

Bushwalking NSW

Bushwalking NSW Inc.

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Guidelines for Child Protection on Club Activities

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Introduction

Child protection on club activities will begin with compliance with state regulations and involves a responsible adult taking charge of each child on a walk. Clubs should check the legislation in NSW and the ACT. However, contact of adults with minors for clubs engaging in club activities should not usually involve background checks. The Bushwalking NSW Inc. **Risk Management Guidelines** at <http://www.bushwalkingsw.org.au/bushwalking/wp-content/uploads/BNSW-Risk-Management-Guidelines.pdf> summarises working with children regulations.

Risk of Abuse

It is a matter for each Club to determine whether to accept children (anyone under 18 years) on club activities and under what conditions. Bushwalking NSW recommends that, if a child is accepted on a Club activity, the Club requires the child to be accompanied by a responsible adult. A responsible adult would include the child's parent or guardian or an adult that has been given authority by the parent or guardian to be responsible for the child for the duration of the activity. Any and all allegations of abuse must be dealt with promptly, seriously, sensitively and confidentially and reported to the police without delay. For insurance purposes, please inform Bushwalking NSW Inc. and our insurance broker of the generalities as soon as possible eg. "Allegation made by x person on [activity name], run by y club on z date and whether a claim might arise".

Risk of Injury

Leaders of Club activities have a high duty of care to children because children cannot fully understand the risks of an activity and therefore can't minimise them. To carry out risk management, leaders must keep in mind that there will be a significant range of physical ability, fitness, experience and common sense across a range of different minors. Leaders should gain an understanding before commencing any activity of the level of experience, fitness etc. of any child undertaking the walk or activity. If any issues are identified in respect to the child's suitability for a particular activity then either the child should not be allowed to participate, or additional risk mitigation measures should be taken to protect the child. For example, on a particularly challenging section, an experienced walker might walk in front and another behind the child. Or if a child is accepted on a lilo trip, the leader should establish that the child has swimming ability, has suitable equipment and food. These measures need to be specific to the situation to mitigate the risks as far as possible.

Waiver of Rights

Children cannot enter into contracts, so a legal guardian must sign the Acknowledgement of Risks and Obligations form on behalf of the child. The waiver is to acknowledge risks and acknowledge the person will minimise those risks. Some Clubs may wish to use a waiver signed by the child's parent or guardian, waiving all the parent's or guardian's rights against the club, as well as a separate form to be signed by the person in charge of the child on the day of the activity, taking responsibility for the child on the day. The waiver signed by the parent or guardian could be a once-off form, signed before the child's first activity with the Club, or a form signed before each activity. A child is covered in the same way as an adult under Bushwalking Australia's insurance policies with the only difference being that, since children generally do not earn income, the Personal Accident policy only provides loss of income benefit to claimants earning an income.

Bushwalking NSW Recommended Actions for Child Protection

Bushwalking NSW Inc. welcomes and encourages the involvement of children in club activities whilst recognising the rights of individual clubs to determine their own child involvement and actions to comply with the legal child protection guidelines.

Having an adult in charge of and taking responsibility for each child on a walk is essential to the welfare of children on walks & their protection. Despite this, there is always the possibility of a problem.

Procedures before a child attends an activity

1. Children must be accompanied by a parent, legal guardian or carer (in loco parentis)
2. If a child wishes to attend an activity, the parent/legal guardian or carer must, prior to the activity, contact the activity leader to discuss the child's attendance and obtain the leader's permission for the child to attend, and COMPLETE THE RISK WAIVER FORM FOR A CHILD (Appendix 1).
3. If child is to be accompanied by a carer, prior to the activity, the parent/legal guardian:
 - a. must complete the risk waiver (Appendix 1), and
 - b. it is recommended that they contact activity leader to find out details of the activity.
4. The carer must:
 - a. contact activity leader to discuss child's attendance and obtain the leader's permission for the child to attend, and
 - b. complete and sign a risk waiver form taking responsibility for the child on the day. (Appendix 2)
5. The leader of an activity has total discretion to approve or refuse the attendance of a child and/or to determine the maximum number of children that can attend an activity. The leader may choose to notify other participants prior to the activity that children will be attending.
6. The activity leader, as part of the pre-activity safety and risk management briefing must:
 - a. Introduce child/parent/legal guardian/carer to activity participants.
 - b. Explain the child supervision responsibilities of parent/legal guardian/carer to all activity participants.

