



Australian Government

Australian Sports Commission

Child Safe Policy

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1. Policy Overview

1.1 Purpose

- 1.1.1 The ASC is strongly committed to Australian sport environments that are safe, supportive and friendly for children. We are committed to working with all involved in sport so that children can enjoy sport and feel safe, valued and encouraged to reach their full potential. All Children have the right to feel and be safe and protected from all forms of Child abuse and Neglect.
- 1.1.2 The Australian Sports Commission (ASC) aims to create and maintain an inclusive, Child-safe environment that is understood, endorsed, put into action and adhered to by everyone, as set out in the ASC's Child Safe Commitment Statement.
- 1.1.3 The ASC:
 - a. has a zero-tolerance policy to Child abuse and Neglect in any form;
 - b. is committed to safeguarding and promoting the welfare of Children by providing a safe and inclusive environment and by ensuring that relevant persons are educated and informed on their responsibilities to protect and look after Children.
- 1.1.4 This Policy:
 - a. is part of the ASC's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children accessing the ASC's programs, services and facilities;
 - b. outlines prohibited conduct and imposes obligations on persons bound by this Policy, to respond to allegations of prohibited and reportable conduct and to implement a commitment to Child safety and Child-safe practices, including recruitment and screening of people that have contact with Children;
 - c. seeks to ensure that persons bound by this Policy are aware of their legal and ethical rights and responsibilities as well as the standards of behaviour expected of them;
 - d. gives effect to the Commonwealth Child Safe Framework, including the National Principles for Child Safe Organisations.

1.2 Scope

- 1.2.1 This Policy applies to and binds the following persons:
 - a. ASC Board members,
 - b. ASC employees,
 - c. ASC contractors, site users and grant recipients who have agreed to be bound by this Policy; and
 - d. any other individual or organisation who has agreed to be bound by this Policy.
- 1.2.2 The ASC will consider this Policy when developing, designing and managing other policies and programs to ensure they promote Children's rights and include relevant child safety considerations.

2. Child Safe Obligations

2.1.1 Persons bound by this Policy must:

- a. treat all Children with respect;
- b. comply with the Child Safe Practices (appendix 2);
- c. comply with the Australian Child Protection Legislation; and
- d. if undertaking, managing or supervising Child-related work, familiarise themselves with the mandatory reporting requirements in their relevant jurisdiction and comply with those legislative requirements; and
- e. report any concerns or allegations relating to child safety.

3. Accountability and Responsibilities

3.1.1 Ensuring the safety, welfare and wellbeing of Children is a shared responsibility. Key roles and responsibilities within the ASC are outlined below.

Who	Responsibilities
Board	<ul style="list-style-type: none"> • Accountable Authority of the ASC. • Approve the Child Safe Policy. • Ensure ASC's annual compliance with the Commonwealth Child Safe Framework.
Child Safe Champion	<ul style="list-style-type: none"> • A member of the ASC Executive who is responsible for promoting the importance of child safety and how it applies to employees, contractors and site users. • The Champion will: <ul style="list-style-type: none"> – Chair the Child and Athlete Safety Committee. – Oversee the implementation and review of the Child Safe Policy. – Oversee the annual ASC's Child Safe Risk Assessment. – Support, advise and provide expertise to ASC employees on Child safety issues. – Raise awareness of Child safety with leaders in the ASC. – Periodically report to the Board. – Promote training for Child safety.
Child and Athlete Safety Committee	<ul style="list-style-type: none"> • Lead a Child safe culture for the ASC. • Monitor and assess ASC's compliance with the Commonwealth Child Safe Framework, including the National Principles for Child Safe Organisations. • Monitor the annual review of the Child Safe Policy.
Child and Athlete Safe Team	<ul style="list-style-type: none"> • Annually review ASC's Child Safe Policy. • Annually review the ASC's Child Safe Risk Assessment. • Regularly review the ASC's Strategic and Enterprise Risk Registers. • Periodically review and audit the currency of Working with Children Checks (WWCCs). • Coordinate Child safe training for employees and monitor compliance. • Support, advise and provide expertise to employees on Child safety issues. • Manage complaints related to Child safety issues. • Refer as required to law enforcement and Child protection agencies. • Provide referrals for support related to ASC Child safety issues. • Coordinate preparation of the Annual Statement of Compliance
People and Culture Branch	<ul style="list-style-type: none"> • Assist business areas to identify Child safe positions. • Assist business areas to have Child safe recruitment practices. • Maintain a WWCC register for all ASC employees. • Assist ASC employees to access support services.
Child Safety Officers	<ul style="list-style-type: none"> • Support and advise on Child safety. • Be aware of the specific needs of Children connected to the ASC. • Ensure access and awareness of policies and procedures related to Child safety. • Keep accurate records for any complaints or referrals. • Assist employees and children to make complaints about Child safety.
Executive, Senior Leaders, Managers and Supervisors	<ul style="list-style-type: none"> • Demonstrate commitment to the ASC's Child Safe Policy. • Ensure ASC employees are aware of the policies, procedures and obligations related to Child safety and assist them to meet their obligations.

