

Child Protection Policy

Policy: Child Protection Policy	Approved by: Board of Directors
Version: V1 - April 2017	Review Date: 24 April, 2019

Purpose

This policy provides written processes about how Keppel Bay Sailing Club (The Club) will respond to harm, or allegations of harm, to children and young people at The Club. Also, the appropriate conduct of staff, members, volunteers, contractors, vocational placements and work experience staff, children and young people that accord with legislation applying in Queensland to ensure the health and safety of all children and eliminate and minimize risk to child safety.

Scope

The Child Protection Policy applies to all children, staff, members, volunteers, contractors, vocational placements and work experience staff. It covers information about the reporting of harm, sexual abuse and likely sexual abuse.

Responsibility

The Manager is responsible for ensuring that the policy and procedures relating to child safety are implemented and that appropriate support and information are provided to facilitate their effective implementation.

Legislation

<https://www.legislation.qld.gov.au/LEGISLTN/ACTS>

- 1) Child Protection Act 1999 (Qld)
- 2) Working with Children (Risk Management and Screening) Act 2000
- 3) Working with Children (Risk Management and Screening) Regulations 2011
- 4) Child Care Act 2002 (Qld)
- 5) Child Employment Act 2006 (Qld)
- 6) Gaming Machine Act 1991 (Qld)
- 7) Liquor Act 1992 (Qld)

- 8) Fair Work Act 2009 (Qld)
- 9) Industrial Relations Act 1999 (Qld)
- 10) Anti-Discrimination Act 1991 (Qld)
- 11) Tobacco and Other Smoking Products Act 1988 (Qld)
- 12) Work Health and Safety Act 2011 (Qld)
- 13) Privacy Act 1988 (Cwlth)
- 14) Spam Act 2003 (Cwlth)

Definitions

Person/s will refer to:

- 1) a member
- 2) a staff Member
- 3) a volunteer
- 4) a contractor
- 5) a Coach
- 6) work experience staff
- 7) vocational placements

Child:

A child is a person under 18 years of age.

Harm: (Section 9 of the Child Protection Act 1999)

- 1) "Harm" is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- 2) It is immaterial how the harm is caused.
- 3) Harm can be caused by:
 - a) physical, psychological or emotional abuse or neglect
 - b) sexual abuse or exploitation
 - c) domestic or family violence
 - d) a single act, omission or circumstance
 - e) a series of acts, omissions or circumstances

Children in need of protection: (Section 10 of the Child Protection Act 1999)

A “child in need of protection”:

- a) has suffered significant harm, is suffering significant harm or is at unacceptable risk of suffering significant harm; and
- b) does not have a parent able and willing to protect the child from harm.

Sexual abuse:

A non-exhaustive definition of sexual abuse is where sexual behaviour involving a relevant person and another person occurs in the following circumstances:

- a) The other person bribes, coerces, exploits, threatens or is violent toward the relevant person.
- b) The relevant person has less power than the other person.
- c) There is a significant disparity between the relevant person and the other person in intellectual capacity and maturity.

Useful Contacts:

In an emergency, please use:

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Rockhampton Child Safety Service Centre:	Telephone: (07) 4938 4765
Public Safety Business Agency (Blue Card System):	Telephone: 1800 113 611
Rockhampton Police:	Telephone: (07) 4932 3500
Dept. of Communities, Child Safety & Disability Services:	Telephone: 1800 177 135

Principals and Guidelines:

Principles:

The Club will uphold the following principles under this Policy:

- i. Protecting children from harm and the risk of harm is fundamental to maximising their personal and sporting potential.
- ii. The Club recognises that people who are subjected to abuse are harmed by this abuse.
- iii. At The Club, the welfare and best interests of the child will always be a primary consideration.

- iv. The Club expects our young members to show respect to our staff, members, volunteers, contractors and to comply with safe practices.
- v. All employees must ensure that their behaviour towards and relationships with children reflect proper standards of care for children, and are not unlawful.
- vi. Sexual acts by any adult person with a child will always be sexual abuse.
- vii. The Club will respond diligently to a report of suspected or actual harm, or risk of harm to a child.
- viii. Reprisals against children or others making a complaint will not be tolerated.
- ix. Child management practices will be administered with respect and in a manner which maintains the child's dignity.
- x. The Club will act fairly and reasonably towards a person who is the subject of allegations of improper conduct.
- xi. The Club will support a person who is the subject of a proven false allegation of causing harm to a child.
- xii. Anybody within The Club who becomes aware or reasonably suspects that a child is being harmed must report it in accordance with The Club's Procedures for Reporting Harm.
- xiii. The Club will take disciplinary action against a person who harm others, and appropriate action against volunteers who harm others.
- xiv. The Club will not permit people to work in a position if on the basis of all information that, the allegations against them were wholly or partly true and there is an unacceptable risk that others might be harmed.
- xv. The Club will cooperate with State authorities in resolving allegations of harm.

