

**DISABLED WINTERSPORT AUSTRALIA
CHILD SAFE CHILD FRIENDLY POLICY**

POLICY NAME	Child Safe Child Friendly Policy
DATE OF ISSUE	12 June 2019
POLICY COVERAGE	This policy applies to persons who are involved with the activities of Disabled Wintersport Australia (DWA), whether they are in a paid or unpaid / voluntary capacity.
DATE OF REVIEW	This policy will be reviewed at least annually and more often should legislative requirements other material changes to circumstances require.

1. INTRODUCTION

- 1.1. Disabled Wintersport Australia (DWA) is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. DWA supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of DWA's **Child Safe Child Friendly Policy** (this Policy) is to protect the safety of children in our care and prevent abuse 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. Should a person wish to make any enquiries in relation to this Policy, please contact the Member Protection Information Officer (MPIO) or the CEO (the names and contact details of DWA's MPIO and CEO are at www.disabledwintersport.com.au).

2. POLICY STATEMENT

- 2.1. DWA is committed to providing the highest level of membership service. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members, particularly children and delivering DWA's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, DWA considers that the health, safety and well-being of children take priority over all other competing considerations. DWA considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, and DWA.
- 2.3. DWA 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 etc.

- 2.4. Child protection is a shared responsibility between DWA, its staff, volunteers, parents/guardians, members, instructors, contractors, associated entities, and the wider DWA community. Everyone that participates in DWA's activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. DWA supports the active participation of all children. It listens to their views, respects their views and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).
- 2.6. DWA is also committed to providing a safe environment for children living with a disability, to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds.
- 2.7. DWA promotes fairness and consideration for all staff, members, and volunteers. For further details please refer to the **DWA Member Protection Policy** and the **DWA Constitution**, available at www.disabledwintersport.com.au.

3. SCOPE

- 3.1. This Policy applies to staff, volunteers, parents/guardians, members, instructors, contractors, associated entities, and participants throughout all DWA events and activities.
- 3.2. This Policy will continue to apply retrospectively to a person or member following the cessation of their association or employment with DWA.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

4.1.1. the law of the Commonwealth, New South Wales and Victoria including but not limited to:

- 4.1.1.1. *Children, Youth and Families Act 2005* (Vic)
- 4.1.1.2. *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015* (Vic)
- 4.1.1.3. *Crimes Act 1958* (Vic)
- 4.1.1.4. *Working with Children Act 2005* (Vic)
- 4.1.1.5. *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- 4.1.1.6. *Child Protection (Offenders Registration) Act 2000* (NSW)
- 4.1.1.7. *Crimes Act 1900* (NSW)
- 4.1.1.8. *Commission for Children and Young People Act 1998* (NSW)
- 4.1.1.9. *The Ombudsman Act 1974* (NSW)
- 4.1.1.10. *Child Protection (Working with Children) Act 2012* (NSW); and
- 4.1.1.11. *Family Law Act 1975* (Cth)

4.1.2. DWA policies and procedures, including but not limited to:

- 4.1.2.1. Member Protection Policy;
- 4.1.2.2. Code of Conduct;
- 4.1.2.3. Ski Guide Training Manual;
- 4.1.2.4. Constitution;
- 4.1.2.5. Risk Management Policy;
- 4.1.2.6. Privacy Policy;
- 4.1.2.7. Codes of behaviour; and
- 4.1.2.8. Grievance and Discipline procedures.

5. DEFINITIONS

- 5.1. **Child** means a person involved in the activities of DWA and under the age of 18 years unless otherwise stated under the law applicable to the child.
- 5.2. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.
- 5.3. **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 behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes 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.
- 5.4. **Mandatory reporter** means a person who is legally required to make a report to the Department of Human Services (Vic), Department of Family & Community Services (NSW) or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, nurses, doctors and police.

