



# CSSA Child Safety Policy

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## 1 Definitions and Interpretation

### 1.1 Definitions

In this policy unless a contrary intention appears:

**Abuse** means any deliberate action or inaction that causes or has the potential to cause harm and injury to a person.

**Bullying** means repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing.

**Child** means a person under the age of 18 years.

**Child Abuse Offence** has the same meaning as in s 316A of the *Crimes Act 1900* (NSW).

**Child Exploitation Material** means any material depicting harm to a child, and includes child pornography.

**Child Safe Standards** mean the standards set out at s 8C of the *Children's Guardian Act 2019* (NSW).

**Child Sexual Abuse** means any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography.

**CSSA** means Christian Schools Sports Association Inc (ABN 96 059 090 366).

**CSSA Child Safety Officer** means the person with responsibility for overseeing this Policy and the contact person for all complaints and concerns regarding the safety and wellbeing of children during CSSA Events.

**CSSA Contractor** means a person (including an entity) engaged by CSSA to provide services at a CSSA Event.

**CSSA Event** means an event organised by CSSA for its Member Schools.

**CSSA Representative** means students of Member Schools who have been selected as a representative of CSSA to compete at a higher level in an individual or team sport.

**CSSA Staff** means any person employed by CSSA.

**CSSA Volunteers** means any person engaged by CSSA as a volunteer at CSSA Events, or Non-CSSA Events. Member School Staff or Member School Volunteers who attend Non-CSSA Events as a team official are CSSA Volunteers for the purpose of that Non-CSSA Event.

**Grooming** means behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence, and avoiding discovery of sexual abuse. Grooming can take place in person and online, and is often difficult to identify and define. This is because the behaviours involved are not necessarily explicitly sexual, directly abusive or criminal in themselves, and may only be recognised in hindsight. Some grooming behaviours are consistent with behaviours or activities in non-abusive relationships, and can even include desirable social behaviours, with the only difference being motivation. Perpetrators can groom children, other people in children's lives, and institutions.

**Harassment** means behaviour towards a person that a reasonable person would anticipate would cause that person to feel offended, humiliated or intimidated.

**Mandatory Report** means a report made in accordance with s 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).



**Member School** means a member of CSSA.

**Member School Staff** means a person employed by a Member School and includes teachers of a Member School.

**Member School Volunteers** means a person who is volunteering with a Member School and who attends a CSSA Event in that capacity.

**Non-CSSA Event** means an event that is not organised by CSSA, but that CSSA Representatives and CSSA staff and CSSA Volunteers may attend.

**NSW OCG** means the New South Wales Office of Children's Guardian.

**Reportable Conduct** means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded: a sexual offence; sexual misconduct; ill-treatment of a child; neglect of a child; an assault against a child; an offence under ss 43B or 316A of the *Crimes Act 1900* (NSW), and behaviour that causes significant emotional or psychological harm to a child.

**Reportable Conduct Scheme** means the scheme set out in Part 4 of the *Children's Guardian Act 2019* (NSW).

**Risk of Significant Harm** means a current concern for the safety, welfare or well-being of a child or young person because of the presence, to a significant extent, of any one or more of the circumstances set out at s 23 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), which includes the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met; the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated; the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

**Sexual Misconduct** means conduct with, towards or in the presence of a child that is sexual in nature, but is not a sexual offence. Examples of sexual misconduct include descriptions of sexual acts without a legitimate reason to provide the descriptions; sexual comments, conversations or communications; comments to a child that express a desire to act in a sexual manner towards the child or another child.

**Students** means a student enrolled at a Member School.

**WWCC** means a clearance to engage in child-related work issued in accordance with the *Child Protection (Working with Children) 2012* (NSW).

**WWCC Register** means the register kept in accordance with s 9A of the *Child Protection (Working with Children) 2012* (NSW).

**Young Person** means a person over the age of 16 years but under the age of 18 years.

## 1.2 Interpretation

In this policy unless a contrary intention appears:

- (a) words importing any gender include all other genders
- (b) the singular includes the plural and vice versa
- (c) a reference to a clause is a reference to a clause in this policy unless otherwise stated
- (d) a reference to a law includes regulations and instruments made under the law, and
- (e) a reference to a law or a provision of a law includes amendments, re-enactments or replacements of that law or the provision, whether by the State of NSW or the Commonwealth of Australia or otherwise.



## 2 Commitment to Child Safety

### 2.1 Objects of CSSA

CSSA is a Christian organisation that pursues its objects in line with the [Statement of Affirmation](#) set out in the CSSA Constitution.

CSSA exists to:

- co-ordinate, conduct and manage sporting events involving **Member Schools** (defined as **CSSA Events**)
- encourage and assist **Member Schools** organise their own interschool sporting events, and
- facilitate the participation of **CSSA Representatives** in **Non-CSSA Events**.

CSSA considers that participation in sport is important for the development of confidence and character in children, and that all children should be provided the opportunity to participate in sport regardless of their sporting ability. CSSA recognises the rights of children to feel safe, including to have their opinions and differences taken into account when planning activities and services.

