

# **Child Protection and Football**

## **A guideline for FV clubs**

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## 1. INTRODUCTION

Football Victoria (FV) is committed to supporting our Clubs to manage a safe environment for all children in football across Victoria.

Football is a sport built on cooperation between clubs and volunteers. The majority of time that trust is well placed, however unfortunately there may be occasions where an incident arises, and in such circumstances, it is important for a Club to have the right processes in place.

Recent government inquiries into child safety in Australia have prompted changes to the law to provide children with greater protections.

In Victoria, the Child Wellbeing and Safety Amendment Act 2015 requires clubs to meet “Child Safe Standards”. Clubs are required to comply with these obligations regardless of whether they are run by paid employees or volunteers. Victorian law requires all organisations that work with children to meet the 11 Victorian Child Safe Standards as of 1 July 2022 set by VICSPORT.

### The new eleven (11) Standards are:

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

This guideline has been developed with independent advice to assist FV clubs to understand and meet their obligations.

If you need further information, the Child Abuse Royal Commission has put together a list of organisations and support services which may also assist: <https://www.childabuseroyalcommission.gov.au/contact>

If in doubt, please contact your Club Coordinator at FV, or in the alternative the FV Legal, & Regulatory department, for assistance.

Kind regards,



Kimon Taliadoros

CEO - Football Victoria

## 2. CREATING THE RIGHT CULTURE

Creating a child safe environment needs a cooperative approach so that all parts of your Club are focused on prioritising the safety of minors. This means that your Club must consider child safety on a day-to-day basis, just like it considers team sheets, finances, and any other considerations.

Success requires teamwork: if one person is offside the whole process suffers. It is therefore vital to create the right culture at your Club so that everyone is onside.

### **Appoint a Child Safety Officer**

The First Step for all Clubs should be to make sure an appropriately trained child safety officer is in place. Parents, coaches, volunteers, and supporters of the Club should be aware that this is the person they can speak to with any concerns, and that they will be treated with dignity and respect and in confidence.

There are courses and trainings available to individuals within Clubs to provide appropriate training in how to recognise issues and respond accordingly. Contact FV for more information.

### **Implementing child-safe policies and procedures**

It is the responsibility of the Club management committee to ensure it has the appropriate policies, procedures, and culture in place to:

- safeguard against the risk of child abuse.
- respond swiftly and appropriately when situations arise.

Your Club should consider having the following material in place at your club, in addition to any other material specific to your club's individual circumstances:

- a child-safety policy and procedure.
- a code of conduct that includes child-safety.
- a social media policy.

FV has provided a template child-safe policy and procedure and Code of Conduct to all Clubs to use free of charge. FV recommends that Clubs adopt the template FV policy, but you may choose to use your own material. If so, your material should contain the following:

### **Child-Safe Governance**

If your Club wants to develop its own policy, it should be clearly worded and should include the following matters:

- a statement expressing your Club's commitment to child safety.
- a definition of child abuse.
- procedures and decision-making processes that surround the Club's interactions and involvement with children.
- an outline of your Club's recruitment and supervision processes for employees and volunteers, including in relation to Working with Children Checks.
- processes for identifying and managing child abuse risks.
- processes for reporting and handling child abuse concerns and complaints.
- processes of managing communication about suspected or actual child abuse, both internally and externally.
- a description of the roles and responsibilities of personnel involved in protecting children, including the duty of care of the committee members, volunteers, employees, and contractors.
- a statement setting out the Club's commitment to honouring different cultural traditions when protecting children.
- a statement setting out the Club's commitment to the safety of children with a disability.
- information about how the policy is implemented, governed, and reviewed.

Your child-safe policy and procedure should set out a “road map” for a person to follow if they have a concern regarding alleged or suspected abuse.

The procedure should set out in what circumstances a report should be made, who the complaint should be directed to (whether internally or externally), how the complaint will be handled, and requirements in relation to confidentiality and procedural fairness.

### **Code of conduct**

The Club should have an up-to-date code of conduct that includes:

- clear and specific standards of conduct for working with children.
- clear expectations of appropriate relationships with children for contractors, volunteers, employees, committee members, players, and families (e.g., when is it appropriate for there to be physical contact, social media boundaries, etc.).
- instructions on how adults should respond to any risks adults may pose to children, or that children may pose to each other.
- guidance about inappropriate conduct with children that could place children at risk of abuse (or conduct that is inconsistent with any legal obligations).
- recognition of the needs of children from culturally and/or linguistically diverse backgrounds.
- recognition of the needs of children with a disability and appropriate behaviour and relationships for personnel and children (e.g., appropriate ways to physically and emotionally assist a child with a disability).

### **Social media policy**

Given the nature of football, Clubs have a heightened need for social media guidelines. This is because:

- many supporters and players are extremely passionate and will want to express their viewpoints (including both support and criticisms) on social media.
- a large number of football players in Victoria are under 18, and many of these people are regular users of social media.
- it may be tempting to contact players (i.e., about game information, player numbers, transport options etc.) via this social media, because it is a common and easy form of communication.

Therefore, it is essential that your Club clearly communicates appropriate use of social media at the Club, such as:

- the definition of “social media”.
- when it is possible to communicate to children via social media (if ever).
- who can communicate to children via social media (i.e., only the committee or coaches to send messages, the committee to sign off on messages, or only for parents to be contacted via social media based on the age of their child).
- what content can be communicated to children via social media (i.e., only Club related material).
- clear expectations on the personal use of social media by everyone at the Club (i.e., including children).

#### **It is more than just having policies in place:**

Merely having policies in place does not guarantee child safety. Clubs must ensure that all players, coaches, volunteers, and committee members have the knowledge, skills and capability required to create, implement and follow appropriate systems and processes.

