

Child Safety Policy

July 2019

1. INTRODUCTION

1.1. BMX Australia (BMXA) is committed to ensuring that children and young people who participate in BMXA activities have a safe and happy experience. BMXA supports and respects children, young people, staff, volunteers and participants.

1.2. The aim of BMXA's Child Safe Policy (the Policy) is to protect the safety of children in our BMX are and prevent abuse from occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.

1.3. Should a person wish to make any enquiries in relation to this Policy, please contact info@bmxaustralia.com.au

2. POLICY STATEMENT

2.1. BMXA is committed to providing to protecting members' privacy, promoting positive behaviours and attitudes, protecting the health, safety and well being of members, particularly children and delivering the BMXA's activities while acting in the best interests of children in the sport.

2.2 BMXA considers that the health, safety and well-being of children take priority over other competing considerations to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, BMXA and its Member States, Territories and Clubs.

2.3. BMXA has a zero tolerance approach to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability or sexual orientation.

2.4. Child protection is a shared responsibility between BMXA, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the BMXA community. Everyone that participates in BMXA's activities is responsible for the safety and protection of children, and reporting information about child abuse.

2.5. BMXA supports the active participation of all children. We listen to their views, respect their views and involve them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).

2.6. BMXA is also committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

2.7. BMXA promotes fairness for staff, volunteers and participants. For further details please refer to the BMXA Member Protection Policy.

3. RELATED DOCUMENTS

BMXA's policies and procedures, including but not limited to:

- (a) Privacy Policy;
- (b) Constitution;
- (c) Codes of behaviour;
- (d) Member Protection Policy; and
- (e) Grievance and Discipline procedures.

4. RESPONSIBILITIES

This Policy applies to all parties who participate in or are involved with BMXA or affiliated bodies, including the following organisations and individuals:

- (a) BMX Australia;
- (b) Member States and Territories;
- (c) Affiliated Clubs;
- (d) Persons appointed or sitting on boards, committees and sub-committees of BMXA or Member States and Territories;
- (e) Employees, officials and volunteers appointed or elected by BMXA or a Member State or Territory;
- (f) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- (g) Coaches (including assistant coaches) who:
 - Are accredited, appointed and/or employed by BMXA or Member States and Territories (whether paid or unpaid);or
 - Have an agreement (whether or not in writing) with BMXA or a Member State or Territory;
- (h) Any person or organisation, who or which is a member of, or affiliated to, BMXA or a Member State or Territory;
- (i) Commissaires, Motos or other officials and volunteers;
- (j) Any other person or organisation who, or which agrees in writing or otherwise to be bound by this Policy; and
- (k) Anyone else who agrees in writing to the BMXA Member Protection Policy.

This Policy will continue to apply to a person even after they have stopped their association or employment with BMXA if disciplinary action against that person is commenced.

5. RESPONSIBILITIES OF THE ORGANISATION

BMXA and Member States and Territories must:

- Adopt, implement and comply with this Policy;
- Ensure that this Policy is enforceable;
- Publish, distribute and promote this Policy and the consequences of breaches;
- Deal with complaints made under this Policy in an appropriate manner;
- Promote and model appropriate standards of behaviour at all times;
- Recognise and enforce penalties imposed under this Policy;
- Ensure that a copy of this Policy is available or accessible to the persons and associations to whom this Policy applies;
- Use appropriately trained people to receive and manage complaints and allegations

6. DEFINITIONS

1.1. Adult: means any person of or over the age of 18 years.

1.2. Child/Children: means a person involved in the activities of BMXA (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child.

1.3. Child Protection: means any responsibility, measure or activity undertaken to safeguard children from harm.

1.4. Sexual Offence: means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexually offence behaviours include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.

7. RECOGNISING AND REPORTING CHILD ABUSE

A person may, in the course of participating in the sport or other activities of BMXA or carrying out their work, form a belief on reasonable grounds that a Child is in need of protection from child abuse.

If a person is concerned about an immediate risk to a Child's safety, the person must phone "000" as soon as practicable.

7.1. Reasonable grounds for belief

7.1.1 A belief on reasonable grounds is formed if a reasonable person believes that:

- (a) The Child is in need of protection;
- (b) The Child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
- (c) The child's parents are unable or unwilling to protect the Child.

7.1.2 To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there is any other related matters known regarding the alleged perpetrator.

- (a) A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.
- (b) You will have reasonable grounds to notify the parties in 7.2 below if:

- A Child states that they have been physically or sexually abused;
- A Child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a Child states that the Child has been physically or sexually abused;
- Professional observations of the Child's behaviour or development leads a professional to form a belief that the Child has been physically or sexually abused or is likely to be abused; or
- Signs of abuse lead to a belief that the Child has been physically or sexually abused.