### 2.2 The Commitment of CSSA to Child Safety

CSSA is committed to the safety and wellbeing of all children who:

- attend **CSSA Events**, or
- participate in sport as **CSSA Representatives** in **Non-CSSA Events**.

CSSA is committed to prioritising the safety and wellbeing of children in its activities and services.

### 2.3 Contact

If you have any question or feedback about the content in this document, or would like to raise a concern relating to child safety and wellbeing that relates to CSSA please contact:

Linda Heslehurst  
Child Safety Officer  
CSSA  
PO Box 2424  
Bomaderry NSW 2541

M: 0418 685 898  
E: [linda@cssa.nsw.edu.au](mailto:linda@cssa.nsw.edu.au)



### 3 Scope

#### 3.1 Application

In accordance with the above commitment, CSSA has adopted this Child Safety Policy (the **Policy**).

This Policy applies to:

- all **CSSA Workers, CSSA Volunteers** and **CSSA Contractors**, and
- all **Member Schools** (insofar as it relates to 'Responsibilities of Member Schools' set out at clause 4.1).

#### 3.2 Policy structure

The Policy sets out that **Member Schools** and CSSA have the same commitment, but different responsibilities in relation to the safety and wellbeing of children at **CSSA Events** and **Non-CSSA Events** (see clause 4).

These responsibilities reflect the fact that **Member Schools** have responsibility for their students, and are the agencies that the government has determined have a defined role in protecting children.

The role of CSSA is to support the activities of **Member Schools** by facilitating interschool sport competitions, and there are particular risks associated with these events that CSSA is required to manage.

CSSA will screen **CSSA Staff** and **CSSA Volunteers**, and will make enquiries to confirm that **CSSA Contractors** are also appropriately screened (see clause 5).

CSSA has expectations that **CSSA Staff** and **CSSA Volunteers** that engage in child-related work would conduct themselves appropriately around children, and have set out Child Safety Code of Conduct which sets out these expectations in detail (see clause 6). CSSA has provided further guidelines in relation to interacting with children to provide further explanation about its approach to child safety (see clause 7).

CSSA will conduct risk assessments in relation to each **CSSA Event** (see clause 8).

Although CSSA will take steps to minimise risks relating to each **CSSA Event** and **Non-CSSA Event**, the nature of sporting activities involves inherent risks relating to potential serious injury, and accordingly CSSA and **Member Schools** will ensure that parents and students and Member School Volunteers are provided with a Risk Warning (see clause 9).

In the event of child safety and wellbeing concerns being raised with CSSA, CSSA will report those concerns in accordance with this Policy (see clause 10).

Where the concerns raised relate to **CSSA Staff** and **CSSA Volunteers**, CSSA may investigate the complaint in accordance with the process in this Policy (see clause 11).



## 4 Responsibilities of Member Schools and CSSA

### 4.1 Responsibilities of Member Schools

**Member Schools** have responsibility for the safety and wellbeing of their students at **CSSA Events**.

This includes ensuring that students of **Member Schools** are reasonably supervised when they are not participating in sport, and that the behaviour of students is appropriately managed so as to ensure a safe and supportive environment for all students attending **CSSA Events**.

**Member Schools** (and **Member School Staff**) have legal obligations relating to:

- a common law duty of care towards their students

A **Member School** will owe an ordinary and non-delegable duty of care to its students,<sup>1</sup> because of the vulnerability and dependency of children and the *loci parentis* role the **Member School** assumes.<sup>2</sup>

**Member Schools** should ensure that the parents or guardians of students and Member School Volunteers are provided notice of the risks inherent in participating in sport (see Risk Notice at clause 9).

- a statutory duty to prevent **child sexual abuse**

**Member Schools** have a statutory duty to take precautions to prevent **child sexual abuse** pursuant to s 6F of the *Civil Liability Act 2001* (NSW).

- an obligation to comply with the child safe standards set out at Part 3A of the *Children's Guardian Act 2019* (NSW).

- screening **Member School Staff** and **Member School Volunteers**

**Member Schools** are prohibited from employing a worker in child-related work without a clearance pursuant to s 9 of the *Child Protection (Working with Children) Act 2012* (NSW).

**Member Schools** must ensure that **Member School Staff** and **Member School Volunteers** hold a **WWCC** or that there is an available exemption under the *Child Protection (Working with Children) Regulation 2013* (NSW).

- reporting matters to government authorities, including
  - making a **mandatory report** to the Department of Communities and Justice where they have reasonable grounds to suspect that a child is at **risk of significant harm**; and
  - notifying the **NSW OCG** of **Reportable Conduct** relating to **Member School Staff** and **Member School Volunteer** in accordance with the **Reportable Conduct Scheme**.

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<sup>1</sup> *Geyer v Downs* (1977) 138 CLR 91.

<sup>2</sup> *The Commonwealth of Australia v Introvigne* [1982] HCA 40.



## 4.2 Responsibilities of CSSA

As set out in clause 4.1, CSSA considers that **Member Schools** are best placed to respond to child safety and wellbeing concerns raised with CSSA that relate to:

- the students of **Member Schools**, and
- **Member School Staff**, or
- **Member School Volunteers**.