If English is not the common language of your club, consider whether the policies and procedures you have in place should be translated into your community’s preferred language.

Your Club also needs to have processes in place for regularly reviewing and refining policies and procedures to ensure that your Club is compliant with:

- all processes for responding to and reporting suspected child abuse;
- any new child safety standards (as this area is regularly evolving); and

- any other legislative changes surrounding child safety.

The Australian Government's *Royal Commission into Institutional Responses to Child Sexual Abuse* held a public hearing in April 2016 into the experiences of men and women who were abused as children in sporting clubs, including football clubs. Some of the key messages stemming from the Commission include:

- it is not acceptable to put off acting against an alleged perpetrator unless or until they have been charged with a criminal offence. Clubs need to take appropriate action as soon as a complaint is received; and
- it is not acceptable to hand a matter over to the authorities and then wash your hands of it. Clubs need to actively participate in the investigation process and follow up.

#### **Case Study:**

James is 25y/o and the coach of the U15 boys team. James is well liked by the team, and often sends texts to players and writes to them on Facebook and in Snapchat groups.

One day, a player shows his parents a Snapchat message that James had sent to the group. It was a picture of James with his shirt off telling the players to work hard and be proud of their body. The following days, more messages are sent by James, asking the players to comment on his body, and to send him pictures of their bodies. The parents immediately bring this to the Club's attention.

James is upset at the allegations. He says he was simply being a positive role model to the boys and giving them confidence in themselves. He says it has been taken out of context and won't happen again.

#### What next?

The parents were right to bring this to the Club's attention. This is not appropriate behaviour between a coach and players, and especially between an adult and minors. It is likely a breach of the Club's Code of Conduct and could lead to expulsion from the Club. It is also likely a breach of FV's GDT. The matter needs investigating, and the Club may need FV's advice as to the next steps.

## Empowering Children

Child-safe Clubs exist where children and young adults feel free to ask questions and speak up.

Your Club's policies - as well as the behaviour of its management, coaches, and volunteers – should encourage children to come forward with questions or concerns about behaviour.

There are a number of ways to empower children within your Club to speak up about inappropriate behaviour, including:

- ensuring all relevant policies / procedures are written in plain English (or another language specific to your Club's needs) and are made available online so that they are easily accessible.
- making sure children know that your Club cares about safety – by exhibiting child- friendly poster-statements of your values, for example. The Commission website has many resources that can assist.
- discussing with children the relevant policies and procedures and providing practical examples of situations when they should raise concerns.
- creating opportunities for children to be involved in policy and program development, implementation, and review, including being honest with children about the extent of their involvement, and giving feedback on how their views have been actioned.
- establishing pathways and mechanisms (e.g., an anonymous suggestion box, opportunities for children to communicate with and get to trust a variety of adults, etc.) which enable children to raise concerns safely and with confidence.
- using inclusive and empowering, child-friendly language in everyday activities and written documents.

**Texting Players:**

A Club discovered that a coach was sending his U15 girls texts asking them to the movies.

The behaviour was only uncovered because one of the players asked their parent whether it was okay to go to the movies with the coach, and the parent reported it to the Club.

All Clubs must clearly communicate what is, and what is not, appropriate between adults and minors at the club.

There is no set rule whether a coach should be able to text players directly: the important thing is the club has considered it, formed a view, and applies it.

## Education

Another key factor in empowering children is to provide sensitive education materials on appropriate behaviour, and how to spot and respond to the signs of inappropriate conduct.

While adults within your Club may be alert to the warning signs of grooming and child abuse, children may not be alert. It is therefore important to provide children in your Club with Age-appropriate education about their bodies and personal boundaries. This assists your Club's child protection strategy.

Education may take place face-to-face (e.g., in a Club room setting) or via documented resources. An appropriately qualified individual either from within your Club or an external expert, should provide this type of message.

The sorts of topics usually covered in Age- appropriate training may include:

- Miniroos age – Naming body parts; talking to children about the differences between a good secret and a bad secret; Safe and not-safe touches; "It's OK to tell" (you won't get in trouble for telling an adult that someone made you feel uncomfortable).
- Juniors Player age – "Adults aren't always right" (explaining that some adults can do wrong things and it's important they let another adult know if they are worried); helping children to identify and talk about their feelings; and encouraging open communication and discussions about experiences.
- Minors should also be provided with education about cyber safety and how to identify online grooming. For example, some Clubs do not allow volunteers or employees to be 'friends' on Facebook or other social media with minors in their care. If this is the case in your Club, this should be explained to minors at the Club so that they can identify inappropriate behaviour.

**What is Grooming?**

Grooming refers to actions to befriend and influence a child (and, in some circumstances, members of the child's family) with the intention of achieving a criminal objective.

Grooming can occur in person or online (e.g., via Facebook) and is designed to help the perpetrator establish an emotional connection in order to lower the child's inhibitions.

Ensuring your Club's members, employees, and volunteers understand the warning signs of grooming will make it more likely that the Club will be able to detect and respond to potential child abuse.

In Victoria, grooming a child for unlawful sexual activity is a sexual offence and must be reported to the police.

**Case Study**

Milo is 29y/o team manager of the U15 girls, and sometimes also acts as coach of the team. He has a young son in the club's Miniroos team.

Kate is a player on the U13s girls' team. She is new to the club, and Milo is keen to ensure she fits in. Milo picks her up and drops her home, and often goes inside with her to talk to her parents, and occasionally stay for dinner. Over time, Milo starts dropping in after work and on non-game or training days. He offers to babysit Kate when the parents are away, and he also starts bringing presents over for Kate and her parents. Milo and Kate become friends on Facebook and other social media and spend a lot of time together.

