

CHILD SAFETY POLICY

1. INTRODUCTION

- 1.1. This Child Safety Policy was approved by the ESC General Committee on October 12, 2022. It demonstrates the strong commitment of management, staff, members and volunteers to child safety and wellbeing, and how our organisation keeps children safe from harm, including child abuse. Elwood Sailing Club ("ESC", or "the Club") is committed to ensuring that children and young people who participate in its activities have a safe and happy experience.
- 1.2. The aim of ESC's Child Safe Policy (the 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. All complaints will be treated seriously and fully investigated, and handled with maximum confidentiality and discretion.
- 1.3. Elwood Sailing Club acknowledges the Bunurong people of the South-Eastern Kulin Nation, the Traditional Owners of the land on which we operate. We acknowledge and respect their contributions, experience, and knowledge as First Nations people. We pay our respects to their Elders, past and present.
- 1.4. Should a person wish to make any enquiries in relation to this Policy, please contact the ESC Secretary (secretary@elwoodsc.com)

2. POLICY STATEMENT

- 2.1. ESC is committed to providing the highest level of safety for all involved with sailing and other on-water activities. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members, particularly children, and delivering the ESC's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, ESC considers that the health, safety, and well-being of children take priority over all other competing considerations. ESC considers that this is necessary to ensure the health, safety, and welfare of all members, and protect the image and reputation of the sport, ESC, and its members.
- 2.3. ESC has a zero tolerance approach to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability, or sexual orientation.
- 2.4. The care and protection of children, and reporting information about child abuse is a shared responsibility of everyone that participates in ESC activities.
- 2.5. ESC supports the active participation of all children. It listens to and respects their views, and involves them when making decisions, where appropriate, especially about matters that will directly affect them. Discussions will be held with child members, primarily through their parents, on what makes them feel safe and unsafe, and our policies and procedures. Child safety information sessions will be offered where needed.

- 2.6. ESC is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
- 2.7. ESC promotes fairness and consideration for all staff, volunteers, and participants. For further details please refer to the ESC and Australian Sailing (AS) Member Protection Policy.

3. SCOPE

- 3.1. This Policy applies to everyone involved in or connected to sailing and other on water activities, and land-based activities connected to Club operations and activities including (but not limited to) participants, parents, spectators, contractors, officials, coaches, judges, and staff.
- 3.2. This Policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with ESC.
- 3.3. Activities conducted at ESC facilities by other groups or people, and which are unrelated to ESC, are not covered by ESC policy. These activities are expected to have their own policies, procedures, and controls.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

- the laws of the Commonwealth and Victoria (as amended from time to time) including but not limited to:
 - 4.1..1. Children, Youth and Families Act 2005 (Vic)
 - 4.1..2. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
 - 4.1..3. Crimes Act 1958 (Vic); and
 - 4.1..4. Working with Children Act 2005 (Vic)
- ESC policies and procedures, including but not limited to:
 - 4.1..5. ESC Rules Of Association;
 - 4.1..6. ESC By-Laws;
 - 4.1..7. Australian Sailing Member Protection Policy;
 - 4.1..8. ESC Code of Conduct for Dealing With Children
 - 4.1..9. ESC Child Safety on Duty or Sailing
 - 4.1..10. ESC Guide to Responding to and Reporting Child Safety Concerns

5. DEFINITIONS

- 5.1. **Child** means a person involved in the activities of ESC and under the age of 18 years unless otherwise stated under the law applicable to the child (e.g. for the purposes of child sexual offences in Victoria, a “child” refers to a person under the age of 16 years).
- 5.2. **Child abuse** means:
- a sexual offence committed against a child
 - an offence committed against a child under section 49M (1) of the Crimes Act 1958 (Vic), such as grooming

- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child.

5.3. **Harm** is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual, and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

5.4. **Child Abuse** is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person's physical or emotional health, development or wellbeing and the Child has not, or is not likely to be protected by the parent(s) or guardian(s). For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.

5.5. **Sexual offence** (in Victoria) means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child under the age of 16 years to, or involves a child under the age of 16 years in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards.

5.6. **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 (but is not limited to) teachers, principals, registered psychologists, nurses, doctors, and midwives.

6. REPORTING CHILD ABUSE

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

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

6.3. Mandatory Reporters

- Select classes of people in the community (including teachers, nurses, and doctors – amongst others) 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 needs 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 grounds for the belief.

6.4. Reasonable grounds for belief

- A reasonable belief is formed if a reasonable person believes that:
 - 6.4..1. the child needs protection;
 - 6.4..2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
 - 6.4..3. 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 are 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:
 - 6.4..1. a child states that they have been physically or sexually abused;
 - 6.4..2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
 - 6.4..3. someone who knows a child states that the child has been physically or sexually abused;
 - 6.4..4. 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
 - 6.4..5. signs of abuse lead to a belief that the child has been physically or sexually abused.

