

POLICY NAME:	Birralelee Gymnastics Child Code of Conduct Policy
DATE OF ISSUE:	July 2019
POLICY COVERAGE	Birralelee Gymnastics Inc Committee of Management, staff, volunteers. All Birralelee Gymnastics events and activities including competitions, education courses, workshops, meetings, seminars or any other activities organized by Birralelee Gymnastics Inc.
DATE OF REVIEW	Biennial
CONTROLLING BODY	Birralelee Gymnastics Inc

1. INTRODUCTION

- 1.1 Birralelee Gymnastics expects children and young people who participate in its activities to have a safe and happy experience. Birralelee supports and respects children, young people, staff, volunteers and participants.
- 1.2 The aim of the Policy is to protect the safety of children in our care and prevent abuse occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed. All complaints are treated seriously and are fully investigated and handled with maximum confidentiality and discretion.

2. POLICY STATEMENT

- 2.1 Birralelee Gymnastics Inc is committed to providing the highest level of membership service. This includes protecting members privacy, promotion of positive behaviours and attitudes, protecting the health safety and wellbeing of members, particularly children.
- 2.2 Specifically, Birralelee Gymnastics considers that the health, safety and well-being of children takes priority over all other competing considerations. Birralelee 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 and its affiliate partners.
- 2.3 Birralelee Gymnastics has 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.
- 2.4 Child protection is a shared responsibility between Birralelee Gymnastics, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the gymnastics community. Everyone that participates in Birralelee's activities is responsible for the care and protection of children and reporting information about child abuse.
- 2.5 Birralelee 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).
- 2.6 Birralelee 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 disability.

- 2.7 Birralee promotes fairness and consideration for all staff, volunteers and participants.
- 2.8 It is important for Birralee Gymnastics Inc to take a leadership role to ensure the safety and good health of our all our members and expects all children and young people who participate in its activities to have a safe and happy experience.
- 2.9 Birralee Gymnastics agree to implement the following Child Code of Conduct Policy.
- 2.10 Birralee Gymnastics Inc supports and respects children, young people, staff, volunteers and participants and recognizes that gymnastics is attractive to an undesirable segment of our community and that all involved must be very alert and responsive.

3. SCOPE

- 3.1 This policy applies to participants, parents, spectators, officials, coaches, judges, staff and volunteers at all Birralee Gymnastics Inc activities and events.
- 3.2 This policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with Birralee Gymnastics Inc.
- 3.3 All the people to which this policy applies have a role and responsibility in relation to child protection.
 - understand the indicators and risks of child abuse;
 - appropriately act on any concerns raised by children; and
 - understand and follow all applicable laws in relation to the protection of children and reporting or management of child safety concerns.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

- 4.1 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) Birralee Gymnastics policies and procedures, including but not limited to
 - (i) Privacy Policy
 - (ii) Constitution
 - (iii) Codes of Behaviour
 - (iv) Member Protection Policy
 - (v) Grievance and Discipline procedures; and
 - (vi) Photographic Policy and Authorised Photographers Agreement

5. DEFINITIONS

- 5.1 **Child** means a person involved in the activities of Birralee Gymnastics 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 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.
- 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 all coaches, judges, administration staff and Volunteers.

6. RECOGNISING AND REPORTING CHILD ABUSE

- 6.1 A person may, in the course of participating in the sport or other activities of Birralee Gymnastics 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**

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.

- (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. Hurting a child or a child's development; for example, hitting, shaking or other physical harm, giving a child alcohol or drugs, giving bad nutritional advice, or training that exceeds the child's development or maturity.
- (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. Where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography) or inappropriate touching or conversation
- (c) **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional psychological harm of such a kind that the child's emotion or intellectual development is or is likely to be significantly damaged; and by ill-treating a child, for example, humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring and/or placing expectations on a child. Neglect, for example, failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury.
- (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

Mandatory Reporters

- 6.4 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 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.

Voluntary reporters

- 6.6 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

- 6.7 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.