Kate's parents think Milo is harmless enough at first, but over time they grow curious as to why an adult man would spend so much time at their house.

#### What next?

This may be an example of grooming. Milo's actions go beyond his role as team manager or coach. He has delved into trying to develop a personal friendship with a minor and her family and established an emotional connection.

Although each act may be harmless, it is the build-up of acts over time that raises warning bells. Kate's parents should discuss their concerns with the club or with FV. There is no need to wait until something physical actually occurs.

The club should have a policy and Code of Conduct in place that establish the proper boundaries between coaches and players.

## Enabling Disclosure

Clubs should foster a culture that encourages all children and adults to speak up about any concerns about a young person's wellbeing.

Strategies that help to create such a culture include:

- having management and coaches lead by example, listen to others, and encourage the expression of different viewpoints.
- insisting that all interactions between coaches, volunteers, employees, parents, and children are respectful.
- talking openly and honestly (where appropriate) about past issues and steps that have been taken to ensure those issues do not occur again.
- treating personal information confidentially and respecting privacy.
- being open and transparent with parents and children about the limits on confidentiality. This might include informing children and parents that certain allegations cannot be kept confidential and must be reported.

## Protection For Reporters

The law in Victoria protects individuals who report, in good faith, suspected child abuse (i.e., the reporter has a valid and reasonable concern and is acting without malice towards the alleged offender).

Clubs should ensure that everyone is made aware of their right and responsibility to report concerns of inappropriate behaviour towards children, and that they will not suffer any penalties for making a report in good faith.

These protections ensure that the report:

- cannot be seen as unprofessional conduct or a breach of professional ethics on the part of the reporter.
- does not make the reporter liable for any disciplinary or legal action (even where allegations are not proven).

Reports need to be made internally (and possibly externally) in line with the Club's policies and procedures and Victorian legislation.

As recommended by the Victorian Government, Clubs should promote a confidential reporting culture and comply with the Australian Privacy Principles while maintaining adequate record keeping of child safety issues.

**Case Study:**

Khan is an U15s coach. One afternoon a U15s player tells Khan that he cannot train because his dad beat him with a belt and it hurts to run.

Khan reports this information to the child safety officer within the Club and makes a report to the Department of Human Services because he had a significant concern about the child's wellbeing. The police contact the parents of the child to discuss the report.

The parents are furious with Khan and with the Club that a report was made without their knowledge. The Club is embarrassed and concerned that the parents will withdraw their children from the Club and stop providing large donations to the Club. The committee wants to discipline Khan for the report.

**Who's right?**

Khan has a right to report his concerns, and his actions in making the report are legally protected. As such the Club can't discipline Khan.

However, FV recommends that the Club ensure that all coaches and volunteers are aware of the Club's proper process for raising these types of concerns. Proper procedures at a Club will assist both Khan and the Club in working cooperatively when these types of situations arise, so that neither is caught unaware during the reporting of these types of matters.

### 3. RECRUITING THE RIGHT PEOPLE FOR YOUR CLUB

A crucial part of establishing and maintaining a safe environment for children is ensuring that only suitable people volunteer and work at your Club.

Having people at your Club that are unsuitable to work with children will put the children in your Club at risk. It could also lead to reputational damage and members of the community losing trust and confidence in your Club.

FV recommends the following steps to help ensure child safety through your staff, coaches and volunteers:

#### Implement a recruitment process

Identify the most suitable people for any given role.

1. Clubs should have documented process for filling positions, including volunteers as well as committee positions. Although sometimes a Club struggles to get help and may take any assistance it can, no one should be able to find a “back door” into your Club without some screening as to their suitability. It is the responsibility of FV to appoint referees to games. Those referees appointed by FV that are over 18y/o, are required to have a valid Working with Children Check.
2. Be aware of all the coaches, assistant coaches, assistant team managers, etc, for all the teams of your club. Is your club administrator or secretary aware of all the coaches, assistant coaches, team managers, etc, for all the teams in the Club? Do you have contact details for everyone? Consider registering all coaches, assistants, team managers, etc on MyFootballClub (MFC) to help you and FV keep track of all individuals.
3. Ensure all coaches, volunteers, etc read and understand the Clubs’ Code of Conduct and other policies. Make all coaches, volunteers, and team managers, etc, read and sign the Code of Conduct. Keep a record of those who have signed. People who are not prepared to sign such documents have no business being around a FV Club in this day and age.

Recruitment and selection policies and procedures should reflect the Club’s understanding of and commitment to a child-safe environment. Clearly articulate acceptable behaviour from the very start of a person’s involvement with your Club.

#### Ensure your job descriptions have a clear child-safe message

If you are at a Club that advertises for positions, or engages paid employees, develop a clear job description that defines the roles, tasks, and desirable skills and experience required.

It is important to know and understand the exact skills required and the potential risk posed to children. Analysing the position will help the Club develop key selection criteria. The key selection criteria will form the measures against which you assess each applicant during the recruitment process. Interview questions should then be formulated based on the selection criteria and risk analysis.

An explicit statement of commitment to child safety should be included in all advertisements and position descriptions to discourage unsuitable people from applying, for example:

*“Our Club is committed to child safety, and we have zero tolerance of abuse. We apply robust human resources, recruitment and vetting practices during the application and interviewing process. Applicants should be aware that a Working with Children Check is required for this role and that we may carry out WWCC, police and reference checks.”*

#### Screen for appropriate people

Screening activities should be carried out regardless of whether a position is paid or voluntary. Consider the following:

1. Interviews: If your Club interviews, conduct the interviews by two or three people to provide for more than one viewpoint and opinion. Ensure an interviewer has an understanding of child abuse issues, to help identify ‘red-flags’ or warnings. Pay particular attention to any answers that suggest a lack of “boundaries” around children (for example, social media boundaries) and consider whether there is anything unusual about the individual’s attitude towards minors.
2. Reference checks, Google & other online searches: It is important to conduct reference checks with managers who have directly supervised the individual and observed their interactions with minors. Reference givers should be asked

directly for information on the person's character and whether they have any concerns about the individual working with minors.