CSSA commits to assisting **Member Schools** meet these responsibilities insofar as they relate to **CSSA Events**.

CSSA of course has similar responsibilities insofar as they relate to the activities and services of CSSA. For example, CSSA is also required to comply with the child safe standards at Part 3A of the *Children's Guardian Act 2019* (NSW). However, CSSA does not have the same reporting obligations as Member Schools.

CSSA will conduct risk assessments in relation to each **CSSA Event** in accordance with clause 8.

**CSSA** has responsibility to respond to child safety and wellbeing concerns that relate to:

- the students of **Member Schools**, and
- **CSSA Representatives**, and
- **CSSA Staff**, or
- **CSSA Contractors**, or
- **CSSA Volunteers**.

This responsibility of **CSSA** includes concerns that arise at both **CSSA Events** and **Non-CSSA Events**.





## 5 Screening of CSSA Staff, CSSA Volunteers and CSSA Contractors

### 5.1 Introduction

The activities and services provided by CSSA are child-related work within the meaning of the *Child Protection (Working with Children) Act 2012* (NSW) and the *Child Protection (Working with Children) Regulation 2013* (NSW). Accordingly, CSSA is required to appropriately screen **CSSA Staff** and **CSSA Volunteers** engaged in child-related work.

CSSA is required to ensure that people working with children are suitable and supported, and are equipped with the knowledge, skills and awareness to keep children safe. The way that CSSA seeks to achieve this is to require **CSSA Staff** and **CSSA Volunteers** to be screened in accordance with this Policy, and to receive induction in relation to the Policy.

As set out at Regulation 7 of the *Child Protection (Working with Children) Regulation 2013* (NSW):

- work as a coach or as a team manager, or an assistant coach or assistant team manager, for a sport or activity for children is child-related work (work as a **Team Official**), and
- work is not child-related work if the work is work as a referee, umpire, linesperson or otherwise as a sporting official or a groundsperson, and the work does not ordinarily involve contact with children for extended periods without other adults being present (work as a **Match Official**).

#### Team Officials

In relation to Team Officials, CSSA takes the following approach:

- where a **Member School Staff** or **Member School Volunteer** is acting as a Team Official for students of the **Member School** at a **CSSA Event**, it is the responsibility of the **Member School** to ensure they are appropriately screened, and
- where a **CSSA Staff** or **CSSA Volunteer** are acting as a Team Official for **CSSA Representatives** at **Non-CSSA Events** it is the responsibility of CSSA to ensure they are appropriately screened.

#### Match Officials

In relation to Match Officials, CSSA takes the following approach:

- where they are **CSSA Contractors** working as Match Officials, CSSA may make reasonable enquiries as to the screening taken by the body that the Match Official is registered with
- where they are **CSSA Staff** or **CSSA Volunteers** they will be screened in accordance with clauses 5.2 and 5.3 below
- where they are **Member School Staff** and **Member School Volunteers** it is the responsibility of the **Member School** to ensure they are appropriately screened (mindful that it is not child-related work), and
- CSSA may determine that a person may act as a Match Official on a one-off basis at a **CSSA Event** and does not need to be screened as the work does not constitute child-related work within the meaning of the *Child Protection (Working with Children) Act 2012* (NSW).



## 5.2 Screening of CSSA Staff

Prior to engaging in child-related work all **CSSA Staff** are required to fulfil the following screening steps:

- obtain an unconditional **WWCC**
- obtain a National Police Check
- declare that they are fit to work with children, and there are no relevant matters to disclose to CSSA relating to them engaging in child-related work
- undergo a referee check of at least two referees
- acknowledge and sign the CSSA Child Safety Code of Conduct, and
- undergo induction in this Policy and associated procedures.

Records relating to this information must be kept in accordance with the recordkeeping provisions of this Policy.

## 5.3 Screening of CSSA Volunteers

Prior to engaging in child-related work all **CSSA Volunteers** are required to fulfil the following screening steps:

- obtain an unconditional **WWCC**
- acknowledge and sign the CSSA Child Safety Code of Conduct, and
- undergo induction in this Policy and associated procedures.

Records relating to this information must be kept in accordance with the recordkeeping provisions of this Policy.

## 5.4 Screening of CSSA Contractors

**CSSA Contractors** are ordinarily referees, linespersons and umpires registered with, or provided by sports bodies of some kind (for example, umpires registered with Netball NSW).

As set out in clause 5.1, in most cases, Match Officials are not required to hold a **WWCC** as the work does not constitute child-related work within the meaning of *Child Protection (Working with Children) Act 2012* (NSW).

However, CSSA may enquire of the body providing the **CSSA Contractors** as to the steps they have taken to ensure that the **CSSA Contractors** are fit to work with children.



