

CHILD SAFETY & WELLBEING POLICY

Section 1.1: Overview of Policy & Accompanying Documents

Purpose

This policy outlines how Aligned Leisure will deliver on its commitment to the safety and wellbeing of children and young people (under 18 years) (**Children & Young People**) who engage with Aligned Leisure through wide variety of services and programs at its leisure centre facilities (**Facilities**). This extends to the participation in any service or activity organized or sanctioned by Aligned Leisure which involves Children or Young People (including charity events, fundraising events and school-based programming) (**Aligned Leisure Activities**).

Policy

Aligned Leisure has a zero-tolerance approach to any form of Child Abuse or Harm by adults or other Children & Young People and are committed to providing a Safe Environment for all Children & Young People and their families who participate in Aligned Leisure Activities. This policy affirms that the welfare and safety of Children & Young People is its primary consideration.

This policy outlines what the responsibilities of directors, employees, contractors and volunteers are to safeguard Children & Young People and to ensure that they know what to do and who to tell if during the course of or in connection with Aligned Leisure's Activities:

- they observe an incident of Child Abuse or Harm of a Child or Young Person;
- an allegation that an incident of Child Abuse or Harm of a Child or Young Person has occurred is made to them;
- they suspect Child Abuse or Harm of a Child or Young Person has occurred is occurring or is about to occur; or
- they receive a disclosure from a Child or Young Person (or any related person, e.g., a parent or carer) that Child Abuse or Harm of that Child or Young Person (or another Child or Young Person) has occurred.

This policy takes into consideration that special regard must be had to the individual cultural or general vulnerability of certain Children & Young People. Children & Young People who:

- are from Aboriginal or Torres Strait Islander backgrounds;
- are culturally, linguistically and/or religiously diverse;
- come from refugee backgrounds;
- have a disability; or
- have diverse genders and/or sexualities

may be more vulnerable than others. Care should be taken to accommodate the broad spectrum of experiences and backgrounds of these Children & Young People.

Scope

This policy applies to all Club directors, employees, contractors and volunteers.

Responsibilities

This policy will be overseen by the General Manager – Human Resources.

It will be the responsibility of the General Manager – Human Resources and the Leisure Managers to ensure appropriate education and support pathways are in place for all directors, employees, contractors and volunteers to access.

Definitions

Certain key definitions are used throughout this Policy. These definitions are set out in Appendix 1.

Child Safety and Wellbeing Commitment

Aligned Leisure has a zero-tolerance approach to any form of Child Abuse or Harm. The Child Safety and Wellbeing Commitment (**Commitment**) outlines Aligned Leisure's specific commitments to protect Children & Young People in its care from Child Abuse or Harm and create and maintain a child safe culture that is clearly understood, communicated, supported and enacted throughout Aligned Leisure by its directors, employees, contractors and volunteers. The Commitment is attached at Appendix 2 to this policy.

Child Safety & Wellbeing Code of Conduct

All Club directors, employees, contractors and volunteers must sign and comply with the Child Safety & Wellbeing Code of Conduct (which sets standards of behaviour required by Aligned Leisure in terms of a person's involvement with Children & Young People during and in connection with Aligned Leisure Activities). The Child Safety & Wellbeing Code of Conduct is attached at Appendix 3 to this policy.

Review

This policy and associated documents will be reviewed at least every two years as part of our ongoing compliance with Children & Young People safety and wellbeing requirements. Some circumstances may trigger an earlier review including but not limited to legislative changes, organisation changes, incident outcomes and other matters deemed appropriate by the Board, Risk, Compliance & Integrity Committee and/or the Chief Executive Officer.

Section 1.2: A safe inclusive environment for Children and Young People

Children & Young People's empowerment and participation

Aligned Leisure engages with Children & Young People in a wide variety of ways. As part of this, Aligned Leisure actively seeks to include Children & Young People's views and ideas in our planning, delivery, and review of company Activities.

Aligned Leisure supports Children and Young People's empowerment and participation in the following ways:

- clear information is provided to all children and young people participating in company Activities about their rights, including the right to be safe at the our facilities, and what they can do if they feel unsafe;
- regular discussions are had with Children & Young People, including conversations with them on what makes them feel safe and unsafe during company Activities;
- feedback from Children & Young People is proactively sought about company Activities, including the physical environment, policies, procedures, programs and/or staffing. Children and Young People's views are collected by staff, provided to management, and considered in decision-making processes;
- information provided to Children & Young People and their families about company Activities and child safety is given in a variety of ways in order serve their diverse needs.

Aligned Leisure wants Children & Young People to feel safe, welcomed, and included in all company Activities that they participate in, and expect them to create such an environment for their peers. Aligned Leisure does not tolerate Child Abuse or Harm between Children & Young People and will act if this occurs.

Families and communities

Aligned Leisure recognises the important role of families and communities in a Child or Young Person's life.

Aligned Leisure communicates regularly with parents, guardians, carers and other members of the Child or Young Person's broader communities, all of whom are welcome to provide feedback or raise concerns at any time either directly or through Aligned Leisure's contact email address.

Aligned Leisure provides information to families and community about our Child Safety and Wellbeing policies and practices by publishing this Child Safety and Wellbeing Policy and Child Safety and Wellbeing Commitment on our website at <https://alignedleisure.com.au/about-us/management-systems/>

Creating culturally safe environments for all Aboriginal and Torres Strait Islander children and their families

Aligned Leisure is committed to creating environments where Aboriginal culture is celebrated, and Aboriginal Children & Young People and their families and community members are welcomed and included. Strategies to embed cultural safety for Aboriginal Children & Young People include:

- an Acknowledgement of Country at all significant meetings or presentations;

- consulting with families and members of the Aboriginal community to identify opportunities to promote Aboriginal culture and practices in company Activities;
- providing opportunities for Children & Young People to share their cultural identity and express their culture during company Activities;
- supporting Children & Young People who wish to explore their culture, including consulting with their family and relevant Aboriginal organisations;
- providing training for staff and volunteers on the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal Children & Young People;
- celebrating NAIDOC Week and acknowledging significant events including Dreamtime, National Sorry Day, and National Reconciliation Week; and
- seeking feedback from Aboriginal children, families, and communities on their experience at Aligned Leisure, particularly how safe they feel expressing their identity including their culture.

