

Child Safety in Netball Code of Conduct

This Child Safety in Netball Code of Conduct (**Code**) outlines the expected behaviour for interactions within Netball in Victoria and aligns with the Child Safety in Netball Policy (**Policy**). The primary aim of this Code is to protect and safeguard Children and Young People.

This Code is to be followed at all times by all Members and all people involved in any way with Netball. For clarity and emphasis regarding this Code, Persons in Positions of Responsibility and Authority include:

- any adult in Netball in Victoria; and
- any Child or Young Person in Netball in Victoria who is in a position of providing guidance and advice (authority) to other Children and Young People or adults.

All people involved in Netball should:

- Provide a safe environment for Children and Young People in Netball and comply with this Code.
- Ensure that any physical contact with others is appropriate to the situation and necessary for the person's skill development within Netball.
- Refrain from intimate relations with persons with whom you have a position of authority over.
- Report breaches of the Policy or the Code to the appropriate Person(s) in a Position Responsibility and of Authority.

(a) Positive guidance

BDNA and its Affiliates strive to ensure that Children and Young People participating in Netball are aware of the acceptable limits of their behaviour so that BDNA and its Affiliates can provide a positive experience for all participants. Persons in Positions of Responsibility and Authority should use strategies that are fair, respectful and appropriate to the developmental stage of the Children and Young People involved. Children and Young People need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are Persons in Positions of Responsibility and Authority to take disciplinary action involving physical punishment. Nor is any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating to be tolerated.

(b) Adhering to role boundaries

Persons in Positions of Responsibility and Authority should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.

With the exception of parents/carers of their own Children and Young People or where Persons in Positions of Responsibility and Authority are expressly authorised by the relevant parents/carers, Persons in Positions of Responsibility and Authority must not:

- provide unauthorised transportation to Children and Young People;
- engage in activities with Children and Young People who are Members outside of BDNA or an Affiliate authorised services, programs, events or activities;
- seek contact with Children and Young People who are Members outside BDNA or an Affiliate authorised services, programs, events or activities; and/or
- accept an invitation to attend any private social function at the request of a Child or Young Person who has participated, or is participating, in BDNA or an Affiliate authorised services, programs, events or activities.

If any Persons in Positions of Responsibility and Authority become aware of a situation in which a Child or Young Person requires assistance that is beyond the confines of that person's role, or beyond the scope of BDNA or an Affiliate, they should at the earliest opportunity:

- refer the matter to an appropriate support agency, as well as to NV;
- refer the Child or Young Person to an appropriate support agency;
- contact the Child or Young Person's parent or guardian as appropriate (which may be undertaken in consultation with NV); or
- seek advice from a Senior Person.

(c) WWCC

Persons in Positions of Responsibility and Authority with children must comply with the NV Working with Children Check Regulation. Details of the regulation are found in the NV Child Safety in Netball Policy section 2.4.

(d) Use of language and tone of voice

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

- provide clear direction, boost their confidence, encourage or affirm them;
- not be harmful – therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
- not be discriminatory, racist or sexist;

- derogatory, belittling or negative, for example, by calling a Child or Young Person a 'loser' or telling them they are 'too fat';
- threatening or frightening; and /or
- profane or sexual.

(e) Supervision of Children and Young People

Persons in Positions of Responsibility and Authority responsible for supervising Children and Young People in relation to whom BDNA and its Affiliates have a direct role in providing activities, events, programs and services, must strive to ensure that those participants:

- engage positively within the delivery of the service, program, event or facility;
- behave appropriately toward one another; and
- are in a safe environment and are protected from external threats.

Persons in Positions of Responsibility and Authority are required to avoid unsupervised situations with Children and Young People to whom BDNA or an Affiliate provides services, events, programs and/or activities and (where possible) to conduct all activities and/or discussions with participants in view of other Persons in Positions of Responsibility and Authority.

(f) Use of electronic communications

Other than between Children and Young People, wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to a Child or Young Person by a Person in a Position of Responsibility and Authority should be copied to their parent or carer.

