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## CHILD SAFETY POLICY

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### Aims

The aims of this Policy are:

- To protect children from situations of abuse.
- To promote the immediate and ongoing safety of children as of paramount importance.
- To implement policies and procedures that adequately support and address each concern for child safety regardless of gender, race, socio-economic status, special needs or culture.

### Purpose

The Melbourne United Basketball Club is committed to addressing the issue of child abuse through the implementation of policies and procedures that contribute to the improvement of child protection in the sport and recreation environment.

We follow the Child Safe Standards set out by the Department of Health and Human Services' publication, 'An overview of the Victorian child safe standards', published in November 2015. It may be downloaded at <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards-resources>.

In compliance with the Child Safe Standards, the Melbourne United Basketball Club is committed to the safety of children with particular regard to:

- promoting the cultural safety of Aboriginal and Torres Strait Islander children;
- promoting the cultural safety of children from culturally diverse and/or linguistically diverse backgrounds; and
- promoting the safety of children with a disability.

### Role of Staff and Volunteers

All staff and volunteers undertake a duty of care towards the safety and protection of all children in their care. We endeavour to inform and educate children about protective behaviour including:

- appropriate and inappropriate behaviour in a manner suitable to their age and level of understanding;
- understanding the indicators of an unsafe environment or situation;
- that no secret is too dreadful that they cannot communicate their concerns to someone they trust, and that all staff of the organisation will listen to their concerns; and
- to inform staff of any unusual activities or suspicious behaviour.

## Definitions

All staff and volunteers are informed about the definitions of physical, sexual and emotional abuse and neglect. The following definitions have been formulated by the Victorian Department of Human Services:

**Physical abuse** occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

**Sexual abuse** occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity.

**Emotional abuse** occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

**Neglect** is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.'

The above definitions, relevant resources and further information about what constitutes child abuse are located at <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/what-is-child-abuse>.

## Management Responsibilities

The Melbourne United Basketball Club provides access to ongoing training and development to all new and existing staff in order to ensure that their duty of care, key responsibilities, and ability to identify signs of abuse and neglect are fulfilled.

The Director or nominated Child Safety Officer or Supervisor will assess all claims or accusations seriously and then confer with management where appropriate. He or she will then decide a suitable course of action in accordance with Child FIRST guidelines. If management forms a belief on reasonable grounds that the immediate safety of the child is compromised they must contact Child Protection; in situations involving 'significant concerns' a referral must be made to Child FIRST; and in all other circumstances management is required to come to 'a belief on reasonable grounds' before making a referral to Child FIRST.

## Child Safety Officer's Responsibilities

The Child Safety Officer has the responsibility of ensuring that all staff and volunteers:

- understand their roles and responsibilities in relation to child protection;
- appreciate the importance of recognising cultural differences in the promotion of safety, particularly that of Aboriginal and Torres Strait Islander Children, culturally and/or linguistically diverse children, and children with a disability;
- recognise their commitment to immediately report situations where there is a belief on reasonable grounds that a child is or was being subjected to abuse or neglect; and
- know the indicators that depict when a child may be at risk of abuse or neglect.

The Child Safety Officer is responsible for:

- providing training and development for recognising and reporting harm;
- providing access to policies and procedures for reporting and professional standards for the safety of children, and the integrity of all staff and volunteers;
- providing all staff, volunteers and families participating in child-related events with access to information of behaviours that do and do not constitute a breach of the organisation's child protection risk management strategy, and the potential consequences of breach;
- where appropriate, providing access to services relating to the promotion of cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of culturally and/or linguistically diverse children and the safety of children with a disability;
- managing breaches of the child protection risk management strategy;
- conducting a Working with Children Check (WWCC) for all staff and volunteers, except when the person satisfies the criteria for exemption from a WWCC. Further information about WWCC eligibility is available at <http://www.workingwithchildren.vic.gov.au/home/about+the+check/who+needs+a+check/>;
- providing access to legislation, regulations, standards and other legal resources that assist all staff and volunteers in adhering to their duties under this Policy; and
- ensuring that all records of harm or suspected harm comply with the organisation's Privacy and Confidentiality Policy (Appendix A). The maintenance of privacy and confidentiality of all reports, observations and evidence in relation to a matter is important. All reports, observations and evidence will be held in the possession of the Director or nominated Child Safety Officer or Supervisor.

## Training and Supervision Structure

### Responsibilities

The Melbourne United Basketball Club is committed to developing training programs that support children in their development of the knowledge, skills and understanding necessary for the maintenance of their personal safety, and the growth of responsible attitudes and behaviours. The organisation recognises that all people, especially children, have the right to feel safe and protected from harassment and abuse.

