



**DONVALE
NETBALL CLUB**

CHILD SAFE POLICY

– A CLEAR GUIDE

Netball Victoria affiliates, associations and clubs are required to implement the Child Safe Standards and the mandatory reporting guidelines from the Victorian Government's amendment to the *Children, Youth and Families Act 2005* (Vic) (“**CYFA**”) and the *Crimes Act 1958* (Vic) (“**Crimes Act**”).

Donvale Netball Club Inc (the “**Club**”) is committed to promoting and protecting the safety and wellbeing of all children:

- The Club has zero tolerance for child abuse.
- Everyone involved at the Club is responsible for the care and protection of children and reporting information about child abuse.

Purpose

The purpose of this Policy is to:

- Work towards a Club culture of child safety for all children;
- Ensure that all persons are aware of their responsibilities for identifying possible occasions for child abuse and for establishing procedures for preventing such abuse and/or detecting such abuse when it occurs;
- Provide guidance on responding where a person suspects any child abuse within all Club environments;
- Provide a clear statement to players, committee members, volunteers, employees and contractors prohibiting any such abuse; and
- Provide assurance that any, and all, suspected abuse will be investigated.

The Netball Victoria Child Safety Policy, available on the Netball Victoria website, and the Membership Protection Policy, available on the Netball Australia website, have more detailed information on each of these areas.

In addition to this Policy, the Netball Victoria Child Safety Code of Conduct is available on the Netball Victoria website. The Club will use all reasonable endeavours to adopt and comply with all Netball Victoria policies, procedures and guidelines in its recruitment practices and to aid and supplement this Club policy.

Scope

This Policy, and the attached Code of Conduct, applies to all players, committee members, volunteers, coaches, team managers, assistants, employees, supporters, spectators and parents and family members of players of the Club, whether officially registered with our Club, another Club or otherwise. Non-registered individuals who otherwise participate in activities with or for our club are also bound to this policy by virtue of their participation in our club's activities.

Breaches of this Policy or the Code of Conduct may be investigated by the Club and/or Netball Victoria, and may be processed by the Club as it sees fit and appropriate, or alternatively by Netball Victoria as Misconduct in accordance with the Netball Victoria Codes of Conduct.

Guiding principles

This Policy is based on the following principles:

1. the Club has zero tolerance for child abuse;
2. the best interests of the child are paramount;
3. child protection is a shared responsibility;
4. all children have a right to feel safe and be safe when they play netball, and have equal rights to protection from abuse;
5. the Club will consider the opinions of players and use their opinions to develop child protection policies and procedures;
6. the Club is committed to the diversity and cultural safety of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, minors from culturally and linguistically diverse backgrounds, minors with disabilities, and reasonable efforts are made to accommodate them.; and
7. everyone covered by the Policy must comply with, and is bound to, the Netball Victoria Child Safety Code of Conduct, which has been officially adopted by the Club.

Role of Member Protection Information Officers & the Club Committee

The Club Committee is responsible for ensuring that policies are reviewed and updated and that training exists for committee members, volunteers, coaches, team managers, assistants and employees on child protection matters. The Committee is also responsible for identifying and managing risk in relation to child safety.

Member Protection Information Officers are available to listen, discuss and clarify issues confronting individuals in our Club. Players, members, employees, volunteers and committee members can all speak with a Member Protection Information Officer if they have concerns in relation to child abuse. Member Protection Information Officers will make reports on behalf of the Club and ensure that adequate records are maintained.

Recognising child abuse

Child abuse includes:

- Any act committed against a child involving
 - a sexual offence; or
 - an offence under section 498(2) of the *Crimes Act* (grooming); or
- The infliction, on a child, of physical violence; or
- serious emotional or psychological harm; or
- Serious neglect of a child.

For the purposes of this policy “Child” (or minor) means a person who participates at the Club under the age of 18 years, unless otherwise stated under the law applicable to the child.