Where a parent is not included in the communication:

- Restrict such communication to issues directly associated with delivering NV or an Affiliate's services, activity or program, such as advising that a scheduled event (such as training) is cancelled.
- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature.
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact.
- Do not request a Child or Young Person to keep a communication a secret from their parents or carers.
- Do not communicate with Children or Young People using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

(g) Giving gifts to Children and Young People

The giving of gifts by Persons in Positions of Responsibility and Authority to Children and Young People to whom BDNA or an Affiliate provides service is subject to:

- obtaining prior authorisation from a Senior Person at NV or the relevant Affiliate; and
- parents or other responsible adults being made aware of any gift given.

(h) Photographs of Children and Young People

Children and Young People to whom a service is delivered are to be photographed while involved in an NV or Affiliate's service, program, activity, event or facility only if:

- prior approval has been granted by their parents/guardian and by BDNA or the relevant Affiliate;
- the context is directly related to participation in Netball;
- the Child or Young Person is appropriately dressed and posed; and
- the image is taken in the presence of other Persons in Positions of Responsibility and Authority.

Except in the case of Children and Young People and/or their parents/carers distributing photos of themselves or their own children to each other or to others, images are not to be distributed (including an attachment to an email) to anyone outside Persons in Positions of Responsibility and Authority other than the child photographed or their parent/carer, without knowledge and approval of a Senior Person.

Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:

- if in hard copy form, in a locked drawer or cabinet; or
- if in electronic form, in a 'password protected' folder.

Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required.

Images are not to be exhibited on BDNA or an Affiliate's website without parental/carer knowledge and approval, or such images must be presented in a manner that de-identifies the Child or Young Person. Any caption or accompanying text may need to be checked so that it does not identify a Child or Young Person if such identification is potentially detrimental.

(i) Physical contact with Children and Young People

Any physical contact with Children and Young People must be appropriate to the delivery of Netball services, events, programs or activities, such as when appropriately correcting technique and based on the needs of the Child or Young Person (such as to assist or comfort a distressed young person) rather than on the needs of Persons in Positions of Responsibility and Authority.

Under no circumstances should any Persons in Positions of Responsibility and Authority have contact with Children or Young People participating in a NV and or Affiliate service, program, activity or event that:

- involves touching:
 - of genitals;
 - of buttocks; or
 - of the breast area

unless that is part of delivering medical or allied health services to which:

- the relevant Persons in Positions of Responsibility and Authority is qualified to deliver; and
 - the relevant medical intervention has the express prior consent of the relevant Children or Young Person and his/her parents/guardians or the relevant medical intervention is required in circumstances of a medical emergency;
- would appear to a reasonable observer to have a sexual connotation;
 - is intended to cause pain or distress to the Child or Young Person – for example corporal punishment;
 - is overly physical – for example, wrestling, horseplay, tickling or other roughhousing;
 - is unnecessary –for example, assisting with toileting when a Child or Young Person does not require assistance; or
 - is initiated against the wishes of the Child or Young Person, except if such contact may be necessary to prevent injury to the Child or Young Person or to others, in which case:
 - physical restraint should be a last resort;
 - the level of force used must be proportionate to the specific circumstances, and aimed solely at restraining the Child or Young Person to prevent them from causing harm to themselves or others; and
 - the incident must be reported to a Senior Person as soon as possible.

Persons in Positions of Responsibility and Authority are required to report to a Senior Person any physical contact initiated by a Child or Young Person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child or Young Person, Persons in Positions of Responsibility and Authority and any other participants.

(j) Sexual misconduct and relationships

Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, Children or Young People participating in any BDNA or Affiliate environment. Engaging in sexual behaviour while participating in Netball services, events, programs or activities is prohibited even if the Children and Young Persons involved may be above the legal age of consent.

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and/or
- 'non-contact behaviour', such as flirting between adults and Children and Young People, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Consensual intimate relationships (whether or not of a sexual nature) between a Person in a Position of Responsibility and Authority and an adult participant should where possible be avoided as they can have harmful effects on the participant involved and on other Members and on BDNA's and Affiliate's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the person of authority and the participant.