All staff at the Melbourne United Basketball Club that deal with children will be required to possess a valid 'Working with Children Check' (WWCC), which is kept on file at the organisation's premises.

The designated Child Safety Officer or nominated Supervisor, and all staff members and volunteers of the Melbourne United Basketball Club must:

- be capable of identifying indicators of abuse (Appendix B);
- be capable of understanding, practicing and promoting appropriate behaviour with, and cultural safety of, Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children, and the safety of children with a disability;
- know that mandatory reporting is required when there is a held belief on **reasonable grounds** that the parents of a child suspected to be experiencing physical or sexual abuse are unable or unwilling to protect the child. If this is the case, it must be reported to Child Protection on **131278** or Child FIRST (and the Police on 000 if sexual abuse has occurred);
- report to the Police on 000 if a child's safety is in immediate danger, and should intervene promptly if it is safe to do so;

- refer families to the necessary support services through Child FIRST (family consent is required prior to making a referral);
- formulate precise records based on the information given in order to assist Child Protection or Child FIRST with their investigations of abuse or suspected abuse (precise records state the exact circumstances communicated, what was thought to have occurred or what could potentially occur).

## **Allegations**

Any allegations made against staff or volunteers of the Melbourne United Basketball Club will be treated with the same level of seriousness as claims of suspected child abuse against other people.

These allegations (if they constitute a sexual offence) must be immediately reported to Victoria Police on 000. Failure to do so is considered a criminal offence pursuant to section 327 of the *Crimes Act 1958* (Vic). More information about the legal requirements for mandatory reporting of child abuse and neglect in the state of Victoria and the rest of Australia may be found at <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>.

Allegations involving an Aboriginal or Torres Strait Islander child, a culturally and/or linguistically diverse child or a child with a disability may require particular measures to support the child. For example, it would be prudent to contact a Child FIRST Contact that specifically caters to referrals made on behalf of Aboriginal children and families (see Child FIRST Contact section below for more details).

The nominated Child Safety Officer, Supervisor and any other designated staff member must:

- complete an Incident, Injury, Trauma and Illness Record and inform the Regulatory Authority within 24 hours of reporting the harm or suspected harm to Child Protection or Child FIRST;
- provide appropriate assistance to staff members or volunteers who have an allegation reported against them;
- guard the identity of those against whom unsubstantiated allegations have been made;
- review the accused person's duties, and if they remain in the presence of children, ensure they are adequately monitored at all times; and
- consider seeking legal advice in relation to limiting or removing the person subject to the allegations from events or activities involving children.

## **Recording Keeping of Allegations**

### **Documenting a suspicion of abuse and neglect**

If staff or volunteers of the Melbourne United Basketball Club have concerns about the safety and wellbeing of a child, the nominated Child Safety Officer or Supervisor:

- will record their own observations as well as exact particulars of any dialogue with parents (who may for example clarify a visible mark on a child);
- will record the incident as promptly as possible so the particulars communicated are accurately taken, including:
  - time, date and place of the suspicion;
  - all details of the abuse or suspected abuse;
  - date of report and signature; and
- will not try to investigate the matter themselves.

## **Documenting a disclosure of abuse and neglect**

Whilst a nominated Child Safety Officer or Supervisor is obtaining a disclosure of abuse and neglect, he or she will:

- tell the child/person they have done the right thing in making the disclosure, and that they will need to report the matter to the relevant authorities who can help keep the child safe;
- only enquire further into the disclosure to ascertain whether there is a need to report the matter because probing questions may create distress, confusion or obstruction to any future investigations;
- not try to investigate or facilitate an outcome between the involved parties; and
- promptly record the particulars as accurately as possible, including:
  - name of the person spoken to;
  - time, date and place of disclosure;
  - exact wording communicated about what happened and what was said, including everything that was verbally communicated and any actions that were taken;
  - next steps in the complaints process;
  - content of advice authorising that the report has been made; and
  - date of report and signature.

## **Confidentiality**

The Melbourne United Basketball Club endeavours to ensure that any report or allegation of abuse or suspected abuse remains confidential. No validation of any report or allegation is made whilst there is a pending investigation of the matter. The individual who reports the allegation should **not** notify the person who is the subject of the allegation. This safeguards the prompt and unobstructed investigation of the matter and reduces the likelihood of corruption of relevant evidence.

## **Reports of Allegations or Suspicions of Abuse**

### **Mandatory Reporting**

Certain professionals are mandated by law to report suspected child abuse to the relevant authorities. These professionals include: doctors, nurses, police and school teachers. A report must be made to Child Protection if they have formed a belief on reasonable grounds that a child is in need of protection from significant harm as a result of physical or sexual abuse, and the child's parents are unwilling or unable to provide that protection.

