



## DAVEY'S BAY YACHT CLUB INCORPORATED

FOUNDED 1909

**Commodore: Andrew Coutts**

### CHILD SAFETY and WELLBEING POLICY

<b>POLICY NAME</b>	Child Safety and Wellbeing Policy
<b>DATE OF ISSUE</b>	February 2024
<b>POLICY COVERAGE</b>	Members, guests, parents, volunteers, contractors, and coaches.
<b>DATE OF REVIEW</b>	July 2026
<b>CONTROLLING BODY</b>	Committee

#### 1. INTRODUCTION

- 1.1. Davey's Bay Yacht Club (DBYC) is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. DBYC supports and respects children, young people, volunteers and participants.
- 1.2. The purpose of this policy is to educate our community on their responsibilities when interacting with children and young people around DBYC, and to familiarise them with our processes in response to any concerns, incidents or allegations of harm or abuse to children and young people.
- 1.3. The aim of DBYC's Child Safety and Wellbeing 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.
- 1.4. Should a person wish to make any enquiries in relation to this Policy, please contact our Child Protection Officers: Sue Thompson & Tony Perkin.

#### 2. POLICY STATEMENT

- 2.1. DBYC 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 DBYC's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, DBYC considers that the health, safety and well-being of children take priority over all other competing considerations. DBYC considers that this is necessary to

ensure the health, safety and welfare of all members and protect the image and reputation of our sport, DBYC and its members.

- 2.3. DBYC 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 DBYC, its Committee, members, contractors, associates, parents/guardians, schools, coaches, spectators, volunteers and the other members of our community. Everyone that participates in our activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. DBYC 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. DBYC is also committed to the cultural safety of Aboriginal and Torres Strait Islander children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
- 2.7. DBYC promotes fairness and consideration for all members, volunteers and participants.

### **3. SCOPE**

- 3.1. This Policy applies to all members, participants, guests, parents, spectators, contractors, officials and, coaches throughout all DBYC's events and activities.
- 3.2. This Policy will continue to apply retrospectively to a person or Member following the cessation of their association with DBYC.
- 3.3. This Policy applies in all physical and online environments used by children during or outside of DBYC events.
- 3.4. DBYC is supported by a wide network of affiliated clubs across Victoria. Affiliation with Australian Sailing is conditional on an affiliated club implementing and complying with this Policy. Failure to implement and comply with this Policy may cause DBYC 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);
    - 4.1.1.4. Working with Children Act 2005 (Vic); and
    - 4.1.1.5. Wrongs Act 1958 (Vic) – Organisational liability for child abuse.

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

- 4.1.2.1. Privacy Policy;
- 4.1.2.2. Constitution;
- 4.1.2.3. Child Safety & Wellbeing Code of Conduct; and
- 4.1.2.4. Photography Policy

4.1.3. Victorian Child Safe Standards 1 July 2022

The Victorian Child Safe Standards (the Standards) were introduced as part of the response to the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non- Government Organisations (the Betrayal of Trust Inquiry). The Standards were introduced via amendment to the Child Safety and Wellbeing Act 2005 (Vic), and from January 2017, all Victorian organisations which provide services for children, including DBYC, were required to comply with the Standards. Under the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People holds regulatory powers to oversee and enforce organisations' compliance and there can be legal and financial consequences for non-compliance.

The current Standards are as follows:

1. Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
2. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
3. Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
4. Families and communities are informed and involved in promoting child safety and wellbeing.
5. Equity is upheld and diverse needs respected in policy and practice.
6. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
7. Processes for complaints and concerns are child focused.
8. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
9. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
10. Implementation of the Child Safe Standards is regularly reviewed and improved.
11. Policies and procedures document how the organisation is safe for children and young people.

## 5. DEFINITIONS

- 5.1. **Child** means a person involved in the activities at DBYC 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 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.

## 6. RECOGNISING AND REPORTING CHILD ABUSE

6.1. A person may, in the course of participating in the sport or other activities of DBYC, form a belief on reasonable grounds that a child is in need of protection from child abuse.

