

# Managing allegations of child abuse in sport and recreation

Guidelines for state sport and recreation organisations in managing child abuse allegations or managing a situation where a person, who works within their organisation or an affiliated club, has been charged with misconduct towards children.

January 2015

**active for life**



Government of South Australia  
Office for Recreation and Sport

Acknowledgements:

The Office for Recreation and Sport acknowledges the assistance received from the Department for Education and Child Development, SA Police, sport organisations and the Attorney General's Department in developing these guidelines.

1	Introduction	4
2	Quick steps for State sport and recreation associations following allegations and charge	5
3	Recording information following allegations of child abuse	6
4	Reporting internal issues	6
5	Reporting external issues	7
6	Informing the Office for Recreation and Sport	7
7	Managing the accused person	8
7.1	Confidentiality	8
7.2	Following the police investigation or subsequent court case	9
8	Supporting the victim and their family	10
8.1	Confidentiality	10
8.2	Meeting with the family	10
9	Supporting the club/team	11
9.1	Informing parents/caregivers	11
9.2	Further strategies to consider	11
10	Supporting SSO/SRO/club staff or volunteers	12
11	Supporting people making the report, if known	12
12	Dealing with the media	12
	Appendix 1 - Course of a criminal prosecution	13
	Appendix 2 - Sample letters to parents	15
	Appendix 3 - Confidential record of child abuse allegation	18
	Appendix 4 - Record of meeting	19
	Appendix 5 - Sample Media Response	19
	Appendix 6 - Definition of Risk Assessment	20
	Appendix 7 - Tribunal	20

# 01

## Introduction

The Child Safe Environment strategy aims to minimise the risk to children by building community awareness and encouraging a shared responsibility to provide a safe environment.

Generally, sport and recreation organisations have embraced this rationale and have positively engaged good policies and procedures with the aim of keeping children safe within their organisation. Most State Sporting Organisations (SSOs) or State Recreation Organisations (SROs) have lodged a child safe compliance statement with the Department for Education and Child Development (DECD) on behalf of their affiliated organisations. Therefore, it is vitally important that support is provided to these affiliated organisations to ensure they are meeting these obligations.

Unfortunately, issues of child abuse still occur. It is important that they are managed appropriately to minimise further risk to children and to ensure victims and their families are supported appropriately to reduce the impact of an offence.

Much of the information in this Guideline is based upon the recommendations provided within Chapter 15 of the Royal Commission 2012-2013 Report of Independent Education Inquiry.

Allegations against adults of misconduct towards children and young people are complex and sensitive matters. It is hoped that this Guideline will provide general assistance about the matters to be considered and actions that may need to be taken at different stages when allegations of misconduct against children are made in sport and recreation organisations. However the Guideline is not intended to be legal advice and SSO/SROs or their affiliated organisations should seek independent legal advice if required to take action in relation to allegations of misconduct against children.

SSO/SROs should also refer to their Member Protection Policy (MPP) to ensure that the management of allegations of misconduct against children is also in line with relevant organisational policy, as appropriate.

# 02

## Quick steps for State sport and recreation associations following allegations and charge

Please read information attached for more detailed advice.

### ALLEGATION CHILD ABUSE

Advise person with concern to:

- call 000 if child is in danger
- report to Child Abuse Report Line (CARL) 13 14 78

#### Governing organisation

- report concern to CARL online or 13 14 78

If person charged, inform community promptly

Letter to parents of children who have had contact

See page 10 and Appendix 2

Identify person to manage issue for organisation and provide point of contact for victim's parents

Keep detailed notes  
See Appendices 3 and 4

### ACCUSED PERSON

Provide natural justice however assess risk on presumption accusation has merit

Inform them regarding suspension or supervision

See page 8

Maintain confidentiality as required

See page 8

Establish contact with SA Police and follow prosecution process

On completion of police prosecution determine next step for organisation

See page 9

### VICTIM AND FAMILY

Protect victim  
Meet and offer support  
See page 10

Provide ongoing assistance if required

Maintain confidentiality

Maintain regular communication

Support victim to maintain involvement

### CLUB OR TEAM

Support to establish normal routine

Inform parents as required  
See page 10

Provide professional support if required

Monitor social media

Develop strategies to minimise further issues  
See page 11

# 03

## Recording information following allegations of child abuse

It is essential that all members of staff or volunteers involved in a child abuse situation keep a written record of all conversations relating to the allegations.

