

# Associated Public Schools of Victoria

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## Child Safe Policies

### Code of Conduct

#### 1. Statement of Context and Purpose

The purpose of this Code of Conduct is to outline the standards of conduct that are expected of all APS Sport staff.

An objective of this Code of Conduct is to promote child safety.

The principal responsibility of APS Sport staff is to conduct themselves in an ethical and professional manner. APS Sport staff must ensure that the workplace is safe and free from discrimination, harassment, bullying and violence.

This Code of Conduct is intended to provide a guidance framework only and is not an exhaustive list of the required standards. This Code of Conduct supports and should be read in conjunction with applicable legal instruments.

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#### 2. Application

This Code applies to all APS Sport employees, volunteers and contractors (collectively referred to as **staff** throughout this code of conduct).

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#### 3. Reference Points / Background Papers

- *Crimes Act 1958* (Vic);
- *Crimes Amendment (Protection of Children) Act 2014* (Vic);
- *Crimes Amendment (Grooming) Act 2014* (Vic);
- *Working with Children Act 2005* (Vic);
- *Child Wellbeing and Safety Act 2005* (Vic);
- [DHS Child Safe Standards Toolkit: Resource 3 Code of Conduct](#);
- An Overview of the Victorian Child Safe Standards;
- Child Safe Policy and Child Safe Procedure;
- Mandatory Reporting Policy;
- Privacy Policy;
- Social Media and Social Networking Policy; and
- Occupational Health and Safety Policy.

#### 4. Definitions

**Legal instrument** means either legislation, an award, a collective enterprise agreement or contract of employment.

**Child Safe Officer** means the staff member of APS appointed to fulfil this role as part of their duties.

**Child** means a person who is under the age of 18 years who attends an APS Sport event.

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

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## 5. Policies, Procedure and Laws

APS Sport personnel are required to observe and comply with all of APS Sport policies and procedures and applicable legislative instruments at all times during the course of their employment or engagement (whichever the case may be) with APS Sport.

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## 6. Professional and Personal Conduct and Child Safety

The personal and professional behaviour of APS Sport staff should conform with the standards that could reasonably be expected of persons who hold similar positions.

APS staff are required to undertake their duties in a professional, responsible and ethical manner and to act in the best interests of APS Sport. They are expected to act professionally and honestly when performing their duties.

As part of the screening process, the following key event personnel must have and, if requested, provide appropriate evidence of a valid WWCC (or other state equivalent) to show that they are suitable to work with children and young people in a school setting:

- All APS Sport staff and Board members
- those paid by APS Sport for their services (excluding bump in and bump out);
- volunteers;
- relevant contractors who may have unsupervised access to children; and
- anyone else who APS Sport staff feel requires a WWCC due to the nature of the work that they are undertaking for APS Sport.

Any costs associated with gaining a valid WWCC will be the responsibility of the individual.

### **Dealing with Children (including with respect to Child Safety)**

APS Sport staff must ensure that they act within professional boundaries and according to legal requirements.

This Code of Conduct provides a set of principles and standards about how APS Sport staff should behave with children. All APS Sport staff are responsible for supporting the safety, participation, wellbeing and empowerment of children and are expected to behave in accordance with this Code of Conduct. In particular, all APS Sport staff (and in particular, those engaged in child-connected work) must act lawfully at all times and:

- adhere to APS Sport's Child Safe Policy and Child Safe Procedure at all times and uphold the overarching values and principles set out therein;
- take all reasonable steps to protect children from abuse (including online abuse);
- treat everyone with respect;
- listen and respond to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- ensure all interactions with children involving IT and social media are appropriate, and reflect APS Sport's commitment to child safety;
- ensure as far as practicable that children are appropriately supervised when interacting with adults or other children through online forums without compromising the child's right to privacy, access to information, social connections or learning opportunities;
- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning their self-identification and by recognising the importance of such student's relationships with their extended family and community, including Elders);

- promote cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by exhibiting zero tolerance of discrimination and by recognising the tendency of people from culturally and/or linguistically diverse backgrounds/communities to mistrust authority figures);
- promote the safety, participation and empowerment of children with a disability (for example, in terms of level of supervision and care provided for such children);
- promote the safety, participation and empowerment of children who identify as lesbian, gay, bisexual, transgender, non-binary or intersex (for example, by never questioning their self-identification and encouraging them to express themselves);
- promote the safety, participation and empowerment of children who are unable to live at home (e.g. children in and out of home care or custodial settings) (for example, by actively communicating and collaborating with the child's caseworker, carer or support agency and by implementing strategies to support school engagement and achievement).
- ensure as far as practicable that adults are not left alone with a child, including through online / telephone forums. If this is not possible, APS Sport staff must ensure any one-on-one contact is clearly documented;
- encourage and recognise the importance of friendships and support from peers to help children feel safe and be less isolated;
- report any child safety concerns and/or any allegations of child abuse to APS Sport's Child Safe Officer in accordance with the Child Safe Policy and Child Safe Procedure and in relation to the latter, ensure such allegations are reported to the police or child protection authority;
- if an allegation of child abuse is made, ensure as quickly as possible that the child is safe;
- observe these standards and acknowledge your responsibility to immediately report any breach of this Code of Conduct to the APS Sport Child Safe Officer;
- welcome parents and carers to participate in decisions about their child's safety;
- attend and participate in all compulsory training;
- take all reasonable steps to eliminate racism and to ensure that any instances of racism are identified, confronted and addressed with appropriate consequences;
- take all reasonable steps to actively support and facilitate the inclusion of, and participation by, Aboriginal children;
- facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns;
- APS staff should also be aware of and observe recent amendments to the Crimes Act, which provide that:
  - it is a criminal offence to communicate (including electronically) by words or conduct with a child with the intention of facilitating the child's engagement or involvement in a sexual offence with them or another adult (**Grooming Offence**); and
  - it is a criminal offence for a person who, by reason of the position they occupy, has the power or responsibility to reduce or remove a substantial risk that a child will become the victim of a sexual offence committed by a person and knows that there is a substantial risk that that person will commit a sexual offence against the child, negligently fails to reduce or remove the risk (**Failure to Protect Offence**). A person negligently fails to reduce or remove a risk if that failure involves a falling short of the standard of care that a reasonable person would exercise in the circumstances.