6.5. Voluntary Reporters

- In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, *may* disclose that information to the Police, DHHS or the Commissioner for Children & Young People (**CCYP**).

6.6. 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 imprisonment.

6.7. ESC Approach to Reports of Abuse

- ESC supports and encourages a person to make a report to the Police, CCYP 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 voluntary) will be supported by ESC, and will not be penalised by ESC 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 ESC Commodore or Manager for guidance and information. If in doubt, ask for assistance.
- If an allegation is made against a member of staff, member, or volunteer, ESC will follow the reporting procedure outlined in ESC Guide for Responding and Reporting Child Safety Complaints, and take all steps to ensure that the safety of the child and other children is paramount.

- ESC will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential and sensitive manner to the greatest extent possible.
- ESC will cooperate with the directions of the Police, CCYP and/or DHHS in relation to any investigation conducted by these authorities.
- ESC will keep register of any allegations regarding inappropriate conduct

7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN

7.1. Personnel involved in protecting children include the General Committee, staff, members, and volunteers within ESC. 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 ESC's 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;
- at all times, know and follow regulations in relation to the care of children and follow the ESC Code of Conduct for dealing with Children;
- co-operate with police and/or other formal investigations to the best of their ability; and
- not harm or exploit children who access ESC's services.

7.2. ESC will appoint a Child Safety Officer or equivalent role that will be the primary point of contact for all concerns related to child safety.

8. RECRUITMENT AND SCREENING

8.1. The minimum standard for background checks of employees and contractors is the law as it applies in Victoria.

8.2. ESC undertakes a comprehensive recruitment and screening process for all staff and contractors who will engage with child members which aims to:

- promote and protect the safety of all children who participate in ESC activities;
- identify and recruit the safest and most suitable candidates who share ESC's values and commitment to protect children; and
- prevent a person from working at ESC if they pose an unacceptable risk to children.
- The recruitment and screening process for all staff and contractors who will engage with ESC requires staff and contractors who will engage with children to pass the

recruitment and screening process prior to commencing their engagement with ESC. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. 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.

- The type of evidence that an applicant is required to provide to ESC 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 ESC.
- ESC will exercise discretion and may require applicants to provide a Police check in accordance with the law before they commence their engagement and during their time with ESC in regular intervals.
- ESC will undertake at least two thorough reference checks prior to engaging any personnel.

8.3. ESC requires WWCC for the following people if not legally exempt:

- members who are expected, or volunteer, to participate in sailing duties
- members who volunteer for a supervisory or coordinating role in activities or events where children may be present
- members who nominate for General Committee or other positions within the club
- anyone else who ESC General Committee or staff feel requires a WWCC due to the nature of the work that they are undertaking for ESC.

8.4. ESC requires all affiliated club personnel including Committee Members, Volunteers, Coaches and Judges and anyone else who has contact with children to possess a valid WWCC.

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

9. SUPPORTING PERSONNEL

9.1. ESC is committed to ensuring that all staff, and appropriate contractors, volunteers and members receive training to ensure that they understand their responsibilities in relation to child safety. Training at ESC includes:

- Induction of Staff
- Child Safety Policy, Code of Conduct, and Procedures for Staff, Members of the General Committee
- Child Safety Policy, Code of Conduct, and Procedures for Club members who are required to do duty or volunteer for roles in ESC activities where children may be present

10. RISK MANAGEMENT APPROACH

10.1. Child safety is a part of ESC's overall risk management approach. ESC has conducted a risk management and countermeasure assessment for Child Safety.

11. POLICY BREACHES

- 11.1. It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have done anything contrary to this policy. Any person who may breach this policy is subject to disciplinary action outlined in the ESC Rules.

12. POLICY PROMOTION

- 12.1. This policy will be reviewed and approved by General Committee. An overview will be provided at the AGM, and the policy will be made available to all members via the website and newsletter.
- 12.2. This policy will be communicated to all staff via email and meetings.

13. RECORD KEEPING

- 13.1. ESC will retain a confidential record of reports of child abuse and complaints about child safety. ESC Confidential Record of Child Safety Complaint forms are kept confidential in a password-protected file which is accessible only by the Manager and Secretary.
- 13.2. In maintaining records of reports about child safety, ESC will maintain confidentiality and privacy for children and families in accordance with legislation.
- 13.3. ESC will appropriately note identified risks to child safety through the record keeping process and will incorporate those into its risk management plan.

14. REVIEW PROCESS

- 14.1. This policy will be reviewed annually by the General Committee.
 - 14.2. If you would like to provide ESC with any feedback or suggestions to improve this policy, please contact Secretary ESC (secretary@elwoodsc.com).
 - 14.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the General Committee for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated via the webpage and newsletter.
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