The notes should, if possible, be made in the course of the conversation or immediately after. 'Record of allegation' and 'Record of meeting' forms have been provided in Appendices 3 and 4 to assist the organisation with this process.

These forms may be completed in addition to the records of conversations.

All information must be stored securely.

Staff and volunteers should be aware that they may be called to give evidence in court proceedings.

# 04

## Reporting internal issues

If an organisation receives a complaint or a concern from a member of the organisation regarding risk to a child or children, the person who forms this suspicion must be encouraged to call the **Child Abuse Report Line (CARL)** on **13 14 78**.

If the person believes the child is in immediate danger, the police should be notified (**000**) as soon as possible.

If the person who has formed this suspicion works in a legally 'prescribed position' or has a management role within the organisation, they are obligated to make this call. Ensure you are familiar with the mandated notification obligations according to *Children's Protection Act 1993* and that they are clearly defined in the organisation's Member Protection Policy.

If the organisation has been made aware of an allegation and has sufficient information that it believes has been provided in good faith, someone from the organisation must call **CARL (13 14 78)** even if they believe another member has already made a notification.

For non-urgent reports, organisations can now register for an online report at [www.reportchildabuse.families.sa.gov.au/](http://www.reportchildabuse.families.sa.gov.au/)

Further information regarding the organisation's obligations may be found at [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes) and [www.playbytherules.net.au/legal-stuff/child-protection](http://www.playbytherules.net.au/legal-stuff/child-protection)

Support for a person making a report is available by downloading "Guidelines for mandated reporters and advice for organisations" at [www.decd.sa.gov.au/docs/documents/1/GdelinesRptgAbuseNeglect.pdf](http://www.decd.sa.gov.au/docs/documents/1/GdelinesRptgAbuseNeglect.pdf)

If an alleged offence occurs in another state or territory, the relevant child protection agency and/or local police in that jurisdiction must be notified in addition to notifying the SA Child Abuse Report Line or SA Police.

# 05

## Reporting external issues

If your organisation believes a child from your organisation or affiliated club may be being abused or neglected by someone outside of your organisation or the affiliated club (this may include abuse by a parent or carer), a report must still be made.

If you have information regarding a child suspected of being abused but you do not know any details of the offender, you can still report your concerns to **CARL, 13 14 78**.

# 06

## Informing the Office for Recreation and Sport

All state sport and recreation organisations that receive sustainability funding through the Office for Recreation and Sport are requested to notify the Director, Sport and Recreation Development on **7424 7717** if one of their members is accused of misconduct against a child.

If the offence has occurred at a facility that is the responsibility of ORS and the Minister of Recreation and Sport, then you must also contact the Director, Facility Development and Infrastructure, within 24 hours, on **7424 7790**.

When an organisation notifies ORS, advice and support can be provided if required. Please note, however, that ORS does not provide legal advice.

# 07 Managing the accused person

If your association or an affiliated club becomes aware that one of your members or volunteers is being accused of, investigated for, or charged with misconduct towards a child, responsible people in the association and club must assess the level of risk to children in relation to the alleged offence. See *Appendix 6 - Definition of Risk Assessment*.

This is regardless of whether the alleged offence occurred within or as a direct consequence of a person's role in your organisation or whether the alleged offence was external to the organisation.

It is important that the accused person is formally notified of any decisions regarding their involvement in the organisation and they are aware of the process that will be followed.

Once police become involved, no-one within your organisation should attempt to undertake further investigation of the allegation or matter being investigated.

If your organisation considers that protective action is necessary, a club may decide, or the association may enforce the club to:

- control or supervise contact between the accused person and children
- prevent contact between the accused person and children
- remove the accused person from all duties until the outcome of the investigation or charge is known.

When it is necessary to prevent the accused person from having any further contact with children or young people at any association or affiliated organisation site or event, you should take steps to prevent the accused person from attending a site or event. This may be on directions from SA Police (bail conditions) or the organisation's governing body.

In making the assessment, clubs and associations must ensure that natural justice is observed at all times. In particular, it is important to recognise that the fact that a person is being investigated for, or charged with a criminal offence, does not mean that person is guilty of that offence.

