

Working With Vulnerable People Policy

Adopted by the Board: 26 September 2023

Effective Date: 27 September 2023



BASKETBALL ACT

Contents

- 1. Child Safe Commitment Statement 3
- 2. Child Safe Practices 5
- 3. Club Responsibilities 13
- 4. Basketball ACT Responsibilities..... 13
- 5. Exceptions 14

Policy last updated and approved by BACT Board:	26 September 2023
Next policy review date:	September 2025
Responsible person:	Chief Operating Officer

1. Child Safe Commitment Statement

Basketball ACT is 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

- 1.1.1 Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.
- 1.1.2 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

- 1.2.1 We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.
- 1.2.2 We give all Children access to information, support, and a complaints processes.
- 1.2.3 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

- 1.3.1 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.
- 1.3.2 We utilise clear position descriptions which clearly state relevant child safe requirements.
- 1.3.3 We have Child Safe Practices, which are approved and endorsed by Sport Integrity Australia and Basketball Australia that outlines our expectations for behaviour towards Children.
- 1.3.4 Our staff and volunteers are given a copy of and have access to the Child Safe Practices.
- 1.3.5 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

- 1.4.1 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.
- 1.4.2 We will meet the requirements of the relevant state or territory Working with Children Check regulations.

1.5 Induction and training are part of our commitment

- 1.5.1 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 Abuse Allegations.
- 1.5.2 We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- 1.5.3 We ensure that our staff and volunteers have up-to-date information relevant to specific legislation applying in the ACT or where they may travel to as a part of their duties.

1.6 We encourage the involvement of Children and their parents

- 1.6.1 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 parents/carers (such as brochures, posters, handbooks, guidelines) about:
 - 1.6.1.1 our commitment to keeping Children safe and communicating their rights;
 - 1.6.1.2 the behaviour we expect of our staff and volunteers and of themselves;
 - 1.6.1.3 our policy about responding to child abuse.
- 1.6.2 We have processes for encouraging two-way communication with Children and families.
- 1.6.3 We seek their feedback and have a process for responding.
- 1.6.4 We respect diversity and seek to facilitate effective communication and involvement.

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

- 1.7.1 Our policy for responding to child abuse is approved and endorsed by Basketball Australia and applies to all our staff and volunteers. Staff and volunteers must:
 - 1.7.1.1 immediately report abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers;
 - 1.7.1.2 meet any legislated mandatory or other jurisdictional reporting requirements;
 - 1.7.1.3 follow a specified process when reporting abuse or neglect.
- 1.7.2 Our staff and volunteers are given a copy of and have access to any relevant policies and understand the implications of the policy for their role.
- 1.7.3 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

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

- 1.8.2 We have assigned responsibility for regularly maintaining and improving our policies and procedures to Basketball ACT management, with support from the Basketball Australia Integrity Unit.
- 1.8.3 We monitor our staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- 1.8.4 We require our staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. We review police record and WWVP checks regularly.
- 1.8.5 We have formally reviewed our service delivery to identify and document potential risks to Children.
- 1.8.6 We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

2. Child Safe Practices

Basketball ACT is committed to safeguarding everyone involved in our organisations including Children, ensuring that they feel and are safe. Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in basketball.

A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed in accordance with the Complaints Policy.

There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child. 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 Basketball ACT as soon possible after any incident in which these standards are not complied with.

2.1 Sexual misconduct

- 2.1.1 Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- 2.1.2 '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:
 - 2.1.2.1 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
 - 2.1.2.2 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

2.2 Professional boundaries

- 2.2.1 Participants 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:
- 2.2.1.1 provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal or family relationship (e.g. financial assistance, babysitting, provide accommodation);
 - 2.2.1.2 use a personal phone, camera, or video camera to take images of Children;
 - 2.2.1.3 exhibit any type of favouritism towards a Child;
 - 2.2.1.4 transport Children unless specifically approved in writing by the Child's Parent or Guardian;
 - 2.2.1.5 give gifts/presents to Children other than the provision of official awards;
 - 2.2.1.6 engage in open discussions of a mature or adult nature (other than reasonable conversations directly related to the Child's participation in Basketball Activities) in the presence of Children;
 - 2.2.1.7 discriminate against any Child, including on the basis of gender identity, culture, race, or disability;
 - 2.2.1.8 have one on one contact with a Child outside of Basketball Activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or
 - 2.2.1.9 accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- 2.2.2 If a Participant becomes 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:
- 2.2.2.1 refer the matter to an appropriate support agency;
 - 2.2.2.2 refer the Child to an appropriate support agency;
 - 2.2.2.3 contact the Child's parent or guardian;
 - 2.2.2.4 seek advice from Basketball ACT.