Who	Responsibilities
	<ul style="list-style-type: none"> • Ensure Child safety in the design of a program, policy or service that impact upon Children. • Ensure Child safety clauses are included when approving applicable agreements. • Account for the Child safety implications for activities funded or delivered by the ASC that involve Children. • Provide immediate feedback and take action if a person bound by this Policy may not be meeting their requirements. • Ensure support is provided to anyone that initiates action to protect a Child from abuse. • Ensure professional support is provided for people involved in a matter relating to responding to a concern for the safety and wellbeing of Children.
Employees	<ul style="list-style-type: none"> • Comply with the ASC Code of Conduct. • Comply with this Policy as applicable in the course of their work. • Complete Child safety training as directed. • Comply with Australian Child Protection Legislation • Appropriately report potential risk to child safety including any breaches of this policy.
Employees involved in contract and grant design or management	<ul style="list-style-type: none"> • Ensure where applicable, the appropriate child safe clause is included in agreements and procurement documents. • Ensure compliance with Child safety obligations. • Grant, Procurement and Contract Managers must consider any assurance required from the grant and contract recipient, in relation to Child Safe obligations to monitor compliance requirements.
ASC contractors	<ul style="list-style-type: none"> • Comply with this Policy and any other Child safety requirements required by their agreements with the ASC.

4. Risk Assessment and Mitigation

- 4.1.1 The ASC will undertake an Annual Risk Assessment in relation to Child safety activities to identify the level of responsibility for and contact with Children, evaluate the risk of harm or abuse, and put in place appropriate strategies to manage identified risks.
- 4.1.2 Further risk assessments will be conducted as directed by the Executive and/or a change in ASC programs and operations.
- 4.1.3 The ASC Board and ASC employees commit to understanding and implementing the Child safe risk management process, as outlined in the *Child Safe Procedure - Risk Assessment and Reporting* procedure.
- 4.1.4 ASC employees must ensure Child safety is considered when developing project and risk plans and managed in accordance with the ASC Risk Framework.
- 4.1.5 The ASC will identify applicable Child safety obligations for contractors, site users and grant recipients to be included in grant and procurement templates and agreements.
- 4.1.6 The ASC will publish an Annual Statement of Compliance in accordance with the Commonwealth Child Safe Framework by 31 October annually.

5. Recruitment and Screening

- 5.1.1 The ASC will take measures to ensure the ASC recruits employees and contractors who are suitably qualified and committed to providing professional, safe and enjoyable programs and services to Children and meet the Australian Child Protection Legislation requirements.
- 5.1.2 Further detail can be found in the *ASC Recruitment Policy* and the *Child Safe Procedure - Recruitment and Screening*.

6. Induction and Training

- 6.1.1 The ASC will provide employees and contractors with information to assist them to:
- a. be aware of and remain alert to the risk of Child abuse
 - b. understand the ASC's commitment to preventing and responding to Child abuse

- c. understand how they are expected to behave towards Children
 - d. know how to identify and respond to Child abuse, and
 - e. understand their responsibility in relation to child safety and identifying and responding to Child abuse.
- 6.1.2 The ASC will provide trauma informed training to assist relevant employees and contractors to improve and enhance Child Safe Practices.
- 6.1.3 All ASC employees must complete the ASC Child Safe online module annually.

7. Engagement with Children and Families

- 7.1.1 The ASC will ensure that Children and their families are:
- a. informed about their rights, including their right to safety and the right to be heard
 - b. have access to information relevant to them, including how to raise concerns, our approach to Child safety, and our policies and procedures
 - c. engaged in decision making processes and provided with opportunity to give feedback on our approach to Child safety.
- 7.1.2 The ASC will communicate with Children and young people in an age-appropriate way about Child safety.

8. Responding to Child Abuse Allegations and Reporting

If you believe the Child is in immediate danger or in a life-threatening situation, contact the Police immediately by calling 000.

- 8.1.1 The ASC promotes and provides an environment in which all people including Children are encouraged to speak up when they are uncomfortable or concerned about child safety. Persons bound by this Policy must:
- a. identify, report and respond to any allegation, disclosure or concern regarding Child abuse or Neglect towards Children in accordance with the *Child Safe Procedure – Complaint Handling and Responding to Child Abuse Allegations and Reporting*; and
 - b. meet any legislated mandatory or other jurisdictional or industry reporting requirements.

