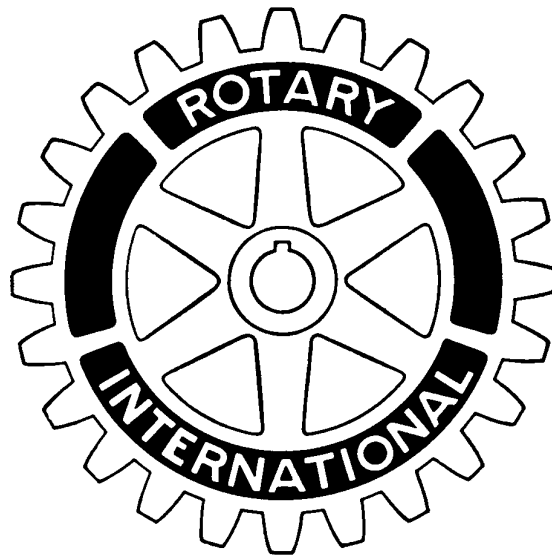


ROTARY
INTERNATIONAL
DISTRICT 9690 Inc.



**CHILD PROTECTION
POLICY and
PROCEDURES**

Policy and Procedures adopted at a District 9690 Presidents' Meeting at Rooty Hill RSL on Friday 9th February 2001.

Updated February 2008 with new Prohibited Employment Declaration,
Updated July 2005 with new Declaration & Consent Form (Attachment 3).

Updated November 2003 with new Declaration & Consent Forms
(Attachments 3 & 4).

RETYPED JUNE 2003

ROTARY DISTRICT 9690 INC. CHILD PROTECTION PROCEDURES

These procedures shall apply to all District and Club programs that involve children and young people.

Definitions

For the purpose of these procedures, 'children and young people' are defined as:

1. People under the age of 18 years and
2. School students who have attained the age of 18 years.

Underlying Premise

Children and young people participating in Rotary-organised or Rotary-sponsored programs have the right to be safe and to feel safe.

Rotarians have an obligation to comply with the spirit and the legal provisions of the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998.

Procedures

1. The District Governor shall appoint a District Child Protection Officer (DCPO). The person appointed shall have the experience at working with children, either in his/her profession, or as an experienced Rotary volunteer. While the appointment shall be made annually, it would normally be expected that the DCPO would hold office for at least 3 years.
2. The DCPO shall become familiar with the responsibilities under the Child Protection (Prohibited Employment) Act 1998, of adults, **NB the Act is not restricted to adults** working with children, and will be available to provide guidance to Clubs and District Committees regarding procedures to be followed to minimise the possibilities of allegations of maltreatment of children and young people.
3. All Rotarians and other volunteers who will be working with children and young people in an unsupervised capacity will be required to sign a 'Prohibited Persons Declaration form (PPD), as provided under the Child Protection (Prohibited Employment) Act 1998.
4. All completed Prohibited Persons Declaration forms will be collected by the Rotarian in charge of that particular program and forward them to the DCPO. The DCPO will maintain an archive of the forms **and will be responsible for maintaining strict confidentiality of such forms which shall be made available to any third party in circumstances permitted by the Act.**
5. **The DCPO will maintain a register of people who have signed Prohibited Persons Declaration forms and will forward details as required should Police checks need to be carried out.**
6. Complaints of physical or sexual maltreatment of a child or young person by a Rotarian or volunteer in a Rotary program shall be notified to the appropriate authorities (at this stage the Department of Community Services) and to the DCPO.
7. The DCPO shall, from time to time, make recommendations to the District Governor regarding changes to these procedures that may increase their understanding by Rotarians and others, and further minimise the risk of maltreatment of children and young people.
8. The DCPO will work with Clubs to inform all Rotarians of their obligations under the 'Working with Children Legislation' and to ensure that appropriate training is made available.

CHILD PROTECTION POSITION STATEMENT

Rotary District 9690 fully supports the aims and objectives of Child Protection Legislation, and associated provisions, and will implement all necessary measures to ensure a safe and supporting environment for children and young persons.

Rotary District 9690 will:

- (i) Within the limits of its obligations, ensure that children are protected from child abuse as defined in the Children and Young Persons (Care and Protection Act) 1998.
- (ii) Ensure that Rotary Clubs are committed to child protection through procedures, thereby ensuring that Rotary Programs are provided to children in a safe and caring environment.
- (iii) Establish internal procedures to prevent the use of services of persons, who are either prohibited by law from working with children and/or young persons or who are considered by Rotary District 9690 to be inappropriate persons to be working with children and/or young persons.
- (iv) Encourage and facilitate the reporting of children and young persons at risk of harm.
- (v) Provide a system for the reporting of any allegations of child abuse in compliance with requirements of the Children and Young Persons (Care and Protection) Act 1998.
- (vi) Ensure the prompt notification of allegations of children and young persons being at risk of harm where allegations involve Rotarians or persons associated with Rotary Programs.