Guidelines:

When the Club receives any information alleging 'harm' to a child it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can.

This is set out in The Club's Child and Youth Risk Management Strategy.

In complying with these principles, the Club will be guided by the following:

Natural Justice

The principles of natural justice will apply to decisions to be made under this Policy. The two fundamental principles of natural justice are:

- a) that those making a decision are not biased; and

- b) that nobody should be condemned unless they are given prior notice of the allegations against them and they have a full and fair opportunity to present their case.

Process

- a) It is important to make the lodging of a complaint easy.

Confidentiality

- a) Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The Club is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Criminal Law

- a) Where there are allegations of criminal misconduct, the allegations should be referred to the police. The Board or Manager must refer all allegations of abuse of a child to the police, including those from the past.

Defamation

- a) A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

Promptness

- a) All steps under the Policy should be carried out promptly. The Club will keep the victim and the alleged perpetrators (if appropriate) informed of progress, and ensure that Police and/or the Department of Communities, Child Safety and Disability Services (Child Safety Services) investigations are not compromised.

Protection

The Manager will ensure that the following are undertaken in order to reduce the chance of abuse occurring:

- a) Ensure that each person understands and fulfils their obligations under this policy.
- b) Ensure that an acceptable reference is obtained from the previous employer for each person engaged since the commencement of this policy.
- c) Ensure that each person who has contact with children has a current positive suitability notice issued by the Public Safety Business Office.

Support

- a) The Club will provide support for the victim through referrals if requested, even if any allegation is not yet proved or disproved.

Public Relations

- a) The Manager will ensure that The Club is able to react quickly to allegations of harm, so that accurate and relevant information is available for staff members, children and their families and for the media.

Police Action

- a) It will usually be necessary to wait until the police have decided whether to charge the alleged perpetrator before taking any internal disciplinary proceedings. If the police do charge the alleged perpetrator, it will be necessary to wait until charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Manager from seeking advice from the police regarding the duty of care to children, which may involve the standing down of a person during an investigation. The police are not required to inform The Club about their investigations. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

Insurer

- a) The Club will keep its insurer informed about developments.

Publication

The Manager will ensure that this policy is published:

1. to each new staff member on induction;
2. to staff members, the policy is available on The Club website, in staff handbooks;
3. by referring to it at all staff training days;
4. by reference to it in volunteer's handbook; and
5. by display on at least one notice board in all Club venues.

The Manager will ensure that a copy of the policy is available from The Club's administration.

Review

The Club will ensure that the Policy is reviewed at least once every two years.

Dealing with allegations of harm

The following actions should be taken in any cases relating to harm or suspected harm against a child:

1. Record details of the allegations. Be careful not to taint the evidence of the child or the alleged perpetrator.
2. Inform The Club's Board of Directors.
3. Decide whether the allegation should be reported to authorities: see Procedures for Reporting Harm. Note: if the allegations have been reported to police, do not begin an internal investigation until the police investigation is complete and the police inform you they have decided not to charge the alleged perpetrator.
4. The Board or Club Management will provide details of the allegations to the alleged perpetrator.
5. If there is unacceptable risk, stand down the alleged perpetrator.
6. The Club will offer support as defined in this policy.
7. The Board or Club Management will inform the child's parents.
8. Inform the Club's insurers.
9. The Board will determine on a case by case basis how an investigation will be carried out.
10. Investigate the allegations as appropriate and with a degree of sensitivity to ensure harm can be minimised to all involved.
11. Attend to public relations.
12. Take disciplinary action against the alleged perpetrator, if the circumstances require such action.
13. Keep the child and the alleged perpetrator, informed as the matter proceeds.

Procedures for reporting harm or suspicion

A person is expected to reflect the highest standards of care in their behaviour towards and relationships with children. They must not under any circumstances engage in physical or emotional abuse or engage in sexual contact of any nature with a child member of The Club. It is irrelevant whether the conduct is consensual or non-consensual, or condoned by parents or

caregivers. The age of the child is also irrelevant. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal.

A reportable suspicion about a child is a reasonable suspicion that the child:

- a) has suffered significant harm, is suffering significant harm; or
- b) is at unacceptable risk of suffering significant harm, caused by verbal, physical or sexual abuse.

Where a reference is made to providing a *written report* in the below procedures, the following matters are to be included in the written report:

1. Name of the person giving the report.
2. Name, sex and (if known) age of the child victim.
3. Details of the basis for the maker of the report becoming aware, or reasonably suspecting, that the child has been sexually abused.
4. Details of the actual or suspected sexual abuse.
5. Particulars of the identity of the alleged perpetrator of the abuse (if known).
6. Particulars of the identity of any other person who may be able to give information about the abuse (if known).
7. Date of disclosure and circumstances of how the disclosure was made.

All persons must ensure that their behaviour towards, and relationships with children, reflect proper standards of care for children and must not cause harm to children.