8.2 Responding to a disclosure

- 8.2.1 Any person bound by this Policy may receive a direct or third-party disclosure relating to Child safety.

The table below is a summary of how to respond to a disclosure with more information available in *Child Safe Procedure - Complaint Handling and Responding to Child Abuse Allegations and Reporting*:

DO	DO NOT
listen carefully	express anger about the alleged abuser – they may be an adult the Child loves
control your verbal and facial expressions	confront the alleged abuser
tell them you believe them	pressure the Child for information or quiz/question them for details beyond what they freely want to say.
reassure them that they have done the right thing by telling you	make promises you cannot keep – such as promising you will not tell anyone
acknowledge it is hard to talk sometimes	
reassure them that they are not to blame	

tell them what you will do next – let them know you want to protect them and will need to tell someone else who will be able to help
if you cannot answer a question they have, tell them you don't know but will talk with the right people to get them help
let them know you are there for them and they can trust you
make written notes about what they told you and contact child protection agency

8.3 Complaints and concerns

Managing complaints

- 8.3.1 The ASC is committed to treating complaints seriously and aims to address all complaints quickly and appropriately.
- 8.3.2 The ASC is committed to protecting the rights of the complainant and treating all parties with respect.
- 8.3.3 The ASC will be flexible when dealing with complaints or concerns from Children and their families, including providing communication support or making reasonable adjustments to the complaints process to ensure that any barriers are removed.
- 8.3.4 The ASC will manage complaints as outlined in the *ASC Complaints Handling Policy* and the *Child Safe Procedure - Complaint Handling and Responding to Child Abuse Allegations* specifically addressing the role of Children in the complaints and concerns management process.
- 8.3.5 Complaints may be Child-initiated or adult-initiated and the ASC encourages people to raise concerns to address the needs and safety of Children.
- 8.3.6 Complaints and concerns may be raised informally or formally. Informal concerns may be raised to an ASC employee at the time of the concern being identified. Formal complaints must be lodged in writing to the ASC by letter, email or using the ASC online complaints form.

Historical complaints

- 8.3.7 The ASC is committed to responding to current and historical Child abuse allegations. The ASC will cooperate with external investigations regarding current and historic complaints.

Record keeping and information sharing

- 8.3.8 The ASC will comply with the *Archives Act* for records relating to Children. The ASC will share information when requested provided it is consistent with the protected disclosure, freedom of information and privacy requirements of the ASC and applicable legislation.

9. ASC contracts

9.1 Commonwealth Child Safe Framework

- 9.1.1 The Commonwealth Child Safe Framework requires agencies, including the ASC, to include child safety requirements for organisations that receive Commonwealth funding for activities that involve Children, including grants and procurement.

9.2 Child safety requirements in ASC agreements

- 9.2.1 The ASC will include in applicable agreements obligations on the contractor or grant recipient related to child safety requirements.
- 9.2.2 Applicable agreements will include those where the contractor or grant recipient is to provide services directly to children, or for activities that will or may involve contact with Children that is a usual part of, and more than incidental to, the services. If the services involve Children more broadly, the inclusion of child safety requirements is still advised.
- 9.2.3 The Department of Finance has model child safe clauses that comply with the requirements of the Commonwealth Child Safe Framework:
<https://www.finance.gov.au/government/procurement/clausebank/child-safety>

10. Procedures and Related Policies

10.1 Child Safe Procedures

- a. Child Safe Procedure – Annual Risk Assessment
- b. Child Safe Procedure – Complaint Handling and Responding to Child Abuse Allegations and Reporting
- c. Child Safe Procedure – Filming and Photography
- d. Child Safe Procedure – Recruitment and Screening

10.2 Related ASC policies and guidelines

- a. Code of Conduct
- b. Complaints Policy
- c. ICT Policy
- d. Information & Records Management Policy
- e. Medications Policy
- f. No Needles Policy
- g. Privacy Policy
- h. Recruitment Policy
- i. Responding to Sexual Misconduct Policy
- j. Social Media Policy
- k. Program specific guidelines and procedures including:
 - i. Child Care
 - ii. European Training Centre
 - iii. AIS
 - iv. Security Procedures

