

Cycling Australia

Child Safe Policy

July 2017





1. INTRODUCTION

- 1.1. Cycling Australia ('CA') is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. CA supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of CA'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 info@cyclimg.org.au

2. POLICY STATEMENT

- 2.1. CA 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 CA's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, CA considers that the health, safety and well-being of children take priority over all other competing considerations. CA considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, CA and its Member States, Territories and Clubs.
- 2.3. CA 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.
- 2.4. Child protection is a shared responsibility between CA, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the CA community. Everyone that participates in CA's activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. CA 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. CA 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. CA promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the CA Member Protection Policy.



3. SCOPE

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

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

CA policies and procedures, including but not limited to:

- a) Privacy Policy;
- b) Constitution;
- c) Codes of behaviour;
- d) Member Protection Policy; and
- e) Grievance and Discipline procedures.

5. RESPONSIBILITIES

This policy applies to the following organisations and individuals:

- a) Cycling Australia;
- b) Member States and Territories;
- c) Affiliated Clubs;
- d) Persons appointed or sitting on boards, committees and sub-committees of CA or Member States and Territories;
- e) Employees, officials and volunteers appointed or elected by CA or a Member State or Territory;
- f) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- g) Coaches (including assistant coaches) who:
 - Are appointed and/or employed by CA or Member States and Territories (whether paid or unpaid);or
 - Have an agreement (whether or not in writing) with CA or a Member State or Territory;

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- (h) Any person or organisation, who or which is a member of, or affiliated to, CA or a Member State or Territory;
 - (i) Commissaires, Motos or other officials and volunteers;
 - (j) Any other person or organisation who, or which agrees in writing or otherwise to be bound by this policy; and
 - (k) Anyone else who agrees in writing to the CA Member Protection Policy.

This policy will continue to apply to a person even after they have stopped their association or employment with CA if disciplinary action against that person has commenced.

6. RESPONSIBILITIES OF THE ORGANISATION

CA and Member States and Territories must:

- Adopt, implement and comply with this policy;
- Ensure that this policy is enforceable;
- Publish, distribute and promote this policy and the consequences of breaches;
- Deal with any complaints made under this policy in an appropriate manner;
- Deal with any complaints made under this policy in an appropriate manner;
- Promote and model appropriate standards of behaviour at all times;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies; use appropriately trained people to receive and manage complaints and allegations; and
- Monitor and review this policy at least annually.

7. DEFINITIONS

- 7.1.** Child means a person involved in the activities of CA (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child.
- 7.2.** Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.
- 7.3.** 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.
- 7.4.** 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.



8. RECOGNISING AND REPORTING CHILD ABUSE

A person may, in the course of participating in the sport or other activities of CA or carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.

If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.

8.1. Child abuse can be divided into four categories:

- (a) 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.
- (b) 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.
- (c) 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
- (d) 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.

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.

8.2. Mandatory Reporters

Select classes of people in the community (including teachers, nurses and doctors) are required by law to report 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.

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.

8.3. Reasonable grounds for belief

8.3.1 A reasonable belief is formed if a reasonable person believes that:

- a)** The child is in need of protection;
- b)** The child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
- c)** The child's parents are unable or unwilling to protect the child.



8.3.2 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.

- a)** A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.
- b)** You will have reasonable grounds to notify if:
 - A child states that they have been physically or sexually abused;
 - A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
 - Someone who knows a child states that the child has been physically or sexually abused;
 - 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
 - Signs of abuse lead to a belief that the child has been physically or sexually abused.

8.4. Voluntary Reporters

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 relevant state child protection authority.

8.5. Reporting Child Sexual Abuse

If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed 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 may be subject to a penalty of 3 years imprisonment.

8.6. CA Approach to Reports of Abuse

- (a)** CA supports and encourages a person to make a report to the Police or relevant government authority 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.
- (b)** Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by CA, and will not be penalised by CA for making the report.

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- (c) 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 CA CEO or CA MPIO for guidance and information. If in doubt, ask for assistance.
 - (d) If an allegation is made against a member of staff or volunteer, CA will follow the reporting procedure outlined in the Member Protection Policy 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.
 - (e) CA 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.
 - (f) CA will cooperate with the directions of the Police and/or relevant state child safety agency in relation to any investigation conducted by these authorities.
 - (g) CA will keep a register of any allegations regarding inappropriate conduct.

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

9.1. Adherence to Professional Boundaries

All Personnel should limit contact with children engaged in cycling to what is acceptable and appropriate.

Acceptable and appropriate boundaries include the following:

- (a) Do not engage in activities with children who are clients or members of Cycling Australia authorised services, programs or events;
- (b) Do not provide any form of support to a child or their family, unrelated to cycling services, programs or events;
- (c) Do not seek contact with children (or former participants) outside cycling services, programs or events; and
- (d) Do not accept any invitations to attend private social functions at the request of a child who has participated or is participating in cycling services, programs or events – or at the request of their family.

If you become aware of any situation in which a child requires assistance that is beyond the confines of your role, or beyond the scope of your organisation's usual service, you should at the earliest opportunity refer the matter to the member protection officer.

9.2 Physical Contact with Children

Any physical contact with children must be appropriate in the context of delivering cycling services, programs or events and based on the needs of the child rather than the needs of Personnel. This section does not apply to medically trained Personnel acting in the course of their duties and delivering medical or health services to children as and when required.