REPORTING OBLIGATIONS

Mandatory reporting

1. Under the *Crimes Act*, all persons have a legal obligation to inform police as soon as practicable where they have 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).
2. This legal obligation above is subject to a person having a reasonable excuse for not reporting. A person will have a “reasonable excuse” to not report if that person:
 - (a) fears for the safety of any person (other than the alleged perpetrator of the offence) if they were to disclose the information to police, or
 - (b) believes on reasonable grounds that the information has already been disclosed to police and they have no further information.
3. The Club supports and encourages committee members, employees or volunteers, coaches or team managers to make a report to the police 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. Where a report is made to the police or Department of Health and Human Services (DHHS), we ask the individual to also advise the Club.
4. Any committee member, employee or volunteer, coach or team manager who makes a report in good faith in accordance with their reporting obligations will be supported by the Club and will not be penalised.
5. If a committee member, employee or volunteer, coach or team manager is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they must speak to the Member Protection Information Officer or Netball Victoria for guidance and information. Ultimately, it is a personal decision of the committee member, employee or volunteer employee or coach or team manager whether they choose to make a report to an external authority or not.
6. If an allegation is made against a committee member, employee or volunteer, coach or team manager, the Member Protection Information Officer will follow the reporting procedure and take all steps to ensure that safety of the child is paramount.

Note for mandatory reporters

- It is your personal responsibility/obligation to report suspected child abuse and neglect. It is not the responsibility of “someone else”.
- Your notification needs to be accompanied by a statement of the observations, information and opinions on which your suspicions are based.
- You are immune from civil liability for reporting your suspicions in good faith

Voluntary reporting

In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from child abuse, may disclose that information to the police. The Club encourages all persons to speak with the Member Protection Information Officer or Netball Victoria for guidance or support with addressing such concerns.

What are “Reasonable grounds for belief”?

You have “reasonable grounds” to notify when:

1. a minor tells you that he/she has been physically or sexually abused;
2. a minor states that they know someone who has been physically or sexually abused (sometimes the minor may be talking about themselves);
3. someone else, such as a relative, friend, acquaintance or sibling of the minor, tells you that a child has been abused;
4. your observations of the minor’s behaviour or knowledge of children lead you to believe that the child has been abused;
or
5. you observe physical signs or indicators of abuse (e.g. bruises, cuts etc.).

The club encourages reporting where you hold a concern about the safety of a minor.

Prevention

Risk Management

The Club will ensure that child safety is a part of its overall risk management approach.

As part of its risk management strategy and practices, the Club will monitor and evaluate the effectiveness of the implementation of its risk controls. The Club will ensure that appropriate training is conducted for:

- Committee members
- Coaches, team managers and volunteers; and
- Employees.

Information will be provided to players, or, in the case of NetSetGo and under-age teams, to their parents/carers/guardians, about child safety.

The Club will also ensure that all committee members, volunteers, coaches, team managers, and employees are provided with ongoing supervision and support such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

Communication

The Club will communicate with members and their parents/carers/guardians regarding child safety, the Child Protection Policy, Procedures and Code of Conduct, as well as highlighting other important reference tools such as the Play by the Rules website.

Recruitment

The Club will:

1. Implement a recruitment process for coaches, assistant coaches, team managers, etc, for all the teams of our club.
2. Ensure all coaches, volunteers, etc read and understand the Clubs' Code of Conduct and other policies.
3. Screen for inappropriate people and conduct interviews, reference checks and online background searches to satisfy ourselves about people coming into positions of responsibility at our club.
4. Conduct all necessary Working with Children Checks (WWCC).
5. Include child safety issues in induction training.

The Netball Victoria Child Safety policies and procedures, available on the Netball Victoria website, has more detailed information on each of these areas. The Club will use all reasonable endeavours to adopt and comply with all Netball Victoria policies, procedures and guidelines in its recruitment practices.

