



Melbourne University Cricket Club Safeguarding Policy

INTRODUCTION

Melbourne University Cricket Club (**MUCC**) is committed to creating and promoting a safe environment and culture where the well-being of children will always be put first. The MUCC Safeguarding Policy incorporates the standards contained within the Victorian Child Safe Standards and informed by the findings of the Victorian Family and Community Development Committee and the Royal Commission into Institutional Responses to Child Sexual Abuse.

On the 13th of November 2013 the Family and Community Development Committee of the Victorian Parliament tabled the report of its inquiry into the handling of child abuse by religious and other non-government organisations (the Betrayal of Trust Inquiry). The report provided 15 recommendations, including the introduction of minimum standards for ensuring child-safe environments. These recommendations were divided into three categories; prevention, response and access to justice, and form the basis of the Victorian Child Safe Standards.

In 2013, the Australian Governor-General established the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission's final report was handed down on 15 December 2017, including a volume on sport, recreation, arts, culture, community and hobby groups, which made further recommendations for a national strategy to protect children in institutions.

Date adopted by MUCC Committee: 19/12/2021
Next review date: 19/12/2022

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Terminology & Definitions

Abuse: Abuse is defined as any action that intentionally harms or injures another person. There are many kinds of abuse encountered by people, including but not limited to: physical abuse, psychological or emotional abuse, sexual abuse domestic/family abuse and neglect.

Adult: For this policy an 'adult' is defined as a person over the age of 18.

'Betrayal of Trust' Inquiry: The Family and Community Development Committee of the Victorian Parliament inquiry into the handling of child abuse by religious and other non-government organisations which was held from 2012-2013. It investigated how such organisations handle allegations of child abuse; whether there are systemic practices in such organisations that operate to preclude or discourage the reporting of suspected child abuse to State authorities; and whether such organisations required reforms to prevent and respond to child abuse.

Child/Children: For this policy a 'child' is defined as a person below the age of 18.

Child Protection: Child protection is defined as measures and structures to prevent and respond to abuse, exploitation and violence affecting children. Child protection means safeguarding children from harm. The goal of child protection is to promote, protect and fulfil children's rights to be protected from Abuse, exploitation and violence.

Cultural Diversity: Cultural diversity refers to people who identify with particular groups based on their birthplace, ethnicity, language, values, beliefs or world views. This does not mean that everyone from a particular cultural group will hold exactly the same values or do things in the same way.

Safeguarding: Safeguarding is aimed at protecting vulnerable children or adults from abuse in all circumstances. Safeguarding means putting processes in place to ensure that vulnerable people are not abused in any way, including verbally or physically. This includes all procedures designed to prevent harm, and also refers to the process of protecting children and adults by providing safe and effective care.

Workforce: This refers to any person, employed or deployed, by managers to work on a paid or voluntary capacity on a MUCC activity. Such individuals may be full-time, or part-time, permanent or fixed term staff employed directly by the company; they may be deployed by MUCC on a temporary or casual basis; or they may be volunteers deployed by management; they may be deployed via a third-party contractor, grantee, licence holder, or partner.



1. Purpose

This policy is a statement of ethical and protective practice standards, principles, values and behaviours expected for all members of the MUCC workforce. The intention of this document is to educate as well as implement good safe practice standards to:

- ensure compliance with relevant legislation and regulation.
- minimise the risk of the possibility of harm and abuse occurring to children.
- ensure that safer recruitment principles are implemented to ensure that unsuitable individuals are not recruited into positions working with children.
- outline the MUCC response to concerns, complaints and allegations relating to the potential abuse and harm to children; and,
- provide ongoing support and services to children as appropriate.

Should a member of the MUCC workforce wish to make any enquiries in relation to this policy, please contact the General Manager in confidence at chris.milne@unimelb.edu.au or on 0451 626 680

2. Policy Statement

MUCC is committed to ensuring that children who participate in its activities have a safe and happy experience. MUCC is committed to providing the highest level of service in all our products and activities. This includes promoting positive behaviours and attitudes towards children; tirelessly protecting their wellbeing; and always acting in their best interests while delivering safe, high-quality activities.

MUCC is committed to having a zero-tolerance approach to abuse and poor working practice. MUCC will comply with all applicable laws and standards and not tolerate any form of misconduct from any member of the workforce or participant.