3. **Conducting Working with Children Checks (WWCC):** In Victoria, a person wishing to engage in child-related work must comply with the working with children laws. These laws are designed to help Clubs assess the level of risk an applicant may pose to children if they are engaged. WWCCs involve checking a person's criminal history, etc, to determine their suitability to engage in child-related work. Successful applicants are granted a clearance which can be used as evidence of their suitability. The Club management committee must ensure that all workers that have direct contact with minors as part of their duties have a valid WWCC. Direct contact with minors may be face to face, verbal, in writing, or by an electronic method. A worker engaging in child-related work will need a WWCC even if the work is supervised. For example: an assistant coach of a junior team is still required to have a WWCC even though they may be directly supervised by a head coach. Please see the WWCC website for more details - <http://www.workingwithchildren.vic.gov.au/>

**But we have 100s of coaches and team managers at our club, how can we possibly do all this for all of them?**

WWCC rules aside, there is no set "right" level of checks you have to make to be compliant.

Your club should do such checks that it believes are necessary for its own circumstances by reference to the WWCC laws. It is about building a process that is embedded in your club, rather than having no vetting in place of the people entering your club.

The important thing is that the club has turned its mind to these matters and has a documented process before something occurs, rather than not having a procedure in place to rely on.

## Put in place child-safe volunteer agreements

The agreement signed by coaches, volunteers, etc must make it clear that proven breaches of the Club's policies and procedures, and breaches of the Club's Code of Conduct, will be regarded as serious matters attracting administrative sanctions ranging from disciplinary action and suspension to dismissal. Have your coaches and team managers sign and accept your policies.

The Victorian Government recommends that Clubs should also embed a Club-wide culture of safety into performance arrangements and position descriptions for senior volunteers, employees and contractors.

**Case Study:**

A Club discovers that a longstanding Coach was moved-on from another sport 14 years ago for inappropriate conduct with minors. Since joining football however, the coach has never put a foot wrong, and has never had a complaint about him.

What next?

The Club is obliged under the new Child Safety laws to investigate. It is not enough that since joining football, the coach has done no wrong. The Club must make its own inquiries as to the coach's appropriateness for their current role and satisfy itself that the coach is suitable. Speak to FV for assistance.

## Include child safety issues in induction

Clubs should provide training that covers how to recognise and respond to abuse, in line with the Victorian Government's recommendations. This should be done for all personnel including volunteers and leadership levels. Training can be informal and may be run by other volunteers in your Club as appropriate.

**Case Study:**

Tony has been a coach of the U13s at his Club for 9 years. They are a successful team and always do well. Before the new season starts the club secretary asks Tony to sign the Code of Conduct & Child Safety Policy, and attend a child safety training session, or he won't be able to coach at the club.

Tony is offended. He has never had a single complaint made against him, and he is shocked that he is being forced to sign this document. He believes that there is a conspiracy to try and move him on.

**What next?**

FV recommends that the club convince Tony that it is not against him personally, and that all coaches, team managers and the committee members are required to sign the document.

Tony should be told that the new Child Safety laws mean that previous ways must be put aside and that moving forward the Club is required to have its personnel (volunteers or not) adopt the new standards, or the Club may face scrutiny. Ultimately, if Tony is not willing to accept the new Child Safety culture of the club, then the club may will be within its rights to cease using him as a coach.

## 4. RESPONDING TO A DISCLOSURE

It is vital that your Club properly responds to any allegations of abuse in order to protect the safety of children in your care and minimise the risk of legal claims being made against your Club.

Any risks to a child, no matter how remote, should always trump any risks to a Club's reputation, no matter how big the Club is. In any case, the long-term reputational risks of not responding appropriately to such issues are almost certainly greater than those posed by public disclosure of a one-off offence or accusations of an overreaction.

### **Tips - if a child discloses an allegation to you:**

#### **Do:**

- Show concern and empathy for the minor.
- Listen to what they are saying, let them use their own words.
- Tell them they did the right thing by telling you.
- Tell them it is not their fault, and they are not responsible.
- Let them know what will happen next.
- Advise the Club CPO.

#### **Do Not:**

- Make promises you cannot keep (such as promising you won't tell anyone).
- Push the minor into giving details of the abuse. Your role is to listen to what they want to tell you, not investigate.
- Indiscreetly discuss the circumstances of the incident with others not directly involved with the child.

## First steps

Suspicions about child abuse are likely to require you to make a report to an external authority. Your club may wish to have this as the default position, even where it is not required by law, in order to prevent any accusations of cover ups.

Whether you have engaged with an external body or not, you should act quickly to minimise any ongoing risks to the child in your care, and to your personnel or Club as a whole.

Such actions may include:

- Consulting your Club's child-safe policy and procedure to see any relevant procedures.
- Standing the accused individual down or transferring them to a position that does not involve contact with children, until an investigation has been concluded.
- Providing appropriate support to the child or children involved (this may involve counselling etc);
- Commencing an internal investigation.
- Reviewing your child protection procedures to determine whether any changes are needed to better protect the children under your care.
- Advising FV.

Irrespective as to whether a report to an external authority is made or not, all allegations of abuse must be appropriately investigated by your Club, an external body, or both – depending on the circumstances.

Child abuse is a sensitive arena. You may wish to seek legal advice that is tailored to the specific circumstances of your matter.

