



CRICKET NSW

SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

POLICY INFORMATION

OWNER:	Head of Integrity, Risk and Legal
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VERSION INFORMATION

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ASSOCIATED INFORMATION

Effective period	Document Title
From 1 July 2022	Australian Cricket's Policy for Safeguarding Children and Young People Australian Cricket's Commitment to Safeguarding Children and Young People Australian Cricket's Code of Behaviour for Looking After Our Kids for Australian Cricket Personnel Australian Cricket's Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres
From 29 September 2022	CNSW Complaints and Dispute Resolution Policy CNSW Anti-Corruption Policy CNSW Member Protection Policy CNSW Code of Conduct (contained in the CNSW By-laws)

CNSW Safeguarding Children and Young People Policy

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Part 1 Purpose and application

- (1.1) CNSW has a zero-tolerance policy to child abuse and neglect in any form and is committed to safeguarding and promoting the welfare of Children in cricket by providing a safe and inclusive environment and by ensuring that everyone involved in cricket is educated and informed of their responsibilities to protect and look after Children.
- (1.2) 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.
- (1.3) CNSW aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented and adhered to by everyone involved in cricket in New South Wales.
- (1.4) This Policy:
- (a) is part of CNSW's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access cricket in New South Wales;
 - (b) seeks to ensure that everyone involved in cricket in New South Wales is aware of their rights and responsibilities in relation to Children;
 - (c) should be read in conjunction with Australian Cricket's Policy for Safeguarding Children and Young People, Australian Cricket's Commitment to Safeguarding Children and Young People, Australian Cricket's Code of Behaviour for Looking After Our Kids for Australian Cricket Personnel and Australian Cricket's Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres (Australian Cricket Policies);

- (d) imposes obligations on Cricket Organisations to report allegations of Prohibited Conduct and to implement a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.
- (1.5) This Policy applies to:
- (a) Cricket Participants; and
 - (b) Cricket Organisations.
- (1.6) All Cricket Participants and Cricket Organisations to which this Policy applies must always comply with this Policy (whilst they are a Cricket Participant or Cricket Organisation), including:
- (1.7) in relation to any dealings they have with a Child arising from the Cricket Participant's, Cricket Organisation's or the Child's involvement in any capacity with cricket;
 - (1.8) in relation to any dealings in relation to a Child that they might have with a Cricket Organisation or their staff, contractors and representatives;
 - (1.9) when dealing with a Child or other Cricket Participant or Cricket Organisation in their capacity as a Cricket Participant or Cricket Organisation; and
 - (1.10) in relation to their membership or standing as a Cricket Participant or Cricket Organisation in general.

Part 2 Relationship with Australian Cricket Policies

- (2.1) CNSW has adopted:
- (a) Australian Cricket's Policy for Safeguarding Children and Young People;
 - (b) Australian Cricket's Commitment to Safeguarding Children and Young People;
 - (c) Australian Cricket's Code of Behaviour for Looking After Our Kids for Australian Cricket Personnel; and
 - (d) Australian Cricket's Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres,
- to establish a consistent national framework for safeguarding children and young people that applies to all stakeholders involved in cricket in Australia.
- (2.2) Where a provision of an Australian Cricket Policy is inconsistent with a provision in this Policy, the provision of this Policy will apply to the extent of the inconsistency.

Part 3 Requirements of Cricket Participants and Cricket Organisations

- (3.1) Cricket Participants must:
- (a) comply with the behaviour requirements in the Australian Cricket Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres;
 - (b) report any concerns or allegations of Prohibited Conduct under this Policy;
 - (c) provide true and accurate information during Recruitment & Screening;

- (d) comply with all legislative obligations that they are subject to in relation to Mandatory Reporting or Working with Children Check requirements; and
 - (e) comply with Australian Cricket's expectations for safeguarding children and young people.
- (3.2) Cricket Organisations must:
- (a) adopt, implement, and comply with the:
 - (b) Child Safe Commitment and Recruitment & Screening requirements in Australian Cricket's Policy for Safeguarding Children and Young People;
 - (c) behaviour requirements in the Australian Cricket Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres;
 - (d) report any concerns or allegations of Prohibited Conduct under this Policy;
 - (e) use best efforts to assist Cricket Participants to fulfil their responsibilities under this Policy;
 - (f) recognise any Sanction imposed under this Policy; and
 - (g) take all necessary steps to enforce any Sanction imposed under this Policy and the Complaints and Disputes Resolution Policy.