Rotary District 9690 will not:

- (i) Utilise a prohibited person in any child-related programs;
- (ii) Commence utilising a person in activities that primarily involves direct contact with children where that contact is not directly supervised without first asking that person to disclose whether or not she/he is a prohibited person.

CHILD PROTECTION POSITION STATEMENT (cont'd)

Scope of Position Statement

These procedures apply to:

- (i) Any and all members of Rotary District 9690, whether or not utilised in connection with any work or activities of Rotary that relate to children, and
- (ii) Any individual engaged by Rotary to provide services to children (in any paid or unpaid capacity) including:
 - A Guest speakers
 - B Host parents, etc
 - C Relatives of Rotarians
 - D Other volunteers

Recruitment Documentation

With immediate effect, all recruitment relating to Rotary District 9690 Youth Programs is to bear the following notice:

‘Any person convicted of a serious sex offence cannot participate in any Rotary District 9690 Youth related program.’

The applicant must complete an Application Information Form and the Prohibited Person Declaration Form.

The Prohibited Employment Declaration is to be completed by all persons interacting with children/young persons; and

A favourable determination in relating to suitability to supervise children/young people is made prior to participating in youth related activities.

RESPONDING TO ALLEGATIONS OF CHILD ABUSE

All allegations of child abuse, or misconduct that may involve child abuse, against any Rotarian or person involved in District 9690 Youth related activities will be notified immediately to the Department of Community Services Helpline telephone number 132 111, in the first instance and also to the DCPO irrespective of any other person's opinion as to the seriousness or accuracy of the allegation, providing:

- (i) The person the subject of the allegation is identifiable, and
- (ii) The allegation details specific conduct or a pattern of behaviour that indicates abuse.

The above provisions apply to allegations made against any person, even though the allegations may relate to a period of time prior to the person's involvement with Rotary.

Designated Rotary Programs that are covered by the Procedures

- 1) Youth Exchange Program (YEP)
- 2) Rotary Youth Program of Enrichment (RYPEN)
- 3) Model United Nations Assembly (MUNA)
- 4) Recognition Of Youth Award (ROYA)
- 5) Australian Pacific Cultural Exchange Program (PACE)

Any Rotarian or other persons engaged in any of the above programs are designated as being within the scope of these procedures and therefore are to complete the declaration.

Rotary District 9690 has an obligation and reserves the right to designate further programs that may involve children and young persons as child related programs for the purpose of the procedures.

APPENDICES:

A List of Definitions

(Compilation of definitions from those contained with the publications 'Child Protection: Your New Responsibilities' produced from the NSW Ombudsman and 'The Working with Children Check – Guidelines for Employers' produced by the NSW Commission for Children and Young People').

B Attachment 4 - Prohibited Employment Declaration

(Attachment 4 is from the 'The Working with Children Check – Guidelines for Employers' produced by the NSW Commission for Children and Young People).

C District Child Protection Committee Contact List

D Flowchart

DEFINITIONS

Child

A person who is under 18 years of age.

(Prohibited Persons Act Section 3)

Child Abuse

Assault (including sexual assault) of a child, or ill treatment or neglect of a child or exposing or subjecting a child to behaviour that psychologically harms the child.

(Commission for Children and Young People Act 1998 Section 33)

Child Abuse Allegation

An allegation of child abuse against a person or an allegation of misconduct that may involve child abuse.

(Ombudsman Act Section 25A)

Child Related Activities

Activities that primarily involves direct contact with children where that contact is not directly supervised.

Direct Supervision

Direct supervision occurs when a person is present at all times during and is observing and is capable of directing, if required, the contact by the person under supervision with any child. Such contact is part of the duties to be performed by the person under supervision or can reasonably be expected to occur during the performance of those duties.

Prohibited Person

A person convicted of a serious sex offence, other than when there is an order in force declaring that the Child Protection (Prohibited Employment) Act 1998 does not apply to the person in respect of the offence.

(Prohibited Employment Act Section 5 (1)(2))



The Commission for Children and Young People Act 1998 makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable person under the Child Protection (Offenders Registration) Act 2000) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.

For further information on what is child-related employment see the Working With Children Employer Guidelines.

Section 33B of the Commission for Children and Young People Act 1998 defines a serious sex offence as:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the Crimes Act 1900, committed against a child; or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the Crimes Act 1900 or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the Crimes Act 1900 or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

NOTE: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the Commission for Children and Young People Act 1998 defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child; or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under Commission for Children and Young People Act 1998:

- it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake or remain in child related employment;
- employers must ask existing employees, both paid and unpaid, and preferred applicants for child-related employment to declare if they are a prohibited person or not;
- all people in child-related employment must inform their employers if they are a prohibited person or remove themselves from child-related employment; and
- penalties are imposed for non compliance.