However, it is important to note that the risk to a child or children must be assessed on the presumption that the allegation has merit.

If the accused person is a child (under 18), particular care must be taken and it is recommended that the organisation seek advice from Families SA.

## 7.1 Confidentiality

The accused person's identity must also be kept confidential until certain events have occurred. SA Police will need to confirm the kind of offence a person has been charged with to determine whether his or her name may be published.

From the time of publishing this document it is lawful to publish the name of the accused person after any of the following relevant dates however consideration should be made to whether naming them will identify the child. It is recommended the organisation refer to the provisions of the *Evidence Act 1929* (particularly Section 71A in relation to offences of a sexual nature)

### Major indictable offences

1. The date on which the accused person is committed for trial or to be sentenced.
2. The date on which the charge is dismissed or that proceedings lapse by reason of the death of the accused person or for want of prosecution or for any other reason.

These dates are also applicable to minor indictable offences for which the accused person has elected to be tried in the District Court.

### Minor indictable offences and summary offences

1. The date on which the accused person pleads guilty.
2. The date on which the accused person is found guilty following a trial.
3. The date on which the charge is dismissed or that proceedings lapse by reason of the death of the accused person or for want of prosecution or for any other reason.

Prior to releasing the accused person's name, your organisation should obtain legal advice in order to minimise the risk of defamation or an order of the court (ie suppression).

## 7.2 Following the police investigation or subsequent court case

If the accused person is not charged by the police, then the organisation will need to determine whether there is still a concern that the alleged behaviour has been a breach of the MPP.

If so, they will proceed with the grievance procedure documented in the MPP. This will most likely include a tribunal hearing to determine:

- whether there is sufficient concern to maintain the suspension and enforce further penalties
- if the person can resume their role within the organisation or affiliated club with or without special provisions.
- If the allegations are found to be unsubstantiated and there are no further concerns, the accused person should be given support to clear his or her name and resume their role if appropriate.
- If the person accused is charged and the case is tried in court but they are found not guilty then the organisation will proceed as detailed above.

A **not guilty** court finding does not mean that the person must be reinstated to a role they held prior to the allegation.

If there is reasonable concern that a person should not be working with children, then the organisation does not have any obligation to re-engage said person.

The organisation may have access to additional information that could not be used in court. This can be used when deciding whether a person is suitable to work with children or poses an increased risk to children. This may include information received through a referee check or previous complaints or allegations.

The accused person should be given an opportunity to respond to any concerns.

The organisation is entitled to request a screening be conducted through the Department for Communities and Social Inclusion Screening unit to assist with determining the person's suitability to work with children.

If the person is charged, tried in court, and found guilty then the organisation will make a decision regarding future involvement with the accused person based on this outcome and on further advice from SA Police.

Once an outcome has been finalised, it is important that the club and parents/members are informed as soon as possible.

# 08

## Supporting the victim and their family

The organisation must provide ongoing assistance to the victim, and their family or caregiver as needed, in a fair and dignified manner, regardless of their age, sex or background.

### 8.1 Confidentiality

The **victim's identity** must be kept confidential and all information regarding the report maintained securely. Care must be taken to ensure that nothing is said or published that might identify the victim.

When the identity of the victim is known to the organisation and consent is obtained from the victim or the victim's parents, then certain people who are able to provide direct support to the victim or their family may be provided with the victim's identity in order to provide this support.

All people assisting the victim or the family must be made aware that they need to maintain this confidentiality.

All actions taken by the organisation should be communicated to the family or caregiver to ensure they are aware that the organisation is dealing with the situation and following appropriate procedures. The family may be experiencing emotional turmoil and good communication is vital to help them feel supported.

It is recommended that the family be provided with a single point of contact from the organisation.

### 8.2 Meeting with the family

Initially the organisation should offer to meet with the family of the victim. At this meeting it is recommended that the organisation provide information to the family regarding counselling and legal support that is available.

This support may be provided by recommending contacts that may assist the victim and their family, such as:

- **Australian Psychological Association**

This organisation can provide recommendations for appropriate psychological counselling and support  
[www.psychology.org.au](http://www.psychology.org.au)  
Tel: 1800 333 497

- **Commissioner for Victim's Rights**

This office performs functions intended to strengthen victim's rights.