Safeguarding is a shared responsibility across all members of the workforce and extends to other participants in MUCC activities as well. Everyone that participates in MUCC activities is responsible for the proactive care and protection of children and vulnerable adults and reporting any potential or actual concerns regarding any form of harm, abuse or poor working practice.

MUCC supports the active participation of all children in developing policy and procedures. MUCC is committed to listening to their views, respecting their views and involving them when making decisions, where appropriate, especially about matters that will directly affect them and their peers (including their safety).

All children have equal rights to protection from harm and abuse, regardless of their gender, religion, beliefs, disability, sexual orientation or other diverse background. As such, MUCC is also committed to the cultural safety of children who are Aboriginal, Torres Strait Islander, from culturally diverse backgrounds or living with a disability.



This Safeguarding Policy applies to all members of the MUCC workforce, including:

- full-time and part time paid staff.
- contracted and casual paid staff.
- volunteers.
- placement and work experience students and interns.
- contractors and third-party workers (and other sub-contracted workers).

3. Legal & Regulatory Requirements

This policy is aligned with:

1. The United Nation Convention on the Rights of the Child 1989.
2. The laws of the Commonwealth of Australia and Victoria including but not limited to:
 - a. Children, Youth and Families Act 2005 (Vic).
 - b. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic).
 - c. Crimes Act 1958 (Vic); and,
 - d. Working with Children Act 2005 (Vic).

4. Types of Abuse

Abuse refers to an act committed by a member of the workforce, parent, caregiver, person in a position of trust, or another child which is not accidental and which harms or threatens to harm a child's physical or mental health and welfare. Abuse is categorised as but not limited to physical abuse, sexual abuse, emotional & psychological abuse and neglect. Abuse of children is sometimes described as misuse of power and a violation of trust. The following are examples of the different types of abuse:

Physical Abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury (or injuries) inflicted by another person. Physical abuse can be inflicted in many ways, including beating, shaking, burning, biting, cutting or use of objects to cause harm. Physical abuse can also occur in the form of inappropriate disciplinary actions or sanctions such as physical punishments during a football training session.

Sexual Abuse

Sexual abuse occurs when a person involves a child in sexual activity, or deliberately puts a child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Where an adult is in a position of trust¹ within a workforce any such behaviours would be deemed abusive. Sexual abuse can involve



a range of sexual activities including but not limited to inappropriate touching, fondling, masturbation, penetration, sexting, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography, child pornography, or sexual exploitation, as well as grooming behaviour.

Neglect

Neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision. Neglect can also occur if an adult fails to adequately ensure the safety of a child where they can be exposed to harmful, dangerous or life-threatening situations.

Emotional / Psychological Abuse

Emotional/Psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or exposure to threats or violence. It can include derogatory name-calling, peer shaming and put-downs, or persistent and deliberate coldness from a person to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired.

5. Victorian Child Safe Standards & Principles

The Victorian Child Safe Standards & Principles focus on MUCC's commitment to promote child safety, prevent child abuse and respond to suspected child abuse. The Standards provide a framework for MUCC to develop policies, procedures and strategies that embed a culture of child safety into everyday thinking and practice and reduce the risk of child abuse being perpetrated by members of the workforce. They are flexible, allowing MUCC to develop an approach to compliance that is relevant, contextualised and sustainable

Child Safe Standards

There are seven standards and three principles that MUCC is committed to implementing.

The seven Child Safe Standards are:

1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.
2. A child safe policy or statement of commitment to child safety.



3. A code of conduct that establishes clear expectations for appropriate behaviour with children.
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
5. Processes for responding to and reporting suspected child abuse.
6. Strategies to identify and reduce or remove risks of child abuse.
7. Strategies to promote the participation and empowerment of children.

Child Safe Principles

As part of the Child Safe Principles, MUCC values and celebrates diversity within the community and workforce, and actively encourages the safety, participation and empowerment of all children from culturally diverse backgrounds. MUCC is committed to applying the three Child Safe Principles.

1. Promoting the cultural safety of Aboriginal Children.

Aboriginal children are significantly over-represented in institutions including child protection, youth justice and out-of-home care systems. The reasons for this are complex and influenced by past policies like forced removals, the effects of lower socio-economic status and differences in child rearing practices and intergenerational trauma. Additionally, impacts of abuse are heightened for Aboriginal children who may not feel culturally safe enough to report abuse.