7.2. Voluntary Reporters

Any person who believes on reasonable grounds that a Child is in need of protection from any form of child abuse, may disclose that information to the Police or the relevant state child protection authority.

7.3. Reporting Child Sexual Abuse

If a person receives information that leads them to form a reasonable belief that a Sexual Offence has been committed against a Child, the person has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation may be subject to a penalty of 3 years imprisonment.

7.4. BMXA Approach to Reports of Abuse

(a) BMXA supports and encourages a person to make a report to the Police or relevant state child protection authority if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

(b) Any person that makes a report in good faith will be supported by BMXA, and will not be penalised by BMXA for making the report.

(c) If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the BMXA CEO or BMXA MPIO for guidance and information. If in doubt, ask for assistance.

(d) If an allegation is made against a member of staff or volunteer to BMXA, BMXA will follow the reporting procedure outlined in the Member Protection Policy and take all steps to ensure that the safety of the Child is paramount.

(e) If an allegation is made to BMXA, BMXA will investigate allegations of inappropriate conduct against a Child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.

(f) BMXA will cooperate with the directions of the Police and/or relevant state child safety agency in relation to any investigation conducted by these authorities.

8. CHILD SAFE AND CHILD FRIENDLY GUIDELINES

8.1 Adherence to Professional Boundaries

All Adults should limit contact with Children engaged in BMX riding to what is acceptable and appropriate.

If you become aware of any situation in which a Child requires assistance that is beyond what is accepted and/or appropriate in your role, or beyond the scope of your organisation's usual service, you should at the earliest opportunity refer the matter to the member protection officer in accordance with the Member Protection Policy.

8.2 Physical Contact with Children

Any physical contact with Children must be appropriate in the context of delivering BMX riding services, programs or events and based on the needs of the Child rather than the needs of Personnel. This section does not apply to medically trained Personnel acting in the course of their duties and delivering medical or health services to Children as and when required.

Under no circumstances should any Personnel have contact with Children participating in BMX services, programs or events that:

- (a) Involves touching of:
 - (i) Genitals;
 - (ii) Buttocks; or
 - (iii) Breast area;
- (b) Would appear to a reasonable observer to have a sexual connotation;
- (c) Is intended to cause pain or distress to the Child – for example corporal punishment;
- (d) Is overly physical – for example, wrestling, horseplay, tickling or other rough housing;
- (e) Is unnecessary – for example, assisting with toileting when a Child does not require assistance; or
- (f) Is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
 - (i) Physical restraint should be a last resort;
 - (ii) The level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
 - (iii) The incident must be reported to Management as soon as possible.

Personnel are also required to report to the Member Protection Information Officer as appointed under the Member Protection Policy any physical contact initiated by a Child that is sexual and/or inappropriate (eg. acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, Adults and any other participants.

8.3 Photography and Video Recording

Adults are reminded that at all times they must act in accordance with any applicable laws or regulations within their state or territory relating to the capture, storage and dissemination of photographs or video recording of Children. This must follow the requirements in the Member Protection Policy.

8.4 Change Rooms

At BMXA training, programs, events or competitions where children are in attendance, Adults, regardless of gender, should only enter change rooms if accompanied by another Adult, unless circumstances make such a requirement impossible. Prior to entering change rooms, Adults should announce to the people in the change room of their intended entrance. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their Child.

8.5 Hotel rooms and other accommodation

No Adult should be alone in a room of accommodation with an athlete without the presence of another Adult.

The doors should always be open when Adults are in a room of accommodation with a Child. Should it be necessary for an Adult to be alone in the room of an athlete, the Team Manager or other responsible Adult must be informed. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their Child.

8.6 Travel - General

All team management retains an overriding responsibility for the welfare of all athletes they accompany during team travel activities. They have a 'duty of care' for athletes and they must meet that duty and avoid unaccompanied and unobserved activities with Children wherever possible. For the avoidance of doubt this requirement does not apply to parents/legal guardians when unaccompanied or unobserved with their child.

8.7 Sexual Conduct

Improper conduct of a sexual nature by an Adult towards Child includes any form of child sexual abuse (defined within the BMXA Member Protection Policy) as well as, but not limited to, the following:

- (a) Inappropriate conversations of a sexual nature;
- (b) Obscene language of a sexual nature;
- (c) Suggestive remarks or actions;
- (d) Jokes of a sexual nature;
- (e) Obscene gestures;
- (f) Unwarranted and inappropriate touching;
- (g) Sexual exhibitionism;
- (h) Use of any device to show/watch offensive material; or
- (i) Any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

8.8 Adults under investigation

Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working With Children Check (WWCC) (or if based in another State the equivalent requirement) status may be prohibited by the BMXA Board from participating in any and/or all BMXA activities.