[www.voc.sa.gov.au](http://www.voc.sa.gov.au)

Tel: 8204 9635 or email [voc@agd.sa.gov.au](mailto:voc@agd.sa.gov.au)

- **Legal Services Commission**

An agency established to make sure all South Australians have access to legal help.

Tel: 8463 3555

- **SA Child and Adolescent Mental Health Service – CAMHS**

Provides therapeutic support services for children and young people up to age 18 with social, emotional or behavioural wellbeing issues including where abuse may have occurred.

[www.wch.sa.gov.au/services](http://www.wch.sa.gov.au/services)

- **Kids Helpline**

A free, private and confidential, telephone and online counselling service specifically for young people aged between 5 and 25.

[www.kidshelp.com.au](http://www.kidshelp.com.au)

Tel: 1800 55 1800

At the first meeting or a subsequent meeting, your organisation may need to offer support to the victim to ensure continued involvement in the club/sport or transition to a new club.

This may involve:

- finding a mentor to assist them with transition to a new club
- Offering supervision/support (this may be important to ensure there is no gossip, talk or bullying of the victim).

When an issue of abuse arises, occasionally other people may come forward with information or experiences they have had regarding the accused. Confidentiality and support will also need to be provided to these people in line with the recommendations in this section.

# 09

## Supporting the club/ team

In a situation where a coach or previously respected adult has been charged or suspended due to a serious breach of your organisation's MPP, it is possible that club or team members will be upset, shocked or angry.

If a coach or mentor is taken away from a team, it is not unusual for athletes and/or club members to blame the club or the victim rather than direct their anger at the accused person. In some cases, the accused person may seek to discredit the accuser and gather support from others within the club.

Therefore, it is important that all involved in a situation are clear about the charge or alleged breach and the process that will be followed. This will assist with minimising the gossip and uncertainty.

The club should be supported to enable alternative arrangements be made as soon as possible to minimise disruption with activities such as training routines, game/competition management and player/team communication.

### 9.1 Informing parents/caregivers

A letter should be sent out to all families or caregivers of team members or athletes directly impacted by the suspected abuse. The letter should explain that the accused person has been charged by police or suspended due to allegations of a serious breach of the MPP and that the suspension is dependent on the outcome of a police investigation and/or subsequent tribunal hearing.

The club and others involved in the situation must also be informed that it is not appropriate to use social media to discuss the issue. Your organisation should be alert for inappropriate postings on Facebook or Twitter related to the incident and ensure they are removed.

The letter should preferably be sent by post or email on letterhead from the state/governing body to highlight the significance of the concern and protect the club from any repercussions. This is particularly relevant if the governing body has lodged the child safe environment compliance statement on behalf of their affiliated clubs.

*Sample letters are provided in Appendix 2.*

If an inquirer requests additional information from someone from your association or from a club official, they should receive a neutral response with no disclosure regarding the offence. If rumours and misinformation are being spread, you may need to send out an additional letter to the broader community, but advice should be sought from SA Police regarding this.

In some cases it may be worthwhile engaging a psychologist skilled in this area to speak with parents of children who have been in contact with the accused person.

### 9.2 Further strategies to consider

Whilst a club should regularly review their policies and procedures it may be helpful for a peak body to meet with the club's committee to determine if it needs to reassess its processes for engaging staff or volunteers. The following questions may assist in making a decision whether a further review is required:

- Does the club have a risk management policy with respect to child safety?
- Did it undertake a referee check of the accused person?
- Are relevant history assessments conducted on all people in prescribed positions, as required, and are these recorded and up to date?
- Was an assessment required for and conducted on the accused person?
- Does it have appropriate procedures to protect children and staff?
- Does it have a child safe officer engaged to support child safe awareness in the club?
- Are children and young people given opportunity to provide feedback or encouraged to speak to someone if they have any concerns?
- Does the club actively promote Play by the Rules [www.playbytherules.net.au](http://www.playbytherules.net.au)?
- After a major breach of its MPP or serious criminal charges which may have impacted on many club members, does the committee need further support in order to move forward?
- Would it be helpful for the governing body to assist them to review the current culture of the club and identify the potential to create positive change or develop a strategic plan to support the future of the club?