## 5.5 Recordkeeping

CSSA will keep a record of all screening details in a Child Safety Register which records at a minimum:

- the worker's full name and date of birth
- the date the worker commenced work with CSSA
- the **WWCC** number
- the expiry date of the **WWCC**, and
- the date that CSSA verified the above details with **NSW OCG**

CSSA is required to keep these details for 7 years after the worker ceases to engage in child-related work with CSSA in accordance with s 9A of the *Child Protection (Working with Children) Act 2012* (NSW).

In addition to the above, CSSA should keep a copy of all information generated in the course of screening, including notes relating to referee checks and keep this information for an indefinite period of time.



## 6 CSSA Child Safety Code of Conduct

### 6.1 Scope

As a Christian organisation we affirm the Bible as being God's infallible and inerrant revelation to humanity. The Bible is therefore the authoritative guide for all life and conduct.

Nonetheless it is necessary to have a clear and simple code of conduct that sets out the behavioural expectations of all people involved in CSSA, and particularly **CSSA Staff** and **CSSA Volunteers** that relates to conduct with children.

CSSA has a separate Code of Conduct relating to attendees at all **CSSA Events** and sets out expected standards of behaviour of attendees including in relation to student discipline.

This CSSA Child Safety Code of Conduct sets out the expectations of those engaged as **CSSA Staff** and **CSSA Volunteers** towards children. It also sets out the expected standards of behaviour of Member School Staff and Member School who attend CSSA Events with the relevant Member School.

The CSSA Child Safety Code of Conduct applies to all **CSSA Staff** and **CSSA Volunteers** and breach of the CSSA Child Safety Code of Conduct is a serious matter and may be reported externally or result in a complaint being made under the complaint handling provisions of this document (see clause 11).

### 6.2 The CSSA Child Safety Code of Conduct

**As a CSSA Staff member or CSSA Volunteer, I WILL:**

- Act in accordance with the CSSA Child Safety Policy at all times.
- Behave respectfully, courteously and ethically towards children and their families and towards other staff.
- Listen and respond to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well.
- Demonstrate appropriate personal and professional boundaries.
- Consider and respect the diverse backgrounds and needs of children.
- Create an environment that promotes and enables children's participation in sport and is welcoming, culturally safe and inclusive for all children and their families.
- Identify and mitigate risks to children's safety and wellbeing as required by the CSSA Child Safety Policy.
- Respond to any concerns or complaints of **child abuse offences, child sexual abuse, sexual misconduct** with a child or harm promptly and in line with the process for receiving and responding to complaints set out in the CSSA Child Safety Policy.
- Report all suspected or disclosed **child abuse offences, child sexual abuse, sexual misconduct** with a child or harm as required by law and by the process for internal and external reporting set out in the CSSA Child Safety Policy.
- Comply with the CSSA Child Safety Policy in relation to communicating with children.
- Comply with the law and the CSSA Child Safety Policy in relation to record keeping and information sharing.



**As a CSSA Staff member or CSSA Volunteer, I WILL NOT:**

- Engage in any unlawful activity with or in relation to a child, including **grooming** or accessing **child exploitation material**
- Engage in any activity that is likely to physically, sexually or emotionally harm a child, including engaging in a **child abuse offence, child sexual abuse** or **sexual misconduct** with a child.
- Unlawfully discriminate against any child or their family members.
- Engage in **bullying** or **harassment** of a child, including during sport activities.
- Be alone with a child unnecessarily, and avoid being around children while they are changing, including staying away from change rooms unless supervising and only entering if there is a concern around risk of safety to a child.
- Arrange personal contact, including online contact, with children I am working with for a purpose unrelated to **CSSA Events**.
- Engage in unnecessary physical contact, only engaging in physical contact if the aim is to develop sport skills or techniques, treat or prevent an injury, or to meet the requirements of the sport.
- Disclose personal or sensitive information about a child, including images of a child, unless the child and their parent or legal guardian consent or unless I am required to do so by policy or by law.
- Use inappropriate language in the presence of children, or show or provide children with access to inappropriate images or material, including **child exploitation material**.
- Work with children while under the influence of alcohol or prohibited drugs.
- Ignore or disregard any suspected or disclosed **child abuse** or harm.

**If I think this CSSA Child Safety Code of Conduct has been breached by another person in CSSA I will:**

- Act to prioritise the best interests of children and take actions promptly to ensure that children are safe.
- Promptly report any concerns to the **CSSA Child Safety Officer** or another manager or leader in CSSA.
- Follow the CSSA Child Safety Policy in relation to the process for receiving and responding to complaints and concerns.
- Comply with legislative requirements on reporting if relevant, and with the CSSA Child Safety Policy in relation to internal and external reporting.

<b>I agree to abide by this CSSA Child Safety Code of Conduct during my employment or engagement with CSSA.</b>	..... Signature
<b>I understand that breaches of this CSSA Child Safety Code of Conduct may lead to disciplinary action or termination of my employment or engagement with CSSA.</b>	..... Full Name
	..... Date



## 7 Child Safety Guidelines

### 7.1 Safety for each sport

The safety requirements relating to each different kind of sport are set out in the CSSA Handbook and in guidelines published by the NSW Department of Education.<sup>3</sup>

### 7.2 Physical contact with students

In accordance with the NSW Department of Education guidelines, there is a recognition that 'physical contact with students is an important and necessary aspect of safe and effective teaching especially in activities such as gymnastics and demonstrating a range of games skills. Team Officials may need to use physical contact to instruct, encourage, protect or comfort'.