### **Do we investigate or not?**

Clubs may be confused as to whether they should investigate a matter or simply report it. Clubs may be reluctant to investigate a matter for fear of interfering with the police's work.

Whether a matter is reported to an external authority, and whether a matter should be investigated, are separate issues. A matter needs to be reported to external authorities where you have a "reasonable belief" that a child is in need of protection, or a sexual offence has occurred. You may need to make some preliminary inquiries to satisfy yourself of a "reasonable belief".

Your Club may also wish to undertake an internal investigation of such matters, or indeed of other matters that do not reach that threshold but are nevertheless concerning to you.

If in doubt, contact the FV Legal & Regulatory department, or your Club Coordinator, to discuss.

## Undertaking an internal investigation

Investigations can be complex and sensitive in nature. Therefore, it should be conducted by an appropriately qualified person utilising the principles of natural justice and procedural fairness. If in doubt – get FV involved.

Where an allegation involves a coach, committee member, team manager, volunteer, etc from your Club on your own premises, it may be appropriate to undertake an internal investigation in cooperation with the police or DHHS.

Here is a summary of the process that can be followed.

### 1. Obtain the specific allegation/s from the complainant:

Any person receiving an allegation of child abuse should obtain and document the specific details regarding the alleged incident that occurred by asking questions such as:

- Can you tell me what happened from the start?
- When and where did the incident occur?
- Did anyone see the incident?
- Who was there?
- What was said?

At this point, the person will need to report the matter to an internal representative (such as the Child Safety Officer or the committee) and potentially an external body (for example, the police) in line with the reporting obligations in Chapter 5.

All participants in the inquiry must be required to maintain confidentiality and should be required to sign a confidentiality agreement as part of the process. This will assist to preserve the integrity of the investigation.

### 2. Determine if it is appropriate to undertake an internal investigation at this time

Your Club should ask the police or DHHS how they want you to proceed before you undertake any internal investigation.

Such bodies may, for example, want to speak to the accused or other witnesses before you do, or seek your assistance in investigating one aspect of the complaint (e.g., Club-related misconduct). Such an investigation will be required to decide not only whether any abuse has occurred but also whether there has been any other breach of the Club's code of conduct requiring administrative sanctions.

### 3. Appoint an investigator

If it is appropriate to undertake an internal investigation of a child abuse complaint, your next step is to appoint an investigator. Given the criminal nature of some abuse, it is recommended that your Club engage a suitably qualified and independent investigator from outside the Club. This will help ensure that the allegation has been handled transparently and independently.

If you do not know how to find a suitable investigator, please feel free to contact the FV for guidance.

### 4. Procedural fairness

All participants must be afforded procedural fairness, otherwise the findings of the investigation may not be deemed fair or reasonable and may therefore not stand up in any potential proceeding.

To ensure procedural fairness the accused must be made aware of the allegations made against them in sufficient detail and must be allowed a reasonable opportunity to respond to each of the allegations.

This can be tricky, and FV recommends an appropriately qualified individual performs this task. If the police are already involved by this stage, then this should not be undertaken without their knowledge and consent.

Your internal investigator may then seek to interview any witnesses and collate all relevant documents. They should prepare a signed witness statement for each participant to record their version of events.

### 5. Produce a comprehensive report

Based on the information collected as part of the investigation, the investigator would prepare a comprehensive report setting out his/her findings on the balance of probabilities, as well as their reasoning for the findings.

All information collated as part of the investigation should be attached to the investigation report and stored in an appropriate location to maintain confidentiality.

Such a report by its very nature is likely to contain confidential and inflammatory information. It is very important it is kept confidential and not disseminated. Using an appropriately qualified investigator can mitigate risks against the club.

#### **What if our internal investigation dismisses the allegations, do we still have to report it to the authorities?**

- The findings of an investigation will inform you whether your mandatory reporting obligations under the Crimes Act are triggered, or whether you wish to exercise a discretion to report under the CYF Act (see Chapter 5).
- A person over the age of 18 may have an obligation to make a report to the police if the findings of an investigation leads them to form a 'reasonable belief' that an offence has been committed against a minor.
- Even if allegations of abuse are unsubstantiated by a club's internal investigation, a person may still exercise their discretion to report if they have a significant concern for a minor.
- It's up to the individual. If the allegations are not substantiated, a person may not consider that there are grounds to make a report.

#### **Case Study:**

Sarah is the secretary and administrator for a football club. A new coach at the club has reported to her that he has good reason to believe that a well-known parent at the club has been physically abusing children.

Sarah considers what the new coach says, and then makes a decision to call the parent in for a meeting with her and the coach. The parent is outraged. He has 3 children at the club, and a number of nieces and nephews as well. He says he would never harm a child and cannot believe the club is investigating him on the say-so of a new coach.

He is considering taking his children and family out of the club, which would mean the club loses a few teams. He has also threatened to tell the Club President, who is his close family friend, about Sarah's conduct.

Sarah calls up FV worried about what to do.

#### What next?

FV recommends that Sarah advise the parent that she is duty-bound under Victorian law to look into this further. She can't ignore it. She also should explain to the parent that an independent person will investigate in confidence and the parent will have full opportunity to be part of that. No decision will be made without proper process, and the matter is confidential.

The Club is duty bound to act. To not do so is a breach of the Club and its officer's obligations under the new Child Safe laws.

This is an example of why having an independent person investigate the claims is so important. It can help separate personalities from the issue and deal only in the reports and evidence. Also, why it is crucial to have policy & procedure in place; an agreed, documented process to rely on for decision making.

These matters by their nature are never easy, and there is no simple solution. The best advice FV can offer a club is to have a process and procedure in place and follow it. Sounds easy, but sometimes in the moment it is hard to do.