# 10

## Supporting SSO/SRO/ club staff or volunteers

Staff or volunteers involved in issues of abuse may find it distressing and stressful for many different reasons.

For example, they may know the accused person as well as the victim; they may have had to deal with the concern of a parent, child or the accused person themselves; or they may have had to face the concerns of the club involved or respond to members of the club.

It is important that your organisation provides an opportunity for staff to talk about any issues they have and, if necessary, provide professional counselling/support for them.

# 11

## Supporting people making the report, if known

People who report suspected abuse might have emotions ranging from concern to feelings of guilt.

They need to be supported and reassured that they have done what they are obligated to do and they are not responsible for any repercussions as a result of a report.

Any person making a report of child abuse in good faith is protected by law from any threat, intimidation or unfavourable treatment.

# 12

## Dealing with the media

During an investigation, media publicity could affect police enquiries so your organisation, the club or any person associated with either organisation should discuss the situation with police before speaking to the media (or any person that cannot be identified as appropriate to receive information).

Communication with the media following a charge or during any legal proceedings may also affect the case. In particular, care must be taken to ensure that any information provided does not identify the victim.

A sample media response is provided in Appendix 5.

If in doubt, always seek legal advice before giving any information to the media.

For further information regarding your organisation's obligations, contact ORS on 7424 7622.

# Appendix 1 Course of a criminal prosecution

*Note: This is only a brief overview of the steps involved in prosecuting a person accused of a criminal offence. The accused person is called 'the defendant'.*

## Common to any criminal offences

### 1. Police investigation

SA Police will investigate alleged crimes that have been reported to them. In the ordinary course of an investigation, police will take statements from the victim/s involved and other witnesses and will interview the defendant. Police need sufficient evidence before the defendant can be prosecuted.

### 2. Defendant is charged

When the police have reached the stage that they have reasonable cause to suspect that the crime has been committed, they will either arrest and charge the defendant or summon the defendant to appear in the Magistrates Court on a date stated in the summons.

When the defendant has been arrested and charged, he or she will be either remanded in custody or bailed to a date to appear in the Magistrates Court.

### 3. Classification of the charge

Criminal offences can be classified as summary offences, minor indictable offences and major indictable offences. Generally, summary and minor indictable offences are tried in the Magistrates Court, unless joined with a major indictable offence. Major indictable offences are tried in the District Court and in the Supreme Court.

## Summary and minor indictable offences

### 4. Magistrates Court

The defendant may either plead guilty or not guilty. If he or she pleads guilty, the magistrate will then determine the appropriate penalty.

If the defendant pleads not guilty, the matter will be adjourned for a pre-trial conference. At the pre-trial conference, the magistrate will endeavour to clarify and limit the matters in dispute between the prosecution and the defendant and list the matter for trial on another date. The court may grant such adjournments as are necessary prior to the trial.

A magistrate will conduct the trial and decide whether the defendant is guilty or not guilty. If the magistrate finds the defendant guilty, the magistrate will then determine the appropriate penalty.

The prosecution has a right to appeal against acquittal where the magistrate has made an error of law or fact. A defendant has a right to appeal against his or her conviction, sentence, or both. Appeals against a decision made by a magistrate will be heard by a judge of the Supreme Court.

## Major indictable offences

### 5. First appearance in Magistrates Court

Although trials for major indictable offences are heard in either the District Court or the Supreme Court, the first step in the prosecution of a person charged with a major indictable offence is the preliminary examination, which is conducted in the Magistrates Court. The purpose of a preliminary examination (or committal hearing) is to determine whether there is sufficient evidence to put the defendant on trial for a major indictable offence.

### 6. Declarations date

This is the date, usually within ten weeks from the first appearance of the defendant in the Magistrates Court, set for the prosecution to file in court and serve on the defendant the statements of all the witnesses on whom the prosecution relies to establish the guilt of the defendant. Those statements are called 'declarations'.

The court may grant the prosecution more time to obtain declarations. When all the declarations have been filed, the magistrate will set a date, four weeks after the declarations date, for the defendant to answer the charge/s. That date is referred to as the 'answer charge date'.

### 7. Answer the charge

On the answer charge date, the defendant will be asked to enter a plea. If the plea is guilty, the defendant will be sentenced by the magistrate\* or be committed for sentence to the District Court or the Supreme Court.