If a participant attempts to initiate an intimate sexual relationship with a person of authority, it is the Person in a Position of Responsibility and Authority's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The Person in a Position of Responsibility and Authority or participant may wish to seek advice or support from the Child Safety Protection Officer or equivalent if they feel harassed. The complaints procedure is outlined in the Policy.

(k) Overnight stays and sleeping arrangements for Children and Young People

Overnight stays are to occur only with the authorisation of appropriate BDNA or Affiliate Senior Persons and of the parents/carers of the Children and Young People involved.

Practices and behaviour by Persons in Positions of Responsibility and Authority during an overnight stay must be consistent with the practices and behaviour expected during delivery of BDNA or an Affiliate services, programs, events and activities at other times.

Standards of conduct that must be observed by Persons in Positions of Responsibility and Authority during an overnight stay include but are not limited to:

- providing Children and Young People with privacy when bathing and dressing;
- observing appropriate dress standards when Children and Young People are present – such as no exposure to adult nudity;
- not allowing Children and Young People to be exposed to pornographic material, for example, through movies, television, the Internet or magazines;

- not leaving Children and Young People under the supervision or protection of unauthorised persons such as hotel staff or friends;
- not involving sleeping arrangements that may compromise the safety of Children and Young People such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child or Young Person unless authorised to do so by BDNA or an Affiliate, as appropriate;
- the right of Children and Young People to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay; and
- parents expecting that their Children and Young People can, if they wish, make contact.

(l) Change room arrangements

Persons in Positions of Responsibility and Authority are required to supervise Children and Young People in change rooms while balancing that requirement with a Child or Young Person's right to privacy. In addition, Persons in Positions of Responsibility and Authority:

- should avoid one-on-one situations with Children and Young People in a change room area;
- are not permitted to use the change room area to, for example, undress, while Children and Young People are present unless they are also competing in a NV or Affiliate event or are participating in a Netball training environment;
- need to ensure adequate supervision in 'public' change rooms when they are used;
- need to provide the level of supervision required for preventing Child Abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy; and
- need to ensure that females are not to enter male change rooms and males are not to enter female change rooms.

(m) Use, possession or supply of alcohol or drugs

While on duty or carrying out their roles, Persons in Positions of Responsibility and Authority must not:

- use, possess or be under the influence of an illegal or illicit drug;
- use or be under the influence of alcohol;
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs; and
- supply alcohol or drugs (including tobacco) to Children and Young People.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with a Person in Positions of Responsibility and Authority's ability to care for Children and Young People involved in BDNA and an Affiliate's services, programs, events or activities.

(n) Transporting children

Children and Young People are to be transported by Persons in Positions of Responsibility and Authority (other than by their parent(s)/carer(s) only in circumstances that are directly related to the delivery of Netball services, events, programs or activities. For example, Children and Young People should not be given casual lifts unrelated to Netball services, events or activities by Persons in Positions of Responsibility and Authority.

Children are to be transported by Persons in Positions of Responsibility and Authority only with prior authorisation from a Senior Person from BDNA or the relevant Affiliate and/or (where practical to do so) from the Child or Young Person's parent/carer. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-driven bus, bus with driver, train, plane or boat;
- the reason for the journey;
- the route to be followed, including any stops or side trips; and
- details of anyone who will be present during the journey other than Persons in Positions of Responsibility and Authority.

Transitional Period

The Policy and Code enters into force and applies to BDNA and its Affiliates and Members as of **1 January 2017**. However, from that date the regulation will allow a transitional period for the Working with Children Check provisions only. Originally, the transition period was for one year. However, due to the Working with Children Amendment Act 2016 (Vic) the transition period has been amended to **31 July 2017** to align with the new legislation. This means that NV, its Affiliates and Members will be permitted a transition period until **31 July 2017** to comply with the regulation as detailed in the Policy and referenced in the Code.

This transitional period for the Working with Children Check provisions now expires on **31 July 2017**. Therefore, the Working with Children Check provisions will be mandatory to NV, its Affiliates and Members by **1 August 2017** and failure to be in compliance by that date will be a breach of the Policy. Breaches of the Policy may lead to disciplinary sanctions in accordance with the processes provided in Part 3 of the Policy