## Sample Child Protection Procedure

### STEP 1:

**Any person** (aged 18 or over) that forms a belief, on reasonable grounds, that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (aged 18 or older), must make a report to the police as soon as practicable, unless exceptions apply.

Committee members, employee, volunteers, or of-age players of the Club should discuss these observations and concerns with the Club Child Safety Officer, who can assist the person to make the report to the police as required. FV can also assist.

**Any person** (of any age) that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), **may** disclose that information to the police or the Department of Health and Human Services (“DHHS”). The Club encourages all persons with concerns to raise this directly with the Club Child Safety Officer.

### STEP 2:

It may be that, following the previous step, a person decides to make a report to DHHS or the police with the support of the Club Child Safety Officer.

Where a report is made, the individual should also advise the Club.

#### **Making a report:**

Ring:

- Victoria police on 000 for emergencies.
- If it is not an emergency, ring the Victoria Sexual Offences and Child Abuse Investigation Team on (03) 8690 4056.
- DHHS on 1300 664 977 or 131 278(AH). Ask for Child Protection.

#### **Information for making a report:**

- name, age and address of child.
- the reason for suspecting that the behaviour or injury is a result of abuse.
- an assessment of the immediate danger to the child.
- a description of the injury or behaviour observed.
- the current whereabouts of the child.
- any other information about the family.
- any specific cultural details, e.g., English speaking, disability, etc.

Ask that the Club be informed of each step of the procedure.

Request that if an interview is to take place at the Club the visiting officer is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized.

If the complainant alleges that a crime has been committed by a committee member, employee, volunteer, or contractor, that person will be stood aside immediately.

The Club Child Safety Officer should conduct (or appoint another person to conduct) an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police and will co-operate with the authorities as required.

Where an allegation has been made, the Club will make, secure, and retain records of the allegation of child abuse and the Club's response to it.

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.

**STEP 3:**

If the child is agreeable to be interviewed by DHHS or the police, the Club Child Safety Officer should offer to be present at the interview to give support.

**STEP 4:**

Following a report, DHHS or the police may need to contact the Club about the notification. Inform the Club Child Safety Officer that a report has been made or is about to be made.

The Club Child Safety Officer should advise FV of such matters so that we can update our records in relation to the individual.

**STEP 5:**

Following a report, it is important to both protect confidentiality and the interests of the child and family at all times, as well as natural justice for the process.

**Special comments:**

- DHHS will only interview the child if he/she is agreeable.
- the family will not be contacted until it is believed there is a case, and the child is at risk.
- the identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged. Such confidentiality should also be requested by Club Child Safety Officer and any other person who may become aware that a notification is to be, or has been, given.
- throughout the entire process of observation, discussion and reporting, the interests of the child and their family should be protected from unnecessary disclosure of information concerning abuse.
- following the making of a report to the DHHS or the police, any investigation that takes place is the responsibility of that external body.

## 5. YOUR REPORTING OBLIGATIONS

Victoria has laws that set out both mandatory and voluntary reporting obligations.

It is essential that all committee members are aware of the applicable laws and communicate them to the relevant people at your club.

The table below sets out the key features of Victoria's mandatory and voluntary reporting obligations:

### Mandatory reporting obligations

Legislation	Mandatory reporters	When must a report be made?	Who is a child?	Who to report to?
<i>Crimes Act 1958 (Vic)</i>	Any person 18 years or older	A mandated reporter must make a report if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years. (NB: exceptions may apply)	A person under 16 years old.	Police.
<i>Children, Youth and Families Act 2005 (Vic)</i>	The following people must report: <ul style="list-style-type: none"> <li>Registered medical practitioners, midwives, and nurses.</li> <li>Teachers.</li> <li>Principals.</li> <li>Police.</li> </ul>	A mandated reporter must make a report if: <ul style="list-style-type: none"> <li>they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.</li> <li>the parents cannot or will not protect the child.</li> <li>the belief is formed in the course of practising his/her position of employment.</li> </ul> (NB: exceptions may apply)	A person under 17 years old	Department of Health and Human Services (DHHS).

### Voluntary Reporting

Legislation	Voluntary reporters	When can a report be made?	Who is a child?	Who do you report to?
<i>Children, Youth and Families Act 2005 (VIC)</i>	Any person	A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.	A person under 17 years old	DHHS or the Police.

### Making a report

Any person who believes a child is in immediate danger should contact the police immediately. Otherwise, they should call the relevant numbers below.

**Example of immediate danger:** A father has picked a child up from the Club and the Club is aware that he is not authorised to do so because of a history of abuse. The Club must contact the police.

**Example of non-immediate danger:** A child has been acting up at training and the Club is aware that his parents have broken up and that there is a history of domestic violence against the mother. In this case, it may be more appropriate to raise your concerns with the relevant body than the police emergency line.

**Relevant Body**
**Victorian Department of Health and Human Services (DHHS)**

## Business hours:

Northern and western suburbs	1300 664 977
Eastern suburbs	1300 360 391
Southern suburbs	1300 655 795
South-western rural and regional	1800 075 599
Western rural and regional	1800 000 551
North-western rural and regional	1800 675 598
North-eastern rural and regional	1800 650 227
Eastern, S/E rural and regional	1800 020 202

## After hours or immediate safety concerns:

Child Protection Crisis Line (24 hours) 13 12 78

**Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)**

## Contact the appropriate local office:

North-West Metropolitan	(03) 8690 4056
Southern Metropolitan	(03) 9556 6128
Western Victoria	(03) 5448 1420
Eastern Victoria	(03) 5820 5878

**Case Study:**

Ahmed is a team manager. At Thursday night training, Ahmed notices that one of his players, a 14-year-old, seems distracted. He misses passes, and then makes an aggressive studs-up tackle on a teammate. Ahmed takes the player aside and asks him if anything is wrong.