Part 4 Prohibited Conduct

- (4.1) A Cricket Participant or Cricket Organisation commits a breach of this Policy when:
- (a) they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 6:
 - (b) Child Abuse;
 - (c) Grooming;
 - (d) Sexual Misconduct;
 - (e) accessing, downloading and storing or distributing any form of child pornography;
 - (f) request or infer that the Child keep any communication secret from their parents, guardian, carer or other Cricket Participant, such as a coach or administrator, or Cricket Organisation;
 - (g) supply 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;
 - (h) commit any act that would constitute Prohibited Conduct under the Member Protection Policy;
 - (i) any other inappropriate conduct (including conduct that is objectively age inappropriate) that places the Child or Young Person at risk of harm; or
 - (j) engaging in any attempt to breach (i) to (viii) above.

- (k) there is a breach of a requirement imposed under Part 3 – Requirements on Cricket Participants and Cricket Organisations;
- (l) they are involved in or have knowledge of and do not report a breach of this Part 4 – Prohibited Conduct.

Part 5 Employee Screening and Working with Children Checks Requirements

- (5.1) In New South Wales, the relevant laws regarding Working with Children Checks are set out in the Child Protection (Working with Children) Act 2012 (NSW) and the Child Protection (Working with Children) Regulation 2013 (NSW).
- (5.2) In New South Wales, 'child-related work' is defined in the legislation to relevantly include work for, or in connection with, clubs, associations or other bodies (including bodies of a recreational or sporting nature) providing programs or services for children.
- (5.3) Cricket Organisations must:
 - (a) not employ or commence employing someone who will engage in child-related work if they do not hold a current Working with Children Check that authorises that work;
 - (b) obtain, verify and make a record of the worker's full name and date of birth, and the Working with Children Check number and expiry date prior to commencing employment;
 - (c) update the information recorded pursuant to clause (b) above no later than 5 working days after the expiry date for each clearance of the worker;
 - (d) retain the information referred to in sub-clause (b) above for the period of employment and for 7 years after the worker ceases to engage in child-related work;
- (5.4) Contravention of these prohibitions is an offence, punishable by fines of up to \$110,000.
- (5.5) Refer to section C.9 of Annexure C of the Australian Cricket's Policy for Safeguarding Children and Young People for further details on record-keeping requirements.
- (5.6) CNSW acknowledges that a person may be employed if there is a current application by the worker to the Office of the Children's Guardian for a clearance of class applicable to the person's work, however that this Policy requires the Working with Children Check be completed at the time the work commences.
- (5.7) A person must not work with Children (whether as an employee, volunteer or contractor) unless they have a current Working with Children Check and are not prohibited from working with Children.

Part 6 Complaints and Dispute Resolution Policy

- (6.1) Subject to this Part 6, the Complaints and Dispute Resolution Policy applies to any alleged Prohibited Conduct, including reports of breaches of this Policy or the Australian Cricket Policies.
- (6.2) In the event of a Complaint or allegation that is serious or criminal in nature, the Head of Integrity will report it to the police or relevant government agency and will apply the

procedures set out in Part 5 – Investigation and External Referral of the Complaints and Dispute Resolution Policy.