APS Sport staff should also be aware of their mandatory reporting obligations and their obligations in respect of the **Failure to Disclose Offence** under the Crimes Act.

APS Sport staff must not engage in unlawful conduct or:

- develop any 'special' relationships with students/children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- exhibit behaviours with students/children which may be construed as unnecessarily physical;
- interact with students/children through their personal telephones or social media accounts in an inappropriate manner;
- put children at risk of abuse (for example, by locking doors);
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities);
- use inappropriate language or gestures in the presence of children;
- express personal views on cultures, race or sexuality in the presence of children;
- discriminate against any child, including because of culture, race, ethnicity or disability;
- have contact (including online or telephone contact) with a child or his/her family outside of APS Sport dealings without consent from the family (for example, no babysitting). Note that incidental or accidental contact, such as seeing people in the street, is not inappropriate;
- work with any young person while under the influence of alcohol or illegal drugs/substance;
- breach the content outlined in the Position Statement referring to Taking/Using images of children;
- ignore or disregard any suspected or disclosed child abuse.

### **Dealing with other APS Sport staff**

APS Sport staff must ensure that they treat each other with respect and courtesy. They must demonstrate their respect by holding other APS Sport staff in high regard and work cooperatively with others in the best interests of APS Sport.

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## **7. Public Statements**

APS Sport staff making written or oral comments on any matter relating to APS Sport and which might reasonably be expected to become public, must ensure that they hold proper authority and authorisation to do so. APS Sport staff must not make public comments that would damage the reputation of APS Sport.

APS Sport staff are not permitted to communicate directly with the media on behalf of APS unless they have been directed to do so by APS Sport. If APS Sport staff are contacted by media representatives, they are not permitted to provide any comments other than to direct the media representative to the Executive Officer.

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## **8. Attendance**

APS Sport staff are expected to attend for work as required and on time.

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## **9. Dress**

APS Sport staff must ensure that their appearance is neat, clean and appropriate for their particular area of work.

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## **10. Smoking**

APS Sport does not promote or encourage smoking. APS Sport staff are not permitted to smoke on APS premises or in the immediate vicinity of entrances to APS Sport premises. APS Sport staff are not permitted to smoke in the presence of children or parents.

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## **11. Confidential Information**

APS Sport staff must respect the confidentiality of information received as APS Sport personnel. Confidential information received by APS Sport staff during their engagement remains the property of APS Sport and must not be disclosed.

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## **12. Consequences for Breach of this Policy**

APS Sport emphasises the need to fully comply with the requirements of this policy. Breaches of this policy will be treated seriously and dealt with appropriately.

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## **13. Implications for Practice**

### **13.1 At Board Level**

To properly implement this policy, APS Sport must ensure:

- that this policy is endorsed on an annual basis;
- that copies of this policy are made available to all APS Sport staff;
- that this policy is incorporated into the APS Sport's record of current policies;
- that this policy is incorporated into the APS Sport induction program and any ongoing training, to ensure that all APS Sport staff are aware of the policy, have read and understood the policy, and acknowledge their commitment to comply with the policy; and
- that periodic training and refresher sessions are administered to APS staff in relation to this policy.

### **13.2 At Other Levels**

To properly implement this policy, all APS Sport staff must ensure that they abide by this policy and assist APS Sport in the implementation of this policy.

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## Child Safe Policy

### 1. Statement of Context and Purpose

The APS Sport has a zero-tolerance policy for child abuse and is committed to promoting child safety, children's wellbeing and protecting children from abuse. APS Sport runs sports events where staff may come into contact with children. Where staff do come into contact with children or otherwise deal with children in the course of their role, staff must ensure that they comply with the requirements set out in this Policy.

The APS Sport is committed to the principles of cultural safety, inclusion and wellbeing of children from diverse backgrounds (including Aboriginal or Torres Strait Islander children) and to the safety, inclusion and wellbeing of LGBTIQI, non-binary and gender-diverse children, and children who are unable to live at home. APS Sport recognises that these principles support the safety of all children.

