



CHILD SAFE POLICY

POLICY NAME:	Child Safe Policy
DATE OF ISSUE:	Updated JANUARY 2020
POLICY COVERAGE:	VSC Inc
DATE OF REVIEW:	JULY 2021
CONTROLLING BODY:	Victorian Speedway Council Inc.

1. INTRODUCTION

- 1.1. The VSC is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. VSC supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of VSC Child Safe Policy (the Policy) is to protect the safety of children attending our events 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. Should a person wish to make any enquiries in relation to this Policy, please contact the VSC Secretary Lynne Jenkins 0416 238 575

2. POLICY STATEMENT

- 2.1. VSC 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 the VSC activities while acting in the best interests of children in the sport.
- 2.2. Specifically, VSC considers that the health, safety and well-being of children take priority over all other competing considerations. VSC considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, VSC and its affiliate members.
- 2.3. VSC 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 VSC its committee, officials, parents/guardians, spectators, volunteers and members of the VSC community. Everyone

that participates in VSC activities is responsible for the care and protection of children, and reporting information about child abuse.

- 2.5. VSC 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. VSC is also 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. VSC promotes fairness and consideration for all committee, officials, members, volunteers and participants. For further details please refer to VSC Code of Conduct.

3. SCOPE

- 3.1. This Policy applies to participants, parents/guardians, volunteers, spectators, officials and committee throughout all VSC 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 VSC.
- 3.3. VSC is supported by a wide network of affiliated clubs/classes across Australia. Affiliation with VSC is conditional on an affiliated club implementing, and complying with this Policy. Failure to implement and comply with this Policy may cause VSC to end its affiliation with club/classes that is in breach of its obligations.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

4.1.1. the law of the Commonwealth 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); and
- 4.1.1.4. Working with Children Act 2005 (Vic)

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

- 4.1.2.1. VSC adopted the Model Rules for an incorporated association. This can be located at <https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/incorporated-associations/model-rules-for-an-incorporated-association.doc>
- 4.1.2.2. VSC Child Safe Policy
- 4.1.2.3. VSC Child Safe Code of Conduct

- 4.1.2.4. VSC Child Safe Reporting Process
- 4.1.2.5. VSC Duty Of Care Statement
- 4.1.2.6. VSC Rules and Regulations

5. DEFINITIONS

- 5.1. **Child** means a person involved in the activities of VSC 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 offence 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 or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.

6. RECOGNISING AND REPORTING CHILD ABUSE

- 6.1. A person may, in the course of participating in the sport or other activities of VSC 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 Reporters

6.5.1. Select classes of people in the community (including teachers, nurses and doctors) 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 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.

6.6. 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 is 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 or DHHS.

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 under the Crimes Act 1958 (Vic) may be subject to a penalty of 3 years imprisonment.

6.9. VSC Approach to Reports of Abuse

- 6.9.1. VSC supports and encourages a person to make a report to the Police or DHHS 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 VSC and will not be penalised by VSC 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 VSC President or VSC Secretary 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, VSC will follow the reporting procedure outlined in VSC Child Safe Reporting Process Document 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. VSC 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. VSC will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- 6.9.7. VSC 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 committee, members, officials and volunteers within VSC. 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 VSC 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 services.

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

8.1. Change Rooms

- 8.1.1. Adult officials/members/volunteers, regardless of gender, should only enter change rooms if accompanied by another adult. Prior to entering change rooms, officials/members/volunteers should notify the people in the change room of their intended entrance. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.2. Club Rooms/ Bathroom Facilities

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

8.3. Drivers Talks and Race Night Presentations

- 8.3.1. All officials/members/volunteers over 18 years of age retain an overriding responsibility for the welfare of all juniors they accompany during VSC activities. They have a 'duty of care' for juniors 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.

8.4. Meetings, Presentations and Functions.

- 8.4.1. During all club activities or functions officials/members/volunteers must not, under any circumstances engage in conduct of a sexual nature with a junior. Improper conduct of a sexual nature by an official/member/volunteer towards a junior includes any form of child sexual abuse as well as but not limited to the following:

- 8.4.1.1. inappropriate conversations of a sexual nature;

- 8.4.1.2. obscene language of a sexual nature;
- 8.4.1.3. suggestive remarks or actions;
- 8.4.1.4. jokes of a sexual nature;
- 8.4.1.5. obscene gestures;
- 8.4.1.6. unwarranted and inappropriate touching;
- 8.4.1.7. sexual exhibitionism;
- 8.4.1.8. use of any device to show/watch offensive material; and
- 8.4.1.9. any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

8.5. Adults under investigation

- 8.5.1. 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) (or their position within the club may be prohibited, by the VSC committee, from participating in VSC activities.

9. ENGAGING NEW PERSONNEL

- 9.1. The minimum standard for background checks of volunteers of VSC and its members is the law as it applies in Victoria.
- 9.2. VSC undertakes recruitment and relevant screening process for all volunteers which aims to:
 - 9.2.1. promote and protect the safety of all children who participate in the activities of VSC
 - 9.2.2. identify and recruit the safest and most suitable candidates who share VSC values and commitment to protect children; and
 - 9.2.3. prevent a person from working at VSC if they pose an unacceptable risk to children.
- 9.3. VSC requires officials/volunteers to pass the recruitment and screening process prior to commencing their engagement with VSC
- 9.4. As part of the screening and recruitment process, any official position 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.
 - 9.4.1. anyone else who VSC Committee feel requires a WWCC due to the nature of the work that they are undertaking for VSC.
- 9.5. The type of evidence that an applicant is required to provide to VSC 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 VSC.

- 9.6. VSC 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 VSC in regular intervals.
- 9.7. VSC will undertake reference checks where needed prior to engaging any new personnel.
- 9.8. Once engaged, VSC will provide staff and volunteers with access to this policy and officials and volunteers must review and acknowledge their understanding of this policy
- 9.9. The VSC will continually oversee/review the actions of staff/volunteers to ensure that this policy is being adhered to.

10. RISK MANAGEMENT APPROACH

- 10.1. Child safety is a part of VSC management approach.

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 facing a disciplinary committee. If the VSC Committee is satisfied that there are sufficient grounds for taking disciplinary action against any person in breach of this policy, the Committee will appoint a disciplinary subcommittee to hear the matter and determine what action to take against the member.

12. POLICY PROMOTION

- 12.1. This policy will be made available to all members via the VSC website, via email and upon request from the secretary. A copy of this policy will be available for viewing in the club rooms and pit box.
- 12.2. This policy will be communicated to all members, volunteers and Committee members via email and hardcopy.
- 12.3. References to this policy will be included in documentation provided to all officials that represent VSC as a condition of membership.

13. REVIEW PROCESS

- 13.1. This policy will be FULLY reviewed by the VSC Committee every two years, but can be updated at anytime when necessary.
- 13.2. If you would like to provide VSC with any feedback or suggestions to improve this policy, please contact the VSC secretary at vscsecretary@outlook.com People are also encouraged to attend our monthly general meetings with any concerns or suggestions.

13.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the VSC committee for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all relevant contacts via the webpage and email.