Procedures for a child member reporting inappropriate staff or volunteer behaviour

A child may report behaviour of any person that the child considers inappropriate to:

1. The Manager , phone: 07 4939 9532, email: manager@kbsc.com.au; or
2. The Commodore, phone: 07 4939 9500, email: commodore@kbsc.com.au; or
3. Another trusted staff member.

A person must, on receiving the report, give that information to the Manager and Commodore.

If the report is that the Manager has acted inappropriately the report may be made to a Member of the Board of Directors.

Preventing harm to children from people outside of the organisation

Over 85% of children are harmed by someone they know and trust – a parent, sibling and other relative, family friend or care provider. All persons should be aware of the physical, emotional and behavioural indicators of risk of child harm, and actual harm. These indicators are more significant if they are severe and/or consistent over time.

Indicators of harm

1. Verbal Abuse:
 - a) Witnessing or receiving a report of a child being addressed in a language, tone or manner that is degrading or humiliating or inappropriate.
2. Physical abuse and excessive punishment:
 - a) Child presents with bruises, burns or fractures at a frequency which is inconsistent with normal activity.
 - b) Child offers explanations for an injury which appear inconsistent with that injury.
 - c) Child or another person advises that he/she has been subjected to or threatened with physical harm.
 - d) Behaviour or clothing that is inconsistent with the sport of Sailing.
3. Sexual abuse:
 - a) Bruises, bite marks or other injuries to breasts, buttocks, arms, lower abdomen or thighs.
 - b) Bruises, scratches or other injuries not consistent with accidental injury.
 - c) Difficulty walking or sitting.
 - d) Persistent headaches or recurrent abdominal pain.
 - e) Unexplained pain in genital area.
 - f) Torn, stained or bloodied underwear.
 - g) Itching, soreness, discharge or unexplained bleeding.
 - h) Painful and recurrent urination.
 - i) Recurrent urinary tract infections.
 - j) Signs of sexually transmitted diseases.
 - k) Pregnancy in adolescents where the identity of the father is vague or secret.

Where a person has concerns or is unsure whether or not observations should be cause for concern, it is mandatory that they report their concerns to the Manager. The Manager will contact The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to discuss, in the first instance, the fact there is a concern and to seek advice as to the appropriateness of formally reporting the matter.

If it is deemed, after this discussion, that further investigation is warranted, then the Manager, on behalf of the person who made the original observation, will report the matter to the Queensland Police Service. Reporting to the police is mandatory where harm caused to a child indicates a criminal offence may have taken place, such as a sexual assault. At this time the person must be available to give a first-hand account of the situation.

It should be noted that the role of the concerned person is not an investigative one. They must not undertake investigations beyond satisfying themselves that they have reasonable grounds to suspect that a child has been, or is at risk of harm. Neither the concerned person nor the Manager is obliged to obtain proof, establish the cause of harm or assess its severity. Once a report has been made, a person is not required to take further action, beyond the requirement to exercise a duty of care.

Confidentiality

The identity of the persons involved in this matter must be kept in strict confidence and disclosed only for the purpose of investigation and notification.

Preventing Bullying

The Club has a responsibility to ensure that the rights of its child members are safeguarded. These include the right to an environment free from discrimination and harassment. The Club will take reasonable steps to ensure that children can participate in activities in a safe, supportive and caring environment without fear of being bullied, discriminated against or harassed.

By definition, bullying is repeated oppression, psychological or physical, of a less powerful person or group by a more powerful person or group of persons. It may be manifested in many ways e.g. harassment (verbal, sexual or psychological), victimisation, alienation, coercion, intimidation, exclusion, ostracism, discrimination.

In any form, bullying is not acceptable behaviour and results in hurt, fear, loss of self-esteem and decreased social effectiveness for the victim. In accordance with The Club's

Mission Statement, this policy seeks to develop:

1. in children, respect and concern for others, of all races and creeds;
2. in children, an understanding that they must take responsibility for their own behaviour;
3. in children, life skills related to healthy lifestyles; and
4. an environment that nurtures and promotes children's self-esteem and self-confidence.

Implementation

The following steps are a guide to dealing with reports of bullying:

1. If bullying is suspected or reported, the person, or sailing committee member who has been approached should deal with the incident immediately to ensure the child's safety. It is never acceptable to turn a blind eye to bullying.
2. A clear account of the incident should be recorded and given to the Manager.
3. The Manager will then work through the report in accordance with Club protocol.

Children

Children who have been bullied will be supported by:

1. offering immediate and continuous support;
2. reassuring the child; and
3. providing encouragement to form and maintain friendships with non-bullying children.

Children who bully will be helped by:

1. discussing what happened;
2. discovering why the child became involved;
3. establishing the wrongdoing and the need to change; and
4. enlisting the support of parents/caregivers to help change the behaviour and attitude of the child, where appropriate.