This Policy sets out key elements of APS Sport's approach to child safety and has been developed to create and maintain a child safe organisation in accordance with the Child Safe Standards introduced by the Victorian Government. It also outlines:

- the overarching principles and values that guide its approach to child safety; and
  - refers to the Code of Conduct which in turn provides the standards of expected behaviour and appropriate behaviour in dealing with children.
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### 2. Application

This Policy applies to all employees, volunteers and contractors (collectively referred to as **staff** throughout this Policy).

To properly implement this Policy, all APS Member Schools must ensure that they implement a Child Safe Policy that complies with the child safety standards and Ministerial Order 870, which sets out specific requirements for registered schools in relation to child safety.

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### 3. Reference Points / Background Papers

- Education Training Report Act 2006 (Vic);
  - Child Safety and Wellbeing Act 2005 (Vic);
  - Working with Children Act 2005 (Vic);
  - Crimes Act 1958 (Vic);
  - Crimes Amendment (Protection of Children) Act 2014 (Vic);
  - Crimes Amendment (Grooming) Act 2014 (Vic);
  - United Nations Convention on the Rights of the Child (1989);
  - DHS Child Safe Standards Toolkit: Resource 2: Child Safe Policy and Statement of Commitment;
  - Ministerial Order 870 (for registered schools)
  - APS Sport Child Safe Procedure; and
  - APS Sport Code of Conduct Policy.
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## 4. Definitions

**Child** means a person who is under the age of 18 years who attends an APS Sport event.

**Child abuse** encompasses a broad range of matters set out in Part 6 of this Policy.

**Child-connected work** means work organised by APS Sport and performed by an adult in an APS Sport environment while children are present.

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**Child Safe Officer** is the first point of contact to provide advice and support to children, parents and staff regarding the safety and well-being of children at APS Sport, as set out in the Child Safety Procedure.

**APS Sport environment** means any physical place made available to or used by APS Sport for child-connected work.

**Staff** means an individual working in the APS Sport environment who is directly engaged or employed by APS and/or a volunteer or a contracted service provider for the APS Sport (whether or not a body corporate or any other person is an intermediary).

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## 5. Overarching values and principles

The APS Sport approach to child safety and wellbeing is guided by a number of overarching principles and values (which are set out below).

### 5.1 *Commitment to child safety and best interests*

APS Sport is committed to child safety and wants children to be safe, happy and empowered. APS Sport supports and respects all children, as well as staff and parents.

APS Sport is committed to:

- embedding and promoting a culture of child safety and wellbeing within the physical and online environments;
- preventing child abuse and identifying risks early, and removing and reducing these risks;
- protecting the rights of all children to be safe, without fear of abuse or exploitation as outlined in the *United Nations Convention on the Rights of the Child* (1989) and is committed to keeping children safe by all reasonable means;
- acting in children's best interests and keeping children safe;
- ensuring cultural safety for Aboriginal and Torres Strait Islander children and for children from culturally and/or linguistically diverse backgrounds;
- ensuring safety and inclusion for children who are unable to live at home and/or who identify as lesbian, gay, bisexual, transgender or intersex;
- providing a safe environment for children with a disability and promoting their participation;
- recognising and mitigating child abuse risks posed from the online environment;
- encouraging and recognising the importance of consultation with, and participation by, children and their families in relation to decisions affecting the child;
- actively working to empower children; and
- regularly training and educating staff on child abuse risks, and ensuring staff are attuned to signs of harm (see below section 6).

## 5.2 Zero tolerance for child abuse

APS Sport has zero tolerance for child abuse and will not tolerate any form of child abuse, including by anyone who is working within the APS Sport environment or in child-connected work.

APS Sport has both legal and moral obligations to contact, as appropriate, the parents, school and/or relevant authorities when child safety concerns are raised and will comply with that obligation.

All instances of suspected child abuse, allegations of child abuse or child safety concerns must be reported to the Child Safe Officer and will be treated very seriously.

If staff believe a child is at immediate risk of abuse, they must immediately phone 000.

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## 6. What is child abuse

### ***Definition of child abuse as set out in the Education Training Report Act 2006 (Vic)***

**Child abuse** includes:

- any act committed against a child involving:
  - a **sexual offence**; or
  - an offence under section 49M(1) of the *Crimes Act* 1958, that is, the offence of "grooming" which prohibits communicating (including electronically) by words or conduct with a child with the intention of facilitating the child's engagement or involvement in a sexual offence with you or another adult;
- the infliction on a child of:
  - **physical violence**; or
  - **serious emotional or psychological harm**; and
- serious neglect of a child.

### 6.1 ***Physical violence and abuse***

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons.

<b>Possible physical indicators:</b>	<b>Possible behavioural indicators:</b>
<ul style="list-style-type: none"><li>• unexplained bruises</li><li>• burns and/or fractured bones</li></ul>	<ul style="list-style-type: none"><li>• showing wariness or distrust of adults</li><li>• wearing long sleeved clothes on hot days (to hide bruising or other injury)</li><li>• fear of specific people</li><li>• unexplained absences</li><li>• academic problems</li></ul>

### 6.2 ***Sexual offences and abuse***

Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.