Diversity and inclusion

Aligned Leisure values diversity and equity for all Children & Young People. To achieve this, Aligned Leisure:

- provides training for all employees and volunteers on understanding diversity and how to support inclusion and cultural safety for Children and Young People;
- welcomes and supports participation of all Children & Young People, including Children & Young People with disability, Children & Young People from culturally and linguistically diverse backgrounds, those who are unable to live at home, LGBTIQ Children & Young People and Aboriginal Children & Young People and their families;
- have zero tolerance of racism and other forms of discrimination and act when required;
- deliver programming that reflects the diversity of our Children & Young People, their interests and cultures;
- strive to reflect the diversity of the broader community through representation in Aligned Leisure's staff and volunteers;
- acknowledge and celebrate important cultural dates, such as NAIDOC week, Reconciliation Week, Pride month, Ramadan, and others;
- commit to ensuring Aligned Leisure's facilities and online activities promote inclusion of Children & Young People of all abilities.

Section 1.3: Risk Management

Aligned Leisure recognises the importance of identifying and managing risks of Child Abuse or Harm in physical and online company Activities.

We have conducted and documented the Operational and Corporate level risk assessments to manage inherent and residual risks of child abuse and harm at Aligned Leisure. We will ensure that any risk controls put in place balance the need to manage harm with the benefits of participating in company Activities.

Section 1.4: Staff Recruitment & Screening

Recruitment and screening procedures have been developed to ensure that Aligned Leisure recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to Children & Young People.

Aligned Leisure takes the following steps:

- The recruitment process, including selection criteria, advertising, interviews, and reference checks will include relevant measures to appropriately ascertain the suitability of the candidate to hold a position that works with children and identify any potential risk factors.
- Whenever possible, no position as an employee, contractor or volunteer is to be offered until after the satisfactory completion of the relevant background and screening checks.
- Where this is not possible, appointment of that person should be contingent on Aligned Leisure receiving a satisfactory background and screening check.
- At a minimum, and subject always to the relevant Child Protection Legislation, if a new employee, contractor or volunteer does not have a current WWCC, they can commence employment (on the basis that such commencement of employment is contingent on obtaining a satisfactory background and screening check), provided they have lodged a WWCC application *prior* to commencement and Aligned Leisure has sighted that application documentation prior to the person commencing their position.
- Otherwise, for roles with direct and immediate access to Children & Young People a satisfactory check is required *prior* to commencement. Such staff cannot commence their position until the WWCC is obtained.

Aligned Leisure only recruits employees, contractors and volunteers with appropriate qualifications, experience and standing and if at any stage (including before or after commencing their position):

- it is discovered that any aspect of the person's curriculum vitae or the references or background are dishonest, misleading or unsatisfactory; or
- a Negative Interim Notice or Negative Notice is issued to that person,

Aligned Leisure will be entitled to terminate the contract immediately without notice (subject to the individual employment/engagement contract).

Working with Children Checks

In accordance with relevant Child Protection Legislation, Aligned Leisure requires all employees, contractors and volunteers of Aligned Leisure, who work with Children and Young People, to obtain a relevant Working with Children Check or equivalent (**WWCC**). Further to this, all full time and part time staff members who do not have a role working with Children & Young People, but who may interact with Children & Young People from time to time on a volunteer basis due the nature of Aligned Leisure Activities, must obtain a volunteer WWCC.

All employees must:

- maintain a current employee or volunteer WWCC at all times;
- include Aligned Leisure as the employer / volunteer organisation on their WWCC and change the organisation details upon joining or leaving Aligned Leisure; and

- inform Aligned Leisure when a Negative Interim Notice or a Negative Notice is issued.

It is the responsibility of all employees, contractors and volunteers to pay for and maintain their WWCC as required.

Third party contractors

Aligned Leisure must ensure that any third party contractors that are engaged by Aligned Leisure to provide services to Children & Young People as part of the company Activities are required to comply with this policy and any related requirements such as all applicable Child Protection Legislation), including maintaining evidence of up-to-date Working with Children checks of its staff, to ensure the safety and wellbeing of the Children & Young People.

Section 1.5: Conduct within Occasional Care

Safe practices for digital technologies and personal devices

The safety and wellbeing of Children & Young People attending our Occasional Care Centres is our highest priority. As part of this commitment, Aligned Leisure is required to carefully monitor how Children & Young People's images and videos are captured, stored, used and shared. This requirement is outlined in the National Model Code For Early Childhood Education and Care, which emphasises:

- only service-issued electronic devices should be used when taking images or videos of Children & Young People while providing education and care (ie devices used specifically mandated by Aligned Leisure);
- personal electronic devices that can take photos or videos (such as tablets, phones, digital cameras, smart watches) and personal storage and file transfer media (such as SD cards, USB drives, hard drives and cloud storage) should not be in the possession of any person while providing education and care and working directly with Children & Young People; and
- staff must store personal electronic devices or personal storage media devices in their individual, secure locker at the beginning of each shift.

However, there are limited exceptions to these requirements. A personal electronic device may be authorised for the following essential purposes:

- communication in an emergency situation involving a lost child, injury to child or staff member, or other serious incident, or in the case of a lockdown or evacuation of the service premises;
- personal health requirement (e.g. heart or blood sugar level monitoring);
- disability of a staff member (e.g. where a personal electronic device is an essential means of communication for a staff member);
- family necessity (e.g. a staff member with an ill or dying family member);
- technology failure (e.g. when a temporary outage of Aligned Leisure's service-issued electronic devices has occurred); and
- local emergency event occurring, to receive emergency notifications through government warning systems, for example, bushfire evacuation text notification.

Staff cannot use their personal electronic devices for taking photos or recording videos of Children & Young People under any circumstances.