11. Definitions

Term	Definition
Australian Child Protection Legislation	means all state/territory child protection legislation (see Appendix 3 for legislation as at December 2020).
Bullying	means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.
Child	means a person under the age of 18 years.
Child abuse	<p>is the mistreatment of a Child that:</p> <ul style="list-style-type: none"> – causes, is causing or is likely to cause any detrimental effect of a significant nature to that Child's physical, psychological or emotional wellbeing; or – does, or is likely to, endanger that Child's physical or emotional health, development or wellbeing, <p>whether through a:</p> <ul style="list-style-type: none"> – single act, omission or circumstance; or – series or combination of acts, omissions or circumstances, <p>and includes Physical abuse, Emotional or Psychological abuse, Sexual abuse, Grooming and Neglect.</p> <p>Physical abuse occurs when a person subjects a Child to non-accidental physically aggressive acts, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes:</p> <ul style="list-style-type: none"> – shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and <p>harmful training methods or overtraining where there is the potential to result in significant damage to a Child's physical development.</p> <p>Emotional or Psychological abuse occurs when a Child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve:</p> <ul style="list-style-type: none"> – repeated rejection or threats to a Child; – constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection; – Bullying or Harassment; – continual coldness; and <p>harmful training methods or overtraining where there is the potential to result in significant damage to a Child's physical, intellectual or emotional wellbeing and development.</p> <p>Sexual abuse occurs when an adult or person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex or intercourse</p>

	<p>with a Child. Encouraging a Child to view pornographic videos, websites or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered Sexual abuse.</p> <p>Sexual exploitation is a form of Sexual abuse and occurs when a Child is forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of photographs or videos, whether published or circulated on the internet or social media.</p>
Child Safe Commitment	means the ASC's commitment to Child safety as set out in Appendix 1.
Child Safe Practices	means the Child safety requirements and practice adopted and implemented by the ASC to help ensure the safety of Children, as set out in Appendix 2.
Commonwealth Child Safe Framework	the Australian government policy that sets minimum standards for creating and embedding a Child safe culture in Commonwealth entities.
contractors	includes individuals or organisations engaged by the ASC by contract and their employees and subcontractors.
employees	<p>includes all ongoing, fixed term and casual employees engaged under the <i>Australian Sports Commission Act 1989</i>.</p> <p>The term also refers to any persons working in the ASC on secondment from other Commonwealth government entities, and ASC employees on secondment to other organisations.</p>
Grooming	describes what happens when a perpetrator or potential perpetrator of Child abuse builds a relationship with a Child with a view to abusing them in the future. There is no set pattern in relation to the grooming of Children. For some perpetrators, there will be a lengthy period of time before the abuse begins - the Child may be given special attention, and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child in and abuse them relatively quickly. Some abusers do not groom Children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as sport, leisure, music, religious activities, on social media or by other technological means.
Harassment	means any type of behaviour (including one-off incidents) towards a person that they do not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause harm to the person who is subject to the harassment.
National Principles for Child Safe Organisations	means the National Principles for Child Safe Organisations approved by the Council of Australian Governments in 2019, as set out in Appendix 3.
Neglect	is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include

	physical, medical, emotional and educational neglect, and abandonment.
Risk management	Identifying the potential for an incident or potential harm to occur and taking steps to reduce the likelihood of its occurrence.
site user	A person accessing or utilising an ASC site, facility or service.
Trauma	<p>can be the result of a singular event or a series of incidents and experiences and can impair normal functioning, reactions, decision making, behaviours and relationships.</p> <p>The ASC recognises that trauma can manifest itself in a variety of ways and at different points in time dependent on the individual and the incident.</p>

12. Appendix 1

12.1 ASC Board Child Safe Commitment Statement

The ASC is strongly committed to Australian sport environments that are safe, supportive and friendly for children. We are committed to working with all involved in sport so that children can enjoy sport and feel safe, valued and encouraged to reach their full potential.

Child safety must be embedded in every Australian sporting organisation's culture, reflected in their policies and procedures, and understood and practiced at all levels of the sport. This includes within our own organisation and facilities where children come to practice, play, learn and excel.

The ASC takes seriously our responsibility to provide an environment that is caring, nurturing and safe.

We are committed to keeping children safe

- Through our Child Safe Policy, we document our clear commitment to keeping children safe from abuse and neglect.
- We communicate our commitment to all stakeholders and provide them access to this commitment statement.

We promote equity and respect diversity

- We actively anticipate children's diverse circumstances and respond effectively to those with additional vulnerabilities.
- We give all children access to information, support and complaints processes.
- We consider the needs of all children, particularly Aboriginal and Torres Strait Islander Children, children with a disability, LGBTQI children and children from culturally and linguistically diverse backgrounds.

Our employees, contractors and site users know the behaviour we require

- We ensure that each person involved in our delivery of services to children understands their role and the behaviour we require in relation to keeping children safe from abuse and neglect through application of our Child Safe Policy.
- Our position descriptions clearly state relevant child safe requirements.
- We have Child Safe Practices and Child Safe Professional Behaviours that outlines our expectations for behaviour towards children.