Further steps we will take as a Club:

1. Unless unavoidable, no adult will have access to an unaccompanied minor without prior permission from the minor's parents or guardian.
2. We will ensure all Club Committee members, Club officials, coaches, team managers, etc are Working With Children Check compliant.
3. We will ensure appropriate training and education sessions into child safety are available to all Club Committee members, Club officials, coaches and team managers.
4. We will communicate the Child Safety Policy and Code of Conduct and any other Child Safe policies and procedures to our stakeholders, and follow it.
5. We will set guidelines and rules for the appropriate levels of communication between coaches, team managers and players who are minors on social media.
6. We will take a preventative, proactive and participatory approach to child safety.
7. We value and empower minors to participate in decisions which affect them.
8. We will foster a culture of openness that supports disclosure of incidents.
9. We will respect diversity in cultures and child rearing practices while keeping child safety paramount.
10. Ensure minors know who to talk with if they are worried or are feeling unsafe, and that they are comfortable to do so.
11. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities; and

12. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.

Responding to an allegation

In the case of an allegation being made against a committee member, coach, team manager, employee, volunteer and/or contractor at the Club, the Member Protection Information Officer will follow this Child Safety Procedure. At all times the safety of the child is paramount.

Withdraw the individual

The first step is to consider withdrawal of the accused person from active duty, which could entail standing down (with pay, where applicable), re-assignment to other duties that do not have direct contact with children, or to work under increased supervision while the matter is being investigated. During the investigation process, it may be necessary for a person to be stood down from their usual duties at the Club or suspended from all activities at the Club.

Investigations

In the event of a child disclosing an incident of abuse to someone they trust it is essential that it is dealt with sensitively and professionally.

The Club will appropriately investigate all allegations relating to an incident of abuse in accordance with its obligations. In some circumstances, it may be necessary for the Club to conduct an investigation in addition to any investigation conducted by authorities (e.g. the police).

The Member Protection Information Officer will conduct an independent investigation, or will appoint an appropriate person to do so, into the allegation to the extent that it will not interfere with investigations by the police, and will co-operate with authorities as required. In some circumstances, it may be appropriate for the Club to engage a person from outside the Club to conduct an independent investigation in relation to allegations.

All people covered by this Child Protection Policy and Code of Conduct must co-operate fully with any investigation by DHHS, the police or the Club.

The Member Protection Information Officer, or an appropriately appointed person, will make every effort to keep any such investigation confidential; however, other committee members, employees and/or volunteers may need to be consulted as part of the investigation (e.g. to provide witness statements).

An investigation conducted by the Club will be conducted in accordance with procedural fairness to protect the integrity of the investigation and the interests of all the participants involved in the investigation. The Club will also handle the allegations in a confidential manner to the greatest extent possible.

The outcome will depend on the findings of the investigation, but may include withdrawal from active duty, re-assignment to duties with no contact with children, increased supervision, disciplinary action, dismissal or criminal prosecutions.

The Club shall notify Netball Victoria of the outcome of any investigation that results in suspension of an individual from the Club for abuse related matters covered under Child Safe Policies.

Record keeping

All reports of alleged abuse or harm, or risk thereof, must be recorded by the Member Protection Information Officer. Places, times, dates, names of people, observable behaviours or evidence of harm are to be recorded. Reports must be to be securely stored by the Child Safety Office or Club Administrator/Secretary.

Privacy and confidentiality

The Club will collect, use, disclose and hold personal information in accordance with the *Privacy Act 1988 (C'wealth)* and Netball Victoria's Privacy Policy.

There are two guiding principles in respect to a child's privacy:

1. The Club will operate on the best interests principle. All committee members, employees, volunteers and contractors will do what they believe to be in the best interest of the child. This principle supersedes all others.
2. The Club will respect a child's confidentiality except in situations where it conflicts with the best interests principle.

Those who make reports, and those about whom accusations are being made, are entitled to confidentiality. Where there is suspected abuse or misconduct, committee members, employees or volunteers must not disclose or make use of the information in a manner that breaches confidentiality, other than to report and act consistent with this Child Safety Policy and Code of Conduct, and relevant statutory requirements.

