



# Child Safe Standards

## CHILD SAFE POLICY

<b>Date created:</b>	October 2022
<b>Audience:</b>	Hobsons Bay Yacht Club
<b>Version:</b>	2022-1
<b>Purpose of Document:</b>	<p>Hobsons Bay Yacht Club (HBYC) is committed to child safety and wants children to be safe, happy and empowered. HBYC supports and respects all children, as well as staff and parents.</p> <p>HBYC is committed to:</p> <ul style="list-style-type: none"> <li>• embedding and promoting a culture of child safety;</li> <li>• preventing child abuse and identifying risks early, and removing and reducing these risks;</li> <li>• protecting the rights of all children to be safe, without fear of abuse or exploitation as outlined in the United Nations Convention on the Rights of the Child (1989) and is committed to keeping children safe by all reasonable means;</li> <li>• acting in children's best interests and keeping children safe;</li> <li>• ensuring cultural safety for Aboriginal and Torres Strait Islander children, for children from culturally and/or linguistically diverse backgrounds;</li> <li>• providing a safe environment for children with a disability;</li> <li>• actively working to empower children; and</li> <li>• regularly training and educating HBYC staff and volunteers on child abuse risks</li> </ul>
<b>Actions:</b>	<ul style="list-style-type: none"> <li>• All persons to whom this policy applies are responsible for complying with HBYC's child safety policies and related policies and procedures (including the Code of Conduct and Mandatory Reporting Policy), upholding the overarching principles and values set out herein, conducting themselves in accordance with the commitments set out below and taking all reasonable steps to promote the safety of children</li> </ul>
<b>Review:</b>	[1 Year Later than date] if not prior
<b>[ORGANISATION] Contact:</b>	Club Manager
<b>Other relevant resources (see [ORGANISATION] website) [and insert</b>	<ul style="list-style-type: none"> <li>• Education and Training Reform Act 2006 (Vic);</li> <li>• Child Safety and Wellbeing Act 2005 (Vic);</li> </ul>

<p><b>hyperlinks to all resources listed]:</b></p>	<ul style="list-style-type: none"><li>• Worker Screening Act 2020 (Vic);</li><li>• Crimes Act 1958 (Vic);</li><li>• United Nations Convention on the Rights of the Child (1989);</li><li>• Ministerial Order 870;</li><li>• An Overview of the Victorian Child Safe Standards;</li><li>• Other professional or occupational codes of conduct;</li><li>• VIT Code of Conduct;</li><li>•</li><li>•</li><li>•</li><li>• Code of Conduct Policy;</li><li>•</li></ul>
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# Hobsons Bay Yacht Club

## CHILD SAFE POLICY

### 1. INTRODUCTION

- 1.1. Hobsons Bay Yacht Club is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. Hobsons Bay Yacht Club supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of Hobsons Bay Yacht Club's Child Safe Policy (the Policy) is to protect the safety of children in our care 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 Club Manager, [manager@hbyc.org.au](mailto:manager@hbyc.org.au), 93976393 (business hours)

### 2. POLICY STATEMENT

- 2.1. Hobsons Bay Yacht Club is committed to providing the highest level of safety for all involved with sailing. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members, particularly children and delivering the Hobsons Bay Yacht Club's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, Hobsons Bay Yacht Club considers that the health, safety and well-being of children take priority over all other competing considerations. Hobsons Bay Yacht Club considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, Hobsons Bay Yacht Club and its members.
- 2.3. Hobsons Bay Yacht Club 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 Hobsons Bay Yacht Club, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the Hobsons Bay community. Everyone that participates in Hobsons Bay Yacht Club's activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. Hobsons Bay Yacht Club 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). Some of the ways in which sailing empowers children are:
  - Safety on the water
  - Responsibility of a boat
  - Self Confidence
  - Understanding weather
  - A sense of Adventure
  - Helps with fitness
  - Fun activity

2.6. Hobsons Bay Yacht Club 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. Hobsons Bay Yacht Club promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the Hobsons Bay Yacht Club Code of Conduct Policy

### 3. SCOPE

3.1. This Policy applies to everyone involved in or connected to sailing, including (but not limited to) participants, parents, spectators, contractors, officials, coaches, judges and staff throughout all Hobsons Bay Yacht Club 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 Hobsons Bay Yacht Club.