We minimise the likelihood of recruiting a person who is unsuitable

- We have appropriate measures in place to minimise the likelihood that we will recruit employees or contractors who are unsuitable to work with children.
- We will meet the requirements of the relevant Australian Child Protection Legislation.

Induction and training is part of our commitment

- We provide all new employees and contractors with information about our commitment to Child Safety including our Child Safe Policy, Child Safe Practices, Child Safe Professional Behaviours and Responding to Child Abuse Allegations.
- We support ongoing education and training for our employees to ensure child safe information is provided and updated as required.
- We ensure that our employees have up-to-date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.

We encourage the involvement of children and their families

- We involve and communicate with children and their families in developing a safe, inclusive and supportive environment.
- We provide information to children and their families about:
 - our commitment to keeping children safe and communicating their rights.

- the behaviour we expect of our employees, contractors and of themselves.
- our policy about responding to child abuse.
- We have processes for encouraging two-way communication with children and families
- We seek their feedback and have a process for responding.
- We respect diversity and seek to facilitate effective communication and involvement.

Our employees and contractors understand their responsibility for reporting child abuse

- Our Child Safe Policy requires employees and contractors to:
 - report any allegation, disclosure or concern regarding Child abuse or neglect
 - meet any legislated mandatory or other jurisdictional or industry reporting requirements
 - follow a specified process when reporting abuse or neglect.
- We document any allegation, disclosure or concern regarding Child abuse and monitor responses to all allegations, disclosures or concerns.

We maintain and improve our policies and practices

- We are committed to maintaining and improving our policies, procedures and practices to keep children safe from abuse or neglect.
- We have assigned responsibility for maintaining and improving our policies and procedures to our Child Safe Champion, Athlete and Child Safe Committee and the Child Safe Team.
- We monitor our employees and contractors to ensure appropriate practice, behaviour and policies are followed.
- We require our employees and contractors to disclose investigations, convictions or charges affecting their suitability to work with children and we review police records and Working with Children Checks periodically.
- We have formally reviewed our service delivery to identify and document potential risks to Children.
- We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

January 2021

13. Appendix 2

13.1 Child Safe Practices

The ASC is committed to safeguarding Children. The ASC's Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to Children.

Sexual Misconduct

- a. Persons bound by the Policy must not engage in or allow any form of sexual behaviour between, with, or in the presence of, Children.
- b. 'Sexual behaviour' is to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
 - i. 'Contact behaviour', such as sexual intercourse, kissing, fondling or sexual penetration; and
 - ii. 'Non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Professional boundaries

- a. ASC employees and contractors must act within the scope of their role (as specified in their position description or contract) when working with Children. They must not:
 - i. provide any form of support to a child or their family unrelated to the scope of their role (e.g. financial assistance, babysitting);
 - ii. take images or footage of Children unless specifically approved;
 - iii. wear uniform or identification outside of authorised activities;
 - iv. exhibit any type of favouritism towards a Child;
 - v. transport Children unless specifically approved;
 - vi. give gifts/presents to Children other than the provision of official awards and/or authorised by supervisor;
 - vii. engage in open discussions of a mature or adult nature in the presence of Children;
 - viii. use inappropriate language, in the presence of Children (e.g. swearing, sexually explicit language);
 - ix. discriminate against any Child, including on the basis of gender identity, culture, race, or disability; or
 - x. have one on one contact with a Child outside of authorised activities (includes in-person as well as by phone or online);
 - xi. where there is no existing social, personal or family relationship, accept an invitation to attend any private social function at the request of a Child or their family.
- b. If employees or contractors become aware of a situation in which a Child requires assistance that is beyond their role or in the case of emergency, they must undertake any or all of the following at the earliest opportunity:
 - i. refer the matter to an appropriate agency
 - ii. refer the Child to an appropriate agency
 - iii. contact the Child's parent or guardian
 - iv. seek advice from Child Safe Team and Child Safety Officers.

Site access

All ASC employees and certain contractors and site users will be issued a security identification pass. Access to ASC site facilities is requested and approved by business areas, taking into consideration areas that Children frequent (e.g., child-care, residences).

Use of language and tone of voice

Employees, contractors and site users should ensure that their language and tone of voice used in the presence of Children:

- a. provides clear direction, boost their confidence, encourage or affirm them;
- b. not be harmful to Children. In this respect, avoid language that is:
 - i. discriminatory, racist or sexist;
 - ii. derogatory, belittling or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
 - iii. intended to threaten or frighten; or
 - iv. profane or sexual.