Section 1.6: Breach of this Policy

It is a serious breach of this policy (and where applicable the Child Protection Legislation* at appendix 6), if any director, employee, contractor or volunteer:

- engages in Child Abuse, or Harms, exploits or mistreats a Child or Young Person who is involved in any of Aligned Leisure Activities;
- fails to report an incident, allegation, suspicion, or disclosure of Child Abuse or Harm of a Child or Young Person;
- fails to follow all policies relating to the safety and protection and welfare of Children & Young People, such as this policy and the Child Safety & Wellbeing Code of Conduct;
- fails to report or disclose to a supervisor or the General Manager – Human Resources, or their delegate, any actual or suspected breach of the Code of Conduct or Child Safety & Wellbeing Policy (which may also constitute criminal offences);
- discloses to any unauthorised person or organisation any information in relation to a complaint under this policy of a private, confidential or privileged nature; and
- victimises another person or Child or Young Person for making a complaint.

It is a breach of this policy if any Leisure Managers:

- appoint or continue to appoint a person to a role which involves working with Children or Young Persons where that person does not have the requisite WWCC or background check or fails to meet the requirements of the requisite WWCC or background check; and
- appoint or continue to appoint a person who is in breach of this policy or any other child safety related policy, such as the Child Safety & Wellbeing Code of Conduct.

Aligned Leisure views such failure as a serious matter that, depending on the circumstances, may result in disciplinary action in accordance with Aligned Leisure's Disciplinary Procedures Policy or be grounds for dismissal. Disciplinary action may follow any breach found to be substantiated.

*In Victoria, there may also be serious criminal consequences for failing to report or deal with Child Abuse or Harm committed against Children & Young People. For example:

Failure to Disclose

Victoria

All adults (aged 18 years or over) must report to police if they form a Reasonable Belief that a Sexual Offence has been committed by an adult against a Child or Young Person (aged under 16 years) in Victoria. It is a criminal offence for an adult not to report this Reasonable Belief to the police unless they have a reasonable excuse for not reporting. Note that:

- this applies to all adults whether they have a child related job or not and whether they form this reasonable belief in their professional or private lives;
- a "reasonable excuse" not to report includes:

- if you fear that making a report to police will put your safety or someone else's safety at risk (other than the alleged perpetrator); or
- you have a Reasonable Belief that somebody else has already made a report to police and there is nothing further to add.

New South Wales

All adults (aged 18 years or over) must report to police if they form a Reasonable Belief that a "child abuse offence" has been committed by an adult against a Child or Young Person (aged under 18 years) in Victoria. It is a criminal offence for an adult not to report this Reasonable Belief to the police unless they have a reasonable excuse for not reporting.

Note that "*child abuse offence*" includes Sexual Offences and certain serious forms of Physical Abuse and Neglect (which constitute offences under the *Crimes Act 1900* (NSW)).

Failure to Protect

Victoria

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as a director, employee, contractor, volunteer) poses a substantial risk of Sexual Abuse to a relevant Child or Young Person (under 16 years) under the care, authority or supervision of Aligned Leisure, must take steps to remove or reduce that risk (e.g., removing the adult from child-related work pending investigation). It is a criminal offence if a staff member has the power or authority to remove that substantial risk, but they negligently fail to do so.

Note that:

- a "person with authority" will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. It will not necessarily be limited to those in management roles;
- whether there is a "substantial risk" that an adult associated with the organisation may commit a sexual offence against a Child or Young Person will depend on a number of factors and individual circumstances (i.e., it does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a Child or Young Person); and
- "*negligently fail* to reduce or remove a substantial risk refers to a failure that involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances (eg a moving an adult who poses a substantial risk to Children or Young People from one location in an organisation to another location where they still have contact with Children or Young People).

New South Wales

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as a director, employee, contractor, volunteer) who engages in "child related work" poses a serious risk of committing a "child abuse offence" against a Child or Young Person (under 18 years) under the care, authority or supervision of Aligned Leisure, must take steps to remove or reduce that risk (e.g. removing the adult from child-related work pending investigation). It is a

criminal offence if a staff member has the power or authority to remove that substantial risk, but they negligently fail to do so. Note that:

- “*child related work*” defined in the *Child Protection (Working with Children) Act 2012* (NSW) and covers organisations such as recreational or sporting bodies providing programs or services and childcare services.
- “*child abuse offence*” includes Sexual Offences and certain serious forms of Physical Abuse and Neglect (which constitute offences under the *Crimes Act 1900* (NSW)).

Section 1.7 Internal Reporting & Investigation Procedure

All directors, employees, contractors and volunteers must follow the reporting procedure in this policy and outlined in the Child Safety Incident Response Flowchart (attached at Appendix 4 of this policy) if, during the course of or in connection with Aligned Leisure's Activities:

- they observe an incident of Child Abuse or Harm of a Child or Young Person;
- an allegation that an incident of Child Abuse or Harm of a Child or Young Person has occurred is made to them;
- suspect Child Abuse or Harm of a Child or Young Person has occurred, is occurring or is about to occur; or
- receive a disclosure from a Child or Young Person (or any related person) that Child Abuse or Harm of that Child or Young Person or another Child or Young Person has occurred.

They must report to their manager, Head of Department, Head of People & Compliance or Leisure Manager and then complete with that person the Child Safety Incident Report Form as soon as possible in accordance with the Child & Young Person Incident Response Flowchart. The Child Safety Incident Report Form is also attached at Appendix 4 and is available to all staff on Aligned Leisure's internal risk management system.

In line with the Aligned Leisure's policy on *Managing Unsatisfactory Performance and Conduct* (see Aligned Leisure's *HR Policies & Procedures*), the General Manager – Human Resources will determine appropriate action which may include:

- starting an internal investigation which may require appointing an independent external investigator (e.g., if there is a serious allegation against an Aligned Leisure representative);
- taking certain actions depending on the outcomes of the internal or external investigation which may require disciplinary action; and/or
- referral of the matter to external authorities (Refer to External Reporting Procedure below).

Staff and volunteers may be subject to actions to support the safety and wellbeing of Children & Young People during or following an investigation, including:

- being stood down during an investigation;
- having their duties altered so they do not engage with Children and Young People at Aligned Leisure;
- not allowing unsupervised contact with children at Aligned Leisure;
- removing their access to Aligned Leisure IT system and facilities; or

being terminated following an investigation if appropriate.

Confidentiality of Investigation Process

The People & Culture Manager and all involved in any internal report must at all times maintain appropriate confidentiality throughout the investigation process and after the conclusion of the investigation process. This is subject to any requirements under the Child Protection Legislation regarding disclosure (e.g., If a member of staff becomes aware of Sexual Abuse committed against a Child or Young Person, they must disclose such abuse to the police).