Birralee Gymnastics approach to reports of abuse

- 6.8 Birralee Gymnastics 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 Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by Birralee gymnastics, and will not be penalised by Birralee Gymnastics for making the report.
- 6.10 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 President for guidance and information. If in doubt, ask for assistance.
- 6.11 If an allegation is made against a member of staff or volunteer, Birralee 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.
- 6.12 Birralee Gymnastics 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.
- 6.13 Birralee Gymnastics will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- 6.14 Birralee will keep a register of any allegations regarding inappropriate conduct.

7. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

Birralee Gymnastics Inc has developed a Grievance Policy and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. Birralee Gymnastics recognizes that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

- 7.1 Disciplinary action will be taken by Birralee Gymnastics Inc 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.
- 7.2 The discipline will depend on the severity of the case and may involve any apology, counseling, suspension, dismissal or other form of action.

Confidentiality and Reporting

Birralee Gymnastics Inc administrators are responsible for implementing this Policy and 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. Australian Gymnastics Federation.

Complaint Handling Procedures

Procedural steps:

- (a) Birralee Gymnastics Inc undertakes to deal with any complaints of a breach of the Member Protection Policy promptly, seriously, sensitively and confidentially.
- (b) At any stage, it is the prerogative of the Complainant to proceed with, or dissolve a complaint.

Discussion

- (a) Should a complaint arise, Birralee Gymnastics Inc encourages the Complainant to consider the following options:
 - (a) Approach the person creating the problem and ask him or her to stop the behaviour
 - (b) If the behaviour continues, or it is not possible to approach the person, contact either;
 - i Head Coach, Club Manager
 - ii The Club's Member Protection Officer, &/or
 - iii President or other official of the Club.

CHILD CODE OF CONDUCT GUIDELINES

1.1 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 doubt this requirement does not apply to parents/legal guardians when in a room with their child.

1.2 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 doubt this requirement does not apply to parents/legal guardians when in a room with their child.

1.3 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.

1.4 Sexual Relationships while on tour

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 *GV Member Protection Policy*)

- (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 ITC device to show/watch offensive material; and
- (i) any other action that could lead to an athlete being physically, emotional or psychologically harmed.

1.5 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 Birralee Gymnastics Committee from participating in Birralee activities.

1.6 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 PERSONNEL

- 7.1 The minimum standard for background checks of employees and volunteers of Birralee Gymnastics and its members is the law as it applies in Victoria.
- 7.2 Birralee Gymnastics 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 Birralee Gymnastics Inc.
 - (b) identify and recruit the safest and most suitable candidates who share Birralee Gymnastics values and commitment to protect children; and
 - (c) prevent a person from working at Birralee Gymnastics if they pose an unacceptable risk to children.
- 7.3 Birralee Gymnastics requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with Birralee Gymnastics Inc.

- 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 creational setting.
- (a) Birralee Gymnastics staff and Committee members require a WWCC:
 - (b) the following key event personnel must have a valid WWCC:
 - (i) those by Birralee Gymnastics for their services (excluding bump in and bump out);
 - (ii) volunteers;
 - (iii) relevant contractors who may have unsupervised access to children;
 - (iv) anyone else who Birralee Gymnastics staff feel require a WWCC due to the nature of the work that they are undertaking for Birralee Gymnastics.
- 7.5 The type of evidence that an applicant is required to provide to Birralee Gymnastics will vary depending on the type of position that they are applying for. However, applicant will not be offered a position until they provide the required evidence to Birralee Gymnastics.
- 7.6 Birralee Gymnastics 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 Birralee Gymnastics in regular intervals.
- 7.7 Birralee Gymnastics will undertake thorough reference checks prior to engaging any personnel.
- 7.8 Once engaged, Birralee Gymnasts will provide staff and volunteers with access to the policy and staff and volunteers must review and acknowledge their understanding of the policy.
- 7.9 Birralee Gymnastics requires that all staff and volunteers (including coaches and any officials) likely to have contact with gymnasts (and other children) have a current working with children check, which needs to be signed off annually as part of our affiliation process.
- 7.10 Birralee Gymnastics requires all club personnel, committee members, volunteers, coaches and judges and anyone else who has contact with children to possess a valid working with children check. Any costs associated with gaining a valid working with children check is the responsibility of the applicant.