Part 7 Reporting

- (7.1) In the event of a Complaint or allegation of Child Abuse that indicates Child Abuse has, may have or is likely to occur, anyone bound by this Policy must immediately notify the police and/or the relevant state/territory government agency. The relevant New South Wales contact details are included in Schedule A – Procedure for Handling Complaints and Allegations about Prohibited Conduct.
- (7.2) Cricket Participants and Cricket Organisations must otherwise follow the process set out in Schedule A – Procedure for Handling Complaints and Allegations about Prohibited Conduct. This includes completing a Confidential Record of Prohibited Conduct, a copy of which is included at Schedule B.
- (7.3) In addition, Cricket Participants and Cricket Organisations must be aware of New South Wales mandatory reporting laws that apply to them under the Children and Young Persons (Care and Protection) Act 1998 (NSW).
- (7.4) Any person who has reasonable grounds to suspect a Child is at “significant risk of harm” can make a report to the Department of Communities and Justice. The legislation defines a “significant risk of harm” to include the following circumstances:
 - (a) the Child’s basic physical or psychological needs are not being met, or are at risk of not being met;
 - (b) the Child’s parent/guardian has refused or is unwilling to provide the Child with necessary medical care;
 - (c) the Child is at risk of being physically or sexually abused or ill-treated;
 - (d) the Child 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; or
 - (e) the Child has suffered or is at risk of suffering serious psychological harm as a result of the parent/guardian conduct towards the Child.

Part 8 Child Safe Scheme

- (8.1) Under the Children’s Guardian Act 2009 (NSW), a club or other body providing programs or services of a recreational or sporting nature for children and in which workers are required to hold a Working with Children Check clearance under the Child Protection (Working with Children) Act 2012 is defined as a ‘child safe organisation’ for the purpose of the Child Safe Scheme.
- (8.2) As a child safe organisation, Cricket Organisations must ensure they implement the Child Safe Standards through systems, policies and processes that are continuously reviewed and updated. The Australian Cricket Policies comply with the Child Safe Standards and are, in turn, a compliance mechanism for CNSW and its affiliates as part of the Child Safe Scheme.
- (8.3) The NSW Office of the Children’s Guardian has powers of monitoring, investigation and enforcement against non-compliant child safe organisations under the Child Safe Scheme. For more information, see <https://ocg.nsw.gov.au/child-safe-scheme>.

Part 9 Definitions and interpretation

(9.1) In this Policy:

- (a) references to ‘including’ or similar words are not words of limitation;
- (b) all notices must be in writing and in English;
- (c) words in the singular include the plural and vice-versa;
- (d) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object; and
- (e) to the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.

(9.2) Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in, the CNSW Complaints and Dispute Resolution Policy. In this Policy the following words have the following meaning:

Term	Meaning
Australian Cricket Policies	Includes Australian Cricket’s Policy for Safeguarding Children and Young People, Australian Cricket’s Commitment to Safeguarding Children and Young People, Australian Cricket’s Code of Behaviour for Looking After Our Kids for Australian Cricket Personnel and Australian Cricket’s Code of Behaviour for Looking After Our Kids for Affiliated Associations, Clubs and Indoor Centres.
Child or Children	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 in Australian Cricket’s Policy for Safeguarding Children and Young People.
Child Safe Scheme	The legislative scheme contained in Part 3A of the <i>Children’s Guardian Act 2009</i> (NSW).
Child Safeguarding Policy	This CNSW Safeguarding Children and Young People Policy.
Grooming	Has the meaning in Australian Cricket’s Policy for Safeguarding Children and Young People.
Mandatory Reporting	The legislative requirement for specific people or groups of people to report suspected child abuse under section 27 of the <i>Children and Young People (Care and Protection) Act 1998</i> (NSW).
Member Protection Policy	The CNSW Member Protection Policy.
Recruitment & Screening	The child safety recruitment and screening requirements adopted and implemented by Cricket Organisations to help ensure the safety of Children participating in cricket in New South Wales, as outlined in Annexure C of Australian Cricket’s Policy for Safeguarding Children and Young People.

Sexual Misconduct	Has the meaning in Australian Cricket's Policy for Safeguarding Children and Young People
Working with Children Check	A 'Working with Children Check' (however named) under applicable New South Wales legislation.

SCHEDULE A: Information for Reporting Allegations of Child Abuse

STEP 1 – ACT IMMEDIATELY

Everyone involved in our game plays a crucial role in protecting Children and must follow the steps set out below when responding to any allegations of Prohibited Conduct.

STEP 2 – RESPOND TO IMMEDIATE THREATS

If you believe a Child is at risk of immediate harm, call 000 for medical or police assistance. If there is no immediate risk of harm, go to Step 3.

STEP 3 – RECEIVE COMPLAINT

If a Complaint or allegation of Prohibited Conduct relating to a Child is made to a Cricket Participant or Cricket Organisation, that person must REPORT the complaint in accordance with Step 4.