Ordinarily, there is no reason for **CSSA Staff** and **CSSA Volunteers** to engage in any form of physical contact with students. The exceptions would be where:

- **CSSA Staff** or **CSSA Volunteers** are Team Officials for **CSSA Representatives** at **Non-CSSA Events**, or
- **CSSA Staff** or **CSSA Volunteers** are attending to a serious injury at a **CSSA Event**.

As set out in the CSSA Child Safety Code of Conduct, **CSSA Staff** or **CSSA Volunteers** should only use physical contact if the aim is to:

- develop sports skills or techniques
- treat an injury
- prevent an injury, or
- meet the requirements of the sport.

**CSSA Staff** and **CSSA Volunteers** should:

- minimise the need for physical contact (**CSSA Staff** and **CSSA Volunteers** should ask themselves if touching is necessary)
- let students know why there is a need to demonstrate using a hands-on method
- explain what the physical contact will be and ask for volunteers, or ask students if they mind the **CSSA Staff** or **CSSA Volunteer** demonstrating with them using a hands-on approach
- at the beginning of a sport program such as gymnastics, explain that the teaching of it will involve spotting by the teacher and peers
- be explicit about what part of the body they will be touching, for example, around the waist or hips
- inform the students that if they fall or need unexpected assistance to avoid injury, the teacher may make necessary physical contact
- be explicit about the fact that in a safety situation touching may not proceed as planned, and
- give the students verbal instructions at first, and if they have difficulty, ask them if they would like to be shown how to do it, and if they say no, respect that it is their choice.

<sup>3</sup> Please see <https://app.education.nsw.gov.au/sport/Page/1114>



### 7.3 Supervision of change rooms

CSSA recognises that children are particularly vulnerable in change rooms and that measures must be put in place to ensure that children are able to safely get changed without fear of intrusion or fear for their safety.

One of the ways CSSA seeks to do this is by including change rooms in its initial risk assessment as set out in clause 8 of this Policy.

Generally, the expectation of CSSA is that **Member School Staff** and **Member School Volunteers** would appropriately supervise change rooms in accordance with NSW Department of Education guidelines. The same goes for **CSSA Staff** and **CSSA Volunteers** who may be required to supervise change rooms in the course of supervising **CSSA Representatives** at **Non-CSSA Events**.

Those guidelines are that change rooms should be supervised and supervisors should adhere to the following guidelines:

- give explicit instructions and guidelines for behaviour in change rooms
- set a routine for going into change rooms and keep to it
- announce to students when entering the change room and allow time for students to cover up, and
- do not stand in change rooms while students are changing as students have a right to privacy.

While the issue of a supervisor of either sex supervising the change rooms of both sexes poses some difficulties, some suggestions for supervisors in this situation include:

- give explicit rules about what is expected of students' behaviour in the change rooms
- ensure that students know that if there is an emergency you will enter the change room
- choose two student representatives to report to you about any problems in the change rooms
- ask the students to come out of the change room if there is any disturbance
- if for some reason the students remain in the change room seek a person of the appropriate sex to go in, and
- if there is an emergency, let students know you are coming in and give a warning to cover up before going in.



#### 7.4 Overnight travel for CSSA Representatives to Non-CSSA Events

CSSA also recognises that overnight travel and residential care of children poses particular risks to children.

CSSA has set out its approach to the behaviour management of **CSSA Representatives** in the policy document titled '[Overnight Supervision Policy](#), Principles, and Procedures'.

From a child safety perspective, CSSA expects that all **CSSA Staff** and **CSSA Volunteers** will practice accountable behaviours while supervising **CSSA Representatives** at **Non-CSSA Events** which includes:

- never being alone in a room with a child, particularly a change room or bedroom
- addressing children from outside the bedroom, for example, from the hallway
- if possible, attending to behaviour management and supervision in a team with other **CSSA Staff** or **CSSA Volunteers**
- being accountable to other **CSSA Staff** and **CSSA Volunteers** about where you have been and who you have spoken to
- re-iterating the importance of the above at team meetings, and
- notifying the **CSSA Child Safety Officer** in the event the above does not occur or there are concerns (whether minor or more serious) about the behaviour or understanding of **CSSA Staff** or **CSSA Volunteers**.





## 8 Risk Assessments

### 8.1 Introduction

CSSA will conduct a risk assessment at the beginning of each **CSSA Event** and **Non-CSSA Event**.

Undertaking a risk assessment is one way to identify hazards and assess risks relating to particular sports. Generally, it requires an analysis of activities, equipment, environment and participants so as to identify and mitigate risks.

Where CSSA is involved in a Non-CSSA Event and the organiser of the Non-CSSA Event has done a risk assessment, CSSA is able to rely on that risk assessment as being the risk assessment of CSSA for the purposes of the Non-CSSA Event.

Risk assessments may feed into the risk management plans of Member Schools.