6. RECOGNISING AND REPORTING CHILD ABUSE

- 6.1. A person may, in the course of participating in the sport or other activities of DWA or carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.
- 6.2. If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.
- 6.3. **Child abuse** can be divided into four categories:

- 6.3.1. **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.
 - 6.3.2. **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.
 - 6.3.3. **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; and
 - 6.3.4. **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.
- 6.4. Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.

6.5. **Mandatory Reporting**

- 6.5.1. Select classes of people in the community (including teachers, police, nurses and doctors) are required by law to report to the Department of Human Services (DHS, Vic) or the Department of Family & Community Services (DFCS, NSW) 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.
- 6.5.2. 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.
- 6.5.3. There are obligations for any person, not just identified mandatory reporter professions (such as teachers, police, doctors, and nurses) who has a reasonable belief that a child is in need of protection, to report this information to the relevant authority, as outlined below in clauses 6.6 to 6.9 and in the relevant legislation.

6.6. **Reasonable grounds for belief**

- 6.6.1. A reasonable belief is formed if a reasonable person believes that:
 - 6.6.1.1. the child is in need of protection;
 - 6.6.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
 - 6.6.1.3. the child's parents are unable or unwilling to protect the child.
- 6.6.2. 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.
- 6.6.3. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.
- 6.6.4. You will have reasonable grounds to notify if:

- 6.6.4.1. a child states that they have been physically or sexually abused;
- 6.6.4.2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- 6.6.4.3. someone who knows a child states that the child has been physically or sexually abused;
- 6.6.4.4. 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
- 6.6.4.5. signs of abuse lead to a belief that the child has been physically or sexually abused.

6.7. Voluntary Reporters

- 6.7.1. 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, DHS (Vic), DFCS (NSW) or other State / Territory agency as appropriate.

6.8. Reporting Child Sexual Abuse

- 6.8.1. 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 may be prosecuted.

6.9. DWA Approach to Reports of Abuse

- 6.9.1. DWA supports and encourages a person to make a report to the Police, DHS (Vic) or DFCS (NSW) if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.
- 6.9.2. Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by DWA and will not be penalised by DWA for making the report.
- 6.9.3. 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 DWA CEO, DWA MPIO or call Police on 131 444 (non-urgent police assistance) for guidance and information. If in doubt, ask for assistance.
- 6.9.4. If an allegation is made against a member of staff or volunteer, DWA will follow the reporting procedure outlined in the **DWA Member Protection Policy** 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.

- 6.9.5. DWA 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.
- 6.9.6. DWA will cooperate with the directions of the Police and/or DHS (Vic), DFCS (NSW) or other State / Territory agency as appropriate in relation to any investigation conducted by these authorities.
- 6.9.7. DWA will keep a register of any allegations regarding inappropriate conduct.

7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN

- 7.1. Personnel involved in protecting children include the Board, management, staff and volunteers within the Organisation. Those people have responsibilities in relation to protection of children and are expected to:
 - 7.1.1. understand the rights of children, as appropriate to their role;
 - 7.1.2. respect the cultural and religious practices of families who access DWA's services, programs or events;
 - 7.1.3. understand and appropriately respond to the needs of children with developmental delays or disabilities;
 - 7.1.4. appropriately act on any concerns raised by children;
 - 7.1.5. understand the definitions, indicators and impact of child abuse;
 - 7.1.6. know and follow regulations in relation to the care of children;
 - 7.1.7. co-operate with police and/or other formal investigations to the best of their ability; and
 - 7.1.8. not harm or exploit children who access DWA's services.