The People & Culture Manager must ensure that any record of a disclosure or complaint is kept in a secure and confidential place.

Sensitivity During the Investigation Process

All persons involved in any Investigation Process must be aware of and regard as a priority the sensitive nature of the process. All reasonable steps must be taken to ensure that the psychological and general sensitivity of Children and Young Persons is protected during the Investigation Process, especially if the Child and Young Person is a complainant in the investigation process.

Some Children or Young People experience difficulties speaking out or making complaints against adults due to a variety of cultural norms, such as Children & Young People from Aboriginal and Torres Strait Islander backgrounds or other culturally and linguistically diverse backgrounds. Children & Young People may experience difficulties with reading, writing, or expressing themselves verbally, which may impact their ability to voice or make complaints.

Special regard must be had to the individual cultural or general vulnerability of those Children & Young People. Children & Young People who are from Aboriginal or Torres Strait Islander backgrounds, are culturally, linguistically and/or religiously diverse, come from refugee backgrounds, who have a disability, or who have diverse genders and/or sexualities may be more vulnerable than others. Care should be taken to accommodate the broad spectrum of experiences and backgrounds of these Children & Young People.

Section 1.8: External Reporting Requirements & Procedure

There are certain circumstances where individuals (and/or Aligned Leisure) will be legally required to report to an external authority. The procedure for external reporting procedures is outlined in the Children & Young People Incident Response Flowchart.

Reporting to Police

If a Child or Young Person is at imminent risk of harm or in immediate danger, the police must be notified immediately by calling 000. As noted above, in Victoria, there is a clear legal duty upon all adults to report to police if they form a “reasonable belief” that a Sexual Offence has been committed by an adult against a Child or Young Person (aged under 16 years).

Reporting to Child Protection by Individuals (as “Mandatory Reporters”)

'Mandatory reporting' refers to legislative requirements imposed on specific classes of persons to report suspected or actual cases of Sexual Abuse and/or Physical Abuse perpetrated by a parent to government authorities (i.e., in Victoria, DHS - Child Protection). These generally include teachers, registered health practitioners, police and welfare-related officers, youth workers and school counsellors (in Victoria, refer to <https://providers.dhhs.vic.gov.au/mandatory-reporting>).

If an individual receives a complaint under this policy and is classified as a mandatory reporter in their relevant profession, and holds a “Reasonable Belief” that:

- a Child or Young Person has suffered or is likely to suffer significant harm due to Sexual Abuse and/or Physical Abuse; and
- the Child or Young Person’s parents have not protected, or are unlikely to protect, the Child or Young person from such harm.

The individual is personally legally responsible for reporting their belief to the relevant external authority.

If any individual within this policy requires assistance in determining whether they should report a complaint they should immediately speak to the General Manager – Human Resources.

Reporting to Child Protection by Aligned Leisure

It may also be appropriate to notify Child Protection if there is a belief that a Child or Young Person needs protection outside of Aligned Leisure Activities.

The decision to make a voluntary report to child protection (or another body) should always be made on a case-by-case basis.

If any individual within this policy requires assistance in determining whether they should report a complaint they should immediately speak to the General Manager – Human Resources.

Reportable Conduct Schemes

In certain States and Territories there are reportable conduct schemes which requires organisations which provide services to Children & Young People to notify the relevant statutory authority of certain forms of ‘reportable conduct’ involving Child Abuse.

Victoria

In Victoria, the reportable conduct scheme is administered by the Commission for Children & Young People (CCYP). The scheme requires the “heads of organisation” that provide services to Children & Young People to notify CCYP within 3 business days of becoming aware of an allegation of “reportable conduct” by an officer, employee, contractor or volunteer of the organization, whether that conduct occurred within or outside of work. Within thirty (30) calendar days, the heads of organisation must provide to CCYP detailed information about the allegations and their proposed response.

“Reportable conduct” includes:

- a Sexual Offence (e.g., sexual assault, indecent acts, possession of Child Abuse material, Grooming)
- sexual misconduct: captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal (e.g., conduct that amounts to misconduct; is of a sexual nature and occurred against or in the presence of a Child or Young Person)
- Physical Abuse (i.e., committed against, with or in the presence of a Child or Young Person);
- Emotional or Psychological Abuse; and
- Neglect.

A reportable allegation is made where a person makes an allegation based on a reasonable belief that a director, employee, contractor, or volunteer has committed any of the above “reportable conduct”. It must be more than suspicion and must have an objective basis for the belief. However, it’s not the same as having proof and does not require certainty (e.g., observed the conduct themselves; heard directly from a Child or Young Person that the conduct occurred; received information from another credible source (including another witness)).

It is a criminal offence for a head of an organisation to fail to comply with the 3-business-day and 30-calendar-day notice obligations without a ‘reasonable excuse’. The reportable conduct scheme does not replace or interfere with police investigations. A police investigation into any matter takes priority over a reportable conduct investigation. The CCYP will work with the police where necessary. Aligned Leisure is bound by the reportable conduct scheme and the “Head of Organisation” at Aligned Leisure is the Chief Executive Officer.

New South Wales

Under the Children's Guardian Act 2019, an organisation covered by the NSW reportable conduct scheme is a 'relevant entity' and these are listed in Schedule 1 of the Act (13 in total) which are:

- the Department of Education, including a government school within the meaning of the [Education Act 1990](#)
- the Ministry of Health
- a local health district within the meaning of the [Health Services Act 1997](#)
- a non-government school within the meaning of the [Education Act 1990](#)
- a designated agency
- an approved education and care service within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#) or the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#)

- that part of Youth Justice within the Department of Communities and Justice comprising the group of staff who are principally involved in the administration of an Act administered by the Attorney General, and Minister for the Prevention of Domestic Violence and the Minister for Families, Communities and Disability Services
- that part of the Department of Communities and Justice comprising the group of staff who are principally involved in the administration of an Act administered by the Minister for Families, Communities and Disability Services
- a statutory health corporation within the meaning of the [Health Services Act 1997](#)
- an affiliated health organisation within the meaning of the [Health Services Act 1997](#)
- the Ambulance Service of NSW within the meaning of the [Health Services Act 1997](#)
- the TAFE Commission within the meaning of the [Technical and Further Education Commission Act 1990](#)
- an agency providing substitute residential care for children.