Under no circumstances should any Personnel have contact with children participating in cycling services, programs or events that:

- (a)** Involves touching of:
 - (i) Genitals;
 - (ii) Buttocks; or
 - (iii) Breast area;
- (b)** Would appear to a reasonable observer to have a sexual connotation;
- (c)** Is intended to cause pain or distress to the child – for example corporal punishment;
- (d)** Is overly physical – for example, wrestling, horseplay, tickling or other roughhousing;
- (e)** Is unnecessary – for example, assisting with toileting when a child does not require assistance; or
- (f)** Is initiated against the wishes of the child, except if such contact may be necessary to prevent injury to the child or to others, in which case:
 - (i) Physical restraint should be a last resort;
 - (ii) The level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child to prevent harm to themselves or others;
 - (iii) The incident must be reported to Management as soon as possible. Personnel are also required to report to the Member Protection Information Officer any physical contact initiated by a child that is sexual and/or inappropriate (eg. acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the child, Personnel and any other participants.

9.3 Photography and Video Recording

Personnel are reminded that at all times they must act in accordance with any applicable laws or regulations within their state or territory relating to the capture, storage and dissemination of photographs or video recording of children. This must follow the requirements in the Member Protection Policy.

9.4. Change Rooms

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.

9.5. Hotel rooms and other accommodation

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.

9.6. Travel - General

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.

9.7. Sexual Relationships while away

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 CA Member Protection Policy) as well as but not limited to the following:

- (a) Inappropriate conversations of a sexual nature;
- (b) Obscene language of a sexual nature;
- (c) Suggestive remarks or actions;
- (d) Jokes of a sexual nature;
- (e) Obscene gestures;
- (f) Unwarranted and inappropriate touching;
- (g) Sexual exhibitionism;
- (h) Use of any device to show/watch offensive material; and
- (i) Any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

9.8. Adults under investigation

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 CA Board, from participating in CA activities.



9.9. Coach Assistance

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:

- (a) Coaches ensure that there are other adults present whenever coaching;
- (b) Coaches take care to explain the procedure to the child prior to beginning any physical contact; and
- (c) Coaches obtain consent from the athlete prior to beginning any physical contact.

9.10. Alcohol Use and Supply

While on duty, Personnel must not:

- (a) Use, possess or be under the influence of an illegal drug;
- (b) Use or be under the influence of alcohol;
- (c) Be incapacitated by any other legal drug such as prescription or over-the-counter drugs; or
- (d) Supply alcohol or drugs (including tobacco) to children participating in our cycling services, programs or events. Use of legal drugs other than alcohol by Personnel is permitted, provided such use does not interfere with your ability to care for children involved in our service.

9.11. Electronic Communications and Social Media

As part of Cycling Australia's emphasis on athlete safety, communications involving our youth players should be appropriate, productive, and transparent. Effective communication concerning travel, practice or game schedules, and administrative issues among administrators, coaches, players and their families is critical. However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of electronic communications can result in disciplinary proceedings.

Guidelines:

- (a) Coaches, staff and administrators must liaise directly with the parent or must copy parents on all electronic and mobile communications to minor athletes.
- (b) To ease communications, set-up e-mail and texting groups with parents and athletes and make this group communication a norm for your organization. Include parents on all email and text messaging groups.
- (c) Should any member of your group inadvertently send an athlete an electronic or mobile communication without including the parent(s) or guardian(s), acknowledge the oversight to the parents and forward the communication to the parents as soon as possible.
- (d) Speak with a parent or guardian if coaches or staffs receive any electronic and mobile communications from athletes or other participants that make them uncomfortable.

10. ENGAGING NEW PERSONNEL

- 10.1.** CA undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:
- (a)** Promote and protect the safety of all children who participate in the activities of CA;
 - (b)** Identify and recruit the safest and most suitable candidates who share CA's values and commitment to protect children; and
 - (c)** Prevent a person from working at CA if they pose an unacceptable risk to children.
- CA requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with CA.
- 10.2.** 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.
- 10.3.** All CA staff who work with children or access information about children require a WWCC; and
- 10.4.** We recommend all adults involved in cycling should have a WWCC however the following key event personnel, who work with children, must have a valid WWCC:
- (a)** Coaches
 - (b)** Volunteers
 - (c)** Commissaires
 - (d)** Relevant contractors who may have unsupervised access to children; and
 - (e)** Anyone else who CA staff feel requires a WWCC due to the nature of the work that they are undertaking for CA.
- 10.5.** The type of evidence that an applicant is required to provide to CA 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 CA.
- 10.6.** CA 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 CA in regular intervals.
- 10.7.** CA will undertake thorough reference checks prior to engaging any personnel.
- 10.8.** Once engaged, CA will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.
- 10.9.** CA 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.
- 10.10.** CA requires that all WWCC have CA, State Member and Club as interested parties.



11. RISK MANAGEMENT APPROACH

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

12. POLICY BREACHES

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 the CA member protection policy and constitution.

13. POLICY PROMOTION

13.1. This policy will be made available to all members via email and will be available on the CA website.

13.2. This policy will be communicated to all staff, Board, and Committee members via email and available on the CA website.

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

14. REVIEW PROCESS

14.1. This policy will be reviewed by the CA Board on an annual basis.

14.2. If you would like to provide CA with any feedback or suggestions to improve this policy, please contact us at **info@cyclimg.org.au**.

14.3. 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.