### 8.2 Health and Safety Steps

Prior to undertaking the risk assessment, the **CSSA Staff** or **CSSA Volunteer** with responsibility for undertaking the risk assessment must collate the following information:

- relevant health and safety information about the site or facility being used (that may be publicly available), and
- the persons who will be designated with first aid responsibilities and with co-ordinating and response to a serious injury.

This information should be printed and included in the risk assessment.

### 8.3 Risk Assessment

Each risk assessment should follow the steps recommended by the NSW Department of Education as follows. Where CSSA has done a risk assessment for a similar activity, CSSA may take that risk assessment as a basis for the risk assessment and make amendments to reflect any changes in the activity.

#### Step 1 – List the activities

The **CSSA Staff** with designated responsibility should break up the **CSSA Event** into its various components, for example, set-up, **Member School** arrival, sign-in, playing sport and pack-up. For any **Non-CSSA Event**, the **Member School** should rely on the risk assessment conducted by the **Non-CSSA Event** organiser.

#### Step 2 – Identify the Hazards

The **CSSA Staff** or **CSSA Volunteer** with designated responsibility must identify the hazards associated with the activities. This may involve an attendance at the venue or site ahead of time to do an assessment of physical risks that are present. Include in the assessment a consideration of risks relating to the layout of change rooms at the venue or site. Also include an assessment of physical risks relating to child safety, including areas of the venue or site where there is limited visibility. Take account of venue and safety information, the student group, and previous incidents during past **CSSA Events** and **Non-CSSA Events**.

#### Step 3 – Assess the level of risk

The **CSSA Staff** or **CSSA Volunteer** with designated responsibility must assess the risks associated with the hazards using the risk assessment matrix. This gives a risk ranking and thus a priority order for managing the hazards.



#### **Step 4 – Eliminate or control the risks**

The **CSSA Staff** or **CSSA Volunteer** with designated responsibility must develop appropriate strategies to eliminate or control the risks (including action to ensure that child protection procedures are followed and that all necessary aides and equipment are available) using the hierarchy of controls.

#### **Step 5 - Monitor and review**

The **CSSA Staff** or **CSSA Volunteer** with designated responsibility must monitor the effectiveness of controls and change if necessary. Review the risk assessment if an incident or a significant change occurs during the **CSSA Event** or **Non-CSSA Event**.

#### **8.4 Communication with Member Schools**

**Member Schools** can access risk assessments from the CSSA website ([cssa.net.au](http://cssa.net.au))

#### **8.5 Recordkeeping**

The **CSSA Staff** or **CSSA Volunteer** is to provide a copy of the risk assessment to the **CSSA Child Safety Officer** who will ensure that it is kept in a secure location for an indefinite period.



## 9 Risk Warnings

CSSA and its **Member Schools** will notify all students and their parents or guardians of the risks involved in participating in **CSSA Events** or as a **CSSA Representative at Non-CSSA Events**.

**Member Schools** will provide a Risk Warning as per below, or in similar words, to all students who participate in **CSSA Events** or as a **CSSA Representative at Non-CSSA Events** as well as their parents or guardians and Member School Volunteers. **Member Schools** may provide this Risk Warning in the form of wording on a consent form or otherwise circulate it in material to students, parents and guardians, and Member School Volunteers.

CSSA will ensure that the Risk Warning is including in communication from CSSA and is visible at the venue or site of the **CSSA Event**.

### **Risk Warning under s 5M of the *Civil Liability Act 2002* (NSW) on behalf of CSSA and its Member Schools**

#### **Sporting Activities**

Christian Schools Sports Association (CSSA) administers and convenes CSSA inter-school sporting activities in which many students from Member Schools participate. Students participating in these sporting events take part in practice, trials and competitions.

CSSA and its Member Schools expect students to take responsibility for their own safety during sporting activities by wearing compulsory safety equipment, by thinking carefully about the use of safety equipment that is highly recommended and by behaving in a safe and responsible manner towards team members, opponents, spectators, officials, property and grounds. CSSA and its Member Schools also expect parents, spectators and other participants to behave in a safe and responsible manner, to comply with the CSSA Code of Conduct and to set a good example for the students.

While CSSA and its Member Schools take measures to make the sporting activities as safe as possible for participants, there is a risk that students can be injured and suffer loss (including financial loss) and damage as a result of their participation in these sporting activities, whether at training or in actual events.

Parents, spectators and officials could also be injured or suffer loss.

Injury can occur while the student, parent, spectator or official is engaging in or watching a sporting activity, or travelling to and from the event. The injury may result from a student's actions, the actions of others, the state of the premises or from equipment failure.

On some occasions, an injury can be serious (such as torn ligaments, dislocations, back injuries, concussion or broken bones). In very rare cases an injury can be life threatening or result in permanent disability. If a student, parent, spectator or official has a pre-existing injury, participating in a sporting activity could result in an exacerbation of that injury.

Students, parents, spectators and officials could also suffer loss as a result of their personal property being lost, stolen, damaged or destroyed.

CSSA does not provide Personal or Accident Insurance Cover.