Key Contact Numbers and Support Services

The key contact numbers for external reporting and details of support services are listed in Appendix 5.

Appendix 1

Definitions

Term	Definition
Child Abuse	<p>Child Abuse is the mistreatment by an adult or another Child or Young Person of a Child or Young Person that has harmed, is harming or is likely to harm or endanger or put at risk that Child or Young Person's physical or emotional health, development or wellbeing.</p> <p>Examples include but are not limited to:</p> <ul style="list-style-type: none"> • Physical Abuse; • Emotional or Psychological Abuse; • Sexual Abuse; • Sexual Exploitation; • Harassment (including Sexual Harassment); and • Neglect.
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and may include:</p> <ul style="list-style-type: none"> • verbal (teasing (e.g., name calling), put downs, constant criticism, ridicule, threats); • physical (hitting, punching, kicking, scratching, tripping, spitting); • social (ignoring, excluding, ostracising, alienating); or • psychological (spreading rumours, stalking, dirty looks, continual coldness, hiding or damaging possessions). <p>Bullying includes cyber bullying (bullying through social media, the internet or any other electronic means), which can also have lasting and damaging consequences.</p>
Child or Young Person / Children or Young People	<p>A Child or Young Person is a person under the age of eighteen (18) years*.</p> <p>*Note that there are some criminal offences under the Child Safety Legislation that apply to Children or Young People under the age of sixteen (16) years.</p>
Child Protection Legislation	<p>The laws and regulations which are relevant to the protection and safety of Children & Young People (attached at Appendix 6 of this policy).</p>
Emotional or Psychological Abuse	<p>Emotional or Psychological Abuse occurs when a Child or Young Person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Examples include:</p> <ul style="list-style-type: none"> • repeated rejection or threats, including threats of violence; • Bullying (verbal, social and psychological).

	<ul style="list-style-type: none"> • allowing Children or Young People to witness the physical or emotional abuse of others; or • encouraging a culture that promotes and approves of the above behaviours. <p>These behaviours continue to an extent that results or has the potential to result in significant damage to the Child or Young Person's physical, intellectual or emotional wellbeing and development.</p>
Family Violence	<p>Family Violence covers a range of behaviours committed by a one family member against another family member which aims or causes that member to be fearful. They may include:</p> <ul style="list-style-type: none"> • Physical Abuse; • Sexual Abuse; • Emotional or Psychological Abuse; • encouraging a culture that promotes and approves of the above behaviours; • stalking, kidnapping or deprivation of liberty, damage to property, causing injury or death to an animal and economic abuse; and <p>behaviour that causes a Child or Young Person to be exposed to each of the above behaviour and the effects such behaviour.</p>
Grooming	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds or seeks to build a relationship of apparent trust with a Child or Young Person with a view to abusing them at some later stage.</p> <p>There is no set pattern but for some perpetrators, there will be a lengthy period of time before the abuse begins. The Child or Young Person 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 other sexual behaviour. Other perpetrators may draw a Child or Young Person in and abuse them relatively quickly.</p> <p>Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports, and religious activities, or in internet "chatrooms", in social media or by other technological channels. Examples of grooming may include:</p> <ul style="list-style-type: none"> • giving gifts or special attention to a Child or Young Person, or their parent or carer, which makes the Child or Young Person feel special or indebted to an adult; and <p>making close physical contact of a sexual nature, such as play-fighting, cuddling, or inappropriate tickling.</p>

Harassment	Harassment is any type of behaviour that the recipient does not want, being offensive, abusive, belittling or threatening behaviour. Harassment may be verbal or non-verbal, implicit or explicit, and may be one action or a series of repeated actions.
Harm	Harm is any detrimental effect of a significant nature on the Child's or Young Person's physical, emotional or psychological wellbeing and can include any form of inappropriate behaviour against a Child or Young Person. It is immaterial how the harm is caused. It can be caused by Physical Abuse, Sexual Abuse, Emotional or Psychological Abuse or Neglect.
Neglect	Neglect is the persistent failure or deliberate failure or denial to provide the Child or Young Person with the basic necessities of life. Examples include: 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, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.
Physical Abuse	<p>Physical Abuse occurs when a person subjects a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child or Young Person. Physically abusive behaviour may include:</p> <ul style="list-style-type: none"> • shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; • giving of harmful substances such as drugs, alcohol or poison; and <p>certain punishments, whilst not causing injury, can also be considered physical abuse if they place a Child or Young person at risk of being hurt.</p>
Reasonable Belief	<p>A reasonable belief is formed if a reasonable person, doing the same work, would have formed the same belief on those grounds, based on the same information. Grounds for forming a belief are matters of which the person has become aware and any opinions in relation to those matters. A reasonable belief that certain conduct has occurred does not require proof. Also, a person does not have to have proof before they report certain conduct (e.g., Refer to Breach of this Policy - failure to disclose offence). However, it does require more than a mere rumour or speculation</p> <p>Forming a belief on reasonable grounds may include:</p> <ul style="list-style-type: none"> • a Child or Young Person stating that they have been abused; • any person stating that they believe a Child or Young Person has been abused; • physical indicators of abuse (e.g., non-accidental or unexplained injuries);