Possible physical indicators:	Possible behavioural indicators:
<ul style="list-style-type: none"> <li>• presence of sexually transmitted diseases</li> <li>• pregnancy</li> <li>• bleeding</li> </ul>	<ul style="list-style-type: none"> <li>• displaying sexual behaviour or knowledge that is unusual for the child's age</li> <li>• difficulty sleeping</li> <li>• being withdrawn</li> <li>• complaining of headaches or stomach pains</li> <li>• fear of specific people</li> <li>• showing weariness or distrust of adults</li> <li>• displaying aggressive behaviour</li> </ul>

### 6.3 ***Serious emotional or psychological abuse***

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Possible physical indicators:	Possible behavioural indicators:
<ul style="list-style-type: none"> <li>• delays in emotional, mental or even physical development</li> <li>• physical signs of self-harming.</li> </ul>	<ul style="list-style-type: none"> <li>• exhibiting low self-esteem or anxiety</li> <li>• displaying aggressive or demanding behaviour</li> <li>• being withdrawn, passive and/or tearful</li> </ul>

### 6.4 ***Serious neglect***

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardized. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

Possible physical indicators:	Possible behavioural indicators:
<ul style="list-style-type: none"> <li>• frequent hunger</li> <li>• malnutrition</li> <li>• poor hygiene</li> <li>• inappropriate clothing</li> </ul>	<ul style="list-style-type: none"> <li>• stealing food</li> <li>• staying at school outside of school hours</li> <li>• aggressive behaviour</li> <li>• using alcohol or drugs</li> <li>• academic issues</li> </ul>

## 7. **Child safety actions taken by APS SPORT**

APS Sport has taken, and/or proposes to take, the actions set out below in order to:

- demonstrate its commitment to child safety and wellbeing, and monitor its adherence to its Child Safe Policy;
- support, encourage and enable staff, parents, and children to understand, identify, discuss and report child safety matters; and
- support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse.

## **7.1 Working with children checks**

As part of the screening process, the following key event personnel must have and, if requested, provide appropriate evidence of a valid WWCC (or other state equivalent) to show that they are suitable to work with children and young people in a school setting:

- All APS Sport staff and Board members
- those paid by APS Sport for their services (excluding bump in and bump out);
- volunteers;
- relevant contractors who may have unsupervised access to children; and
- anyone else who APS Sport staff feel requires a WWCC due to the nature of the work that they are undertaking for APS Sport.

Any costs associated with gaining a valid WWCC will be the responsibility of the individual.

## **7.2 Development, maintenance, implementation and publication of child safe policies, procedures and codes of conduct**

This Policy (along with the Code of Conduct and the Child Safe Procedure) guides staff on how to behave with children.

All staff must abide by the APS Sport Code of Conduct which specifies the standards of conduct required when working with children. APS Sport welcomes input from staff, as well as children and their families, regarding the development and content of the Code of Conduct.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. APS Sport:

- takes all allegations seriously and has a procedure in place to enable allegations to be investigated thoroughly and quickly; and
- works to ensure all children and staff know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

All complaints, concerns or safety incidents will be analysed to identify any causes and systemic failures to inform continuous improvement.

Mindful of Child Safe Standard 10, the APS SPORT will report in a general way to relevant personal the findings of any properly constituted reviews.

## **7.3 Appointment of Child Safe Officer**

APS Sport has appointed a Child Safe Officer as a first point of contact to provide advice and support to children, parents and staff regarding the safety and well-being of children during certain APS Sport events (see the Child Safe Procedure).

The Child Safe Officer will receive appropriate training and support in relation to child safety, prevention of child abuse and responding to allegations of child abuse.

APS Sport staff can contact the Child Safe Officer for further information regarding child safety and for any questions or concerns or reports of suspected or alleged child abuse.

## **7.4 Provision of counselling**

In consultation with its member schools, APS Sport will ensure that children who disclose child abuse or are otherwise linked to suspected child abuse have access to the appropriate counselling service through the relevant member school.

Where deemed appropriate, APS Sport through its member schools will offer children access to appropriate sexual abuse prevention programs or to relevant related information in an age appropriate way.

## **7.5 Risk management strategies**

APS Sport proactively manages risks of abuse to children.

APS Sport has developed and implemented risk management strategies regarding child safety which will identify and mitigate the risk(s) of child abuse in the APS Sport environment by taking into account:

- the nature of APS Sport 's environment, for example risks posed by physical environments; and
- the activities expected to be conducted in that environment (including the provision of services by other volunteers from outside organisations); and
- the characteristics and needs of all children expected to be present in that environment.

Where risks of child abuse occurring in one or more of APS Sport 's environments are identified, the Child Safe Officer will:

- make a record of those risks;
- specify the action(s) APS Sport will take to reduce or remove the risks (risk controls), which will take into account the nature of the risk and the diversity characteristics of the children affected by the risk; and
- specify the time by which APS Sport will reduce or remove the risk(s) identified.

The Child Safe Officer will monitor and evaluate the effectiveness of the implementation of its risk controls.

APS Sport will ensure (at least annually) that staff (including the Child Safe Officer) receive ongoing training and information (taking into account the factors listed at paragraph 7.5 above) on how to:

- recognise indicators of child harm including harm caused by other children;
- respond effectively to issues of child safety and wellbeing, and to support colleagues who disclose harm;
- build culturally safe environments for children;
- implement the APS Sport child safety practices (including the Code of Conduct, the Child Safety Policy, Mandatory Reporting Policy and the Child Safety Procedure).