2.3 Use of language and tone of voice

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

- 2.3.1 Provide clear direction, boost their confidence, encourage, or affirm them;
- 2.3.2 not be harmful to Children. In this respect, not use language that is:
 - 2.3.2.1 discriminatory, racist, or sexist;
 - 2.3.2.2 derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
 - 2.3.2.3 intended to threaten or frighten; or
 - 2.3.2.4 profane or sexual.

2.4 Positive guidance (Discipline)

- 2.4.1 Children participating in our sport will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- 2.4.2 Participants must use appropriate techniques and behaviour management strategies to ensure:
 - 2.4.2.1 an effective and positive environment; and
 - 2.4.2.2 the safety and/or wellbeing of Children and Participants participating in sport.
- 2.4.3 Participants must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- 2.4.4 Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.
- 2.4.5 Under no circumstances are Participants 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

- 2.5.1 Children participating in our sport programs and services must always be supervised. Supervision must be constant, active, and diligent and requires Participants to always be in a position to observe each Child, respond to individual needs and immediately intervene if necessary.

- 2.5.2 One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medical treatment and physical therapy) and in this case, these situations will need to be identified and recorded by Basketball ACT.
- 2.5.3 Any incident of one-to-one unsupervised contact should be immediately reported to Basketball ACT management within 24 hours of the incident occurring.

2.6 Use of electronic or online communications

- 2.6.1 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.
- 2.6.2 When communicating with Children, Basketball ACT must ensure content is:
 - 2.6.2.1 directly associated with delivering our services, such as advising that a scheduled event is cancelled;
 - 2.6.2.2 concise with personal or social content limited only to convey the message in a polite and friendly manner;
 - 2.6.2.3 devoid of any sexualised language; and
 - 2.6.2.4 not promoting unauthorised social activity or contact.

2.7 Photographs of Children

- 2.7.1 The filming and photography of Children is subject to the [Basketball ACT Filming and Photography Policy](#).
- 2.7.2 Children are to be photographed or videoed while involved in our sport only if:
 - 2.7.2.1 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;
 - 2.7.2.2 the context is directly related to participation in our sport;
 - 2.7.2.3 the Child is appropriately dressed and posed; and
 - 2.7.2.4 the image is taken in the presence of other personnel.
- 2.7.3 Basketball ACT and Participants must not distribute images or videos (including as an attachment to an email) to anyone outside their organisation other than to the Child photographed or their parent or guardian, without organisational knowledge and approval.

- 2.7.4 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.
- 2.7.5 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.
- 2.7.6 Nothing in this provision is intended to restrict parents or guardians from reasonably photographing their own child's participation in basketball. When taking their own photographs, parents and guardians should be mindful of other children and respect the wishes of any parents or guardians who may not want their child to be photographed by other parents or guardians.

2.8 Physical contact with Children

- 2.8.1 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.
- 2.8.2 Under no circumstances should Participants have contact with Children participating in our programs and services that:
- 2.8.2.1 involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
 - 2.8.2.2 would appear to a reasonable observer to have a sexual connotation;
 - 2.8.2.3 is intended to cause pain or distress to the Child (e.g. corporal punishment);
 - 2.8.2.4 is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);
 - 2.8.2.5 is unnecessary (e.g. assisting with toileting when a Child does not require assistance); or
 - 2.8.2.6 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.

2.8.3 Participants are required to report to Basketball ACT 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 and Participants.

2.9 Overnight stays and sleeping arrangements.

2.9.1 Overnight stays involving Children are to occur only with the Basketball ACT approval and consent of a parent or guardian of the Children involved.

2.9.2 Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.

2.9.3 Practices and behaviour by Participants involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of our sport at all other times.

2.9.4 Standards of conduct that must be observed by Basketball ACT and Participants involved during an overnight stay include:

2.9.4.1 Children are provided with privacy when bathing, toileting, and dressing;

2.9.4.2 appropriate dress standards are observed when Children are present – such as no exposure to adult nudity;

2.9.4.3 Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;

2.9.4.4 Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers;

2.9.4.5 sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements or Children sharing a bed or an adult sleeping in the same bed as a Child; and

2.9.4.6 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

2.10.1 Children should be supervised in change rooms whilst ensuring their right to privacy.

2.10.2 A minimum of two Participants of the same gender as the group should always be present.

- 2.10.3 Participants must not shower or change at the same time as supervising groups of Children.
- 2.10.4 Participants must avoid one-to-one situations with a Child in a change room area.
- 2.10.5 Participants need to 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's privacy.
- 2.10.6 Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed.