	<ul style="list-style-type: none"> • persistent neglect, or inadequate care and supervision leading to the belief that the Child or Young Person has been abused; • behavioural indicators of abuse leading to the belief that a Child or Young Person has been abused (e.g., unusual fear of physical contact with adults' aggressive behaviours, disproportionate reaction to events); and/or <p>other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the Child or Young Person's safety, stability or development.</p>
Safe Environment	<p>Safe environment means an environment where:</p> <ul style="list-style-type: none"> • Children & Young People are safe and feel secure, supported, and respected; and • the risks of Child Abuse or Harm being perpetrated by other adults and/or other Children & Young People during Aligned Leisure Activities are minimized. <p>All employees, contractors and volunteers must also ensure that Children & Young People are not knowingly exposed or returned to an unsafe environment (e.g., to the Child or Young Person's home where Family Violence may be occurring). Refer to Internal Reporting Procedure and External Reporting Procedure above.</p>
Sexual Abuse	<p>Sexual Abuse occurs when an adult or a person of authority involves a Child or Young Person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the Child or Young Person for their own benefit*. It can include:</p> <ul style="list-style-type: none"> • making sexual comments to a Child or Young Person; • engaging Children & Young People to participate in sexual conversations over the internet or on social media; • "contact behaviour" such as kissing or touching a Child or Young Person's genitals or breasts, oral sex or sexual intercourse with a Child or Young Person; • encouraging a Child or Young Person to view pornographic magazines, websites, and videos; and • in sport, coaching techniques or remedial work which requires physical contact with Children or Young People can create situations where Sexual Abuse can occur and be disguised. <p>*Perpetrators may also include other Children or Young People (normally between 10 – 17 years) who exert power over another Child or Young Person and display sexually abusive behaviours.</p>
Sexual Exploitation	<p>Sexual Exploitation occurs when Children or Young People are forced into sexual activities that are then recorded in some way and/or used to produce</p>

	<p>pornography. Such pornography can be in the form of actual photos or videos which may be published on the internet or electronically (e.g., text messages) or otherwise stored by the person. Sexual Exploitation can also include involving a Child or Young Person as a spectator in prostitution or any other act of a sexual nature.</p>
Sexual Harassment	<p>Sexual Harassment means unwanted, unwelcome, or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated, or offended. Sexual Harassment can take many different forms and may include:</p> <ul style="list-style-type: none"> • unwanted physical contact, verbal comments, jokes, or propositions; • displays of pornographic or offensive material communicated by remote means (i.e., via email, text, or social media); and <p>other behaviour that creates a sexually hostile environment.</p>
Sexual Offence	<p>Sexual offence means a <u>criminal</u> offence involving sexual activity or actions of indecency that a person has not consented to, and it can refer to a broad range of sexual behaviours that make the victim feel uncomfortable, frightened, or threatened.</p> <p>A sexual offence includes:</p> <ul style="list-style-type: none"> • a sexual offence as set out in Division 1 Subdivision 8 of the <i>Crimes Act 1958</i> (Vic) (refer to www.legislation.vic.gov.au) or <i>Division 10 of Part 3 of the Crimes Act 1900</i> (NSW) (refer to www.legislation.nsw.gov.au/) • an assault that occurs in the circumstances of indecency; or • an assault of a sexual nature.

Appendix 2

Child Safety & Wellbeing Commitment

Our purpose and responsibilities

Aligned Leisure (**we**) engages with children and young people (under 18 years) (**Children & Young People**) through a wide variety of services and programs at our leisure centre facilities. It includes any service or activity sanctioned by Aligned Leisure in which Children and Young Persons participate.

We have a zero-tolerance approach to any form of child abuse, harm, mistreatment or exploitation by adults or other Children & Young People (**Child Abuse or Harm**). We are committed to providing an environment (both physical and online) and culture that is caring and safe for all Children & Young People within our care. We want Children & Young People and their families to feel safe, supported, respected and encouraged to reach their full potential.

Together with our Board, players, staff, contractors and volunteers (**people**), we have the responsibility to:

- protect Children & Young People in our care from all forms of Child Abuse or Harm; and
- create and maintain a child safe culture that is clearly understood, communicated, supported and enacted.

Our commitment

As part of our protection of the Children & Young People that we work with and adherence to the Victorian Child Safety Standards, we will maintain a child safe and inclusive culture by:

- ensuring that child safety and wellbeing is reflected in our Child Safety & wellbeing Code of Conduct, Safety & Wellbeing Policy and broader Human Resources policies and procedures (Children & Young People Safety Policies) which are accessible and communicated to our people;
- enforcing the Children & Young People Safety Policies, which includes setting clear standards of behaviour for our people and holding them to account if they fail to adhere to those standards;
- considering and respecting the diversity of Children & Young People's circumstances and backgrounds including the differing needs of:
 - Aboriginal and/or Torres Strait Islander Children Young People; and/or
 - Children & Young People from cultural linguistic and religious backgrounds; and/or
 - Children & Young People who have a disability; and/or
 - Children & Young People with diverse sexuality and/or genders.
- making Aboriginal and/or Torres Strait Islander Children & Young People and their families feel included and welcome at Aligned Leisure and support them to express their culture and enjoy their cultural rights;
- not tolerating racism or discrimination of any Children & Young People and ensuring that measures are in place to identify, report and address any instances of racism or discrimination;

- maintaining robust human resources, recruitment and screening practices when appointing new people to ensure safety and wellbeing of Children & Young People is the paramount consideration;
- training and educating our people on keeping Children & Young People safe, how to identify Child Abuse or Harm risks and our reporting procedures;
- taking proactive steps to prevent Child Abuse or Harm by identifying risks early so that they can be removed or reduced;
- ensuring Children & Young People feel empowered to act and respond if they feel unsafe or concerned about their wellbeing;
- fostering a culture of openness that supports all people to safely disclose risks of Child Abuse or Harm to Children & Young People to appropriate managers, including the General Manager – Human Resources (or their delegate);
- establishing a clear “child friendly” procedure that provides for Children & Young People and our people to know who to, and how to report any incident affecting the safety or wellbeing of Children & Young People;
- treating each allegation and safety concern very seriously, and dealing with it fairly, appropriately and confidentially in accordance with our Children & Young People Safety Policies;
- contacting authorities in accordance with applicable laws when we are concerned about a Child or Young Person’s safety;
- sharing information appropriately and lawfully with other organisations where the safety and wellbeing of Children & Young People is at risk;
- actively involving Children & Young People in decisions about their participation in activities and then seeking and responding to feedback of Children & Young People and their families/guardian(s); and
- regularly reviewing our Children & Young People Safety Policies and communicate any changes to our people.

If you have any questions or concerns about this Commitment, please contact Aligned Leisure at info@alignedleisure.com.au

Appendix 3

Child Safety & Wellbeing Code of Conduct

Aligned Leisure (**we**) is committed to provide a safe and inclusive environment for everyone involved in Aligned Leisure.