If the defendant pleads not guilty and the magistrate finds that the prosecution has established a case to answer, the defendant will be committed for trial in the District Court or the Supreme Court.

If the magistrate is not satisfied that the evidence is sufficient to put the defendant on trial, the magistrate will reject the information and discharge the defendant.

### 8. Arraignment

The first appearance of the defendant in the District Court or the Supreme Court is called the arraignment. That is when the defendant is charged formally. The charge stated on the information is read out and the defendant will be asked to plead guilty or not guilty. The arraignment will be fixed four weeks after the committal.

If the defendant pleads guilty, the matter will usually be adjourned to a later date for submissions to be made as to the appropriate sentence to be ordered against the defendant.

If the defendant pleads not guilty, the matter will be adjourned to a directions hearing, which is held four to six weeks after the date of the arraignment.

### 9. Directions hearing

Directions hearings are held for the purpose of resolving all the procedural matters that must be attended to before the trial begins. Directions hearings also give the judge the opportunity to explore, with the prosecution and the defendant, whether the matter can be resolved without having to go to trial. If it cannot be resolved, a trial date will be set. The judge will also hear any preliminary applications; for example, an application by the defendant to be tried by a judge alone. Directions hearings involve only the judge, legal counsel and the defendant. It is not uncommon for a number of directions hearings to take place before the trial.

### 10. Trial

The prosecutor has to present sufficient admissible evidence to the jury (or judge in a 'judge alone' trial) to prove beyond reasonable doubt that the defendant committed the offences with which he or she has been charged. If not, the defendant will be found not guilty.

If the defendant is found guilty, the judge will hear sentencing submissions from both the prosecutor and the defence lawyer and will then sentence the defendant.

When the jury is not able to agree on a verdict ('hung jury'), there will be a re-trial.

Occasionally, a trial may result in a mistrial because some prejudicial event has occurred during the trial. The trial will then start again with a new jury.

## Appendix 2 Sample letters to parents

### Example 1: Where no other victims are suspected

When there is no suspicion that there is more than one victim of abuse, a letter to all parents in your organisation would include the following:

- a statement that explains that the accused person has been arrested and charged but does not name the accused person
- a statement of the offence with which the accused person has been charged
- a statement indicating that the organisation does not suspect that there are other victims
- a request to keep the matter confidential in order to protect the victim and the victim's family
- contact numbers of support services for concerned parents
- a statement that those who have questions or concerns may contact the organisation
- a statement that the accused person has been suspended
- an assurance that the organisation is managing the issue and assisting the club to minimise disruption to their services
- a request that parents with information that may assist the police with their investigation, contact police
- a contact number for the police.

The letter below uses a coach as an example of an 'accused person'.

.....  
*CONFIDENTIAL*

*Dear Parent/Caregiver,*

*I regret to inform you that a coach from your club has been arrested by police and charged with [NAME THE OFFENCE].*

*Police are investigating the matter. The coach has been suspended from his/her role pending the outcome of the police investigation and prosecution. The coach has been instructed not to attend the club or any events organised by (Association name). I will keep the club informed of the progress of the prosecution.*

*The information available to the (Association) suggests that there is no need for any concern for any other children at the club.*

*For the sake of the victim and the victim's family and especially to protect the identity of the victim, we request that you please keep this information confidential. I ask you not to distribute this letter, to post it or to display it in any public way including on Facebook or on any other Internet site.*

*If you have any information that may assist the police with their investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER].*

*A replacement coach has been appointed and training will proceed as normal. If you have concerns about the safety and welfare of your child, please feel free to contact me directly. Alternatively, you may seek advice from one of the services below:*

- *Child and Adolescent Mental Health Services (CAMHS) on **8161 7198***
- *Kids Helpline on **1800 55 1800**.*

*If you have any other questions or concerns, please do not hesitate to contact me.*

*Yours faithfully,*

*CEO/Exec Officer/President/General Manager or equivalent*

## Example 2: When a group is identified

Where the risk assessment has determined that there is a reasonable suspicion that other children may be victims of the accused person, a letter should be sent to their parents.

Another letter may also be sent to all other parents at the club. Both letters may refer to a meeting that the SSO or club may choose to have to give information and instruction to parents.