The player doesn't say anything at first, but then tells Ahmed that a "friend" of his was given a ride back from a game by another parent. He said that the "friend" was touched by the driver "downstairs" and that it made him feel uncomfortable. The driver also told the friend that if he told anyone he would be in big trouble. The player begs Ahmed not to tell anyone.

What next?

Ahmed must report the information, even if the child begs him not to.

Ahmed passes the information to the child protection officer within the Club and asks if his mandatory reporting obligations are triggered. The Club tells Ahmed that he (and the Club officer now that she has been informed) must report this information to the police as soon as practicable as it falls under the obligations of the Crimes Act.

Both the Club's officer and Ahmed then make the report together so that they both know their obligations have been met. FV encourages the club to have a documented reporting procedure in place so that all persons within the club know the manner in which matters will be handled.

## 6. CULTURAL SENSITIVITY

One of the great strengths of football is the diversity of people and cultures that play the game. Football truly is the World Game and has followers from all walks of life from every corner of the globe. Here in Victoria, we have a diverse range of clubs and players and volunteers from many backgrounds and beliefs.

FV is keen to ensure that child protection policies and procedures take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable. FV expects Clubs to make efforts to accommodate these matters.

- If you are a club administrator and you have concerns about certain behaviours that you have seen by people at your Club, but you are not sure if they are simply different customs or not, please bring it to FV's attention. Let us help you determine whether anything further needs to be done.
- If you are a parent and feel that your children's Club neglects your cultural traditions or beliefs in an unacceptable way, please contact FV. We may be able to assist in explaining your needs to the Club. Alternatively, we may be able to help find you a club in your area more suitable to your needs.

### **Case Study:**

Salim is an U14s team manager at a club. This season the club has welcomed new players from a nearby club that closed down. The majority of the new players are from an overseas background. Salim notices that the new players keep to themselves and avoid socialising. Their parents don't attend many games, and some of them don't even pick the kids up after games. Salim is not sure whether it is just a "cultural thing" or whether there is something like abuse going on.

### What next?

Clubs have a duty to protect the safety of all children, and if there is a concern about the safety or wellbeing of a child, to properly investigate whether there is a risk to their safety. It is not enough to simply shrug-aside concerns as cultural differences. Salim or the Club can contact FV in confidential way to get advice about how to investigate his concerns in a culturally sensitive way.

Through this process, Salim learns that such minor can sometimes mistrust authority figures that are not from their own background. Although the parents are absent, Salim learns it is due to extended working hours. Salim decides to engage an elder from the community to help out at the club as a mentor to the new players and encourage their interaction with other members.

## 7. NEXT STEPS

While working through this Guide, you may have discovered that your Club needs to put in place additional measures to meet the new Child Safe Standards.

Please contact the FV if you have any concerns and we can direct you.

Your Club Coordinator at FV, or in the alternative the FV legal officer, is the appropriate person to contact.

### Checklist

This checklist may help you get an understanding of “next steps” for your club:

Checklist	Yes	No	Where to go for help?
Does your Club committee understand that new laws in Victoria about child protection may require changes to your Clubs’ practices?			Read this Guideline. Contact FV for assistance.
Does your Club have a Child Safety policy and procedure?			See and adopt the FV template Child Safety Policy.
Does your Club have a designated child safety officer?			See Chapter 2.
Are you aware of the mandatory reporting obligations?			See Chapter 5.
Are all volunteers / coaches / team managers at your Club known to you and registered?			Discuss with your Club Coordinator, or the FV Registrations Dept, about registering all coaches and managers.
Has everyone at your club that works with minors got a Working With Children Check?			See Chapter 3.
Have the relevant people at your club received training in how to deal with a child abuse matter if one arises?			Discuss with your Club Coordinator, or the FV Legal Dept, about training for your club.
Have you raised any concerns with you have with this with FV?			Discuss with your Club Coordinator, or the FV Legal Dept your concerns.

### Actions you Club may wish to Implement:

The following actions are recommended by FV for your Club to consider taking in order to create a child-safe environment:

1. Take a preventative, proactive and participatory approach to child safety.
2. Implement child safety policies and procedures which support ongoing assessment and amelioration of risk.
3. Value and empower children to participate in decisions which affect their lives.
4. Foster a culture of openness that supports all persons to safely disclose risks of harm to children.
5. Respect diversity in cultures and child rearing practices while keeping child safety paramount.
6. Provide written guidance on appropriate conduct and behaviour towards children.
7. Engage only the most suitable people to work with children and have high quality volunteer, employee and contractor supervision and professional development.
8. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable to do so.
9. Report suspected abuse, neglect, or mistreatment promptly to the appropriate authorities.
10. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.

Clubs should publicly commit to these principles and should, as the Victorian Government recommends, ensure that the Club’s strategic plans, vision, and mission statements specifically refer to child safety.

## **APPENDIX 1: The Victorian Child-Safe Standards**

The Victorian Government has mandated that organisations working with children adhere to a series of standards to promote child safety, prevent child abuse, and properly respond to allegations.

### **Embed a Club wide culture of child safety, including effective leadership arrangements:**

1. Ensure strategic direction, vision and mission statements include child safety.
2. Provide induction/ training in recognising and responding to child abuse for all personnel including at leadership level.
3. Appoint an appropriately trained child safety officer/champion.
4. Build responsibility for embedding a Club wide culture of safety into performance arrangements and position descriptions for senior volunteers/employees/contractors.
5. Promote a confidential reporting culture.
6. Maintain adequate records of child safety issues (ensuring the keeping of such records respect privacy).
7. Institute improvements to child safety policies and procedures as a regular agenda item at leadership and volunteer meetings.
8. Clearly communicate child safety policies and procedures to all volunteers, contractors, children, and families and publish policies for child safety on the Club's website.