Aligned Leisure engages with children and young people (under 18 years) (**Children & Young People**) through a wide variety of services and programs at our leisure centre facilities. We:

- have a zero-tolerance approach to any form of child abuse (which includes sexual abuse, physical abuse, psychological abuse and neglect), harm or mistreatment (collectively **Child Abuse or Harm**); and
- are committed to providing an environment and culture that is caring and safe for all **Children & Young People** within our care.

Our Board, staff, contractors, and volunteers (**people**) are all responsible for the safety, wellbeing and empowerment of Children & Young People who are involved with Aligned Leisure. This Child Safety & Wellbeing Code of Conduct (**Code of Conduct**):

- promotes and reinforces the importance of safety and wellbeing of **Children & Young People** within Aligned Leisure;
- sets the standards expected of our people when working with or engaging with **Children & Young People**; and
- serves to protect **Children & Young People** by reducing any opportunities for **Child Abuse or Harm** to occur.

You will be required to read, sign and comply with this Code of Conduct during your employment or engagement with Aligned Leisure.

I will:

- at all times comply with the **Children & Young People Safety Policies**, which are:
 - Aligned Leisure's Child Safety & Wellbeing Policy;
 - this Code of Conduct; and
 - all guidelines and procedures of Aligned Leisure relating to safety and wellbeing of Children & Young People including communication, supervision, photographing of Children & Young People.
- consider and respect the diversity of **Children & Young People's** circumstances and backgrounds including the needs of **Children & Young People** who:
 - are Aboriginal and/or Torres Strait Islander;
 - are from different cultural, linguistic and/or religious backgrounds;
 - have a disability; and/or
 - have diverse sexualities and/or genders.
- make Aboriginal and/or Torres Strait Islander Children & Young People and their families feel included and welcome at Aligned Leisure and support them to express their culture and enjoy their cultural rights;

- never be racist towards anyone at Aligned Leisure and report any instances of racism that I become aware of;
- obtain and maintain a valid and applicable Working with Children's Check (or equivalent) at all times, as well as any other checks or screening required by Aligned Leisure (e.g., police check).
- behave respectfully, courteously, and ethically towards **Children & Young People** and always prioritise their safety, welfare and best interests.
- create physical and online environments that are safe and inclusive to enable Children & Young People to participate and interact.
- encourage Children & Young People to have a say and be involved in decisions about their activities, listen to them with respect, and use positive and supportive language when communicating with them.
- take all reasonable steps to protect Children & Young People from abuse and harm; and
- respond to and report any complaints, incidents or concerns about the safety of Children & Young People promptly and in accordance with Aligned Leisure's Child Safety & Wellbeing Policy.

I will NOT:

- engage in any unlawful activity with a Child or Young person.
- engage in any other form of inappropriate behaviour towards Children & Young People.
- ignore or disregard any allegations, suspected or potential incidents of Child Harm or Abuse.
- be alone with or isolate a Child or Young Person or develop any 'special' relationships with Children & Young People that could be demonstrating favouritism.
- disclose the personal information about a Child or Young Person (including images or videos of a Child or Young Person) unless:
 - the parents/guardians of the Child or Young Person consent in writing; or
 - required to do so by Aligned Leisure's Privacy Policy, Child Safety & Wellbeing Policy or by any applicable laws.

I understand that if I breach this Code of Conduct, it may amount to misconduct and Aligned Leisure may take disciplinary action in accordance with all applicable laws, Aligned Leisure's Human Resources Policies and Procedures and my employment / contractor / volunteer agreement.

I have read, understood and agree to comply with this Code of Conduct during my employment or engagement with Aligned Leisure.

If I think this Code of Conduct has been breached by another person at Aligned Leisure, I will act to prioritise the best interests of Children & Young People, take action to promptly ensure that such Children & Young People are safe and promptly report any concerns to my supervisor, Leisure Manager and/or General Manager – Human Resources, or their delegate, and will follow the reporting procedures in Aligned Leisure's Children & Young People Safety Policies.

Name:

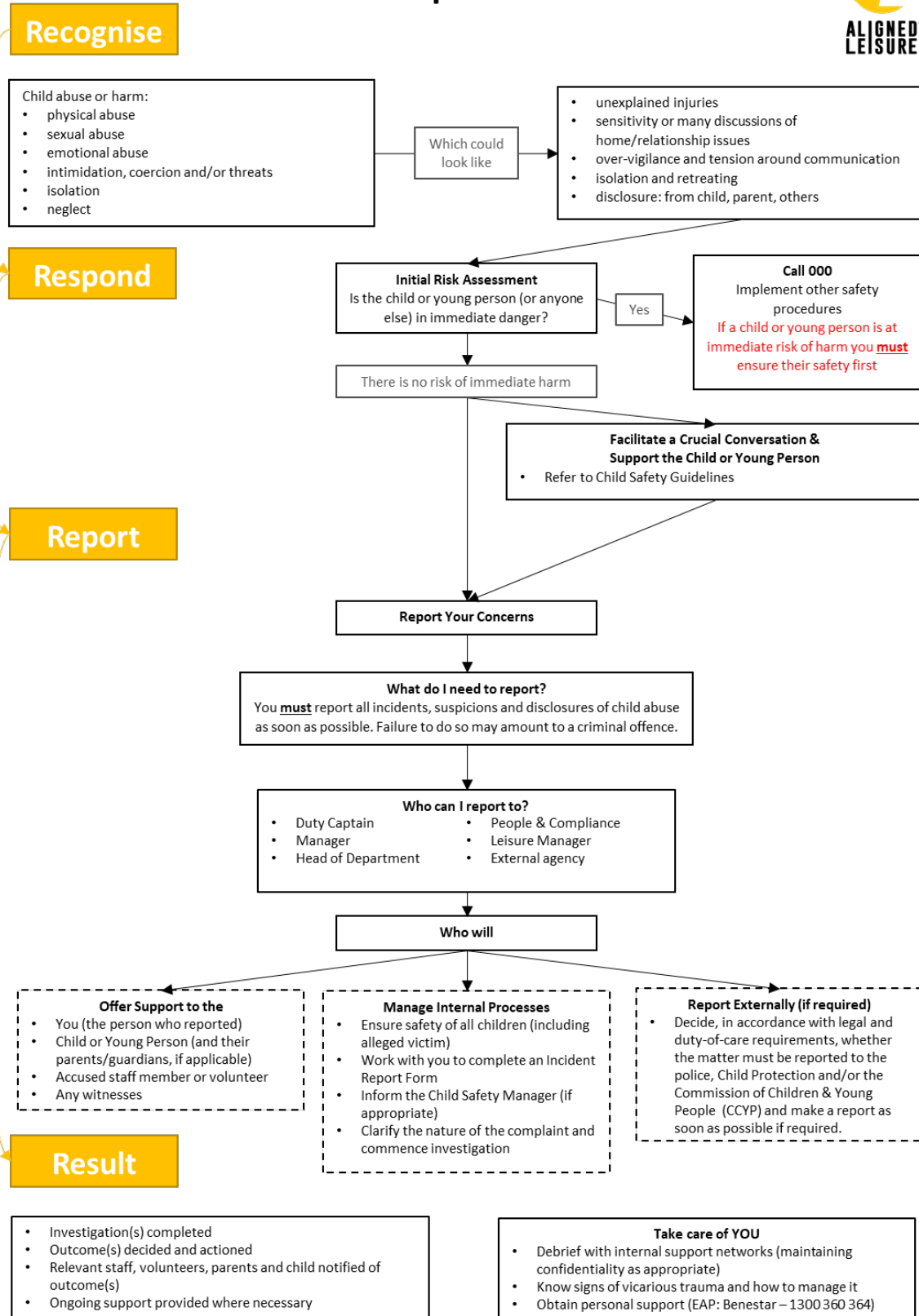
Signature:

