

# Responding to child abuse reports and allegations

## Purpose

The Australian Curling Federation is committed to protecting the children and young people in our sport. Accordingly, we have developed this policy on how to respond to child abuse reports and allegations as a guide to all our people in meeting their responsibilities in this area. Our members and volunteers are required to identify, report, and respond to any concerns about, or incidents of, child abuse or neglect towards children or young people in our sport. Our members and volunteers are required to respond to abuse or neglect perpetrated by members and volunteers within our organisation or by other persons.

The Australian Curling Federation will promote equity and respect diversity of the children and young people and their parents who access our services as part of our reporting policy. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children and young people with a disability.

We take seriously our responsibility to deliver a sporting environment that is caring, nurturing and safe. Our Executive Committee is committed to ensuring the safety of all children and young people to whom we provide services or who participate in our programs.

## Responsibilities

Position	Responsibility
ACF President / State Presidents	<ul style="list-style-type: none"> <li>• Implement policies and procedures across the organisation</li> <li>• Ensure members and volunteers have access to and understand this policy and related procedures</li> <li>• Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures</li> </ul>
ACF Executive Committee	<ul style="list-style-type: none"> <li>• Review and update this document and supporting resources in consultation with relevant stakeholders</li> <li>• Support the coordination of the Child Safe policies</li> <li>• Provide training and advice in the application of policies and procedures</li> </ul>
State Member Association Executive Committees	<ul style="list-style-type: none"> <li>• Ensure policies and procedures are followed and implemented</li> </ul>
Members / Volunteers	<ul style="list-style-type: none"> <li>• Compliance with policy and procedure</li> </ul>

## Key Requirements

Our members and volunteers are required to report any instance of serious abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect)

immediately, or if that is not possible, no later than before ending that person's shift or session of work with our organisation.

If a child or young person is at **imminent risk** of harm or in **immediate danger**, our members and volunteers are required to report the situation directly to the relevant State Police. See the Mandatory reporting legislation and summary table for more details related to your state.

In your responses you will need to consider the specific needs of the child or young person. Consider the unique qualities of a child including, for example, whether the child is Aboriginal or Torres Strait Islander, has a disability and/or has a culturally and linguistically diverse background.

### **Consequences of breaching policy**

If our members and volunteers fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person – by members and volunteers within our organisation or by others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

Our policy prohibits all members and volunteers from:

- discussing any concerns or allegations with unauthorised members and volunteers – within or outside our organisation – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of our organisation's commitment to ensuring privacy, confidentiality and natural justice
- making deliberately false, misleading or vexatious allegations.

Our members and volunteers are obliged to raise any concerns they might have in relation to:

- our organisational policies designed to safeguard children and young people – such as outlined in our 'Practice and behaviour guidelines' and in our 'Responding to child abuse reports and allegations' policy
- actions of other members and volunteers within our organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

### **Reporting of concerns or allegations regarding abuse or neglect by family or other external sources**

As a policy, the Australian Curling Federation requires all of its members, volunteers, coaches, and any support personnel involved with the sport to report any instance of child abuse or neglect that has resulted in, or is likely to result in, significant harm to a child or young person, to either:

- State police immediately (i.e. before the end of the person's shift / session of work)

- The Australian Curling Federation President who will ensure that the incident is reported to the relevant state authority immediately (i.e. before the end of the person's shift / session of work).
- If the Australian Curling Federation President is unavailable (or they are the subject of the complaint), a member of our Executive Committee and/or member/volunteer are required to report the matter to the relevant state authority

The following legal mandatory reporting requirements also apply to members and volunteers within our organisation with 'state of mind' activates reporting duty and extent of harm:

<b>Mandatory reporting legislation and summary</b> <b>(As at 29 Feb 2020 from: <a href="https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect">https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect</a>)</b>	<b>Relevant members and volunteers who must comply</b>
<p>Please familiarize yourself with this legislation at <a href="https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect">https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect</a> to ensure the most up-to-date information.</p> <p><b><u>New South Wales</u></b>  <b>What must be reported?</b> Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work  <b>Abuse and neglect types that must be reported:</b> Physical abuse, Sexual abuse, Emotional/ psychological abuse, Neglect, Exposure to domestic violence  <b>Legal provisions:</b> Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW)</p> <p><b><u>Queensland</u></b>  <b>What must be reported?</b> Has a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm  <b>Abuse and neglect types that must be reported:</b> Physical abuse, Sexual abuse  <b>Legal provisions:</b> Part 1AA, Section 13e of the <i>Child Protection Act 1999 (Qld)</i></p> <p><b><u>Victoria</u></b>  <b>Who Is Mandated to Report:</b> Any adult  <b>What must be reported?</b> A reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence.  <b>Abuse and neglect types that must be reported:</b> Sexual offence  <b>Legal provisions:</b> Section 327 of the <i>Crimes Act 1958</i></p>	<p>All Australian Curling Federation Executive Committee members, State Member Association Executives, curling members, volunteers, coaches, officials and any support personnel involved with the sport of curling</p>