### 4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

4.1.1. the laws of the Commonwealth and Victoria (as amended from time to time) 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. Hobsons Bay Yacht Club policies and procedures, including but not limited to:

4.1.2.1. Constitution;

4.1.2.2. HBYC By Laws

4.1.2.3. OHE&S Policy;

### 5. DEFINITIONS

5.1. **Child** means a person involved in the activities of Hobsons Bay Yacht Club (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child (eg, for the purposes of child sexual offences in Victoria, a “child” refers to a person under the age of 16 years).

5.2. **Child Abuse** is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person’s physical or emotional health, development or wellbeing and the Child has not, or is not likely to be protected by the parent(s) or guardian(s). For the avoidance of doubt, this includes but is not limited to

Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.

5.3. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from Harm.

5.4. **Grooming** is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Children. For some perpetrators, there will be a lengthy period of time before the Abuse begins. The Child may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child in and Abuse them relatively quickly. Some abusers do not groom Children but Abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.

5.5. **Harm** means Harm to a person or a Child is any detrimental effect of a significant nature to the person or Child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- Physical, Psychological or Emotional Abuse or Neglect;
- Sexual Abuse or Exploitation;
- a single act, omission or circumstance; and
- a series or combination of acts, omissions or circumstances.

5.6. **Sexual offence** (in Victoria) means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child under the age of 16 years to, or involves a child under the age of 16 years 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 grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child under the age of 16 years (or their carer, family or supervisor) to lower their inhibitions and prepare them for engagement in a sexual offence.

5.7. **Mandatory reporter** means a person who is legally required to make a report to the Department of Health and Human Services or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes (but is not limited to) 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 Hobsons Bay Yacht Club 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 Victoria Police on "000" as soon as practicable.

6.3. Specific types of **Child abuse** include:

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. Mandatory Reporters

- 6.4.1. Select classes of people in the community (including teachers, nurses and doctors – amongst others) 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.
- 6.4.2. 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. Reasonable grounds for belief

- 6.5.1. A reasonable belief is formed if a reasonable person believes that:
  - 6.5.1.1. the child is in need of protection;
  - 6.5.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
  - 6.5.1.3. the child's parents are unable or unwilling to protect the child.
- 6.5.2. 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.
- 6.5.3. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.
- 6.5.4. You will have reasonable grounds to notify if:
  - 6.5.4.1. a child states that they have been physically or sexually abused;
  - 6.5.4.2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
  - 6.5.4.3. someone who knows a child states that the child has been physically or sexually abused;

6.5.4.4. 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

6.5.4.5. signs of abuse lead to a belief that the child has been physically or sexually abused.

## **6.6. Voluntary Reporters**

6.6.1. 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, Department of Health DH or the Commissioner for Children & Young People (**CCYP**).

## **6.7. Reporting Child Sexual Abuse**

6.7.1. 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 imprisonment.

## **6.8. Hobsons Bay Yacht Club Approach to Reports of Abuse**

6.8.1. Hobsons Bay Yacht Club supports and encourages a person to make a report to the Police, CCYP or DH 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.

6.8.2. Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or voluntary) will be supported by Hobsons Bay Yacht Club, and will not be penalised by Hobsons Bay Yacht Club for making the report.

6.8.3. 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 Hobsons Bay Yacht Club CEO or Hobsons Bay Yacht Club MPIO for guidance and information. If in doubt, ask for assistance.

6.8.4. If an allegation is made against a member of staff or volunteer, Hobsons Bay Yacht Club will follow the reporting procedure outlined in OHE&S Policy and take all steps to ensure that the safety of the child and other children is paramount.

6.8.5. Hobsons Bay Yacht Club will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential and sensitive manner to the greatest extent possible.

6.8.6. Hobsons Bay Yacht Club will cooperate with the directions of the Police, CCYP and/or DH in relation to any investigation conducted by these authorities.

6.8.7. Hobsons Bay Yacht Club 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, 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 Hobsons Bay Yacht Club'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. at all times, know and follow regulations in relation to the care of children and follow the Code of Conduct for dealing with 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 Hobsons Bay Yacht Club's services.
- 7.2. Hobsons Bay Yacht Club will appoint a Child Safety Officer or equivalent role that will be the primary point of contact for all concerns related to child safety.