8.9 Coach Assistance

All coaches must ensure that all physical contact with Children which occurs when coaching is appropriate for the situation and necessary for the athlete's safety or as a requirement for training. It is required that:

- (a) Coaches ensure that there are other Adults present whenever coaching;
- (b) Coaches take care to explain the procedure to the child prior to beginning any physical contact; and
- (c) Coaches obtain consent from the athlete prior to beginning any physical contact.

8.10 Alcohol Use and Supply

While on duty, Adults must not:

- (a) Use, possess or be under the influence of an illegal drug;
- (b) Use or be under the influence of alcohol;
- (c) Be incapacitated by any other legal drug such as prescription or over-the-counter drugs; or
- (d) Supply alcohol or drugs (including tobacco) to children participating in BMXA services, programs or events. Use of legal drugs other than alcohol by Adults is permitted, provided such use does not interfere with your ability to care for children involved in BMXA services.

8.11 Electronic Communications and Social Media

As part of BMX Australia's emphasis on Child safety, communications involving children should be appropriate, productive, and transparent. Effective communication concerning travel, practice or training and competition, and administrative issues among administrators, coaches, players and their families is critical. However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of electronic communications can result in disciplinary proceedings.

Guidelines:

- (a) Coaches, staff and administrators must liaise directly with the parent or must copy parent(s) or guardian(s) in on all electronic and mobile communications to Children.
- (b) To ease communications, set-up e-mail and texting groups with parents and Children and make this group communications a norm for your organisation. Include parent(s) or guardian(s) on all email and text messaging groups.
- (c) Should any member of your group inadvertently send a Child an electronic or mobile communication without including the parent(s) or guardian(s), acknowledge the oversight to the parent/guardian and forward the communication to the parent/guardian as soon as possible.
- (d) Speak with a parent or guardian if coaches or staff receive any electronic and mobile communication from children that make them uncomfortable.

9. ENGAGING NEW PERSONNEL

9.1. BMXA undertakes recruitment and screening process for staff and volunteers which aims to:

- (a) Promote and protect the safety of all Children who participate in the activities of BMXA;
- (b) Identify and recruit safe and suitable candidates who share BMXA's values and commitment to protecting Children; and
- (c) Prevent a person from working at BMXA if they pose an unacceptable risk to Children.

BMXA requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with BMXA.

9.2. As part of the screening and recruitment process of BMXA, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people, if, pursuant to the relevant state legislation on working with children, the role they are applying for will require a WWCC or other state equivalent check.

9.3. Pursuant to the relevant state legislation on working with children, there may be roles where any contact with children is only considered incidental or indirect, and BMXA may find that applicants may be exempt from requiring a WWCC or other state equivalent check if applying for such a role in accordance with the relevant legislation.

9.4 We recommend all Adults involved in BMX obtain a WWCC however the following key event personnel, who work with Children, must have a valid WWCC unless exempt under the relevant state working with children legislation:

- (a) Coaches
- (b) Commissaires
- (c) Relevant contractors who may have unsupervised access to Children; and
- (d) Anyone else who BMXA staff feels requires a WWCC due to the nature of the work that they are undertaking for BMXA.

9.5. The type of evidence that an applicant is required to provide to BMXA will vary depending on the type of position that they are applying for.

9.6. BMXA will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and during their time with BMXA in regular intervals.

9.7. BMXA will undertake thorough reference checks prior to engaging any Personnel.

9.8. BMXA requires that affiliated clubs ensure all staff and volunteers (including coaches and any officials) likely to have contact with Children have a current WWCC which has been lodge with BMXA.

10. RISK MANAGEMENT APPROACH

Child safety is a part of BMXA's overall risk management approach.

11. POLICY BREACHES

It is a breach of this Policy for any person or organisation to which this Policy applies, to have been found to have done anything contrary to this Policy. Any person who may breach this Policy is subject to the BMXA member protection Policy and constitution.

12. POLICY BREACHES

12.1. The introduction of this Policy will be electronically advised to all members and be available on the BMXA website.

12.2. This Policy will be communicated electronically to all State and BMXA Staff and Board members and available on the BMXA website.

13. REVIEW PROCESS

13.1. If you would like to provide BMXA with any feedback or suggestions to improve this Policy, please contact us at info@bmxaustralia.com.au

13.2. Recommendations for changes to the Policy may be submitted to the Board for consideration at any time. In the event that changes are accepted, the Policy will be updated, and circulated to all stakeholders via the webpage, e-communications and other appropriate communication channels.