Recommendations if a Child Protection Incident is Reported to you on a Club Event:

Under no circumstances should you investigate or ask questions regarding a child protection incident on a club activity. This includes all sexual assault & serious physical assault allegations. Instead, as soon as possible, cease the activity where the incident has occurred and report the information you have received to police.

Actions

(A laminated copy of these recommendations could be given to leaders to place in their first aid kit.)

Recommended actions if a sexual or serious physical assault allegation is made during a club activity:

1. Listen to the complainant or person acting for the complainant. Take the complaint seriously.
2. Record date and time of complaint.
3. Cease the activity & exit the activity as quickly as possible.
4. As far as possible ensure the separation of the victim and alleged perpetrator for the remainder of the activity.
5. Call the police ASAP and act on their advice.
6. If unable to call police immediately, call from an area with mobile reception as soon as possible.
7. Without disclosing any confidential details, inform other participants that an incident has occurred which will require the activity to be shortened. They should not ask questions about this. If they do, tell them you cannot disclose information.
8. Return to vehicles.
9. Other participants leave.
10. Leader awaits police.

UNDER NO CIRCUMSTANCES SHOULD LEADER OR OTHER PARTICIPANTS INVESTIGATE OR QUESTION SUCH AN INCIDENT.

Other forms of Incidents

Other forms of incidents concerning children may occur, such as:

- a. Allegations from children against leaders or participants in club activities or other persons outside of a club event
- b. Child on child incidents
- c. Allegations after an event
- d. Incidents via online communications.

The procedure to deal with these is the same.

- (a) Do not investigate.
- (b) Report the information to the police as soon as practicable

Recommendations if a Minor Child Protection Incident Occurs during a Club Activity:

Minor incident examples are:

- bullying,
 - child is hit, but not physically injured, by another child,
 - lack of supervision by nominated adult.
1. Listen to complainant or person acting for complainant. Take complaint seriously.
 2. Record date and time of complaint.
 3. As far as possible ensure the separation of victim and alleged perpetrator for remainder of activity.
 4. On return the leader should contact club's Member Protection Information Officer (MPIO).
 5. MPIO would then enact the club's incident and support framework. Bushwalking NSW Inc. has harassment guidelines with which to address bullying and harassment.

Club Procedures

1. The Club management committee must keep up to date with any changes to state or territory child protection guidelines and inform membership of changes. Changes to government legislation and rules need to be assessed.

2. It is highly recommended that clubs elect a Member Protection Information Officer (MPIO) who would be the 'go to' person for members to approach if a child protection incident occurs (Appendix 4). If a child protection incident occurs on an activity then a report should be made by the activity leader. Training and support for MPIOs is available through NSW Office of Sport (see Support documents and links)

3. Clubs must develop action and reporting guidelines for activity leaders (Appendix 3)

4. It is highly recommended that Clubs develop or adopt, from NSW Office of Sport, an incident resolution and support framework which is enacted by MPIO or management committee. (see Support documents and links)

5. Paper or scanned copies of all permission forms must be held indefinitely as part of club records.

6. It is recommended that clubs, as part of their risk management and safety training, should run a minimum of 3 short child protection information sessions per year. (These need not occupy a whole meeting. They can just be quick reminders at a meeting, at the beginning of a walk or in a newsletter.) (see Support documents and links)

Suggested topics are

- Current and updated legal requirements for Child Protection on club activities.
- Documentation required for the attendance of a child on a club activity (Appendices 1 and 2)
- Role and responsibility of activity leader when children are participating (Appendix 3)
- Role and responsibility of Membership Protection Information Officer (Appendix 4)

Bushwalking NSW Inc.

- Actions required in the event of a child protection incident (see above)
- How the group can support their leader in the event of a child protection incident.
- Supporting participants and leader after an incident occurs.

