and families impacted by disasters, displacement, being a migrant, refugee or an asylum seeker, children who are known to police or child protection services, orphans, children in out of home care, unaccompanied minors and being a very young child.</i>	

#### Step 4 - Assess the risk

Based on your responses to <b>Step 2 and 3</b> , identify the inherent risk of the position/activity using the table below.				Action
<b>LOW</b>	<b>Nil contact</b>	<input type="checkbox"/>	The position / activity does not have contact or work with children <b>(i.e., you answered NO to all questions in Steps 2 and 3).</b>	Baseball Australia <b>does not</b> require the position or person in the position to hold a WWCC. Baseball Australia <b>does not</b> require the activity to be supervised or the person to be on restricted duties.
<b>MODERATE</b>	<b>Contact with Children</b>	<input type="checkbox"/>	The position / activity involves or may involve contact with children <b>(i.e., you answered YES to one or more questions in Step Two).</b>	Baseball Australia <b>does</b> require the position and person in the position to hold a WWCC.  If the person does not have a WWCC they <b>MAY</b> begin in the role provided that Baseball Australia or a SSA has verified their application submission, but they <b>MUST</b> be supervised at all times by another adult with a WWCC. These measures are to be in place until a copy of the WWCC is provided to management.  The person <b>MUST NOT</b> begin child-related work if an interim decision on their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.
<b>HIGH</b>	<b>Working with Children</b>	<input type="checkbox"/>	The position / activity involves working with children <b>(i.e., you answered YES to one or more questions in Step 3).</b>	Baseball Australia <b>does</b> require the position and person in the position to hold a WWCC.  If the person does not have a WWCC they <b>MAY</b> begin in the role provided that Baseball Australia or a SSA has verified their application submission but the person <b>MUST</b> be supervised at all times by another adult that has a WWCC. These measures are to be in place until a copy of the WWCC is provided to management.  The person <b>MUST NOT</b> begin child-related work if an interim decision in their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.

## **Appendix 2: Interview Requirements and Sample Questions**

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

### **Questions that MUST be asked**

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

### **Additional Questions (for positions that work predominately with children) that MAY be asked**

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

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

**Red Flags include, but are not limited to:**

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

### **Appendix 3: Reference Check Requirements and Sample Questions**

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

#### **Questions that MUST be asked**

- Are you related to the applicant? (**Please note**, if the person answers Yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time?
- 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?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

The panel should consider the validity of the referees by reflecting on the following questions:

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

#### **Red Flags include, but are not limited to:**

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