CHILD SAFETY PROCEDURE:

Step 1

Any person (aged 18 or over) that forms a belief, on reasonable grounds, that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (aged 18 or older), must make a report to the police as soon as practicable, unless the exception above applies.

Committee members, employee, volunteers, or of-age players of the Club should discuss these observations and concerns with the Club Member Protection Information Officer, who can assist the person to make the report to the police as required. Netball Victoria can also assist.

Any person (of any age) that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), may disclose that information to the police or the Department of Health and Human Services (“DHHS”). The Club encourages all persons with concerns to raise this directly with the Club Member Protection Information Officer.

Step 2

It may be that, following the previous step, a person decides to make a report to DHHS or the police with the support of the Club Member Protection Information Officer.

Where a report is made, the individual must also advise the Club.

Making a report:

Contact:

- Victoria Police on 000 for emergencies.
- Victoria Police for non-emergencies 131444 or <https://www.police.vic.gov.au/contact>
- If it is not an emergency, ring the Victoria Sexual Offences and Child Abuse Investigation Team on (03) 8690 4056.
- DHHS on 1300 664 977 or 131278(AH). Ask for Child Protection.

Information required for making a report:

- name, age and address of child;
- the reason for suspecting that the behaviour or injury is a result of abuse;
- an assessment of the immediate danger to the child;
- a description of the injury or behaviour observed;
- the current whereabouts of the child;
- any other information about the family; and
- any specific cultural details, e.g. English speaking, disability, etc.

Ask that the Club be informed of each step of the procedure.

Request that if an interview is to take place at the Club, the visiting police officer is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized.

If the complainant alleges that a crime has been committed by a committee member, employee, volunteer or contractor, that person will be stood aside immediately.

The Club Member Protection Information Officer should conduct (or appoint another person to conduct) an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

Where an allegation has been made, the Club will make, secure, and retain records of the allegation of child abuse and the Club’s response to it.

Fulfilling the roles and responsibilities contained in this Procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Step 3

If the child is agreeable to be interviewed by DHHS or the police, the Club Member Protection Information Officer should offer to be present at the interview to give support to the child.

Step 4

Following a report, DHHS or the police may need to contact the Club about the notification. Therefore, the Club Member Protection Information Officer should be informed that a report has been made, or is about to be made.

The Club Member Protection Information Officer should advise Netball Victoria of such matters so that records can be consistently updated in relation to the individual.

Step 5

Following a report, it is important to both protect confidentiality and the interests of the child and family at all times, as well as natural justice for the process.

Further notes:

- DHHS will only interview the child if he/she is agreeable;
- the family will not be contacted until it is believed there is a case and the child is at risk;
- if the incident which caused the report to be made has occurred in the past, the child may be seen to be no longer at risk and no further action may be taken;
- the identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged. Such confidentiality should also be requested by Club Member Protection Information Officer and any other person who may become aware that a notification is to be, or has been, given;
- throughout the entire process of observation, discussion and reporting, the interests of the child and their family should be protected from unnecessary disclosure of information concerning abuse; and
- following the making of a report to the DHHS or the police, any investigation that takes place is the responsibility of that external body.

REFERENCES:

1. Netball Victoria - <https://vic.netball.com.au/child-safety-netball>
2. Netball Australia - https://netball.com.au/sites/default/files/2019-07/Member-Protection-Policy-and-Attachments_FINAL-APRIL-2017.pdf
3. Australian Human Rights Commission - <https://chidsafe.humanrights.gov.au/>
4. Play By The Rules - <https://www.playbytherules.net.au/online-courses/child-protection-and-safeguarding-course>
5. Commission for Children and Young People - <https://ccyp.vic.gov.au/>
6. VicSport - <https://vicsport.com.au/resources-for-child-safety>
7. VicSport - <https://vicsport.com.au/blog/1895/new-child-safe-standards-for-victorian-sporting-and-recreation-clubs>