8. CHILD SAFE AND CHILD FRIENDLY GUIDELINES TO PREVENT AND MANAGE RISKS OF CHILD ABUSE

8.1. Hotel rooms and other accommodation

- 8.1.1. No DWA personnel should be alone in the room of a member under 18 years of age without the presence of another adult. The doors should always be open. Should it be necessary for an official to be alone in the room of a member, other responsible DWA personnel must be informed. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.2. Travel - General

- 8.2.1. All DWA personnel over 18 years of age retain an overriding responsibility for the welfare of all members they accompany during program activities. They have a 'duty of care' for members and they must meet that duty and avoid unaccompanied and unobserved activities with persons less than 18 years of age wherever possible. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.3. Sexual Relationships while on programs

8.3.1. During all team travel activities DWA personnel must not, under any circumstances engage in conduct of a sexual nature with a member. Improper conduct of a sexual nature by DWA personnel towards a member includes any form of child sexual abuse (defined within the **DWA Member Protection Policy**) as well as but not limited to the following:

- 8.3.1.1. inappropriate conversations of a sexual nature;
- 8.3.1.2. obscene language of a sexual nature;
- 8.3.1.3. suggestive remarks or actions;
- 8.3.1.4. jokes of a sexual nature;
- 8.3.1.5. obscene gestures;
- 8.3.1.6. unwarranted and inappropriate touching;
- 8.3.1.7. sexual exhibitionism;
- 8.3.1.8. use of any device to show/watch offensive material; and
- 8.3.1.9. any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

8.4. Adults under investigation

8.4.1. 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, NSW / Vic) (or if based in another State the equivalent requirement) status may be prohibited, by the DWA Board, from participating in DWA activities.

8.5. Guide Assistance

8.5.1. All Guides must ensure that all physical contact with members which occurs when Guiding is appropriate for the situation and necessary for the member's safety. It is strongly recommended that:

- 8.5.1.1. Guides ensure that there are other adults present whenever guiding;
- 8.5.1.2. Guides take care to explain the procedure to the child prior to beginning any physical contact; and
- 8.5.1.3. Guides obtain consent from the member prior to beginning any physical contact.

9. ENGAGING NEW PERSONNEL

9.1. DWA undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:

- 9.1.1. promote and protect the safety of all children who participate in the activities of DWA;

- 9.1.2. identify and recruit the safest and most suitable candidates who share DWA's values and commitment to protect children; and
- 9.1.3. prevent a person from working at or volunteering for DWA if they pose an unacceptable risk to children.
- 9.2. DWA requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with DWA.
- 9.3. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent) to show that they are suitable to work with children and young people in a recreational setting.
 - 9.3.1. all DWA staff and Board members require a WWCC; and
 - 9.3.2. the following key event personnel must have a valid WWCC or:
 - 9.3.2.1. those paid by DWA for their services;
 - 9.3.2.2. volunteers;
 - 9.3.2.3. relevant contractors who may have unsupervised access to children; and
 - 9.3.2.4. anyone else who DWA staff require have a WWCC due to the nature of the work that they are undertaking for DWA.
- 9.4. The type of evidence that an applicant is required to provide to DWA will vary depending on the type of position that they are applying for.
- 9.5. DWA 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 DWA in regular intervals.
- 9.6. DWA will undertake thorough reference checks prior to engaging any staff.
- 9.7. Once engaged, DWA will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

10. RISK MANAGEMENT APPROACH

- 10.1. Child safety is a part of DWA's overall risk management approach. For further details about DWA's risk management approach, see its **Risk Management Principles and Policy**, available at www.disabledwintersport.com.au.

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 the **DWA Member Protection Policy** and the **DWA Constitution** and/or additional discipline processes.

12. POLICY PROMOTION

- 12.1. This policy will be made available to all members via the DWA membership renewal process and on its website at www.disabledwintersport.com.au.
- 12.2. This policy will be communicated to all staff, members, volunteers, and Board, via the DWA newsletter, website, email, and meetings.

13. REVIEW PROCESS

- 13.1. This policy will be reviewed by the DWA CEO and Board on an annual basis.
- 13.2. If you would like to provide DWA with any feedback or suggestions to improve this policy, please contact the CEO (name and contact details on DWA's website at www.disabledwintersport.com.au).
- 13.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the CEO for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via the webpage, newsletter, and other appropriate communication channels.