2. Promoting the cultural safety of children from culturally diverse backgrounds.

Culturally diverse children, particularly those from refugee or asylum seeker communities, are also more likely to have experienced trauma or displacement and loss (or have parents who have) before coming to Australia. Culturally diverse children and families may also experience communication barriers when it comes to reporting abuse and knowing where to go for support.

3. Promoting the safety of children with disabilities.

People with a disability have the same rights and responsibilities as other members of the community and should be empowered to exercise those rights and responsibilities. Children with a disability have an increased risk of being abused compared with children without a disability. Several factors may contribute to the risk of abuse including physical impairments or difficulties with speech and communication, memory, literacy, vision and hearing impairments, and reliance on caregivers.



Personal and Professional Responsibility

The principle of taking personal and professional responsibility requires not only that people avoid doing harm to others but that they exhibit courteous behaviour upholding the standards expected of all as part of achieving the common good. The MUCC workforce is expected to protect the rights of others and respect the diversity of cultures and children. Those well-positioned enough to assert their rights have a reciprocal duty to exercise care towards those who depend on them for their well-being, this includes the care and protection of a child.

The MUCC workforce is expected at all times to be appropriate role models, ensuring appropriate professional standards of behaviour as detailed in the Safeguarding Code of Conduct.

6. MUCC Safeguarding Code of Conduct

Everyone plays a role in safeguarding the welfare and development of children and the protection of other vulnerable people. MUCC is committed to creating and promoting a safe, empowering environment and culture where the well-being of children will always be put first.

The Code of Conduct is a statement of ethical and protective practice standards, principles, values and behaviours expected by all adults towards children. The Code of Conduct concerns to all members of the workforce involved in MUCC activities, including, staff, officials, volunteers and contractors. The Code of Conduct aims to protect and empower children while reducing any opportunities for abuse, harm or neglect to occur. The Code of Conduct aims to support all members of the workforce by providing guidance on how to best empower children and how to elude or better manage complex circumstances.

All MUCC members of the workforce are responsible for promoting the safety and wellbeing of all children by.

- Adhering to the MUCC Safeguarding Policy and this Code of Conduct.
- Taking all reasonable measures to protect children from abuse, harm and neglect.
- Treating all children with respect, including listening and valuing their ideas, feelings, attitudes and opinions.
- Respecting cultural, religious and political differences and acting in a culturally sensitive way, particularly when interacting with children who are Aboriginal or otherwise culturally diverse and those with a disability.
- Model, evolve and improve appropriate adult behaviour.
- Listening to children and responding to them appropriately and timely.
- Reporting and acting on any breaches of this Code of Conduct, complaints or concerns appropriately and treat them seriously and with respect.
- Complying with the Physical Contact Policy with children.



- Working with children in an open and transparent way – other adults should always know about the work you are doing with children and,
- Respecting the privacy of children and their families, and only disclosing information to people who have a need to know.

All MUCC coaches, staff, volunteers and contractors **MUST NOT**.

- Seek to exploit children in any way to meet the desires of adults
- Ignore or disregard any concerns, suspicions or disclosures of abuse, harm or neglect.
- Use prejudice, oppressive behaviour or language with children.
- Engage in rough physical games.
- Discriminate based on age, gender, race, culture, vulnerability or sexuality.
- Initiate unnecessary physical contact with children or do things on a personal nature that children can do for themselves, such as toileting or changing cloths.
- Develop 'special' relationships with specific children or show favouritism through the provision of gifts or inappropriate attention.
- Exchange personal contact details such as phone number, social networking site or email addresses with children; and,
- Have unauthorised contact with children online or by phone

It is everyone's responsibility to uphold this Code. Any breach of the Code is likely to lead to disciplinary action and may, in some cases, lead to criminal prosecution.

7. MUCC Safer Recruitment Practices

The Child Safe Standards require MUCC to have recruitment and screening practices that reduce the risk of harm and abuse to children. A vigorous recruitment process will ensure that MUCC only employs the most suitable applicants who will help to create and foster a safe environment.

MUCC is committed to a safer recruitment process and will achieve this by implementing the following critical steps detailed below.

Selection Criteria

MUCC will implement appropriate selection criteria for all positions that involve working with children. This will help in reducing the risk of appointing someone who poses a safety or safeguarding risk to children. It will also ensure that applicants have the specific knowledge, experience and skills required for the position.

