FENCING VICTORIA
CHILD SAFE POLICY

POLICY NAME	Child Safe Policy
DATE OF ISSUE	12 Dec 2022
POLICY COVERAGE	All members and affiliates of Fencing Victoria, including but not limited to Fencers, Parents, Coaches, Volunteers & Staff
DATE OF REVIEW	1 June 2023
CONTROLLING BODY	Fencing Victoria Inc.

1. INTRODUCTION

1.1. Fencing Victoria is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. Fencing Victoria supports and respects children, young people, staff, volunteers, and participants.

1.2. The aim of Fencing Victoria'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, 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 Fencing Victoria Head DT, Jasper MacCuspie at headdt@fencingvictoria.org

2. POLICY STATEMENT

2.1. Fencing Victoria 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 Fencing Victoria's activities while acting in the best interests of children in the sport.

2.2. Specifically, Fencing Victoria considers that the health, safety, and well-being of children take priority over all other competing considerations. Fencing Victoria considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, Fencing Victoria and its affiliate members.

2.3. Fencing Victoria 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 Fencing Victoria, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers, and members of the Fencing Victoria community. Everyone that participates in Fencing Victoria's activities is responsible for the care and protection of children, and reporting information about child abuse.

2.5. Fencing Victoria 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. Fencing Victoria 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. Fencing Victoria promotes fairness and consideration for all staff, volunteers, and participants. For further details please refer to the Fencing Victoria Member Protection Policy.

3. SCOPE

3.1. This Policy applies to participants, parents, spectators, contractors, officials, coaches, judges, and staff throughout all Fencing Victoria 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 Fencing Victoria.

3.3. Fencing Victoria is supported by a wide network of affiliated clubs across Victoria. Affiliation with Fencing Victoria is conditional on an affiliated club implementing and complying with this Policy. Failure to implement and comply with this Policy may cause Fencing Victoria to end its affiliation with a club 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. Fencing Victoria policies and procedures, including but not limited to:

4.1.2.1. Privacy Policy;

4.1.2.2. Constitution;

4.1.2.3. Codes of behaviour/conduct;

4.1.2.4. Member Protection Policy;

4.1.2.5. Grievance and Discipline procedures; and

4.1.2.6. Photography Policy.

5. DEFINITIONS

5.1. **Child** means a person involved in the activities of Fencing Victoria (including athletes) and 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 offensive 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 Fencing Victoria 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 are 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. **Fencing Victoria Approach to Reports of Abuse**

6.9.1. Fencing Victoria 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 Fencing Victoria and will not be penalised by Fencing Victoria 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 Fencing Victoria Board or Fencing Victoria MPIO 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, Fencing Victoria will follow the reporting procedure outlined in Fencing Victoria's Serious Allegations Operations Manual 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. Fencing Victoria 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. Fencing Victoria will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.

6.9.7. Fencing Victoria 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 board, management, staff, and volunteers within the Fencing Victoria. 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 Fencing Victoria'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. 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 Fencing Victoria's 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, regardless of gender, should only enter change rooms if accompanied by another adult. Prior to entering change rooms, officials 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. **Hotel rooms and other accommodation**

8.2.1. No official should be alone in the room of an athlete without the presence of another adult. The doors should always be open. Should it be necessary for an official to be alone in the room of an athlete, the Team Manager 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. **Travel - General**

8.3.1. All team members over 18 years of age retain an overriding responsibility for the welfare of all athletes they accompany during team travel activities. They have a 'duty of care' for athletes, 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. **Sexual Relationships while on tour.**

8.4.1. During all team travel activities officials must not, under any circumstances engage in conduct of a sexual nature with an athlete. Improper conduct of a sexual nature by an official towards an athlete includes any form of child sexual abuse (defined within

the Fencing Victoria Member Protection Policy) 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 of 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 if based in another State the equivalent requirement) status may be prohibited, by the Fencing Victoria Board, from participating in Fencing Victoria activities.

8.6. **Coach Assistance**

8.6.1. All coaches must ensure that all physical contact with athletes which occurs when coaching is appropriate for the situation and necessary for the athlete's safety. It is strongly recommended that:

8.6.1.1. coaches ensure that there are other adults present whenever coaching.

8.6.1.2. coaches take care to explain the procedure to the child prior to beginning any physical contact; and

8.6.1.3. coaches obtain consent from the athlete prior to beginning any physical contact.

9. ENGAGING NEW PERSONNEL

9.1. The minimum standard for background checks of employees and volunteers of Fencing Victoria and its members is the law as it applies in Victoria.

9.2. Fencing Victoria undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:

9.2.1. promote and protect the safety of all children who participate in the activities of Fencing Victoria.

9.2.2. identify and recruit the safest and most suitable candidates who share Fencing Victoria's values and commitment to protect children; and

9.2.3. prevent a person from working at Fencing Victoria if they pose an unacceptable risk to children.

9.3. Fencing Victoria requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with Fencing Victoria.

9.4. As part of the screening and recruitment process, an 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. all Fencing Victoria staff and Board members require a WWCC; and

9.4.2. the following key event personnel must have a valid WWCC:

9.4.2.1. those paid by Fencing Victoria for their services (excluding bump in and bump out);

9.4.2.2. volunteers.

9.4.2.3. relevant contractors who may have unsupervised access to children; and

9.4.2.4. anyone else who Fencing Victoria staff feel requires a WWCC due to the nature of the work that they are undertaking for Fencing Victoria.

9.5. The type of evidence that an applicant is required to provide to Fencing Victoria 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 Fencing Victoria.

9.6. Fencing Victoria 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 Fencing Victoria in regular intervals.

9.7. Fencing Victoria will undertake thorough reference checks prior to engaging any personnel.

9.8. Once engaged, Fencing Victoria will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

9.9. Fencing Victoria 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 Fencing Victoria affiliation requirements and will be disaffiliated.

9.10. Fencing Victoria requires all affiliated club personnel including owners, Committee Members, Volunteers, Coaches and Referees 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 or the card holder.

10. RISK MANAGEMENT APPROACH

10.1. Child safety is a part of Fencing Victoria's overall risk management approach.

11. POLICY BREACHES

11.1. It is a breach of this policy for any person or Fencing Victoria 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 Fencing Victoria's Member Protection Policy, and may be subject to additional penalties at the discretion of the Fencing Victoria Board.

12. POLICY PROMOTION

12.1. This policy will be made available to all members via the Fencing Victoria website.

12.2. This policy will be communicated to all staff, Board, and Committee members via email, and direction to the Fencing Victoria website.

12.3. References to this policy will be included in documentation provided to all team officials that represent Fencing Victoria.

13. REVIEW PROCESS

13.1. This policy will be reviewed by the Fencing Victoria Board on an annual basis.

13.2. If you would like to provide Fencing Victoria with any feedback or suggestions to improve this policy, please contact Fencing Victoria Head DT, Jasper MacCuspie at headdt@fencingvictoria.org

13.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the Board 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.

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