

Child safe policy

Last updated: June 2022 Due for review: June 2023

Policy statement

Disability Sport & Recreation (DSR) is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. DSR supports and respects children, young people, staff, volunteers and participants.

The aim of DSR's Child Safe Policy is to protect the safety of children in our care and prevent abuse from occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed.

The organisation pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people

All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.

This Policy recognises the Victoria's new Child Safe Standards 2022:

- to involve families and communities in organisations' efforts to keep children and young people safe
- for a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments
- in relation to governance, systems and processes to keep children and young people safe.

Purpose

We acknowledge that while there is a range of vulnerable participants across sport and recreation who need to be kept safe, this commitment is focused on children and young people.

In keeping children and young people safe we promote equity and respect diversity by:



- actively anticipating children's diverse circumstances and responding effectively to those with additional vulnerabilities
- by giving all children access to information, support and complaints processes, and
- paying attention to the needs of Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds.

Definitions

Child means a person involved in the activities of DSR (including participants) and under the age of 18 years unless otherwise stated under the law applicable to the child.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Sexual offence means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards.

Sexually offensive behaviors can also include child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.

Mandatory reporter means a person who is legally required to make a report to the Department of Health and Human Services or the Police if they form a belief on reasonable grounds that a child needs protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.

Scope

This Policy applies to participants, parents, spectators, volunteers, officials, staff and contractors throughout all DSR events and activities that have children involved.

This Policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with DSR.

Responsibilities

Recognising and reporting child abuse

A person may, while participating in the sport or other activities of DSR or carrying out their work, form a belief on reasonable grounds that a child needs protection from child abuse.

If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.

Child abuse can be divided into four categories:

1. **Physical abuse** – occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.
2. **Sexual abuse** – occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.
3. **Emotional and psychological abuse** – occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged.
4. **Neglect** – occurs when a child's physical development or health has been or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents or carers have not protected, or are unlikely to protect, the child.

Mandatory reporters

Select classes of people in the community (including teachers, nurses and doctors) are required by law to report to the Child Protection Unit of the Department of Health and Human Services (DHHS) where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered (or are likely to suffer) significant harm due to physical or sexual abuse.

This report must be made as soon as practicable, and after each occasion where he or she becomes aware of a further reasonable ground for the belief.

Reasonable grounds for belief

A reasonable belief is formed if a reasonable person believes that:

- the child needs protection
- the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury, and
- the child's parents are unable or unwilling to protect the child.

To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there is any other related matters known regarding the alleged perpetrator.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

You will have reasonable grounds to notify if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused, or
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Voluntary reporters

Reporting child sexual abuse

If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the Police as soon as it is practicable.

Individuals who fail to comply with this obligation under the *Crimes Act 1958 (Vic)* may be subject to a penalty of three years' imprisonment.



DSRs approach to reports of abuse

DSR supports and encourages a person to make a report to the Police or DHHS if they form a belief on reasonable grounds that a child needs protection, or they are concerned about the safety, health or wellbeing of a child.

Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by DSR and will not be penalised by the organisation for making the report.

If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the DSR CEO for guidance and information. If in doubt, ask for assistance.

If an allegation is made against a member of staff or volunteer, DSR will follow the reporting procedure outlined in this document and take all steps to ensure that the safety of the child is paramount.

An initial step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.

DSR will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.

DSR will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.

DSR will keep a register of any allegations regarding inappropriate conduct.

Roles and responsibilities of personnel protecting children

Personnel involved in protecting children include the board, management, staff volunteers and contractors within DSR. Those people have responsibilities in relation to protection of children and are expected to:

- understand the rights of children, as appropriate to their role
- respect the cultural and religious practices of families who access DSRs services, programs or events
- understand and appropriately respond to the needs of children with developmental delays or disabilities
- appropriately act on any concerns raised by children



- understand the definitions, indicators and impact of child abuse
- know and follow regulations in relation to the care of children
- co-operate with police and/or other formal investigations to the best of their ability, and
- not harm or exploit children who access DSRs services.

Child safe and child friendly guidelines to prevent and manage risks of child abuse

DSR Kids portfolio

Adult volunteers, regardless of gender, should only be interacting one-on-one with participants if they are accompanied by another adult. Under no circumstances should a person over 18 be alone with a child, unless they are a nurse providing medical care.

DSR events

No individual, when attending a DSR event, should be alone one-on-one with a child under the age of 18, unless they are parents or guardians of that child. No DSR staff member or contractor should be alone with a child under the age of 18.

Travel – general

All volunteers, staff and contractors over 18 years of age retain an overriding responsibility for the welfare of all participants they accompany during programs. They have a 'duty of care' for participants and they must meet that duty and avoid unaccompanied and unobserved activities wherever possible.

Sexual relationships while participating in programs

During all DSR programs, all staff, volunteers and contractors must not, under any circumstances, engage in conduct of a sexual nature with a participant.

Improper conduct of a sexual nature towards a participant includes any form of child sexual abuse (defined above) as well as but not limited to the following:

- inappropriate conversations of a sexual nature
- obscene language of a sexual nature
- suggestive remarks or actions
- jokes of a sexual nature
- obscene gestures
- unwarranted and inappropriate touching

- sexual exhibitionism
- use of any device to show/watch offensive material, and
- any other action that could lead to a participant being physically, emotionally or psychologically harmed.