<p><b>Western Australia</b>  <b>What must be reported?</b> Reasonable grounds for suspecting that a child has been: abused, or is at risk of being abused; ill-treated, or is at risk of being ill-treated; or exposed or subjected to behaviour that psychologically harms the child  <b>Abuse and neglect types that must be reported:</b> Physical abuse, Sexual abuse, Neglect, Psychological harm including (but not limited to) harm caused by being subjected or exposed to family violence  <b>Legal provisions:</b> Sections 5, 160 of the <i>Family Court Act 1997 (WA)</i></p>	
<p>Failure to Protect could result in criminal charges against any of the relevant members and volunteers.</p>	<p>All Australian Curling Federation Executive Committee members, State Member Association Executives, curling members, volunteers, coaches, officials and any support personnel involved with the sport of curling</p>
<p>Failure to Disclose could result in criminal charges against any of the relevant members and volunteers.</p>	<p>All Australian Curling Federation Executive Committee members, State Member Association Executives, curling members, volunteers, coaches, officials and any support personnel involved with the sport of curling</p>
<p>Information Sharing could result in criminal charges against any of the relevant members and volunteers.</p>	<p>All Australian Curling Federation Executive Committee members, State Member Association Executives, curling members, volunteers, coaches, officials and any support personnel involved with the sport of curling</p>

We ask that our members and volunteers also inform our Australian Curling Federation President and/or Vice-President of any report they make to those authorities, to enable our organisation to best provide support to the child or young person, their family and our members and volunteers, where appropriate.

All our members and volunteers retain the right to report directly to relevant authorities, such as police or child protection, any concerns they may have in relation to the safety and welfare of a child or young

person, regardless of whether or not they have also reported that matter internally.

In taking a report of concern, or of an incident, from others within our organisation our members and volunteers are:

- not to assess the validity of such allegations or concerns, but to report all allegations or concerns to the nominated person or persons within our organisation as described in this policy (the validity of an allegation will then be assessed in the manner described in this policy.)
- to disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation.

In situations where a child or young person is making an allegation, our members and volunteers are required to:

- listen to the allegation or disclosure supportively, without dispute
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions, using our organisation's 'Child abuse Incident Form'
- record on the Child abuse Incident Form what was said (where possible, noting the exact words used by the person making the allegation)
- date and sign the record
- explain to the child (if present) that other people may need to be told, in order to stop what is happening
- provide reassurance that our organisation will take immediate action in response to the allegation.
- Report the matter as per organisational policy requirements (as stated earlier), which are to:
- Contact relevant state authority immediately (i.e. before the end of the person's shift / session of work).
- Contact the Australian Curling Federation President who will ensure that the incident is reported to the relevant state authority, immediately (i.e. before the end of the person's shift / session of work).
- If the Australian Curling Federation President is unavailable (or they are the subject of the complaint), our members and volunteers are required to report the matter to the Australian Curling Federation Vice-President.

**Additional requirements where concerns or allegations of abuse or neglect involve our members or volunteers**

All members and volunteers must report, immediately, to the Australian Curling Federation President any breach of the Code of Behaviour arising from an action by an employee or volunteer within our organisation.

In response to any instance of 'serious' breaches which relate to abuse or neglect ('serious' being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person) our Australian Curling Federation President will investigate and deal with allegations of inappropriate and unacceptable behaviour towards a child in line with our organisation's general procedures for complaint resolution and disciplinary measures and in consultation with Police and other authorities.

If a 'serious' allegation has been made against a member of our organisation, our Australian Curling Federation President will:

- fill in a 'Child Abuse Incident Form' form to ensure all relevant details are documented
- cooperate with the Police and other authorities and assist in their investigation of the allegation
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
  - redeploying that member to a position where they do not work with children
  - additional supervision of that member
  - removing/suspending that member from duty until the validity of the allegations is determined
- assist in addressing the support needs of those impacted by the allegation including considerations of cultural safety for:
  - the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background);
  - the person against whom the complaint is made by, for example, potentially offering professional support
  - other members and volunteers impacted by the allegations
- make clear to all other members and volunteers who are aware of the allegation that:
  - the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'
  - they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or the Australian Curling Federation President and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a critical incident review.

No member or volunteer who makes a report on reasonable grounds shall be threatened, intimidated or caused damage, loss or disadvantage because they have reported or propose to report suspected abuse or neglect.

### **Confidentiality and privacy**

Our organisation maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

### **Documentation**

As part of our policy for responding to reports or allegations of child abuse, we have developed a Child Abuse Incident Form, which is to be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse. In situations where our members and volunteers become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our Child abuse Incident Form to record their observations and concerns as accurately as possible.

Our Australian Curling Federation President will oversee creation of a file to contain the completed Child Abuse Incident Form and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation of abuse or neglect of a child or young person by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

We maintain and regularly monitor records of child abuse reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with.

## **Supporting Resources**

Play By the Rules, <a href="https://www.playbytherules.net.au">https://www.playbytherules.net.au</a>
Child Abuse Incident Form
ACF Policies: Responding to Incidents, Disclosures, and Suspicions of Child Abuse – Four Critical Actions, Practice and behaviour guidelines, and Responding to child abuse reports and allegations policy