8. ROLES AND RESPONSIBILITIES

The Administrators of Birralee Gymnastics must ensure that the staff whether paid or unpaid:

- 8.1 Mandatorily report acts of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this Policy.
- 8.2 Approach the person creating the problem and ask him or her to stop the behaviour
- (a) If the behaviour continues, or it is not possible to approach the person, contact either:
 - (i) Head Coach, Club Manager
 - (ii) The Club's Member Protection Officer, &/or
 - (iii) President or other official of the Club.

8.3 Member Protection Contact Officer

If the Complainant decides to proceed, the Member Protection Contact Officer refers the matter to the Grievance Officer or designated person in authority for investigation.

8.4 **Member Protection Grievance Officer**

The Member Protection Grievance Officer determines whether or not to investigate the complaint.

- (a) If the Member Protection Grievance Office determines to investigate, the Officer:
 - (i) Informs the alleged wrongdoer;
 - (ii) Interviews both parties separately;
 - (iii) Keeps confidential records of the process;
 - (iv) Attempts mediation to achieve resolution; &
 - (v) Follows up on the Complaint.

8.5 **Disciplinary Committee**

If no resolution is achieved, the Member Protection Grievance Office gives all reports to the (disciplinary committee), who determines the appropriate course of action.

8.6 **External Resolution**

- (a) If the complaint is not resolved, the Complainant may make a written complaint to the members Association for mediation or arbitration. This can be done with the support of the Member Protection Grievance Officer.
- (b) If the complaint is upheld, a remedy will be prescribed by that external organization.

9. **SUGGESTIONS FOR WORKING WITH CHILDREN**

9.1 **Communication Boundaries**

- (a) Be aware of your communication style and how what you say and do may be interpreted.
- (b) Not all children will understand an action, request or behaviour in the same manner. One child may see an action as usual or acceptable behaviour while another may find it unacceptable. A child's interpretation of an action may also be influenced by cultural and religious differences, disability, gender and prior experiences.
- (c) Explain in front of all children (and parents, if possible) your method of instruction and when and where you will need to touch them, if at all.
- (d) Use positive and age appropriate language when talking to and in the presence of children.
- (e) Ensure feedback is linked to performance and is not of a personal nature.

9.2 **Physical Contact Boundaries**

- (a) Ensure any physical contact with children is relevant and appropriate to the development of the skills required for the activity.
- (b) Seek permission to touch when development of the skills is required.
- (c) Be careful about which part of your body and how much of it is in contact with a child's body.

9.3 **Location Boundaries**

- (a) Avoid unaccompanied and unobserved activities (i.e. being alone with a child).
- (b) Avoid entering change rooms. If you must enter, knock or announce that you will be coming in and try to have at least one other adult with you. Do not isolate yourself and a child from others in the change room.
- (c) Avoid driving a child unaccompanied.
- (d) Do not invite or encourage children to your home.

9.4 **Knowledge Boundaries**

- (a) Understand and comply with all relevant policies.
- (b) Understand and comply with the child protection legislation in your State.

- (c) Seek out opportunities to enhance your knowledge on child protection.
- (d) Keep coaching skills and accreditation up to date.
- (e) Do not be afraid to ask questions and to seek advice.

9.5 **Leadership Boundaries**

Do not engage in or let others engage in:

- (a) Abusive initiation or team bonding activities.
- (b) Rough physically hurtful or sexually provocative games; or
- (c) Regular scape-goating, ridiculing or taking the 'Mickey out' on a child.

9.6 **Coaching Children with Special Needs**

Coaching or working with children with special needs may require more frequent physical contact and touch as a means of meeting the duty of care to them. Touch may be an agreed form of communication between a child, their parent and coach where the child has a communication disability. A coach and others may need to be more vigilant and thoughtful in their physical interactions and different approaches may be required. However, the basic practices and information outlined previously remain applicable to all children. Sporting organizations, coaches and others have a duty of care to protect children from physical and emotional harm and, while the ways of meeting this duty may differ for different groups, the duty itself remains unqualified. Everyone expected to meet this duty should do so in a manner that respects the dignity of all children as well as their vulnerabilities.