Positive guidance

- a. The ASC will make Children accessing our sites, services and programs aware of the acceptable limits of their behaviour so we can provide a positive experience for all participants.
- b. Employees and contractors should:
 - i. use appropriate techniques and behaviour management strategies to ensure an effective and positive environment and the safety and wellbeing of Children and other participants
 - ii. use strategies that are fair, respectful and appropriate to the developmental stage of Children involved; and
 - iii. provide Children with clear directions and give an opportunity to redirect any misbehaviour in a positive manner.
- c. Employees and contractors must not take disciplinary action against Children involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

Supervision

- a. The ASC requires that Children participating in programs and services offered by ASC or using ASC facilities be supervised at all times by employees and/or contractors.
- b. Employees and contractors must ensure that supervision is constant, active and diligent and requires the supervisor to be in a position to observe each Child, respond to individual needs, and immediately intervene if necessary.
- c. One-to-one situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medicine and physical therapy) and in this case, these situations will need to be identified and recorded by the ASC.
- d. Any incident of one-to-one unauthorised contact must be immediately reported to the supervisor and the Child Safe Team within 24 hours of the incident occurring.

Digital communication

- a. For any electronic or online communication with Children, employees and contractors must adopt a two-deep model, that is, copy in a supervisor and a parent/guardian/carer in all communication.
- b. When communicating with Children, employees and contractors must ensure content is:

- i. directly associated with delivering our services, such as advising that a scheduled event is cancelled.
- ii. concise with personal or social content limited only to convey the message in a polite and friendly manner.
- iii. devoid of any sexual behaviour.
- iv. not promoting unauthorised social activity or contact.

Photographing and filming of Children

- a. No recording (photography, video, audio) may take place at ASC premises except that which is permitted by the ASC.
- b. The ASC does not impose a blanket ban on photography or filming of Children at our sites and has the *Child Safe Procedure – Filming and Photography* to guide all employees, contractors and site users of our requirements.
- c. Employees, contractors and site users may only photograph or film a Child if:
 - i. the Child's parent or guardian has provided written approval for the photographs to be taken or for the video footage to be captured
 - ii. the context directly relates to ASC or site related purposes
 - iii. the Child is appropriately dressed and posed
 - iv. the image or footage is taken in the presence of other personnel.
- d. Employees and contractors must not distribute images or footage (including as an attachment to an email) to anyone outside the ASC other than the Child photographed or their parent, without ASC management knowledge and approval.
- e. Employees and contractors must store images and footage (digital or hard copy) in a manner that prevents unauthorised access by others and will be destroy or delete the images and footage as soon as they are no longer required.
- f. Employees and contractors must not exhibit any images or footage online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), unless such images or footage are presented in a manner that de-identifies the Child. Any caption or accompanying text may need to be checked so that it does not identify a child if such identification is potentially detrimental.

Physical contact with Children

- a. Employees and contractors must ensure that any physical contact with Children is appropriate to the delivery of ASC programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- b. Employees and contractors must not have contact with Children that:
 - i. involves touching of genitals, buttocks or the breast area other than as part of delivering medical or allied health services
 - ii. would appear to a reasonable observer to have a sexual connotation
 - iii. is intended to cause pain or distress to the child (e.g., corporal punishment)
 - iv. is overly physical (e.g., wrestling, horseplay, tickling or other roughhousing)
 - v. is unnecessary (e.g., assisting with toileting when a child does not require assistance)
 - vi. 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:
 - physical restraint should be a last resort;
 - 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; and
 - the incident must be reported to ASC management as soon as possible.

- c. Employees and contractors must report to ASC management any physical contact initiated by a Child that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible.

Overnight stays and sleeping arrangements

- a. Children in residential facilities on ASC sites must meet the requirements as outlined in the terms and conditions. The ASC must be satisfied that there is acceptable adult supervision and amenities.
- b. Employees, contractors and site users involved in an overnight stay including Children must observe the following standards of conduct that:
 - i. Children are provided with privacy when bathing, toileting and dressing.
 - ii. Appropriate dress standards are observed when Children are present – such as no exposure to adult nudity.
 - iii. Children will not be exposed to pornographic material, for example, through movies, television, the internet or magazines.
 - iv. Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers.
 - v. Sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child.
 - vi. Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable or distressed during the stay.

Change room arrangements

- a. Employees, contractors and site users must ensure that:
 - i. Children are supervised in change rooms whilst ensuring their right to privacy.
 - ii. a minimum of two adults of the same gender as the group should be present at all times
 - iii. adults do not shower or change at the same time as supervising groups of Children
 - iv. adults avoid one-to-one situations with a Child in a change room area
 - v. adequate supervision in 'public' change rooms is provided when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy; and
 - vi. phones, cameras and recording devices are not used in changing rooms and in particular while Children are getting dressed.
- b. The ASC allows the following at ASC sites:
 - i. Children up to seven years of age may use the male or female changes rooms with their parent/guardian/carer
 - ii. Children over seven years may use the change room of their gender or the family change room; and
 - iii. family change rooms are available and are prioritised for use by parents/guardians/carers with Children, one of which is over seven years of age and the opposite gender, as well as for individuals who require assistance or privacy.