## **7.6 Consultation with children and families**

APS Sport through its member schools recognises the importance of participation as a tool for empowering children and making them safer within organisations, as it provides them with opportunities and support to voice their views and concerns, APS Sport also understands the importance of families and communities in promoting child safety and wellbeing as it fosters a more open and transparent child safe culture for families and communities.

APS Sport through its member schools will ensure that:

- children are informed about all of their rights (for example, those in the UN Convention on the Rights of the Child), including to safety, information and participation;
  - children are provided with opportunities to participate in decisions affecting them;
  - APS Sport will be responsive to the contributions of children, and will take their input and participation seriously;
  - families participate in decisions affecting their child;
  - APS Sport engages and openly communicates with families and the community about its child safe approach;
  - families and communities have the opportunity to review APS Sport's child safe policies and practices, and have input into their development; and
  - families, carers and the community are informed about the APS Sport operations and governance.
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## **8 Consequences for Breach of this Policy**

APS Sport emphasises the need to fully comply with the requirements of this Policy. Any staff found to be in breach of the requirements of this Policy may be subject to disciplinary action, up to and including termination of employment (or engagement, where appropriate). Breaches may also result in disclosure to appropriate authorities and/or the Police.

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## **9. Implications for Practice**

### **9.1 At Board Level**

To properly implement this Policy, APS Sport must:

- ensure that this Policy is endorsed on an annual basis and following significant incidents if they occur;
- ensure that copies of this Policy are made available to all staff, for example in physical form in the briefing room and the break out area;
- ensure that this Policy is incorporated into the Board's record of current policies;
- ensure that this Policy is incorporated into APS Sport's induction program and any ongoing training, to ensure that all staff (particularly those who are engaged in child-connected work) are aware of the Policy, have read and understood the Policy, and acknowledge their commitment to comply with the policy;
  
- ensure that all staff are directed towards the Code of Conduct and the Child Safe Procedure; and
- ensure that this Policy is accessible to the public (including children and parents).

### **9.2 At Other Levels**

To properly implement this policy, all APS Sport staff must ensure:

- that they will abide by this Policy, the Code of Conduct and the Child Safe Procedure and assist APS Sport in the implementation of this Policy; and
- that they have read and understood the definitions of child abuse outlined in this Policy.

### **9.3 At APS Sport Member School Level**

To properly implement this Procedure, all APS Sport Member Schools must ensure that they implement a Child Safe Policy that complies with the Child Safe Standards and Ministerial Order 870, which sets out specific requirements for registered schools in relation to child safety.

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## Child Safe Procedure

### 1. Statement of Context and Purpose

This procedure has been developed to ensure that APS Sport appropriately responds to and reports allegations of suspected child abuse.

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### 2. Application

This Procedure applies to all employees, volunteers and contractors (collectively referred to as **staff** throughout this Procedure).

To properly implement this Procedure, all APS Sport Member Schools must ensure that they implement a Child Safe Procedure that complies with the Child Safe Standards and Ministerial Order 870, which sets out specific requirements for registered schools in relation to child safety.

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### 3. Reference Points / Background Papers

- *Crimes Act 1958 (Vic);*
  - *Crimes Amendment (Protection of Children) Act 2014 (Vic);*
  - *Crimes Amendment (Grooming) Act 2014 (Vic);*
  - DHS Child Safe Standards Toolkit: Resource 6: What to do when an allegation of child abuse is made;
  - Ministerial Order 870 (for registered schools)
  - APS Sport Child Safe Policy; and
  - APS Sport Code of Conduct
  - APS Sport Incident Report Template.
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### 4. Definitions

**Child** means a person who is under the age of 18 years who attends an APS Sport event.

**Child abuse** is child abuse as defined in the Child Safe Policy.

**Child-connected work** means work organised by APS Sport and performed by an adult in the APS Sport environment while children are present.

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**Child Safe Officer** is the first point of contact to provide advice and support to children, parents and staff regarding the safety and well-being of children at APS Sport, as set out in Part 5.6 of this procedure.

**APS Sport environment** means any physical place made available to or used by APS Sport for child-connected work.

**Staff** means an individual working in the APS Sport environment who is directly engaged or employed by APS Sport and/or a volunteer or a contracted service provider for the APS Sport (whether or not a body corporate or any other person is an intermediary).

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## 5. Procedure for responding to and reporting allegations of suspected child abuse

APS Sport takes all allegations or disclosures of suspected child abuse seriously and will respond to and report (including to authorities and the police) allegations or disclosures of child abuse promptly, thoroughly and in accordance with this procedure and any other legal obligations.

### 5.1 *Application of the procedure*

This procedure:

- covers all forms of child abuse; and
- applies to allegations or disclosures of child abuse made by or in relation to a child, staff, visitors, or other persons while connected to the APS Sport environment;
- is to be read in conjunction with:
  - the Child Safe Policy and Code of Conduct (which sets out types of conduct that should be reported);
- does not:
  - prohibit or discourage staff from reporting an allegation of child abuse to a person external to APS Sport;
  - state or imply that it is the victim's responsibility to inform the police or authorities of the allegation;
  - require staff to make a judgment about the truth of the allegation of child abuse;
  - prohibit staff from making records in relation to an allegation or disclosure of child abuse.