When receiving any allegations, complaints or disclosures a Cricket Participant or Cricket Organisation should:

- listen carefully and maintain a calm and open manner;
- promptly and accurately record the discussion in writing;
- avoid seeking detailed information or asking leading questions;
- not challenge or undermine the person making the complaint or allegation;
- explain that other people may need to be told to ensure the safety and wellbeing of the Child; and
- not discuss the details with any person, including the offender, except in accordance with this procedure.

STEP 4 – REPORT

CNSW treats any complaint or allegation of Prohibited Conduct promptly, seriously and with a high degree of sensitivity and confidentiality.

If, while participating in a Cricket Event, a Cricket Participant or Cricket Organisation or any other person reasonably suspects that a Child or Young Person is at risk of being subject to Prohibited Conduct that has or could cause harm to a Child or Young Person, they must:

- (1) **NOTIFY:** Immediately notify the POLICE, the RELEVANT GOVERNMENT AGENCY, and at least TWO (2) RELEVANT CRICKET CONTACTS identified in paragraph 10 below and inform the Complainant that the notification will take place.

The relevant contact details for police and government departments in New South Wales regarding complaints of Child Abuse are:

New South Wales Police
Non-urgent police assistance
Ph: 131 444
www.police.nsw.gov.au

Communities and Justice NSW
Child Protection Helpline
Ph: 132 111 (24 hours)
Domestic Violence Helpline
1800 656 463

<https://www.facs.nsw.gov.au/families>

Relevant Contacts within Cricket Organisations in New South Wales:

CNSW Employees and Players

Hannah McLean, Head of Integrity
hannah.mclean@cricketnsw.com.au

CNSW Integrity Unit
integrity@cricketnsw.com.au

Cricket Participants (including affiliates or club players)
In addition to the contacts on the left, The Affiliated Association or Club:

- President;
- Child Safe Officer; or
- Member Protection Information Officer

Cricket Australia's Legal, Risk and Integrity department can also be contacted as follows:

- Via the Cricket Australia Integrity Hotline FAIR GAME (1300 3247 4263)
- Email Cricket Australia's Integrity Partner, Core Integrity at: fairgame@coreintegrity.com.au; or
- Email Cricket Australia's Integrity Team at: integrity@cricket.com.au

Online: You can make a confidential (and anonymous) report/complaint to Cricket Australia's Integrity Partner, Core Integrity, using this link:

www.clearviewconnects.com/#/reporter/submit-report?org=cricketaustraliagp&lang=en

OR use this QR Code:



- (2) **LIAISE AND SUPPORT:** With the support of the Head of Integrity, notify the Police and relevant Government Agency (as required) where this has not already happened. The CNSW Head of Integrity will liaise with the Police and/or Government Agency as to the progress of any investigation. In respect of matters involving Cricket Participants, CNSW will provide appropriate support to the Affiliated Association or Club as required.

STEP 5 – PROTECT AND MANAGE

(1) FOLLOW ADVICE OF POLICE AND RELEVANT GOVERNMENT AGENCY

The Relevant Cricket Contacts who receive the report in accordance with Step 4 must:

- Follow the advice of Police and/or Government Agency with respect to what and how information should be shared with parents/guardians, and who should lead this contact (i.e. police, relevant government agency or Cricket Participant or Cricket Organisation)
- designate the individual who shall be responsible for the liaison and information sharing between the relevant parties and compiling of information;
- designate the CNSW representative (as the case requires);
- assess the immediate risks to Children;

- on the direction and advice of the Police and/or Government Agency, take interim steps (as required) to ensure the safety and wellbeing of Children, including any Child directly impacted by the alleged behaviour or circumstances relating to a Cricket Participant or Cricket Organisation in line with Step 6 below; and
- establish next steps, making general enquiries with relevant individuals and determining the level of investigation required of the matter.