Use of, possession or supply of alcohol or drugs

- a. Employees, contractors and site users while responsible for the care of Children, must not:
 - i. use, possess or be under the influence of an illegal drug
 - ii. be under the influence of alcohol
 - iii. be incapacitated by any other legal drug such as prescription or over-the-counter drugs

- iv. supply alcohol or drugs (including tobacco) to Children
- v. supply medicines or deliver medication except with the consent of the parent/guardian/carer of the Child and under a valid prescription for that Child and at the prescribed dosage; and
- vi. breach the ASC Medications Policy or ASC No Needles Policy.

Transporting Children

- a. Employees and contractors may only transport Children in circumstances that are directly related to the delivery of ASC programs and services.
- b. Other than in an emergency, employees and contractors must not transport Children without prior written approval from their parent or guardian. Seeking approval requires providing information about the proposed journey, including the:
 - i. form of transport to be used
 - ii. reason for the journey
 - iii. route to be followed, including any stops or side trip; and
 - iv. details of anyone who will be present during the journey.
- c. Employees and contractors may only transport Children in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

Drop off and pick up of Children

- a. ASC programs and services involving Children have specific procedures for the drop off and pick up of Children. The following principles must be applied by employees and contractors:
 - i. parents/guardians/carers to be advised of the time and location of the program and/or service, including start and finish times.
 - ii. parents/guardians/carer to be advised to arrive before scheduled commencement times to ensure that Children are not left unattended.
 - iii. There is an accessible register of parent and guardian emergency contact numbers and an operational phone.
 - iv. Any alternative pick-up arrangements for Children has the consent of the parent or guardian.
 - v. Ensure that if a parent or guardian is late, there are reasonable attempts to contact them. It is not the responsibility of employees or contractors to transport Children home if their parent or guardian is late for pick up
 - vi. not leave the venue until all Children have been collected by their parents and guardians.

Children in the workplace

- a. There may be occasions whereby employees or contractors who are parents/guardians/carers may bring their Children into the ASC workplace.
- b. On these occasions, Children must be supervised by their parent/guardian/carer at all times and where possible prior approval must be sought from the team's Director.
- c. To minimise impact for all involved, meeting rooms may be booked to cater for caring and working requirements.
- d. Children must not be brought into ASC work environments if they are sick or unwell. Flexible work arrangements are available to ASC employees and discussions with supervisors encouraged to cater for caring commitments.

14. Appendix 3 - Relevant legislation and standards

The information listed below is current as January 2022. All current legislation can be referenced at the Australian Institute of Family Studies [Mandatory Reporting of Child Abuse](#) and [Working with Children Checks](#).

14.1 International covenants, declarations and treaties

Universal Declaration of Human Rights

Available online: <https://www.un.org/en/universal-declaration-human-rights/>

Geneva Declaration of the Rights of the Child

This declaration, adopted on 26 September 1924, sets out the fundamental human rights accorded to children. It is the foundation for the later United Nations Convention on the Rights of the Child.

Available online: <http://www.un-documents.net/gdrc1924.htm>

United Nations Convention on the Rights of the Child

This convention, which entered into force on 2 September 1990, outlines the internationally agreed rights of children. Articles 3, 19, 25, 34 and 37 specifically reference children's rights and the obligations of states in terms of child protection and safety.

Available online: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

14.2 Commonwealth legislation and policy

Archives Act 1983

Available online: <https://www.legislation.gov.au/Series/C2004A02796>

General Records Authority for Child Sexual Abuse Incidents and Allegations

Available online: <https://www.naa.gov.au/information-management/records-authorities/types-records-authorities/general-records-authority-41>

Crimes Act 1914

Available online: <https://www.legislation.gov.au/Series/C1914A00012>

Criminal Code Act 1995

Available online: <https://www.legislation.gov.au/Series/C2004A04868>

Family Law Act 1975 (Cth)

Available online: https://www.legislation.gov.au/Details/C2019C00101/Html/Volume_1

Human Rights Act 2004 (ACT)

Available online: http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/hra2004148/

Mapping to the Information Management Standard for Australian Government

Available online: <https://www.naa.gov.au/information-management/information-management-standards/information-management-standard-australian-government/recommendations-royal-commission-institutional-responses-child-sexual-abuse>