ATTACHMENT 4 (CONTINUED)

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the Commission for Children and Young People Act 1998, or if I am a Registrable Person under the Child Protection (Offenders Registration) Act 2000.



I have read and understood the above information in relation to the Commission for Children and Young People Act 1998. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

I declare that I am not a person prohibited by the Act from seeking, obtaining, undertaking or remaining in child related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names): _____

Date of birth: _____

Signature: _____

Date: _____ Contact telephone number: _____

Contact Email: _____

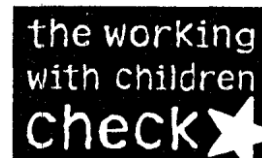
NOTE: Seek legal advice if you are unsure of your status as a prohibited person.

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER

The Working With Children Employer Guidelines February 2008

ATTACHMENT 3 For new members post 1st January 2005

WORKING WITH CHILDREN CHECK EMPLOYMENT SCREENING CONSENT FORM



This form is to be completed by persons whose names are to be submitted for employment screening as part of the Working With Children Check.

No background checks can be completed on a person without this consent being provided.

Employers are required to sight applicant's original identifying documents.

All fields must be completed in block letters.

Surname: Given name(s): _____

Previous names/aliases: _____ Date of birth: _____
____/____/____

Place of birth (city, state, country): _____

Driver's licence number: _____ Gender: (Please tick) Male Female

Address: _____

Suburb: State: Postcode: _____

Contact telephone number: _____

Type of position: (Please tick) Paid employee Volunteer Student placement

Title of position applied for: _____

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for employment in a child-related position, several checks will be undertaken to ascertain my suitability, including:

1 a national criminal record check for charges and/or convictions (including spent convictions) for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any assault, ill treatment or neglect of, or psychological harm to a child;
- any registrable offence;

carrying a minimum penalty of 12 months or more imprisonment.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court;
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn, quashed or discharged by a court.

2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and

3. a check for relevant employment proceedings involving reportable conduct or an act of violence committed by the employee in the course of employment and in the presence of children. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

I understand that a conviction for a serious sex offence (including, but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) will automatically prohibit my employment in a child-related position. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a "registrable person" under the *Child Protection (Registrable Offenders) Act, 2000*, I am prohibited from employment in a child-related position.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed assessment.

I acknowledge that:

(i) any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences;

(ii) the outcome of assessment of information obtained through the Working with Children Check by the approved screening agency may be provided to my current or prospective employers only for background checking purposes; and

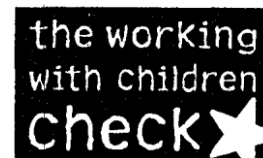
(iii) the information provided may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for employment screening in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

(iv) the above information and any information obtained during employment screening may be collected and used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for employment screening purposes.

Name: _____

Signature: Date: _____

NOTE: This form is to be retained by the employer. NSW Commission for Children and Young People 04/04. Revised 10/05.



PROHIBITED EMPLOYMENT DECLARATION

CHILD PROTECTION (PROHIBITED EMPLOYMENT) ACT 1998

The *Child Protection (Prohibited Employment) Act 1998* makes it an offence for a person convicted of a serious sex offence (a Prohibited Person) or a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*, to apply for, undertake or remain in, child-related employment. It does not apply if an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal or the Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.

Section 5 of the *Child Protection (Prohibited Employment) Act 1998* defines a serious sex offence as:

- an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment for 12 months or more, even if the sentence was not served; or
- an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW; or
- an offence under Sections 91D–91H (other than if committed by a child prostitute) and 578B or 578C(2A) of the *Crimes Act 1900* or a similar offence under a law other than a law of NSW; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence prescribed by the regulations.

Note: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Child-related employment means any employment, where at least one of the essential duties of the position, involves direct contact with children where that contact is not directly supervised. Section 3 of the *Child Protection (Prohibited Employment) Act 1998* specifies that child-related employment is employment:

- involving the provision of child protection services;
- in pre-schools, kindergartens and child care centres (including residential child care centres);
- in schools or other educational institutions (not including universities);
- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*);
- in refuges used by children;
- in wards of public or private hospitals in which children are patients;
- in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership;
- in any religious organisation;
- in any entertainment venues where the clientele is primarily children;
- as a babysitter or childminder that is arranged by a commercial agency;
- involving fostering or other child care;
- involving regular provision of taxi services for the transport of children with a disability;
- involving the private tuition of children;
- involving the direct provision of health services;
- involving the provision of counselling or other support services for children;
- on school buses;
- at overnight camps for children;
- any other prescribed by regulation.