Adults under investigation

Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working With Children Check (WWCC) (or if based in another State the equivalent requirement) status, will be prohibited, by DSR, from participating in DSR activities.

Engaging new personnel

The minimum standard for background checks of employees and volunteers of DSR and its members is the law as it applies in Victoria.

DSR undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:

- promote and protect the safety of all children who participate in the activities of DSR
- identify and recruit the safest and most suitable candidates who share DSRs values and commitment to protect children, and
- prevent a person from working at DSR if they pose an unacceptable risk to children.

DSR requires staff, volunteers and contractors to pass the recruitment and screening process prior to commencing their engagement with DSR.

As part of the screening and recruitment process, an applicant must provide appropriate evidence (for example WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people in a recreational setting.

All DSR staff and Board members require a WWCC.

The following key event personnel must have a valid WWCC:

- those paid by DSR for their services (excluding bump in and bump out)
- volunteers
- relevant contractors who may have unsupervised access to children, and
- anyone else who DSR staff feel requires a WWCC due to the nature of the work that they are undertaking for DSR.



The type of evidence that an applicant is required to provide to DSR will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence to DSR.

DSR will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and during their time with DSR in regular intervals.

DSR will undertake thorough reference checks prior to engaging any personnel.

Once engaged, DSR will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

DSRs commitment to child safety

We are committed to keeping children and young people safe

Through our Child Safe Policy, we document our clear commitment to keeping children and young people safe from abuse and neglect.

We communicate our commitment to all our staff and volunteers and give them access to a copy of this statement.

Our staff and volunteers know the behaviour we expect

We ensure that each person involved in our delivery of services to children and young people understands their role and the behaviour we expect in relation to keeping children and young people safe from abuse and neglect through application of the DSR code of conduct.

Our staff, volunteers and contractors indicate, in writing, that they have read and are committed to the DSR code of conduct.

We minimise the likelihood of recruiting a person who is unsuitable

We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work / volunteer with children or young people. We have recruitment procedures that ensure:

- our child safe commitment is communicated to potential applicants for positions
- two professional reference checks are undertaken
- screening checks are undertaken, including identity, criminal record, working with children or equivalent checks and qualification checks.



Induction and training are part of our commitment

We provide all new staff and volunteers with information during their induction about our commitment to keep children safe including this policy, and this commitment to child safety.

We have a process for ensuring all staff and volunteers complete child safe training or have completed it.

We support ongoing education and training for our staff and volunteers to ensure child safe information is provided in an ongoing way.

We ensure that our staff and volunteers have up to date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.

We encourage the involvement of children, young people and their support person or primary caregiver

We involve and communicate with children and young people, and their support person or primary caregiver in developing a safe, inclusive and supportive environment.

We provide information to children and their support person or primary caregiver (such as brochures, posters, handbooks, guidelines) about:

- our commitment to keeping children safe and communicating their rights
- the behaviour we expect of our staff and volunteers and of themselves
- this policy about responding to child abuse.

We have processes for encouraging two-way communication with children and their support person or primary caregiver. We seek their feedback and have a process for responding. We respect diversity and seek to facilitate effective communication and involvement.

Our staff and volunteers understand their responsibility for reporting child abuse

Our policy for responding to child abuse is approved and endorsed from the highest levels of our organisation and applies to all our staff and volunteers.

The policy states that:

- Staff and volunteers must immediately report abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers.
- Staff and volunteers must meet any legislated mandatory or other jurisdictional reporting requirements.

- Failure to report is serious misconduct.

Our staff and volunteers are given a copy of, and have access to, the policy and understand the implications of the policy for their role. We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures or concerns.

Risk management approach

Child safety is a part of DSRs overall risk management approach. This policy and framework also operates concurrently with the DSR Camp Management Framework.

Policy communication

This policy will be made available to all members via the DSR website.

This policy will be communicated to all staff, directors, volunteers and contractors where appropriate.

References to this policy will be included in documentation provided to all volunteers and staff members of DSR.

Review process

This policy will be reviewed by the DSR Board on annual basis.

Related documents and legislative requirements

This Policy must be read in conjunction with:

- the law of the Commonwealth and Victoria including but not limited to:
 - *Children, Youth and Families Act 2005* (Vic)
 - *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015* (Vic)
 - *Crimes Act 1958* (Vic)
 - *Working with Children Act 2005* (Vic)
- DSR policies and procedures, including but not limited to:
 - DSR Member Protection Policy
 - Code of Conduct/Values
 - Disciplinary Policy / Privacy Policy
 - Grievance Procedure / Volunteer Policy
 - Handling Complaints Policy.

Further information

Further information about the Child Safe Standards is available at:

- the Department of Health and Human Services website - <https://providers.dhhs.vic.gov.au/child-safe-standards>.
- An overview of the Victoria Child Safe Standards - <https://providers.dhhs.vic.gov.au/overview-victorian-child-safe-standards-word>.
- the Child Safety page of the Commission for Children and Young People's website - <https://ccyp.vic.gov.au/child-safety/>