### 5.2 *Your obligations to report incidents involving alleged or suspected child abuse*

Persons involved in child-connected work must always act in the best interests of those children to protect and preserve their safety, health and wellbeing. The following reporting obligations are mandatory for all staff:

- All staff must report any instances of child abuse (including instances of suspected or alleged child abuse) to the Child Safety Officer as soon as practicable in accordance with this procedure.
- If a staff member has a **reasonable belief** that an incident involving child abuse has occurred then they must report the incident. A failure to do so may constitute a criminal offence under the *Crimes Act 1958*. Factors contributing to reasonable belief may be:
  - a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
  - behaviour consistent with that of an abuse victim (such as those set out above) is observed;
  - someone else has raised a suspicion of abuse but is unwilling to report it; or
  - observing suspicious behaviour.
- If a staff member is in doubt about whether a child has been abused, he/she should err on the side of caution and report their suspicions to the Child Safe Officer.

Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

### 5.3 *What to do when a child discloses or alleges an incident of child abuse*

The following procedure is to be followed by any person to whom a child discloses or alleges an incident of child abuse:

- Separate the child from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.

- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an Incident Report Form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Child Safe Officer, the police or child protection.
- Ensure the disclosure is recorded accurately, and provided to the Child Safe Officer to be stored securely.

#### **5.4 *What to do when a parent/carer alleges or discloses that their child has been abused in the APS Sport environment***

The following procedure is to be followed by any person to whom a parent/carer discloses or alleges an incident of child abuse:

- Explain that APS Sport has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the APS Sport Child Safe Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an Incident Report Form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- As soon as possible after the disclosure, report the disclosure to the Child Safe Officer.

#### **5.5 *How you can protect a child connected to alleged abuse***

Where an allegation of suspected child abuse is made, all reasonable and appropriate action will be taken to protect any child connected to the alleged child abuse until the allegation is resolved.

What is reasonable and appropriate will depend on the circumstances of each case, but will in all cases involve preventing (as far as reasonably practicable) any contact between the child connected to the alleged abuse and the alleged offender. This may be achieved by:

- moving the alleged offender to a non-child related position;
- supervising the alleged offender;
- removing or suspending the alleged offender from their duties while the matter is being investigated.

The Child Safe Officer will consult with the family of the child connected to the alleged abuse regarding further actions to be implemented to ensure the safety of the child pending resolution of the matter.

#### **5.6 *Child Safe Officer***

APS Sport has appointed a Child Safe Officer, who is responsible for:

- promptly managing APS Sport 's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously;

- responding appropriately to a child who makes or is affected by an allegation of child abuse; and
- monitoring overall compliance by APS Sport with this procedure.

The APS Sport Child Safe Officer is the Executive Officer who can be contacted on (03) 9804 3677. Where the Child Safe Officer cannot perform their role for any reason, then the Sport Compliance and Operations Officer is responsible for managing an alternative procedure for responding to an allegation or disclosure of abuse.

The Child Safe Officer will ensure children and their families are aware of who the appointed officer is, and how and when they may contact them.

In response to any allegation or disclosure of child abuse, APS Sport and/or the Child Safe Officer will:

- inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
- cooperate with authorities, such as law enforcement agencies, who have been notified of complaints and concerns;
- protect any child connected to the alleged child abuse until the allegation is resolved; and
- complete the incident report templated and retain records of the allegation of child abuse and the APS Sport response to it.

### **5.7 Awareness of potential barriers in reporting allegations of abuse**

All persons need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. All staff need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal or Torres Strait Islander child, all staff will need to ensure a culturally appropriate response (including for example, engaging with parents of Aboriginal or Torres Strait Islander children, local Aboriginal or Torres Strait Islander communities). Please contact the Child Safe Officer for further guidance regarding how to accommodate potential cultural and linguistic barriers.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Please contact the Child Safe Officer for advice on communicating with people with a disability. Further advice can also be found on the Department of Health and Human Services website.<sup>1</sup>

## **6. Consequences for Breach of this Procedure**

APS SPORT emphasises the need to fully comply with the requirements of this procedure. Any staff found to be in breach of the requirements of this procedure may be subject to disciplinary action, up to and including termination of employment (or engagement, where appropriate). Breaches may also result in disclosure to appropriate authorities and/or the Police.

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<sup>1</sup> [www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)



## **7. Implications for Practice**

### **7.1 At Board Level**

To properly implement this Procedure, APS Sport must:

- ensure that this Procedure is endorsed on an annual basis and following significant incidents if they occur;
- ensure that copies of this Procedure are made available to all staff;
- ensure that this Procedure is incorporated into the Board's record of current policies;
- ensure that this Procedure is incorporated into the APS Sport induction program and any ongoing training, to ensure that all staff (particularly those who are engaged in child-connected work) are aware of the Procedure, have read and understood the Procedure, and acknowledge their commitment to comply with the Procedure;
- ensure that all staff are directed towards the Code of Conduct and the Child Safe Policy; and
- ensure that this Procedure is accessible to the public (including children and parents).