An example of appropriate selection criteria MUCC will use includes:

- *'Must have experience working with children'; or,*



- *‘Must be able to demonstrate an understanding of appropriate behaviour when engaging with children’.*

Applicants will have the opportunity to indicate their understanding and any experience they have in working with children with diverse needs or background.

Advertising

When advertising for a position, MUCC will demonstrate its commitment to safeguarding children to deter unsuitable applicants who may pose a risk. When advertising for a position, MUCC will promote the safety, participation and empowerment of all children. MUCC will acknowledge the importance of creating a safe environment for children who are Aboriginal, have a disability or are from a culturally diverse background. MUCC will attach a statement to this effect to all advertised positions, for example,

- *MUCC is committed to the safety and wellbeing of all children, with a focus on empowering children who are Aboriginal or Torres Strait Islander, from a culturally diverse background or have a disability. Employment with MUCC is subject to a safer recruitment screening process’.*

Interviews

MUCC will use the interview process as an important step in selecting the right applicant and in identifying any applicant who may pose a risk to children. An open-ended style of behavioural questioning may be utilised to give insight into the applicant’s values, attitudes and understanding of professional boundaries and accountability. The following questions are examples that may be used in the interview process:

- *Tell us about why you want to work with children?*
- *Describe a time when you had to manage a child whose behaviour you found challenging? What was your process?*
- *Tell us about a time when you had to comfort a child in distress? What was your process?*
- *What is your understanding of the Victorian Child Safe Standards?*
- *What is your knowledge of mandatory reporting? What would you do if a child disclosed information of abuse? What would you do if they asked you not to tell anybody?*

MUCC will take notice of the applicant’s responses to the relevant questions. MUCC will seek further information if the applicant does not provide sufficient information in their responses. MUCC will be wary of the following warning signs:

- unexplained lengthy gaps when detailing or describing employment history; or,
- the applicant says they do not value or need supervision; or,
- the applicant is evasive or inconsistent in their answers.



Pre-employment Screening

Screening applicants is a vital component of MUCC's safer recruitment process and will help in preventing individuals who may pose a risk to children from entering the organisation. The following checks will be utilised:

Police Checks: Members of the workforce in a position that has direct² and regular³ contact with children will be asked to complete a National Police Check (or equivalent). A National Police Check involves identifying and releasing any relevant criminal history information subject to relevant spent convictions/non-disclosure legislation and/or information release policies.

Working with Children Check: Under the *Working with Children Act 2005* (Vic), people who are engaging in child related work need a valid Working with Children Check (WWCC). This pertains to both paid staff members and volunteers. As MUCC strives to be a child safe organisation with children and young people regularly having access to its premises, it is mandatory for all members of the MUCC workforce to have a valid WWCC.

Referee Checks: Once an applicant has completed a successful interview; (organisation name) will contact a minimum of two of the applicant's referees which will provide insight into the applicant's character and skills. An applicant's referees will be asked to provide insight into the applicant's experience with working with children. MUCC will establish the referee's relationship with the applicant by asking appropriate questions such as:

- How long the applicant and referee worked together?
- The specifics of the applicant's position?
- The applicant's perceived strengths and weaknesses?
- Whether the referee would employ the applicant again and whether they have any concerns about the applicant working with children?

'Play by the Rules' training

MUCC is committed to maintaining the highest standards in its Safeguarding programme and as such it is mandatory that all members who have direct and regular contact with children complete the Play by the Rules online Child Protection course and the Harassment & Discrimination course. These courses are available free of charge and individuals will be provided with a certificate upon completion. A copy of the certificate must be sent to the General Manager as evidence of completion. These courses can be accessed securely via the following links:

<https://www.playbytherules.net.au/online-courses/child-protection-online-course>

<https://www.playbytherules.net.au/online-courses/harassment-and-discrimination-online-course>

² The *Working with Children Act 2005* (Vic) defines 'direct contact' as any contact between an adult and a child that involves physical contact, face to face contact, contact by post or other written communication, contact by telephone or other oral communication and contact by email or other electronic communication.

³ Regular contact as defined by MUCC is direct contact with children one or more times per week, 3 times within 30 days or overnight in the same establishment.



8. Mandatory Reporting in Victoria

Reporting child abuse is a community-wide responsibility. The 'Betrayal of Trust' inquiry resulted in new criminal offences that impose a clear legal duty upon all adults to report information about child sexual abuse to the police. The Victorian Government's priority was to ensure the immediate safety for all children. To achieve this objective, two key criminal offences relating to child protection were created in 2014:

- *Failure to Disclose* – this relates to all members of the workforce, not just professionals that work with children; and,
- *Failure to Protect* – this relates to any member of the workforce who is in a position of authority.