Under this Act:

- it is an offence for a Prohibited Person to **apply for, undertake or remain in** child-related employment;
- employers **must** ask existing employees, both **paid** and **unpaid**, and preferred applicants for employment to declare if they are a Prohibited Person or not;
- all child-related employees **must** inform their employers if they are a Prohibited Person or remove themselves from child-related employment. A Prohibited Person is someone who has been convicted of a serious sexual offence or, who has had a finding for a charge of a serious sexual offence proven in court, even if a conviction was not recorded;
- penalties are imposed for non compliance.

I am aware that I am ineligible to apply for, undertake or remain in, child-related employment if I have been convicted of a serious sex offence as defined in the *Child Protection (Prohibited Employment) Act 1998* or if I am a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*.

I have read and understood the above information in relation to the *Child Protection (Prohibited Employment) Act 1998*.

I am aware that it is an offence to make a false statement on this form.

I declare that I am not a person prohibited by the Act from seeking, undertaking or remaining in child-related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for employment screening in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

Name: _____ Signature: _____

Date: _____ Contact telephone number: _____

Note: Seek legal advice if you are unsure of your status as a Prohibited Person.

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER NSW Commission for Children and Young People 04/04. Revised 10/05.

ATTACHMENT 3

{Consent form} for use by new members post 28th November 2003

First Name:

Middle Name:

Surname:

Previous Names / Aliases:

Gender: (Please tick) Male Female

Date of Birth: Place of Birth (city, state, country):

Address:

Are you to be employed in a paid or voluntary capacity?

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for employment in a child-related position, several screening processes will be undertaken to ascertain my suitability, including:

- a national criminal record check for offences involving sexual activity, acts of indecency (whether involving child or adult), child abuse or child pornography.
- a check for relevant apprehended violence orders taken out by a police officer or other public official for the protection of a child/ren.
- checks for completed relevant disciplinary proceedings involving child abuse, sexual misconduct or acts of violence in the workplace which involve children, are directed at children or take place in the presence of children.

I understand that convictions, or charges that are proven in court but that do not proceed to a conviction, relating to sexual activity, acts of indecency, child abuse or child pornography will automatically prohibit my employment in a child related position. I am aware that if I am a "registrable person" under the *Child Protection (Offenders Registration) Act 2000*, I am prohibited from employment in a child-related position.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an approved screening agency from sources such as courts, police, prosecutors and past employers to enable a full and informed assessment. I understand that if additional information is not obtained, an approved screening agency may provide an assessment about me to an employer that is not based on all relevant available information.

I acknowledge that any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences.

I acknowledge that the outcome of assessment of information obtained through the Working With Children Check may be provided to my current or prospective employers for employment screening purposes.

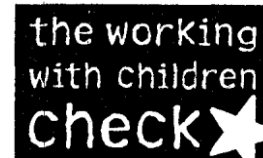
Name (Block letters):

Signature:

Date:

ATTACHMENT 4 for those who were members before 28th November 2003

PROHIBITED EMPLOYMENT DECLARATION



Child Protection (Prohibited Employment) Act 1998

With the exception of where an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal, declares that the Act does not apply to a particular person, the Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person) to apply for, undertake or remain in, child-related employment.

Section 5 of the Child Protection (Prohibited Employment) Act 1998 defines a serious sex offence as an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or -imprisonment for 12 months or more, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW

Child-related employment means any employment that primarily involves direct contact with: children where that contact is not directly supervised Section 1 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment.

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not including universities)
- in detention centres (within the meaning of the Children (Detention Centres) Act 1987)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership
- in any religious organisation
- in any entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of health services
- involving the provision of counselling or other support services for children
- on school buses
- at overnight camps for children.

Under this Act

- it is an offence for a prohibited person to **apply for, undertake or remain** in child-related employment
- employers must ask existing employees, both **paid and unpaid**, and preferred applicants for employment to declare whether they are a prohibited person or not
- all child-related employees must inform their employers if they are a 'prohibited person' (someone who has been convicted of a serious sex offence) or remove themselves from child-related employment
- penalties are imposed for non compliance.

I am aware that I am ineligible to apply for, undertake or remain in, child-related employment if I have been convicted of a -serious sex offence- as defined in the Child Protection (Prohibited Employment) Act 1998

I have read and understood the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act

I declare that I am not a person prohibited by the Act from seeking, undertaking, or remaining in child related employment.

Name

Signature

Date

*Note. Seek legal advice if you are unsure of your status as a prohibited person.
This form should be returned to your employer/ potential employer*

ROTARY DISTRICT 9690 Inc.

Child Protection Procedures

Flow Chart