## **8. RECRUITMENT AND SCREENING**

- 8.1. The minimum standard for background checks of employees, contractors and volunteers of Hobsons Bay Yacht Club and its members is the law as it applies in Victoria.
- 8.2. Hobsons Bay Yacht Club undertakes a comprehensive recruitment and screening process for all staff, contractors and volunteers which aims to:
- 8.2.1. promote and protect the safety of all children who participate in the activities of Hobsons Bay Yacht Club;
  - 8.2.2. identify and recruit the safest and most suitable candidates who share Hobsons Bay Yacht Club's values and commitment to protect children; and
  - 8.2.3. prevent a person from working at Hobsons Bay Yacht Club if they pose an unacceptable risk to children.
- 8.3. Hobsons Bay Yacht Club requires staff, and volunteers to pass the recruitment and screening process prior to commencing their engagement with Hobsons Bay Yacht Club.
- 8.4. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. Working with Children Check, 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. Hobsons Bay Yacht Club requires that:
- 8.4.1. all Hobsons Bay Yacht Club staff and Committee members require a WWCC; and
  - 8.4.2. the following key event personnel must have a valid WWCC:

- 8.4.2.1. those paid by Hobsons Bay Yacht Club for their services (excluding bump in and bump out);
- 8.4.2.2. volunteers with regular roles in Hobsons Bay Yacht Club;
- 8.4.2.3. relevant contractors who may have unsupervised access to children; and
- 8.4.2.4. anyone else who Hobsons Bay Yacht Club staff feel requires a WWCC due to the nature of the work that they are undertaking for Hobsons Bay Yacht Club.

8.5. The type of evidence that an applicant is required to provide to Hobsons Bay Yacht Club 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 Hobsons Bay Yacht Club.

8.6. Hobsons Bay Yacht Club 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 Hobsons Bay Yacht Club in regular intervals.

8.7. Hobsons Bay Yacht Club will undertake at least two thorough reference checks prior to engaging any personnel.

8.8. Once engaged, Hobsons Bay Yacht Club will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

8.9. Hobsons Bay Yacht Club requires that affiliated clubs ensure all staff and volunteers (including coaches and any officials) likely to have contact with athletes (and other children) have a current WWCC, which needs to be signed off annually as part of the affiliation process. Clubs which do not comply with their legal obligations will be found to have not complied with the Hobsons Bay Yacht Club affiliation requirements and will be disaffiliated.]

8.10. Hobsons Bay Yacht Club requires all affiliated club personnel including owners, Committee Members, Volunteers, Coaches and Contractors and anyone else who has contact with children to possess a valid working with children check. Any costs associated with gaining a valid WWCC will be dealt with in a manner determined by that club.

## **9. SUPPORTING PERSONNEL**

9.1. Hobsons Bay Yacht Club is committed to ensuring that all staff, General Committee members, Staff volunteers and contractors receive training to ensure that they understand their responsibilities in relation to child safety. Mandatory training at Hobsons Bay Yacht Club includes:

- 9.1.1. eg, Induction, Play by the Rules Training, risk management training, cultural awareness training, etc].

9.2. Hobsons Bay Yacht Club assists its General Committee members, staff, contractors and volunteers to incorporate child safety considerations into decision-making and to promote a culturally safe environment where children are empowered to speak up about issues that affect them.

## **10. RISK MANAGEMENT APPROACH**

10.1. Child safety is a part of Hobsons Bay Yacht Club's overall risk management approach.

- 10.2. See CCYP Guide for Creating a Child Safe Organisation.

## **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 (insert relevant organisation discipline process, Member Protection Policy and/or grievance procedure outlined in the organistaion constitution).

## **12. POLICY PROMOTION**

- 12.1. This policy will be made available to all members via the website.
- 12.2. This policy will be communicated to all staff, and members via the e-newsletter and website.
- 12.3. References to this policy will be included in documentation provided to all officials that represent Hobsons Bay Yacht Club.

## **13. RECORD KEEPING**

- 13.1. Hobsons Bay Yacht Club will retain records of reports of child abuse and complaints about child safety.
- 13.2. In maintaining records of reports about child safety, Hobsons Bay Yacht Club will maintain confidentiality and privacy for children and families in accordance with legislation.
- 13.3. Hobsons Bay Yacht Club will appropriately note identified risks to child safety through the record keeping process and will incorporate those into its risk management plan.

## **14. REVIEW PROCESS**

- 14.1. This policy will be reviewed by the Hobsons Bay Yacht Club General Committee on an annual basis.
- 14.2. If you would like to provide Hobsons Bay Yacht Club with any feedback or suggestions to improve this policy, please contact the club manager , e. [manager@hbyc.org.au](mailto:manager@hbyc.org.au) p. 9397 6393.
- 14.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the General Committee 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, bulletin and other appropriate communication channels (see communication methods under 12 Policy Promotion).
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