Date:

Appendix 4

Child Safety Incident Response Flowchart and Reporting Form

Safety of Children & Young People Incident Response Flowchart



Child Safety Incident Report Form:

https://rfc.foliogrc.com/contracts/new?contract_template=6&token=zon5xPZ_j_TRLMNfs1r8

Appendix 5

Key Contact Numbers and Support Services

Child FIRST/Orange Door (Family Information, Referral and Support Team) is a community-based referral point into family services. It provides Children & Young people and women who are experiencing family violence or families who need assistance with the care and wellbeing of Children or Young People to access the services they need to be safe and supported. Child FIRST/Orange Door teams are located in regions across Victoria.

In addition to reporting to appropriate authorities where required (ie police, Child Protection), a referral to Child FIRST/Orange Door may be advisable if:

- there is a significant concern for a Child or Young Person's wellbeing;
- the Child or Young Person's child's immediate safety is not compromised; and
- the referral has been discussed with the family and they are supportive of it.

Examples of concerns include instances when a Child or Young Person's care or development is significantly impacted on by parenting problems, pressure due to a family member's physical or mental illness, substance abuse, or disability vulnerability due to youth, isolation or lack of support significant social or economic disadvantage.

Key Contact Numbers

<i>For emergency child safety concerns:</i>	Victoria Police – call 000
<i>For immediate child safety concerns:</i>	Child Protection After House Child Protection Emergency Services – call 13 12 78 Daytime Child Protection Services – call: North Division intake: 1300 664 977 South Division intake: 1300 655 795 East Division intake: 1300 360 391. West Division intake - metropolitan: 1300 664 977 West Division intake - rural and regional: 1800 075 599 For details of each division's region, refer to: https://services.dhhs.vic.gov.au/child-protection-contacts
<i>For "reportable conduct":</i>	CCYP – call 1300 78 29 78
<i>For other general child safety concerns:</i>	Local police station
<i>For support services:</i>	Child First / Orange Door

	<p>For details of each region's contact numbers - https://services.dhhs.vic.gov.au/referral-and-support-teams</p> <p>Orange Door https://www.vic.gov.au/familyviolence/the-orange-door.html</p>
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Appendix 6

Child Protection Legislation

State/Territory	Principal Child Protection Act	Working with Children Checks	Mandatory Reporting	Reportable Conduct	Child Safety Crimes
VIC	Children, Youth and Families Act 2005	Working with Children Act 2005	Children, Youth and Families Act 2005	Child Wellbeing and Safety Act 2005 (amended by the Children Legislation Amendment (Reportable Conduct) Act 2017)	Failure to disclose (Crimes Act 1958 Vic, s 327(2)) Failure to protect (Crimes Act 1958 Vic, s 49C)
NSW	Children and Young Persons (Care and Protection) Act 1998	Child Protection (Working with Children) Act 2012	Children & Young Persons (Care & Protection) Act 1998	Ombudsman Act 1974	Failure to disclose (Crimes Act 1900 NSW, s 316A) Failure to protect (Crimes Act 1900, s 43B)
ACT	Children and Young People Act 2008	Working with Vulnerable People (Background Checking) Act 2011	Children and Young People Act 2008	Reportable Conduct and Information Sharing Legislation Amendment Act 2016	Failure to disclose (Crimes Act 1900 ACT, s 66AA) Failure to protect (Crimes Act 1900 ACT, s 66A)

QLD	Child Protection Act 1999	Working with Children (Risk Management and Screening) Act 2000	Child Protection Act 1999		<p>Failure to report (Criminal Code Act 1899 Queensland, s 229BC)* (currently a draft Act)</p> <p>Failure to protect (Criminal Code Act 1899 Queensland, s 229BB)</p>
TAS	Children, Young Persons and their Families Act 1997	Registration to Work with Vulnerable People Act 2013	Children, Young Persons and their Families Act 1997		
WA	Children and Community Services Act 2004	Working with Children (Criminal Record Checking) Act 2004	Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008		
SA	Children's Protection Act 1993	Child Safety (Prohibited Persons) Act 2016	Children and Young People (Safety) Act 2017		
NT	Care and Protection of Children Act 2007	Care and Protection of Children Act 2007	Care and Protection of Children Act 2007	Care and Protection of Children Act 2007	

CTH	Family Law Act 1975, but primarily dealt with on state level.	<i>Dealt with on state level.</i>	For Commonwealth officers, <i>Criminal Code Act 1995 (Cth)</i>	<i>Dealt with on state level.</i>	For Commonwealth officers Failure to Disclose <i>Criminal Code Act 1995 (Cth)</i> , s 273B.5 Failure to protect <i>Criminal Code Act 1995 (Cth)</i> , s 273B.4;
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