



FINDING CONFIDENCE GROWING CHARACTER
Skills for Life

Child Protection Policy – Updated September 2022

1. Policy Statement

FCGC is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. Discriminatory or harassment behaviour will not be tolerated under any circumstances and FCGC will take disciplinary action against anyone who breaches this policy.

FCGC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in any activities run by the club. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years will be required to hold a current Working With Children (WWC) card and complete a child protection course.

- i. FCGC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in any activities run by the club.
- ii. Specifically, FCGC considers that the health, safety and wellbeing of children takes priority over all other competing considerations. FCGC considers that this is necessary to ensure the health, safety and welfare of all members and to protect the image and reputation of the sport, the Organisation and its members.
- iii. FCGC has a zero tolerance 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.
- iv. Child protection is a shared responsibility between FCGC, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the gymnastics community. Everyone that participates in FCGC's activities is responsible for the care and protection of children, and reporting information about child abuse.
- v. FCGC supports the active participation of all children. It listens to their views, respects what they say and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).
- vi. FCGC 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. Policy Application

This policy applies equally to all Members of FCGC whether they be employees, officers, administrators, volunteers, coaches, judges, athletes, family members or officials (Members).

This policy applies to all behaviour involving Members where this behaviour negatively affects relationships within the club's sport or work environment.

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3 RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

This Policy must be read in conjunction with:

- (a) the law of the Commonwealth and Victoria including but not limited to:
 - (i) Children, Youth and Families Act 2005 (Vic)
 - (ii) Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
 - (iii) Crimes Act 1958 (Vic); and
 - (iv) Working with Children Act 2005 (Vic)
- (b) FCGC policies and procedures, including but not limited to”
 - (i) Privacy Policy
 - (ii) Constitution
 - (iii) Codes of behavior
 - (iv) Member Protection Policy
 - (v) Grievance and Discipline procedures

4. DEFINITIONS

- 4.1 Child means a person involved in the activities of FCGC (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child.
- 4.2 Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.
- 4.3 Sexual offence means any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive 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
- 4.4 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

5. Recognising and reporting child abuse

- 5.1 A person may, in the course of participating in the sport or other activities of GV or carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.
- 5.2 If a person is concerned about an immediate risk to a child’s safety, the person must phone “000” as soon as practicable.
- 5.3 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

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(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.

5.4 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.

Mandatory reporters

5.5 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.

5.6 This report must be made as soon as practicable, and after each occasion where he or she becomes aware of a further reasonable ground for the belief.

Reasonable grounds for belief

5.7 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.

5.8 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.

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

5.10 You will have reasonable grounds to notify if:

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

Voluntary reporters

5.11 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.

Reporting child sexual abuse

5.12 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.

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FCGC's approach to reports of abuse

- 5.13 FCGC 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.
- 5.14 Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by FCGC, and will not be penalised by FCGC for making the report.
- 5.15 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 FCGC's Operations Manager or an FCGC committee member for guidance and information. If in doubt, ask for assistance.
- 5.16 If an allegation is made against a member of staff or volunteer, FCGC will follow the reporting procedure 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.
- 5.17 FCGC 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.
- 5.18 FCGC will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- 5.19 FCGC will keep a register of any allegations regarding inappropriate conduct.

6. CHILD PROTECTION POLICY - CHILD SAFE AND CHILD FRIENDLY GUIDELINES

6.1 Change Rooms and bathrooms / toilets

Adult officials, regardless of gender, should only enter change rooms and/or bathrooms/toilets 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.

6.2 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 must maintain a 'duty of care' towards the athletes and they must 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.

6.3 Sexual Relationships

Officials must not, under any circumstances engage in conduct of a sexual nature with a child. Improper conduct of a sexual nature by an official towards a child includes any form of child sexual abuse 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;

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- (f) unwarranted and inappropriate touching;
- (g) sexual exhibitionism;
- (h) use of any ITC device to show/watch offensive material;
- and
- (i) any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

6.4 Adults under investigation

Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to render their Working With Children Check (WWCC), assessment notice withdrawn or a detention order imposed, may be prohibited, by the FCGC Committee, from participating in FCGC activities.

6.5 Coach Assistance - Spotting

Spotting is a necessary part of gymnastics that is required for the safety of the athletes. All coaches must ensure that all physical contact with the athletes which occurs when 'spotting' is appropriate for the situation and necessary for the athlete's safety. It is strongly recommended that coaches ensure that there are other adults present whenever coaching and take care to explain the spotting procedure to the child gymnast.

7. ENGAGING NEW PERSONNEL

- 7.1 The minimum standard for background checks of employees and volunteers of FCGC and its members is the law as it applies in Victoria.
- 7.2 FCGC 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 FCGC
 - (b) identify and recruit the safest and most suitable candidates who share FCGC's values and commitment to protect children; and
 - (c) prevent a person from working at FCGC if they pose an unacceptable risk to children.
- 7.3 FCGC requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with FCGC
- 7.4 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.
 - (a) All FCGC staff and committee members require a WWCC
 - (b) Any sub-committee members must have a valid WWCC
 - (c) volunteers working with and or interacting with children must have a valid WWCC
 - (d) relevant contractors who may have unsupervised access to children;
 - (e) anyone else who FCGC staff feel require a WWCC due to the nature of the work that they are undertaking for FCGC.
- 7.5 FCGC will undertake thorough reference checks prior to engaging any personnel
- 7.6 Once engaged, FCGC will provide staff and volunteers with access to the policy and staff and volunteers must review and acknowledge their understanding of the policy.
- 7.7 As part of FCGC's training and onboarding process all staff, committee members and volunteers that work with children will be required to undergo child protection training

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8. Policy Breach

Any person who is in breach this policy is subject to disciplinary action as determined by FCGC committee.

9. Roles and Responsibilities

9.1 All Members must:

- a) Comply with this Policy
- b) Make complaints about a breach of the Policy in accordance with Footscray City Gymnastics Club's Complaint Management Procedures.
- c) Submit to the Complaints Management Procedures if an allegation is made against that Member.
- d) Not make any frivolous or vexatious claim that another person is in breach of this Policy
- e) Conduct themselves in a proper manner so as not to bring that Member, the Club or the sport generally into disrepute.

9.2 FCGC Committee must ensure that the club:

- a) Complies with this policy
- b) Provides and promotes child safe and child friendly environment
- c) Distributes, promotes and implements this Policy and Complaint Management Procedures.
- d) Encourages reporting of child abuse
- e) Deals with complaints in an impartial, sensitive, timely and confidential manner.

9.3 Staff and Volunteers must:

- a) Comply with relevant codes of behaviour
- b) Comply with this policy
- c) Support the delivery of a child safe and child friendly environment

10. Complaint Procedures and Disciplinary Action

10.1 Footscray City Gymnastics Club has developed a Complaints Management Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially.

10.2 Disciplinary action will be taken by the club against anyone who:

- a) Is found to be in breach of this Policy
- b) Victimises or retaliates against a person who has complained of a breach of this Policy
- c) Is found to have made a frivolous or vexatious complaint.

10.3 The discipline will depend on the severity of the case and may involve any apology, counselling, suspension, dismissal or other form of action.

10.4 FCGC will 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.

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11. Confidentiality and Reporting

11.1 Footscray City Gymnastics Club's administration responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:

- a) Necessary as part of the disciplinary or corrective process
- b) Required by law.

12. Review

This policy will be reviewed by the FCGC committee every 3 years.

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