The letters would include the following:

- a statement that explains that the accused person has been arrested and charged but does not name the accused person
- a statement of the offence with which the accused person has been charged
- a statement that the accused person has been suspended from duty and directed not to attend the club

- a statement that a meeting is being called for parents whose children had contact with the accused person, including the purpose of the meeting
- a statement that there is no evidence at this stage that, apart from the victim, any other child or young person at the club is involved
- a statement that any parent with information that may assist the investigation should contact the investigating officer (include name and contact details)
- a request to keep the matter confidential in order to protect the victim and the victim's family
- contact numbers of support services for concerned parents
- a statement that parents who have a concern should contact the club president or child safe officer.

The letter below uses a coach as an example of an 'accused person'.

.....  
CONFIDENTIAL

Dear Parent/Caregiver,

I regret to inform you that a coach [FROM YOUR CLUB OR OF YOUR CHILD'S TEAM] has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The coach has been suspended from his/her role pending the outcome of the police investigation and prosecution. The coach has been instructed not to attend the club or any events organised by [ASSOCIATION NAME]. I will keep the club informed of the progress of the prosecution.

At this stage, there is no evidence that anyone other than the victim is involved. However, I am concerned about the welfare of children who have had contact with the coach. Your child might have had contact with the coach. I invite you to attend a meeting, which will be held at 6.00pm on [INSERT DATE] at the [CLUB/ASSOCIATION VENUE].

I appreciate that this is short notice, but I urge you to attend the meeting. Alternatively, if you are more comfortable with a private meeting, please contact me [OR OTHER PERSON] directly.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform you of behavioural signs and possible effects of child abuse and will answer any questions you might have.

For the sake of the victim and the victim's family and especially to protect the identity of the victim, we request that you please keep this information confidential. I ask you not to distribute this letter or post this letter on Facebook or on any other Internet site. A replacement coach has been appointed and training will proceed as normal.

If you have any information that may assist the police with their investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER]. If you have concerns about the safety and welfare of your child, please feel free to contact me directly. Alternatively, you may seek advice from one of the services below:

- Child and Adolescent Mental Health Services (CAMHS) on **8161 7198**
- Kids Helpline on **1800 55 1800**.

If you have any other questions or concerns, please do not hesitate to contact me.

Yours faithfully,

CEO/Exec Officer/President/General Manager or equivalent

### **Example 3: Notifying parents when no police charges have been laid but a person is suspended on a breach of the Member Protection Policy regarding inappropriate behaviour towards a child.**

If there are concerns regarding the behaviour of a person who is working with children and there is insufficient information to create a police charge or the victim or victim's family do not wish to lodge a report, your organisation has the following options:

- lodge a grievance against this person regarding the MPP of the club
- launch an investigation, which may lead to a tribunal hearing.

If the decision is made to suspend a person pending the investigation and tribunal, then it is recommended that parents/ caregivers be notified.

As there are no criminal charges in this situation, care must be taken to avoid defamation. In your letter to parents, it must be clear that the suspension is based on an allegation and does not imply that the person is guilty of the alleged misconduct.

.....  
CONFIDENTIAL

*Dear Parent/Caregiver ,*

*I regret to inform you that a coach [FROM THE CLUB OR OF YOUR CHILD'S TEAM] has been suspended from coaching due to a serious allegation that breaches the Member Protection Policy.*

*The coach has been suspended from his/her role pending the outcome of an investigation and, if required, a tribunal hearing. The coach has been instructed not to attend the club or any events organised by [ASSOCIATION NAME]. The club will be kept up-to-date with the progress of the investigation and, if conducted, the outcome of the tribunal.*

*To protect all involved, we request that you please keep this information confidential. I ask you not to distribute this letter or post this letter on Facebook or on any other Internet site. A replacement coach has been appointed and training will proceed as normal.*

*If you have any concerns or information that may assist with the enquiry, please contact [ ..... ].*

*If you have any questions please do not hesitate to contact me.*

*Yours faithfully,*

*Club President or State Association CEO/Exec Officer*

## Appendix 3 Confidential record of child abuse allegation

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.