## 10 Reporting concerns

CSSA is committed to ensuring that any complaints or information relating to child safety and wellbeing concerns are appropriately reported.

Anyone may report a concern relating to child safety and wellbeing to CSSA. This includes students, **Member School Staff**, **Member School Volunteers**, **CSSA Staff** and **CSSA Volunteers**. Parents and guardians of students and other community members may also report a concern.

### 10.1 Notify the CSSA Child Safety Officer

If you have a concern relating to child safety and wellbeing, please do not hesitate to contact the **CSSA Child Safety Officer**: Linda Heslehurst on 0418 685 898 or by email at [linda@cssa.nsw.edu.au](mailto:linda@cssa.nsw.edu.au).

If a **CSSA Staff** or **CSSA Volunteer** receives a disclosure relating to the safety and wellbeing of a child, they are to report this to the **CSSA Child Safety Officer** as soon as practicable. They are to make a record of the disclosure they received and the circumstances in which they received it. If they are not able to contact the **CSSA Child Safety Officer** they are to consider whether a report is required under clause 10.3.

### 10.2 Notify Member Schools

If the concern relates to a student of a **Member School**, **Member School Staff** or **Member School Volunteer**, the **CSSA Child Safety Officer** will notify the **Member School**.

CSSA recognise that the **Member School** is the body best placed and resourced to respond to child safety and wellbeing concerns relating to its students (with necessary involvement of government authorities as relevant).

Where the **CSSA Child Safety Officer** notifies **Member Schools** about:

- a matter of a child at **risk of significant Harm** and accordingly give rise to a duty to make a **mandatory report**, or
- conduct which would be **Reportable Conduct**,

the **CSSA Child Safety Officer** is to request the **Member School** provide confirmation to the **CSSA Child Safety Officer** that it has been reported to the Department of Communities and Justice or **NSW OCG**.



### 10.3 Reporting to the NSW Police

#### Immediate Harm

Where **CSSA Staff**, **CSSA Volunteers** or the **CSSA Child Safety Officer** is alerted to an immediate danger to a child they will contact NSW Police on 131 444 or 000 to immediately to report the information to the NSW Police.

CSSA will, if safe to do so, act to prioritise the safety of the child, including removing them from harm and ensuring the safety of those around them. CSSA will also organise support for the person.

#### Failure to Report

In order not to commit an offence pursuant to s 316A of the *Crimes Act 1900* (NSW), **CSSA Staff**, **CSSA Volunteers** or the **CSSA Child Safety Officer**, where they know, believe or reasonably ought to know that a **child abuse offence** has been committed against another person and that they have material information which would assist the NSW Police in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence, must report the information to NSW Police as soon as practicable.

**CSSA Staff**, **CSSA Volunteers** or the **CSSA Child Safety Officer** are not required to make a report where they have a 'reasonable excuse' available. This would include instances where they are aware a **mandatory report** has been made to the NSW Department of Communities and Justice or a notification of **reportable conduct** made to the **NSW OCG**. For a list of 'reasonable excuses' see s 316A of the *Crimes Act 1900* (NSW).

### 10.4 Following a report being made

If concern related to **CSSA Staff** or **CSSA Volunteers** then CSSA is to consider whether the matter constitutes a breach of the CSSA Child Safety Code of Conduct and accordingly should be handled in accordance with the complaint handling process set out in clause 11.



## 11 Complaint Handling

### 11.1 Receiving a complaint or information

Anyone may make a complaint or pass on information that relates to a breach of the CSSA Child Safety Code of Conduct by **CSSA Staff** and **CSSA Volunteers** to the **CSSA Child Safety Officer**.

Complaints or information may be received verbally, however where possible a written outline of the complaint should be provided.

### 11.2 Reporting

#### Notify Member Schools

Where the complaint or information relates to a student of a **Member School** then the **CSSA Child Safety Officer** must notify the **Member School**.

Where the complaint or information relates to **Member School Staff** or a **Member School Volunteer** then the complaint or information is to be notified to the **Member School**.

The **CSSA Child Safety Officer** must take all reasonable steps to assist the **Member School** in relation to the investigation of the complaint or information, including considering providing copies of all records held in relation to the information or complaint.

If the complaint or information relates to **child sexual abuse**, or a related child safety and wellbeing concern and the **CSSA Child Safety Officer** has reasonable grounds for believing that the matter has been reported to the **NSW OCG** or Department of Communities and Justice or NSW Police then they are not required to report that matter in accordance with clause 10.3.

#### Reporting to government authorities

Where the complaint or information relates to **CSSA Staff** or **CSSA Volunteers** then the complaint is to be handled by the **CSSA Child Safety Officer**.

If the complaint or information relates to **child sexual abuse**, or a related child safety and wellbeing concern, then the **CSSA Child Safety Officer** is to make the required reports to government authorities in accordance with clause 10.3.

If a complaint is reported to government authorities the **CSSA Child Safety Officer** will only proceed with consideration of the complaint or information after consultation with the government authorities that it has been reported to.