(2) IMPLEMENT INTERIM MEASURES:

Where an allegation/complaint is made in respect of a Cricket Participant and there is a risk to the safety/wellbeing of Children whilst any enquiry/investigation is on foot, without limitation, CNSW or the Cricket Organisation may, in consultation with the advice of the Police and/or Government Agency:

- temporarily redeploy the Cricket Participant to a position where there is no contact with Children;
- restrict the duties of the Cricket Participant to ensure that there is no contact with Children;
- suspend the Cricket Participant, pending investigation;
- terminate the Cricket Participant, following investigation and substantiation of an allegation and/or complaint; or
- take other action as determined reasonable by CNSW or the Cricket Organisation in the circumstances.
- Where an allegation or complaint is made in respect of a Cricket Organisation, CNSW may take action as determined in its absolute discretion, in accordance with the CNSW Constitution, By-laws, Member Protection Policy or other governing documents.

STEP 6 – PROVIDE SUPPORT

It is important that the person providing support to a Child does not attempt to provide support which is outside of the scope of their role.

CNSW will consider what support services may be most appropriate to assist and support the Child and their family and the Cricket Participant or Cricket Organisation involved. This may include referral to appropriate external support providers/resources.

CNSW and the Cricket Organisation (as the case may be) will seek to put in place measures to protect the Child, Cricket Participant or Cricket Organisation from possible victimisation.

STEP 7 – TAKE INTERNAL ACTION

(1) TAKE DISCIPLINARY ACTION:

CNSW recognises that further to making general enquiries, several investigations may be undertaken to examine allegations or complaints that are made against a Cricket Participant including:

- a criminal investigation (conducted by the Police);

- a child protection investigation (conducted by the relevant Government Agency);
- where an allegation or complaint relates to a Cricket Participant, disciplinary action (including termination) in accordance with the disciplinary policy or process relevant to their employment or engagement; and
- where an allegation or complaint relates to a Cricket Participant, investigation and resolution under the CNSW Member Protection Policy.

(2) COMPLETE AND PROVIDE CONFIDENTIAL RECORD OF COMPLAINT OR ALLEGATION

The Confidential Record of Complaint or Allegation (contained at Schedule B) must be provided to Cricket NSW's Head of Integrity at integrity@cricketnsw.com.au.

The Confidential Record of Complaint or Allegation must remain confidential and not be shared more broadly than those identified in the CNSW Integrity Framework and relevant staff at Cricket Australia, unless disclosure is required by law.

SCHEDULE B: Confidential Record of Prohibited Conduct

Please consider whether the matter must be immediately reported to Police and the relevant Government Agency in accordance with Schedule A of this Policy.

Always ensure the procedures outlined in this Policy have been followed and advice has been sought from CNSW Head of Integrity, the Police and/or relevant Government Agency.

Complainant to Complete		
Date of report		
Name of Complainant (if other than the child; if Complainant wishes to be anonymous please specify) <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's contact details	Phone:	
	Email:	
If Police contacted, please specify:	Date Police contacted:	
	Name of Police Officer:	
	Event number/reference:	
Child's details (use alias/pseudonym to protect child's identify)	Name:	
	Age:	
	Any known contact info:	
Reasons for suspecting Prohibited Conduct (observation, injury, disclosure)		
Name of person complained about (Respondent) <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)
Cricket NSW program or service		
Affiliated Association or Club		
CNSW Personnel notified	Name:	
	Date notified:	
	Notes (if any):	

CA Personnel notified	Name:	
	Date notified:	
	Notes (if any):	
Any other notification made (e.g. Department of Communities and Justice, CNSW staff, Board, Committee or other person)	Name:	
	Date notified:	
	Notes (if any):	
Witnesses (if any) If 'Yes', please list the witnesses and their contact details (if known)	Did anyone else witness this alleged breach by the Respondent? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure	
	1. Name: Phone: Email:	
	2. Name: Phone: Email:	
	3. Name: Phone: Email:	
Interim action taken (if any) to ensure the child's safety and/or support needs of Respondent	<input type="checkbox"/> temporary redeployment <input type="checkbox"/> restriction of duties <input type="checkbox"/> suspension <input type="checkbox"/> termination <input type="checkbox"/> other (specify):	
Signed by Complainant (type name or e-signature)	Signature: Date:	

This record and any other documentation (including notes) must be kept in a confidential and safe place and provided to the relevant authorities (Police and Government Agencies) should they require them.