6.2. **Child abuse** can be divided into four categories:

6.2.1. **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.

6.2.2. **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.

6.2.3. **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

6.2.4. **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.

6.3. 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.

### 6.4. REASONABLE GROUNDS FOR BELIEF

6.4.1. A reasonable belief is formed if a reasonable person believes that:

6.4.1.1. the child is in need of protection;

6.4.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and

6.4.1.3. the child's parents are unable or unwilling to protect the child.

6.4.2. 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.

6.4.3. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

6.4.4. You will have reasonable grounds to notify if:

6.4.4.1. a child states that they have been physically or sexually abused;

- 6.4.4.2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- 6.4.4.3. someone who knows a child states that the child has been physically or sexually abused; or
- 6.4.4.4. signs of abuse lead to a belief that the child has been physically or sexually abused.

## **6.5. REPORTING CHILD ABUSE**

### **6.5.1. If you believe a child or young person is at immediate risk of abuse phone 000**

- 6.5.2. 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.

## **6.6. DBYC's APPROACH TO REPORTS OF CHILD ABUSE**

- 6.6.1. DBYC supports and encourages a person to make a report to the Police or Commission for Children and Young People (CCYP) 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.
- 6.6.2. Any person that makes a report in good faith will be supported by DBYC, and will not be penalised by DBYC for making the report.
- 6.6.3. 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 DBYC Commodore or our Child Protection Officer(s) for guidance and information. If in doubt, ask for assistance.
- 6.6.4. If an allegation is made against a DBYC member or volunteer, DBYC will 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, reassignment to a role without direct contact with children, during an investigation or any other measures deemed appropriate depending on the seriousness of the allegation.
- 6.6.5. DBYC will cooperate with the directions of the Police and/or CCYP in relation to any investigation conducted by these authorities.
- 6.6.6. DBYC will keep a register of any allegations regarding inappropriate conduct.

## **7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN**

- 7.1. People involved in protecting children include the Committee, members, parents, coaches 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 DBYC'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 DBYC's programs or services.

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

### **8.1. Change Rooms**

- 8.1.1. During events where there are a number of children and where practical, Adults should be directed to use the upstairs bathrooms, if Children are using the changing rooms.
- 8.1.2. Adult officials, regardless of gender, should only enter change rooms if necessary and 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. Coach Assistance**

- 8.2.1. All coaches must ensure that all physical contact with sailors which occurs when coaching is appropriate for the situation and necessary for the child's safety. It is strongly recommended that:
  - 8.2.1.1. coaches ensure that there are other adults present whenever coaching;
  - 8.2.1.2. except in an emergency, coaches take care to explain the procedure to the child prior to beginning any physical contact; and
  - 8.2.1.3. coaches obtain consent from the athlete prior to beginning any physical contact.

## **9. BACKGROUND CHECKS**

- 9.1. The minimum standard for background checks of volunteers engaging with Children at DBYC is the law as it applies in Victoria.
- 9.2. Anyone in our community interacting with Children at DBYC should 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.
  - 9.2.1. all Committee members require a current WWCC; and

9.2.2. the following people must have a current WWCC:

9.2.2.1. Adult coaches & officials;

9.2.2.2. anyone else who the DBYC Committee feel requires a WWCC due to the nature of the work that they are undertaking for DBYC.

9.3. DBYC 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 DBYC affiliation requirements and will be disaffiliated.

## **10. RISK MANAGEMENT APPROACH**

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

## **11. POLICY PROMOTION**

11.1. This policy will be made available to all members via our Website.

11.2. References to this policy will be included in documentation provided to all team officials that represent DBYC.

## **12. REVIEW PROCESS**

12.1. This policy will be reviewed by the DBYC Committee on a biennial basis.

12.2. If you would like to provide DBYC with any feedback or suggestions to improve this policy, please contact the Secretary at [secretary@dbyc.com.au](mailto:secretary@dbyc.com.au)

12.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the Committee for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via our webpage, and other appropriate communication channels.