2.11 Use of, possession or supply of alcohol or drugs

Participants, whilst responsible for the care of Children, must not:

- 2.11.1 use, possess or be under the influence of an illicit drug;
- 2.11.2 use or be under the influence of alcohol;
- 2.11.3 be impaired by any other legal drug such as prescription or over-the-counter drugs;
- 2.11.4 supply alcohol or drugs (including tobacco); or
- 2.11.5 supply or administer medicines, except when permitted by law or 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 Parent/Guardian Involvement

Basketball ACT must:

- 2.12.1 ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Basketball Activities;
- 2.12.2 conduct all training sessions in open locations and allow parents/guardians to watch their Children during training;
- 2.12.3 make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

2.13 Transporting Children

- 2.13.1 Children are only to be transported in circumstances that are directly related to the delivery of our sport programs and services.
- 2.13.2 Other than in an emergency, it is not acceptable for Participants to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey (and may be a standing approval for regular transport), including the:
 - 2.13.2.1 form of transport to be used;
 - 2.13.2.2 reason for the journey;
 - 2.13.2.3 route to be followed, including any stops or side trips; and
 - 2.13.2.4 details of anyone who will be present during the journey
- 2.13.3 When transporting Children, the Participant 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.
- 2.13.4 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).

2.14 Drop off and Pick up of Children

Basketball ACT must:

- 2.14.1 ensure Children and their parent or guardian know the time and location of training and matches, including start and finish times.
- 2.14.2 arrive before scheduled practice or game times to ensure that Children are not left unattended.
- 2.14.3 have an accessible register of parent and guardian emergency contact numbers and an operational phone.
- 2.14.4 ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.
- 2.14.5 ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of Participants to transport Children home if their parent or guardian is late for pick up.

2.14.6 not leave the training or match until all Children have been collected by their parent or guardian.

3. Club Responsibilities

3.1 Club committees are responsible for the administration of a club. This includes sourcing persons to coach, manage and referee.

3.1.1 Under the ACT Government's *Working with Vulnerable People (Background Checking) Act 2011*, Clubs are classified as employers:

3.1.1.1 Employer, in relation to a regulated activity, means an entity for whom a person engages in the activity;

3.1.1.2 Employees will include committee members, coaches, managers, referees, and any other persons engaged in a regulated activity for the club.

3.2 Clubs must keep a written record of their employees' WWVP registration details. Typically, this should include:

3.2.1 Full name;

3.2.2 Expiry date;

3.2.3 Type of card (general, role based or conditional registration);

3.2.4 Registration number;

3.2.5 Card number;

3.2.6 Any conditions (as outlined on the reverse of the card)

3.3 Clubs must not permit any person to engage with vulnerable persons without first checking for a WWVP registration.

3.3.1 A person may engage with vulnerable people, whilst an application for registration is being processed, if supervised by a person who currently holds a WWVP registration.

3.4 Basketball ACT recommends Member Clubs adopt this Policy and ensure they are aware of their responsibilities as outlined in the ACT Government's *Working with Vulnerable People (Background Checking) Act 2011*.

4. Basketball ACT Responsibilities

4.1 All Basketball ACT staff, directors and committee members must hold a valid WWVP registration.

4.2 Basketball ACT must keep a digital copy (front and back) and/or written record of their employees' Working With Vulnerable People registration details. Typically, this should include:

4.2.1 Full name;

4.2.2 Expiry date;

4.2.3 Type of card (general, role based or conditional registration);

4.2.4 Registration number;

4.2.5 Card number;

4.2.6 Any conditions (as outlined on the reverse of the card).

4.3 Basketball ACT must not permit any person to engage with vulnerable persons without first checking for a WWVP registration.

4.3.1 A person may engage with vulnerable people, whilst an application for registration is being processed, if supervised by a person who currently holds a WWVP registration.

4.4 Basketball ACT will work with Member Clubs to ensure awareness of their responsibilities as per Clause 3 of this Policy and check these are being maintained via an annual Club Health process.

5. Exceptions

5.1 Section 12 of the ACT Government's *Working with Vulnerable People (Background Checking) Act 2011* outlines that a person is not required to be registered to engage in a regulated activity or service if the person is:

5.1.1 Under 16 years old.

5.1.2 Engaged in the activity for no more than 3 days in any 4-week period and 7 days in any 12-month period.

5.1.3 Registered under another state's law and the activity is of a similar nature and the person is engaged in the activity for no more than 28 days in any 12-month period.

5.1.3.1 For example, representative coaches do not need to be registered in other states for the purpose of a single national championship

5.1.3.2 A person living in NSW but participating in the ACT for more than 28 days in a 12-month period will need to be registered in the ACT

- 5.1.4 A close relative of each vulnerable person taking part in the activity with whom the person has contact.
- 5.1.5 Engaged in the activity in the same capacity as a vulnerable person.
 - 5.1.5.1 For example, players in a sporting team
- 5.1.6 Engaged in the activity as a school student on a work experience placement or doing practical training.
- 5.1.7 Engaged in the activity and the only contact the person has with a vulnerable person is providing information to or receiving information from the vulnerable person by telephone.
- 5.1.8 Engaged in the activity and the only contact the person has with a vulnerable person is working with a record of the vulnerable person.