All members of the MUCC workforce are required to know and understand the following elements of this legislative requirement:

Failure to Disclose

It is now a criminal offence for an adult in Victoria to 'fail to disclose' to the police any reasonable belief that a sex offence has been committed by an adult against a child under the age of 16. Section 327 of the Victorian *Crimes Act 1958*, states that any adult who forms a reasonable belief that sexual abuse has been committed by an adult against a child has an obligation to report that information to police. This law applies to all adults, whether they have a child related job or not, and whether they come across information in their professional or private lives. Except in very limited circumstances, failure to disclose the information to police is a criminal offence and carries a maximum penalty of three years imprisonment.

Types of offences that need to be reported to the police

All adults must report sexual offences committed by a person of the age of 18 against a child under 16, including but not limited to:

- Sexual penetration of a child
- Sexual activity in the presence of a child
- Encouraging sexual activity
- Rape
- Incest
- Sexual Assault
- Sexual touching
- Grooming
- Offences committed via electronic communication
- Abduction

Failure to Protect

Under section 49O of the Victorian *Crimes Act 1958*, it is an offence for a person in a position of authority to fail to protect a child from a sexual offence if, due to their position within the organisation, they have the power or responsibility to remove a substantial risk that a child under the age of 16 years will become a victim of a sexual offence. This crime is punishable by up to five years imprisonment.



Forming a reasonable belief

You will form a reasonable belief that a sexual offence has been committed if a reasonable person, with your skills and experience, would have formed such a belief. You do not need to have proof or evidence. A reasonable belief means it is more likely than not that it happened. A reasonable belief might be formed when:

- a child states that they have been sexually abused;
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves).
- someone who knows a child states that the child has been sexually abused.
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused; and/or,
- signs of sexual abuse led to a belief that the child has been sexually abused.

Reporting other child abuse concerns

If a member of the MUCC workforce has any other concerns regarding suspected child abuse or harm, under sections 28 and 31 of the *Children, Youth and Families Act 2005 (Vic)*, any person may make a report to the Victorian Department of Health and Human Services or to DHHS family services such as Child FIRST and Child Protection.

If you need any assistance in making a report to police or child protection services, please contact the General Manager or email chris.milne@unimelb.edu.au

9. MUCC Reporting Procedures:

MUCC supports and mandates that all members of the MUCC workforce to make a report when they form a reasonable belief that a child needs protection, or when they are concerned about the safety, health or wellbeing of a child. Such reports must be made to the General Manager in the first instance unless there is immediate and/or serious harm or risk of harm to a child, when the police should be called. This is especially the case when any delay in action may result in even more serious harm.

If a member of the MUCC workforce is uncertain as to whether they should make a report in relation to the safety of a child, they must speak to the General Manager for guidance and information - if in doubt, ask for assistance.

If an allegation is made against a member of the workforce, MUCC will follow the reporting procedure, and take all steps to ensure that the safety of the child is paramount.

MUCC will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner where appropriate. MUCC will keep a register of all allegations regarding inappropriate conduct and poor practice. All records and reports will be taken seriously, treated respectfully and kept securely, taking into consideration privacy and confidentiality.



Your responsibilities

- Under the MUCC Safeguarding Policy you are obliged to make a report if you have formed a reasonable belief that abuse has occurred or is about to occur.
- You must make a report without delay by completing a MUCC Safeguarding Referral Form.
- All concerns must be documented.
- You are required to make a report each time you become aware of any further grounds for your belief.
- You don't have to prove that the abuse has occurred, however you need to report the matter to the General Manager as soon as possible.
- You must not initiate leading questions to confirm a belief about what happened, however, when appropriate, you can seek clarification about what has been disclosed.
- It is the General Manager's responsibility to ensure that all members of the MUCC workforce follow protocols when investigating the report, and to respond appropriately to the information received; this may include passing information on to the appropriate authorities where required.

10. Policy Breaches:

Any member of the MUCC workforce who breaches this Safeguarding Policy or Safeguarding Code of Conduct may be subject to disciplinary processes. Breaches of these policies may result in disciplinary sanction, including termination of employment, or investigation by the statutory authorities (e.g., police).