Additionally, all staff members with a reasonably held belief that a child requires protection from physical or sexual abuse, must report the abuse or neglect to Child Protection on **131278** (and the Police on 000 for cases of sexual abuse) or Child FIRST. Child FIRST contacts may be found at <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-and-parenting-support/family-services/child-first-child-and-family-information,-referral-and-support-teams>.

Reports to Child Protection must be made if:

- the child's immediate safety, wellbeing or development is threatened as a result of the serious impact of harm or risk of harm;
- the child's immediate safety, wellbeing and development is threatened as a result of the serious impact of continuous and ingrained harm or risk of harm; and
- the child's parents cannot or will not protect the child from harm or risk of harm.

If there are concerns about the child's safety of a low to moderate level of impact and the immediate safety of the child is not threatened, a report to the relevant **Child FIRST** contact must be made. Some of these concerns may include:

- family conflict or family breakdown;
- isolated families; or
- substantial parenting problems that may affect the child's development.

A thorough guide detailing the process for making a report to Child Protection or Child FIRST may be found on the website of the Victorian Department of Human Services at [http://www.dhs.vic.gov.au/data/assets/pdf\\_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf](http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf).

### **Belief on Reasonable Grounds**

A belief that a child requires protection from abuse may be formed on **reasonable grounds** after a person becomes aware that the child's safety has been compromised. This is due to harm or a risk of harm to their safety and wellbeing, and there are signs that the parents of the child are unwilling or unable to offer protection. The belief may be formed due to, but not limited to, any of the following:

- a child communicates that they have experienced physical or sexual abuse;
- a child communicates that they know someone who has experienced physical or sexual abuse (occasionally the child may be referring to themselves);
- a person who knows the child communicates that the child has experienced physical or sexual abuse;
- there are signs or indicators of physical or sexual abuse communicated by the child's behaviour, or by observance of accidental or non-accidental injuries on the child's person;
- there is knowledge or awareness of frequent family violence or parental neglect, psychiatric illness or intellectual disability that detrimentally affects the child's safety, wellbeing or development; or
- the behaviour of a child places them in a situation where harm or risk of significant harm is present and the child's parents are unwilling or unable to protect the child.

### **Safeguards for Reporters**

Reports made to Child Protection or Child FIRST are confidential. Under the *Children, Youth and Families Act 2005* (Vic), the report must be made in good faith in accordance with the following conditions:

- the report will not breach confidence or standards of professional conduct;
- the report cannot incur civil or criminal liability; and
- the identity of the person making the report is protected (however, the court may grant leave to reveal the person's identity if the evidence is critically important).

A confidential report of any allegations or suspicions of child abuse and neglect is categorised as an exempt document under the *Freedom of Information Act 1982* (Cth).

### **Child Protection Reporting Procedure**

1. ANY REASONABLE BELIEF OR SUSPICION OF SERIOUS ABUSE MUST BE REPORTED TO THE **CHILD PROTECTION SERVICEON 131 278** (24 HOURS/7 DAYS)

2. ANY REASONABLE BELIEF OR SUSPICION OF LOW TO MODERATE LEVEL ABUSE MUST BE REPORTED TO THE RELEVANT **CHILD FIRST CONTACT** (SEE APPENDIX C ON CHILD FIRST CONTACTS BELOW)
3. WHEN CHILDREN ARE IN IMMEDIATE DANGER OR THERE IS AN ELEMENT OF SEXUAL ABUSE INVOLVED, CONTACT THE **POLICE ON 000**

### Managing Breaches

All staff and volunteers of the Melbourne United Basketball Club have a duty of care to protect children from abuse and provide a safe environment. A duty of care is breached if a person:

- engages in conduct that a reasonable person in that person's position would not do; or
- fails to act in a way that a reasonable person would in that person's position in the circumstances;

A breach may also constitute action or inaction by a staff member, volunteer or person involved with events organised by the Melbourne United Basketball Club, including children and young people, which breaches any part of the risk management strategy. This includes any breach of:

- a statement of commitment to the safety of children and their protection from harm;
- a code of conduct for interacting with children;
- recruitment, training and management procedures for all new and existing staff and volunteers;
- policies and procedures for managing disclosures or suspicions of harm, including reporting guidelines;
- policies and procedures for executing and revising the child protection risk management strategy;
- risk management plans for high-risk activities and special events (Appendix D); or
- strategies for communication and assistance.

All policies and procedures are reviewed once a year, particularly after any concerns or suspicions of child abuse have been reported to the organisation's Child Safety Officer through the relevant complaints procedure. Additionally, in order to ascertain the appropriateness of all employees and volunteers' right to work with children, there will be frequent review of all staff records.