9.7 **Cultural Considerations**

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. It is important that coaches and others appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone. Where children (and families) are known or suspected to have escaped traumatic circumstances, considerable diplomacy, care and effort in early interactions will need to be taken. Many culturally based community organizations are very keen to address other groups, including sporting groups, about the values of their culture and to establish understand and respect – it may help to invite or seek their advice so that sport personnel become more familiar with the values of the cultural groups of the children participating in their sport.

9.8 **Use of Images**

Acquiring Images

- (a) If acquiring an image of a child, permission needs to be obtained from the athlete's parent/guardian prior to taking the child's image. Ensure that all concerned are aware of the way in which the image is to be used.
- (b) Where possible, request that all people taking photographic/video images (including spectators, parents, coaches, professional photographers or members of the media) register at an event or facility. Provide members of the media and professional photographers with an identification pass that they wear for the duration of the event.
- (c) Clearly outline to professional photographers that all images taken will remain the property of the sporting organization and cannot be used or sold for any other purpose. Also outline that all negatives/proofs etc need to be destroyed or given to the sporting organization at the conclusion of the event for which the photographer has been contracted or within a specified timeframe.
- (d) Clearly outline what is considered appropriate behaviour and content (i.e. the image obtained in the photo or by video) to those taking photographic/video images. Publicise this information throughout your organization so that your members understand what behaviour from photographers your organizations considers appropriate.

- (e) Do not allow photographers (professional photographers, spectators, fans, coaches or members of the media) unsupervised or individual access to athletes/children.
- (f) Do not approve photo/video sessions outside the event venue or at the home of a child unless parent/guardian consent is obtained and they agree to be present at the photo opportunity
- (g) Provide details of who to contact if concerns or complaints of inappropriate photographic behaviour or content are raised.

Displaying Images

- (a) Consider using models or illustrations for promotional/advertising purposes.
- (b) If permission needs to be obtained from the parent/guardian of the athlete/child, obtain it prior to using the image of the athlete/child. Ensure that all concerned are aware of the way in which the image is to be used and for how long the image will be displayed.
- (c) If the athlete/child is named, avoid using their image.
- (d) If an image is used, avoid naming the athlete/child. If this is not possible avoid using both a first name and surname.
- (e) Do not display personal information such as residential address, email address or telephone numbers without gaining consent from the athlete/child, or if applicable their parent/guardian.
- (f) Do not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons.
- (g) Only use appropriate images of the athlete/child, relevant to the sport or activity, and ensure that the athlete/child is suitably clothes. Images of athletes participating in sports or activities that involve minimal clothing (e.g. swimming and gymnastics) or unusual body positions/poses could potentially be misused. The age of a child is another factor to consider when deciding if the image is appropriate. The image should focus on the activity and not on a particular child.
- (h) Reduce the ability for the direct copying of pictures from a website to another source (i.e. disable the 'right mouse click' function)
- (i) Provide details of who to contact and what to do if concerns or complaints of inappropriate images use are raised. www.ausport.gov.au/ethics/information/sheets/Acquiringdisplayimages, ASC, August, 2006

10. POLICY BREACHES

- 10.1 It is a breach of this policy for an person to which this policy applies, to have been found to have done anything contrary to this policy. any person who may breach this policy are subject to either Part C of the Member Protection Policy, or Birralee Gymnastics and/or Gymnastics Victoria Discipline Process, whichever is relevant.

11. POLICY PROMOTION

- 11.1 This Policy will be made available to all members via the Birralee Gymnastics website at www.birraleegymnastics.com.au
- 11.2 This policy will be communicated to all staff, Committee, Technical Coaches, Coaches and Volunteers.
- 11.3 References to this policy will be included in the information documents that are provided to all team officials that represent Birralee Gymnastics Inc.

12. REVIEW PROCESS

- 12.1 This policy will be reviewed by the Committee of Birralee Gymnastics Inc on a biennial basis.

- 12.2 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 the webpage, bulletin and other appropriate communication channels.

Written By: Carolyn Herrmann
Approved By: Birralee Gymnastics Inc Committee of Management
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