### 11.3 Risk Assessment

The **CSSA Child Safety Officer** must conduct a risk assessment relating to the safety of the complainant or any other children or vulnerable people and take reasonable precautions to minimise those risks.

CSSA should be careful not to prejudice ongoing criminal investigations and so there may be a need to initiate risk management without alerting the person subject of the complaint.

Subject to the view of government authorities, if CSSA has received a plausible complaint (i.e. not clearly false or vexatious) of **child sexual abuse**, or a related child safety and wellbeing concern, and the complaint relates to a **CSSA Staff member** or **CSSA Volunteer** who is engaged in child-related work then CSSA is to suspend the person from such duties while the complaint is considered in accordance with this procedure.

### 11.4 Appointing an investigator

Where a matter is to be investigated under this procedure, CSSA is to appoint a person to handle the complaint (the **Investigator**). The **CSSA Child Safety Officer** may be the Investigator.

In appointing the Investigator, CSSA will avoid conflicts of interest (for example where there may be a close personal relationship between the subject of the complaint and the proposed investigator).



For any matters related to any form of **child sexual abuse**, or a related child safety and wellbeing concern, the Investigator should be an external person (unless this is not reasonably practicable and a suitably qualified and independent internal Investigator is available).

### 11.5 Support

CSSA is to ensure that support is provided to both the complainant and the respondent, including:

- providing them with a contact person to who they can direct inquiries about the progress of the complaint
- offering them a support person, and
- considering providing them with access to counselling and other support services.

### 11.6 Investigating the complaint

The Investigator is to investigate the complaint (or concern, or allegation if the investigation arises from information that did not come in the form of a complaint)

In investigating the complaint, the Investigator is to:

- act in good faith, without bias and without unreasonable delay
- collect and document evidence, including by conducting interviews and taking statements from the complainant and other witnesses, and
- maintain a record of all relevant evidence obtained and steps taken in the investigation.

### 11.7 Putting the complaint to the Respondent

The Investigator is to put the complaint in writing to the person whose conduct is subject of the complaint (the **respondent**).

In doing so, the Investigator is to:

- set out the complaint with sufficient detail for the respondent to understand the complaint
- state the part of the CSSA Child Safety Code of Conduct that is alleged to have been breached
- set out the potential adverse outcomes for the respondent in the event that there is a finding that the respondent breached the CSSA Child Safety Code of Conduct, and
- provide the respondent with an opportunity to respond to the complaint in writing and within a stated timeframe not exceeding 2 weeks.

### 11.8 Putting any further adverse information to the respondent

If, in the course of the investigation, further adverse information is brought forward in relation to the respondent, the Investigator will:

- advise the respondent in writing of the further adverse information, and
- provide the respondent the opportunity to respond to the information.

### 11.9 Investigators findings

The Investigator must provide a written report which sets out:

- the complaint
- the part of the CSSA Child Safety Code of Conduct that is alleged to have been breached



- the proposed finding
- the evidence relied upon to make the finding, including the response of the respondent (if any) to the complaint
- a finding about whether the complaint is sustained or not sustained based on the standard of proof of 'balance of probabilities' with reference to the principles as set out in *Briginshaw v Briginshaw*<sup>1</sup>), and
- possible outcomes or consequences that the CSSA may consider implementing.

The Investigator's report and copies of all relevant evidence relied on (including any submissions from the respondent), will be provided to the CSSA.

A summary of the Investigator's report will be provided to the respondent along with:

- an invitation to respond in writing to CSSA within a defined timeframe, and
- written notice of the possible consequences if the findings proposed by the Investigator are accepted by CSSA. This may include suspension, termination from duties for **CSSA Volunteers**, termination of engagement for **CSSA Staff**.

#### 11.10 Determination of Complaint and Outcomes

CSSA is to consider the report of the Investigator and to decide whether to accept the finding put forward by the Investigator.

In doing so, CSSA is to consider all of the relevant material available.

If CSSA makes a determination that a complaint is sustained and the CSSA Child Safety Code of Conduct has been breached, they are to propose an outcome for the respondent, which may include, but is not limited to:

- termination of employment or engagement for **CSSA Staff** or **CSSA Volunteers**
- suspension from employment or engagement for **CSSA Staff** or **CSSA Volunteers**, for a period of time, and
- imposing conditions on the employment or engagement of **CSSA Staff** or **CSSA Volunteers**.

If CSSA does not accept the Investigator's finding, CSSA should decide whether there is another available finding on the basis of the evidence presented to it, and record written reasons for departing from Investigator's finding (and if relevant, propose an outcome for the respondent as above).

#### 11.11 Communication of Outcome

The respondent will be informed in writing of the:

- determination of the complaint
- the reasons for the decision, and
- any proposed employment or engagement outcome arising from the determination.

In relation to a staff member who is an employee, they will be invited to show cause why they should not be subject to the proposed employment or engagement outcome within a defined timeline.

The person who raised the complaint will be informed of the outcome of the complaint.





## 11.12 Review and Improvement

Following the resolution of the complaint, CSSA should consider the lessons learned from the complaint handling process, including addressing any areas of risk that were identified in the course of responding to the complaint.