Complainant's name (if other than the child)		Date Formal Complaint Received / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/assistant coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support personnel <input type="checkbox"/> Other .....
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details:  Name (2): Contact details:  Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	
Government agency contacted	Who: When: Advice provided:	
CEO contacted	Who: When:	
Police and/or government agency investigation	Finding:	
Internal investigation (if any)	Finding:	
Action taken		
Completed by	Name: Position: Signature: / /	
Signed by	Complainant (if not a child):	

## APPENDIX 4 Record of meeting

This record should be completed after all meetings or conversations relating to the management of allegations of child abuse by adults and stored in a confidential file.

Date of meeting:	
Location of meeting:	
Attendees:	Include full names and titles of attendees. Example: John Smith Club President, Ms Jane Jones, mother of Marcus
Purpose of meeting:	Example: Discuss allegation of abuse towards Ms Jones' son Marcus by staff member/volunteer Recommend support organisations Discuss options for maintaining sport involvement
Actions taken to date:	Example: Police contacted, other parents notified if appropriate
Contact names and contact details	Include all relevant contact details. Example: Contact numbers for CEO, Club President, SA Police investigating officer
Future actions:	List future actions to be taken and person responsible
Signature of CEO:	Name: Signature:
Signatures of other attendees:	Name: Signature: Name: Signature:

## Appendix 5 Sample media response

Sometimes the media become aware of an incident and will contact the club or your association for details. Seek legal advice regarding information you are able to share with the media, although generally it is better to say nothing.

A sample response when a person has been charged might be:

[ORGANISATION] acknowledges that a person involved with [THE ORGANISATION/ONE OF OUR AFFILIATED CLUBS] has been charged with [CRIMINAL OFFENCE]. Parents or caregivers of children who have contact with this person have been notified and the person has currently been suspended from all activities with the organisation.

We are unable to provide any further information at this time.

## Appendix 6 Definition of risk assessment

Your organisation will need to make an assessment of the risk that other children may also be victims of an offence in relation to the accused person. The following factors may assist you in this assessment by considering:

- the nature of the alleged or proven offence
- the circumstances in which the alleged or proven offence occurred
- the place or places where the alleged or proven offence occurred
- the age and gender of the alleged or proven victim(s)
- the age and gender of the alleged or convicted offender
- whether the alleged or convicted offender had regular and frequent contact with other children or a group or groups of children and the nature and circumstances of that contact
- the opportunities that were available to the alleged or convicted offender to offend against other children.

## Appendix 7 Tribunal

If there are no ongoing legal proceedings the organisation may decide to proceed to a tribunal, based on information they have received, or the alleged victim or their family may lodge a complaint against a breach of the Member Protection Policy. This process should be clearly defined in the policy or in the organisations regulations.

When conducting the tribunal the organisation may wish to:

- ensure all parties are clear about the process and the options available to them such as witnesses, support persons - the process must be transparent and fair and with no sign of bias
- be considerate when children are involved and if possible minimise the involvement of children
- interview parties separately and privately so they can speak freely and avoid confrontations.

It is important to consider when investigating and conducting hearings related to child abuse that confidentiality is maintained. Therefore care must be taken to ensure any findings, published in hard copy or electronic, do not name the victim/victim's family or anyone or anything that will easily identify the child.

Any evidence or information obtained must be held securely to protect privacy.

All parties involved in the investigation and hearing should be reminded of this as well.

### **Resources to assist with education to create a child safe environment.**

#### **Play by the Rules Child Protection & 'Harassment and Discrimination' course**

[www.playbytherules.net.au/component/content/article/45-online-learning/1303](http://www.playbytherules.net.au/component/content/article/45-online-learning/1303)

This free course features two modules: 'Child Protection' and 'Harassment and Discrimination'. The two course modules provide information to help you understand:

- what discrimination, harassment and child abuse is
- your rights and responsibilities under equal opportunity and child protection laws
- how the laws apply to sporting organisations, clubs, their employees and volunteers
- when, where and how to report incidents
- how to establish a welcoming and inclusive environment at your club or organisation.

#### **Keeping children safe in recreation and sport**

[www.ors.sa.gov.au/keeping\\_children\\_safe\\_in\\_recreation\\_and\\_sport](http://www.ors.sa.gov.au/keeping_children_safe_in_recreation_and_sport)

or visit [www.ors.sa.gov.au/create\\_a\\_child\\_safe\\_environment](http://www.ors.sa.gov.au/create_a_child_safe_environment)