### **7.2 At Other Levels**

To properly implement this Procedure, all APS Sport staff must ensure:

- that they will abide by this Procedure, the Code of Conduct and the Child Safe Policy and assist APS Sport in the implementation of this policy; and
- that they have read and understood the definitions of child abuse outlined in this **Policy**.

### **7.3 At APS Sport Member School level**

To properly implement this Procedure, all APS Sport Member Schools must ensure that they implement a Child Safe Procedure that complies with the Child Safe Standards and Ministerial Order 870, which sets out specific requirements for registered schools in relation to child safety.

# Associated Public Schools of Victoria

ABN 61 949 738 691

APS House, 15 / 13-25 Church Street, Hawthorn Vic 3122  
Tel: (03) 9804 3677 Fax: (03) 9804 3630 Mobile: 0417 512 174  
Email: [aps@apssport.org.au](mailto:aps@apssport.org.au) Website: [www.apssport.org.au](http://www.apssport.org.au)

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## Mandatory Reporting Policy

### 1. Statement of Context and Purpose

APS Sport has an important role to play in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect. APS Sport staff in periodic close contact with children may observe when a child or young person appears to be at risk of harm.

Employees and persons involved in child-connected work have a duty of care to support and protect the children and young people with whom they are professionally involved.

When a member of staff forms a reasonable belief that a child or young person has been harmed or is at risk of harm, they are legally obligated to take action to protect the safety and wellbeing of that child or young person.

In addition, and separate, to employee's mandatory reporting obligations, under the *Crimes Act 1958* (Crimes Act) it is a criminal offence if any person, who forms a reasonable belief that a sexual offence has been committed against a child under the age of 16 years by another person of or over the age of 18 years, fails to disclose that information to Victoria Police as soon as it is practicable to do so, unless the person has a reasonable excuse under Crimes Act for not doing so (**Failure to Disclose Offence**).

Employees and persons involved in child-connected work must always act in the best interests of those children and young people to protect and preserve their safety, health and wellbeing. As far as is practicable, employees must monitor the general safety and wellbeing of each child in order to meet responsibilities under the duty of care prescribed by legislation.

A person who, by reason of the position they occupy within APS Sport:

- has the power or responsibility to reduce or remove a substantial risk that a child will become the victim of a sexual offence committed by a person associated with APS Sport, and
- knows that there is a substantial risk that that person will commit a sexual offence against the child; and
- negligently fails to reduce or remove the risk,

will be guilty of a criminal offence (**Failure to Protect Offence**). A person negligently fails to reduce or remove a risk if that failure involves a falling short of the standard of care that a reasonable person would exercise in the circumstances.

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### 2. Application

This policy applies to all APS Sport staff performing functions for the APS Sport.

To properly implement this Policy, all APS Sport Member Schools must ensure that they implement a mandatory reporting policy that complies with the relevant legislation.

Those staff who are not mandatory reporters are still required to be aware of the content of this policy and its implications upon their work.

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### 3. Reference Points / Background Papers

- *Children, Youth and Families Act 2005* (Vic);
  - *Crimes Act 1958* (Vic);
  - *Crimes Amendment (Protection of Children) Act 2014* (Vic);
  - *Crimes Amendment (Grooming) Act 2014* (Vic);
  - *Education and Training Reform Act 2006* (Vic);
  - *Education and Training Reform Regulations 2007*(Vic);
  - *Children’s Services Act 1996* (Vic);
  - *Children’s Services Regulations 2009* (Vic);
  - *Charter of Human Rights and Responsibilities Act 2006* (Vic);
  - 'National Framework for Protecting Australia’s Children';
  - 'Guiding Principles for a Safe and Supportive School Environment';
  - 'Protecting the Safety and Wellbeing of Children and Young People';
  - Performance Management, Misconduct and Disciplinary Action Policy;
  - APS Sport Code of Conduct;
  - APS Sport Child Safe Policy; and
  - Child Safe Procedure.
- 

### 4. Responsibilities

#### 4.1 ***When a mandatory report is required***

Staff are expected to take steps (in accordance with the law and this policy) to ensure that a report is made to Child Protection (within the Department of Human Services) as soon as practicable after forming a belief on reasonable grounds, in the course of undertaking their professional duties, that a young child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child’s parents/guardians have not, or are unlikely to, protect the child from that harm.

#### 4.2 ***Crimes Act disclosure obligation - Failure to disclose offence***

In addition and separate to the mandatory reporting obligations outlined above, any person, whether or not an employee of APS Sport, must disclose to a Victoria police officer as soon as practicable after forming a belief on reasonable grounds that a young child or young person (under the age of 16 years, as per section 327(2) of the Crimes Act) that a sexual offence has been committed against that child or young person, unless the first-mentioned person has a reasonable excuse under the Crimes Act for not doing so.

A reasonable excuse for not making such a report to a police officer as soon as practicable includes the belief on reasonable grounds that the information has already been disclosed to Victoria Police by another person in compliance with the mandatory reporting obligations of this policy. For example, where Child Protection Services have been notified.