Definitions

Child	a person under the age of 18
Adult	a person 18 years or older
Guardian	legal guardian under the law
Carer	an adult to whom permission is given by the parent/legal guardian to supervise and take responsibility for their child on particular day/s and activity.
In loco parentis	Latin for 'in the place of parent' – refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent
Management committee	elected representatives of the club.
Regular meeting	a meeting which club members attend.

Appendix 1: Acknowledgement of Risks and Obligations for a Child

For use by Clubs that permit children to participate in Club activities. This waiver should be signed by a parent or guardian. This version is suitable for signing annually e.g. in membership applications and renewals.

ACKNOWLEDGEMENT OF RISKS AND OBLIGATIONS

[Insert Name of Club]

I am the parent/guardian of:

Name of child _____ born on ___/___/___

Name of child _____ born on ___/___/___

I consent to the above-named child or children participating in the activities of the [name of club].

I am aware that this child or children, in voluntarily participating in the activities of this Club, is/are risking injury, illness, death and loss of, or damage to, their property. Typical risks may include but are not limited to hyperthermia, hypothermia, slipping on loose or icy surfaces, slipping on rocks, falling rocks, exposure, snake bite, bee stings and other insect attacks, burns, drownings, stepping into unseen holes, accidents during vehicle travel to walks, navigation errors and becoming lost. To minimise risks I will:

- inform myself of the nature of the activities and ensure that they are within the child(ren)'s capabilities
- ensure the child(ren) carry food, water, clothing and equipment appropriate for the activity
- advise the leader of any physical or other limitation, or any dependence on medication, that may require urgent attention during the activity
- explain to the child(ren) the need to:
 - make every effort to remain with the rest of the party during the activity;
 - advise the leader of any concerns they are having; and
 - to comply with all reasonable instructions of the leader.

I understand these risks and requirements. My consent is binding on the above-named child/children.

Name: _____

Signature: _____

Date: ___/___/___

- Signed form to be given to activity leader before commencement of activity.
- Leader to attach this permission form to activity report sheets and returned to club activity coordinator for filing.
- Paper or scanned copies of this permission form should be filed indefinitely as part of the club records

Appendix 2: Acknowledgement of Risks and Obligations for a Child and Authorisation of Responsible Adult

For use by clubs that permit children to participate in a club activity with an assigned responsible adult. This form should be signed by a parent or guardian. This version is suitable for signing prior to an activity for which a parent or close relative of the child is not accompanying the child.

ACKNOWLEDGEMENT OF RISKS AND OBLIGATIONS

[Insert Name of Club]

I am the parent/guardian of

name of child _____ born on ___/___/___

name of child _____ born on ___/___/___

I consent to the above-named child or children participating in the activities of the [name of club].

I am unable to attend the activity with the child on _____ (date)

at _____ (location) and hereby authorise

Name _____

Address _____

to be responsible for supervision and care of my child for the duration of the activity. I am aware that this child or children, in voluntarily participating in the activities of this Club, is/are risking injury, illness, death and loss of, or damage to, their property. Typical risks may include but are not limited to hyperthermia, hypothermia, slipping on loose or icy surfaces, slipping on rocks, falling rocks, exposure, snake bite, bee stings and other insect attacks, burns, drownings, stepping into unseen holes, accidents during vehicle travel to walks, navigation errors and becoming lost. To minimise risks I will:

- inform myself of the nature of the activities and ensure that they are within the child(ren)'s capabilities
- ensure the child(ren) carry food, water, clothing and equipment appropriate for the activity
- advise the leader of any physical or other limitation, or any dependence on medication, that may require urgent attention during the activity
- explain to the child(ren) the need to:
 - make every effort to remain with the rest of the party during the activity;
 - advise the leader of any concerns they are having; and
 - comply with all reasonable instructions of the leader.

I understand these risks and requirements. My consent is binding on the abovenamed child/children.

Name: _____

Signature: _____ Date: ___/___/___

- Signed form to be given to activity leader before commencement of activity.
- Leader to attach this permission form to activity report sheets and returned to club activity coordinator for filing.
- Paper or scanned copies of this permission form should be filed indefinitely as part of the club records.