### Legislative Responsibilities

#### National Quality Framework

The Council of Australian Governments has released a National Framework for Protecting Australia's Children 2009–2020. It outlines supporting outcomes that promote the achievement of high-level outcomes in relation to child protection. The report may be accessed at [https://www.dss.gov.au/sites/default/files/documents/child\\_protection\\_framework.pdf](https://www.dss.gov.au/sites/default/files/documents/child_protection_framework.pdf).

#### Legislation and Regulations

Other than the *Children, Youth and Families Act 2005* (Vic), additional legislation relating to the protection, and reporting, of allegations or suspicions of child abuse and neglect include, but are not limited to:

- *Failure to Disclose Offence 2014*  
(<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)

- *Working with Children Act 2005* (Vic), particularly the *Working with Children Amendment Act 2016* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Family Law Act 1975* (Cth)

## **Risk Management Procedures**

### **Our Risk Management Strategy**

The Melbourne United Basketball Club's risk management strategy consists of:

- a policy document supporting the protection of children from abuse and neglect;
- a code of conduct for interacting with children in an appropriate manner;
- recruiting and training procedures for all new and existing staff and volunteers of the organisation, including interviews, screening processes, reference checks, and Working with Children Checks;
- reporting guidelines and processes for managing disclosures or suspicions of harm;
- techniques for handling breaches of the risk management strategy;
- risk management strategies for high-risk activities and special events; and
- methods for communication and support.

It is imperative that all parents, carers and children involved with events organised by the Melbourne United Basketball Club are aware and well-informed of the policies and procedures that encompass this organisation's Child Safe Policy. Particularly, there should be an understanding of safe behaviour and relations with Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children and children with a disability.

Our Risk Management Strategy will be regularly reviewed for the purpose of ensuring that children are always in a safe and friendly environment.

### **Breach of the Child Protection Risk Management Strategy**

The nominated Child Safety Officer or Supervisor will handle all reported breaches or suspected breaches in an impartial and supportive manner where:

- all involved parties will be informed of the process;
- all involved parties will be given the right to communicate their version of events;
- the particulars of the breach, including the description of events by all parties and the outcome, will be accurately recorded;
- matters discussed relative to the breach will remain confidential; and
- a suitable decision will be reached.

### **Suitable Outcomes for Breaches**

Outcomes will be contingent on the nature of the breach. The consequences for breach may include:

- reinforcing the applicable section of the child protection risk management strategy, for example, the code of conduct;
- closer supervision of the person the subject of the breach;
- additional education and training;
- facilitating any communications between involved parties in the reported matter (where appropriate);

- disciplinary proceedings (if required);
- termination of the offending person's employment with the Melbourne United Basketball Club; and
- revision of existing policies and procedures, and development of new policies and procedures (if needed).

## APPENDIX A – Privacy Policy

The Melbourne United Basketball Club complies with the privacy policy of the National Basketball League. To access this policy, please visit <http://www.nbl.com.au/privacy-policy/>.

## APPENDIX B – Potential Indicators of Child Abuse or Neglect

To find more information about the potential indicators of child abuse or neglect, please visit the Department of Human Services' website at <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/what-is-child-abuse/how-can-abuse-and-neglect-be-recognised>.

## APPENDIX C – Child Protection and Child FIRST Contacts

### Child Protection Contacts

DHS REGIONS	Telephone
Eastern	1300 360 391
Southern	1300 655 795
Northern & Western	1300 664 977
South Western Rural and Regional	1800 075 599
Eastern and South Eastern Rural and Regional	1800 020 202
Western Rural and Regional	1800 000 551
North Eastern Rural and Regional	1800 650 227
North Western Rural and Regional	1800 675 598

If you are unsure of which regional office to contact, please consult the website of the Department of Human Services at <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/child-protection-contacts>.

### Child FIRST Contacts

There are twenty-four Child and Family Information, Referral and Support Teams (Child FIRSTs) across the state of Victoria. These Child FIRSTs ensure that all children experiencing abuse are provided with access to the relevant support services.

It also contains a list of organisations that cater to referrals made on behalf of Aboriginal children and families. These organisations are marked with an asterisk (\*) in the following link.

Information and contact details for each Child FIRST Contact may be found at <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-and-parenting-support/family-services/child-first-child-and-family-information,-referral-and-support-teams>.

## CONTACT US

Any concerns, allegations, suspicions or reports of child abuse or neglect, or to communicate any complaints about the organisation's leadership in regards to child safety may be made to Kylie Hitchiner, the Child Safety Officer, at [kylie.hitchiner@melbourneutd.com.au](mailto:kylie.hitchiner@melbourneutd.com.au).

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