Public Governance, Performance and Accountability Act 2013

Available online: <https://www.legislation.gov.au/Series/C2013A00123>

Public Service Act 1999

Available online: <https://www.legislation.gov.au/Series/C2004A00538>

14.3 State and territory legislation and policy

Working with children / vulnerable people requirements by jurisdiction

Jurisdiction	WWCC/WWVP legislation	WWCC/WWVP mandatory reporting requirements
Australian Capital Territory	<i>Working with Vulnerable People (Background Checking) Act 2011</i>	Working with Vulnerable People registration requirements: Working with vulnerable people (WWVP) registration (act.gov.au) Mandatory reporting requirements: Keeping Children and Young People Safe - Community Services (act.gov.au) Mandatory reporting legislation Children and Young People Act 2008 (ACT)
New South Wales	<i>Child Protection (Working with Children) Act 2012</i>	Working with Children Check requirements: Working with Children Check Mandatory reporting requirements: Mandatory reporting legislation: Children and Young Persons (Care and Protection) Act 1998 No 157(NSW)
Northern Territory	<i>Care and Protection of Children Act 2007</i>	Ochre Card requirements: Working with children clearance: apply and renew Mandatory reporting requirements: Care and Protection of Children Act 2007(NT)
Queensland	<i>Working with Children (Risk Management and Screening) Act 2000</i>	Queensland Blue Card requirements: Blue Card Services Mandatory reporting requirements: Child Protection Act 1999 (QLD)
South Australia	<i>Children and Young People (Safety) Bill 2017</i>	Working with Children Check requirements: Working with child check Mandatory reporting requirements: Children and Young People (Safety) Act 2017 (SA) Child Safety (Prohibited Persons) Act 2016 (SA)
Tasmania	<i>Registration to Work with Vulnerable People Act 2013</i>	Working with Vulnerable People registration requirements: Licensing and Registration Mandatory reporting requirements: Children, Young Persons and Their Families Act 1997 (TAS)
Victoria	<i>Working With Children Act 2005</i>	Working with Children Check requirements: Applicants Mandatory reporting requirements: Children, Youth and Families Act 2005 (VIC) Working with Children Act 2005 (VIC)
Western Australia	<i>Working with Children (Criminal Record Checking) Act 2004</i>	Working with Children Check requirements: Working with Children Check Mandatory reporting requirements: Children and Community Services Act 2004 (WA)

Child protection legislation by jurisdiction

Jurisdiction	Principal legislation	Other relevant legislation
Australian Capital Territory	<i>Children and Young People Act 2008</i>	<i>Children and Young People (ACT Childcare Services) Standards 2009 (No. 1)</i> <i>Children and Young People (Employment) Standards 2011 (No. 1)</i> <i>Crimes (Child Sex Offenders) Act 2005</i> <i>Family Violence Act 2016</i>
Northern Territory	<i>Care and Protection of Children Act</i>	<i>Child Protection (Offender Reporting and Registration) Act</i> <i>Children's Commissioner Act 2013</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Advocate for Children and Young People Act 2014</i> <i>Child Protection (International Measures) Act 2006</i> <i>Child Protection (Offenders Prohibition Orders) Act 2004</i> <i>Child Protection (Offenders Registration) Act 2000</i> <i>Child Protection (Working with Children) Act 2012</i> <i>Industrial Relations (Child Employment) Act 2006</i>
Victoria	<i>Children, Youth and Families Act 2005</i>	<i>Child Employment Act 2003</i> <i>Child Wellbeing and Safety Act 2005</i> <i>Commission for Children and Young People Act 2012</i> <i>Sex Offenders Registration Act 2004</i>
Queensland	<i>Child Protection Act 1999</i>	<i>Child Employment Act 2006</i> <i>Child Protection (International Measures) Act 2003</i> <i>Commission for Children and Young People and Child Guardian Act 2000</i> <i>Director of Child Protection Litigation Act 2016</i>
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>	<i>Child Care Act 2001</i> <i>Child Protection (International Measures) Act 2003</i> <i>Commissioner for Children and Young People Act 2016</i>
Western Australia	<i>Children and Community Services Act 2004</i>	<i>Child Care Services Act 2007</i> <i>Commissioner for Children and Young People Act 2006</i> <i>Community Protection (Offender Reporting) Act 2004</i>
South Australia	<i>Children and Young People (Safety) Act 2017</i>	<i>Child Protection Review (Powers and Immunities) Act 2002</i> <i>Child Safety (Prohibited Persons) Act 2016</i> <i>Child Sex Offenders Registration Act 2006</i> <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i> <i>Family and Community Services Act 1972</i>

14.4 National Principles for Child Safe Organisation

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

¹ [National Principles | Child Safe Organisations \(humanrights.gov.au\)](https://www.humanrights.gov.au/national-principles-child-safe-organisations)



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