Appendix 3: Role and responsibility of activity leader

1. Ensure all documentation has been completed prior to activity starting.
2. Ensure all activity participants are aware of the responsibility of the supervising adult.
3. Be aware of guidelines for the reporting of an incident
4. If an incident occurs leader is to follow club guidelines
5. With MPIO, implement club support framework if required after an incident

Appendix 4: Recommended Actions of the MPIO

It is recommended that a Member Protection Information Officer (MPIO) completes the NSW Office of Sport MPIO training.

RECOMMENDED ACTIONS OF THE MPIO:

1. Attend and complete NSW Office of Sport training for Member Protection Information officer (MPIO)
2. In the case of a serious Child Protection incident, call Police immediately and act on their advice.
3. If the MPIO is informed of an incident at a club activity, meeting or function, the MPIO should note date and time of incident, and basic details of incident.
4. In the case of a minor child protection incident, MPIO would enact club's incident and support framework.

Appendix 5: Support documents and links

Bushwalking NSW Inc. website [https://www.bushwalkingnsw.org.au/risk-management/Bushwalking NSW Risk Management Guidelines](https://www.bushwalkingnsw.org.au/risk-management/Bushwalking%20NSW%20Risk%20Management%20Guidelines) summarises working with children regulations

NSW Office of Sport

Phone: 131302

Monday to Friday

9-5pm

Member Protection Information Officer Training (MPIO)

Training for the MPIO role comprises two parts: online (approx. 90 minutes to three hours depending on how familiar people are with online training), plus attending a three-hour face-to-face workshop. The face-to-face workshop is currently \$25 per person.

The MPIO online training link and other resources/courses on Play by the Rules can be found here:

- <https://www.playbytherules.net.au/online-courses>
- <https://sport.nsw.gov.au/events/training>

You may wish to subscribe to relevant Office of Sport communications via the below link.

- <https://comms.sport.nsw.gov.au/link/id/zzzz5c9def85c8935430Pzzzz5ca6a754943d5220/page.html>

Office of the Children’s Guardian

- General enquires: 02 8219 3600
- <https://www.kidsguardian.nsw.gov.au/> Can assist with Working with Children’s Checks
- Click Subscribe to receive their regular updates

NSW Department of Communities and Justice (DCJ) (formerly FACS)

- General Enquires: 02 9377 6000

ACT regulations may be slightly different from in NSW. Contact Child Protection Services ACT:

- <https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services>
- childprotection@act.gov.au
- 1300 556 729

CHILD PROTECTION HELPLINE – 132 111

This resource may be useful in any handouts/training which covers information on the Child Protection Helpline.

- <https://www.facs.nsw.gov.au/families/Protecting-kids/keeping-children-safe>

Ombudsman New South Wales

This may be more relevant to the state body overall to be aware of but this has some good links/resources.

- <https://www.ombo.nsw.gov.au/>

Appendix 6: General Notes

List of organisations that Bushwalking NSW Inc, and clubs, may need to contact annually to check for changes to child protection guidelines:

1. NSW Office of the Children’s Guardian – (including Working with Children Check)

- <https://www.kidsguardian.nsw.gov.au/>
- 02 8219 3600

2. NSW Office of Sport

- <https://sport.nsw.gov.au>
- 131 302

Appendix 7: Checklist for suggested actions by club management committee

Task	Is it completed? Check off list as completed.
1. We have received copy of Bushwalking NSW Guidelines for Child Protection	
2. Bushwalking NSW Child Protection Guidelines have been discussed at a Management Committee meeting.	
3. We have presented the guidelines to a regular membership meeting and/or placed information in club newsletter and/or our website	
4. We have permission forms for child/children to attend club activity	
5. We have permission forms for parents/guardian to nominate a carer	
6. We have prepared role & responsibility guidelines for leaders of activities which involve children.	
7. We have prepared action and reporting guidelines for leaders in the event of a child protection incident.	
8. We have scheduled training sessions at regular membership meetings or by other methods to disseminate information on child protection.	
9. We have placed on the management committee agenda, an annual review of child protection guidelines.	
10. We have prepared guidelines to support leader and participants both during and after an incident.	
11. A process for ongoing storage of signed forms has been established.	
12. We have considered sending a club member to complete MPIO training	