If there is any uncertainty about the need for a mandatory report to Child Protection Services or to contact Victoria Police, this should be raised with the Executive Officer and consideration will be given to ringing the Department of Human Services for advice, and/or Victoria Police.

#### 4.3 ***Referral to Child FIRST***

A referral to Child FIRST should be considered if, after taking into account the available information, the employee forms a view that the concerns have a low-to-moderate impact on the wellbeing of the child and the child is not at immediate risk of harm.

#### 4.4 ***Who should make a report or referral?***

Generally, it would be a Child Safe Officer that would make a report to Victoria Police, Child Protection or a referral to Child FIRST after consultation with the mandatory reporter(s).

If they are not available, it will be the Executive Officer. They will inform the relevant mandatory reporter(s) if they have or have not made a report or a referral.

In relation to the Failure to Disclose Offence, in circumstances where a person has formed

a reasonable belief that a sexual offence has been committed against a child by someone over the age of 18 years, they must disclose that information to a member of the police force as soon as it is practicable to do so unless:

- they fear on reasonable grounds for the safety of any person (other than the person believed to have committed the offence) were they to disclose the information to the police and the failure to disclose the information to police is a reasonable response in the circumstances; or
- they believe on reasonable grounds that the information has already been disclosed to the police by another person and they have no further information.

#### **4.5 Protocol**

The Employee(s) will be instructed to:

- Document date(s), time(s), nature of incident, patterns of behaviour, current and/or prior concerns and grounds for belief, regarding the student in their care (employees will be provided with a list of possible indicators of harm, and definitions to assist in deciding if abuse is occurring and if the impact warrants a report to Child Protection, Child FIRST, Victoria police or another course of action);
- Consult directly with the Executive Officer and the Child Safe Officer, and provide the documentation described above; and
- Document and consult directly with the persons listed above for each and every incident for a child they have concerns about.

The Child Safe Officer will be instructed to:

- Coordinate information from the reporter and reference any additional information;
- If deemed to be appropriate, contact the relevant family;
- If deemed to be appropriate, report the matter to Child Protection or refer to Child FIRST and (where applicable) notify Victoria Police, and inform the Executive Officer and other employees as required; and
- Act as the APS Sport liaison person with Child Protection, Victoria Police or any other relevant authorities.

APS Sport may remove an employee, volunteer, contractor or agent of the APS Sport (and/or take other steps to reduce or remove risk) where it is considered that there is a substantial risk that an employee, volunteer, contractor or agent of APS Sport will commit a sexual offence against a young person or child so as to ensure that they do not negligently fail to reduce or remove that risk under section 49C(2) of the Crimes Act.

#### **4.6 Own investigations strictly prohibited**

Staff should follow the above protocol strictly. Under no circumstances should the mandatory reporter 'investigate' an allegation of child abuse. This is the role of Child Protection and/or Victoria Police.

#### **4.7 Confidentiality**

All APS Sport staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may only discuss case details and the identity of the child or young person and their family only with those involved in managing the situation, including a police officer in the case of a suspected sexual offence committed against a child or young person.

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## **5. Consequences of a Breach of this Policy**

APS Sport emphasises the need to comply with the requirements of this policy. Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment.

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## **6. Implications for Practice**

### **6.1 *At Board Level***

To properly implement this Policy, APS Sport must:

- ensure that this Policy is endorsed on an annual basis and following significant incidents if they occur;
- ensure that copies of this Policy are made available to all staff;
- ensure that this Policy is incorporated into the Board's record of current policies;
- ensure that this Policy is incorporated into the APS Sport induction program and any ongoing training, to ensure that all staff (particularly those who are engaged in child-connected work) are aware of the Policy, have read and understood the Policy, and acknowledge their commitment to comply with the Policy;
- ensure that all staff are directed towards the Code of Conduct and the Child Safe Policy and Procedure; and
- ensure that this Policy is accessible to the public (including children and parents).

### **6.2 *At Other Levels***

To properly implement this Procedure, all APS SPORT staff must ensure:

- that they will abide by this Policy, the Code of Conduct, the Child Safe Policy and Procedure, and assist APS SPORT in the implementation of this policy; and
- that they have read and understood the definitions of child abuse outlined in this Policy.

### **6.3 *At APS Sport Member School level***

To properly implement this Policy, all APS Sport Member Schools must ensure that they implement a mandatory reporting policy that complies with the relevant legislation.



# Incident Report Form



Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

If you believe a child is at immediate risk of abuse phone 000.

Does the child identify as Aboriginal or Torres Strait Islander?

(Mark with an 'X' as applicable)

No  Yes, Aboriginal  Yes, Torres Strait Islander

Please categorise the incident

Physical violence	<input type="checkbox"/>
Sexual offence	<input type="checkbox"/>
Serious emotional or psychological abuse	<input type="checkbox"/>
Serious neglect	<input type="checkbox"/>

Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

Parent/carer/child use

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

## Office use:

Date incident report received:	
Staff member managing incident:	
Follow-up date:	
Incident ref. number:	

## Has the incident been reported?

Child protection	
Police	
Another third party (please specify):	

## Incident reporter wishes to remain anonymous?

*(Mark with an 'X' as applicable)*

Yes  No