### **Have a child-safe policy or statement of commitment to child safety:**

1. Use FV's template policy to get you started on developing a Child Protection Policy suitable for your Club.
2. Train your volunteers/employees/contractors on the policy and provide plenty of question-and-answer time to work through the practical components of how people report concerns as they arise.
3. Publicly communicate your Club's stance on child protection: on your website, in your annual report, and via recruitment advertisements.
4. Ensure your child-safe policy or statement is on your website for all to see and read.
5. Communicate your child-safe statement in community languages, ensuring that it is culturally appropriate for Aboriginal and people from culturally and linguistically diverse backgrounds.
6. Ensure that child-safe information is accessible for people with a disability.

### **Have a code of conduct that establishes clear expectations for appropriate behaviour with children:**

1. Update your code of conduct to include:
  - a. clear and specific standards of conduct for working with children in different situations, e.g., boundaries for physical contact in sports coaching or where restraining a child with a disability who is at risk of harming themselves.
  - b. a set of clear principles (suitable for your Club) about how volunteers/employees/contractors should behave in a child-safe environment.
  - c. a statement about your Club's zero tolerance when it comes to inappropriate behaviour towards children.
2. Train volunteers/employees/contractors on the updated code of conduct.
3. Require volunteers/employees/contractors (and all those working with children) to sign a copy of the code of conduct, acknowledging they have read it, understand it, and agree to abide by it.

### **Put in place screening, supervision, training, and other human resources practices that reduce the risk of child abuse by new and existing personnel:**

1. Ensure potential applicants are aware of your Club's commitment to child safety.
2. Apply a stringent recruitment process to all appointments for roles that involve working with children.
3. Ensure that your recruitment and selection processes focus on factors that may indicate a risk to child safety, i.e., "red flags" (e.g., reluctance to undergo a WWCC or police check).

4. When engaging personnel who will work/interact with children, ensure that they have a fulsome understanding of child safety and the relevant reporting protocols, and that they respect Aboriginal culture, cultural and linguistic diversity, and the needs of children with a disability.
5. Carry out appropriate working with children/police and reference checks.

#### **Have processes for responding to and reporting suspected child abuse:**

##### **REPORTING**

1. Your Club should ensure a supportive environment for children, volunteers, contractors, or families who report allegations of abuse or child safety concerns – never discipline a volunteer/employee/contractor for reporting a concern (unless there is clear evidence that the complaint was made for an improper purpose such as retribution).
2. Train your volunteers, contractors, players, families, and children on your Club's reporting procedures so that they know how to report abuse allegations, and to whom.
3. Train volunteers and contractors on how to identify signs of risk.
4. Ensure that those handling complaints understand when to notify authorities, including the police and child protection, of suspected child abuse.
5. Ensure that there is an information feedback loop – that is, that the person who made the complaint knows what has been done with that information so that they can have confidence that the Club is handling the matter appropriately.
6. Publicise the ways in which people can report concerns (e.g., on your website), tailoring messages for children and families and providing information in a variety of languages and relevant modalities (such as braille and assistive technologies, as appropriate).

##### **RESPONDING**

1. Your first priority should always be to ensure that children are safe. This may mean that you need to suspend the alleged perpetrator and provide them with alternative duties during the carrying out of an investigation (seek legal advice before standing someone down) and contact a support person for that child, including a parent or carer as appropriate.
2. The Victorian Department of Health and Human Services recommends providing support and comfort to a child reporting abuse or safety concerns, and that a child never be blamed or interrogated.
3. Provide ongoing support to all participants in the investigation (including the alleged perpetrator) and also ensure that all participants are aware of any counselling services available to them.
4. Regularly review your processes and policies and seek feedback on them to ensure that they are working to serve the community in which you support.

#### **Have strategies to identify and reduce or remove risks of child abuse:**

1. Ensure that your risk management program includes a process designed to evaluate risks posed to children, taking into account the Club's activities, size and resources, and the types of children you work with.
2. Have a risk management committee that regularly discusses child protection and any incidents / reports that have been made with an aim of assessing and limiting / eliminating any ongoing risk.
3. Remove risks to children where possible (e.g., terminate volunteers/employees/contractors who are not suitable to work with children – seek legal advice before terminating such a relationship).
4. Remove physical risks to children. The Victorian Department of Health and Human Services recommends that Clubs working with children provide volunteers/employees/contractors with training in identifying children at risk of abuse and physical and Club wide child abuse risks such as blocked- off/out-of-sight spaces (especially rooms with doors that can be locked), and roster volunteers/employees/contractors with experience and qualifications to manage high risk environments.
5. Always learn from past lessons and talk about incidents / complaints at senior management level to ensure that learnings are shared and benefited from across the Club.

**Have strategies to promote the participation and empowerment of children:**

1. Provide children, including children from culturally and linguistically diverse backgrounds and children with a disability, with accessible information about what child abuse is, their rights and how they can raise concerns about abuse – e.g. through information sheets, websites and social media.
2. Assist children to understand their right to make decisions about their body and their privacy through age-appropriate training carried out by child safety professionals such as child psychologists.
3. Gather feedback from children about your Club's child-safe policies and processes and seek input on whether they would feel safe to raise concerns. Implement improvements based on this feedback.
4. Train volunteers/employees/contractors on methods of empowering children and encouraging children's participation.
5. Encourage participation and empowerment of children in a range of Club activities (not just that relating to child safety), such as planning and decision making.
6. Raise awareness in the Club and the community about children's rights.