



Child Safe Standards

CHILD SAFE POLICY

Date created:	July 2022
Audience:	Badminton Association of Western Australia (Inc) ('BAWA' or 'Badminton Western Australia')
Version:	July2022v1
Purpose of Document:	To align and comply with the Federal and Western Australia Child Safety Standards as per 1 March 2022
Actions:	<ul style="list-style-type: none"> • Read and understand (BAWA staff, BAWA Board, Volunteers) • Publish on BAWA website • Distribute amongst parents/guardians of junior state squad performance program players • Ask and ensure that parents acknowledge that they have read and understand this guide when their child(ren) is selected for any of our programs / state teams • Encourage others to read and understand
Review:	June 2023
BAWA Contact:	Executive Officer – Badminton WA <bawa@badmintonwa.org.au>
Other relevant resources	<ul style="list-style-type: none"> • The law and sport – Junior sport policy (dlgsc.wa.gov.au) • https://www.wa.gov.au/service/community-services/community-support/mandatory-reporting-of-child-sexual-abuse-wa#:~:text=It%20is%20a%20legal%20requirement,to%20Communities'%20mandatory%20reporting%20service. •

BADMINTON WESTERN AUSTRALIA CHILD SAFE POLICY

1. INTRODUCTION

- 1.1. Badminton Western Australia is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. Badminton Western Australia supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of Badminton Western Australia's Child Safe Policy (the Child Safe Policy) is to protect the safety of children in our care and prevent abuse from occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.
- 1.3. Should a person wish to make any enquiries in relation to this Child Safe Policy, please contact Badminton Western Australia's Executive Officer at bawa@badmintonwa.org.au.

2. CHILD SAFE POLICY STATEMENT

- 2.1. Badminton Western Australia is committed to providing the highest level of safety for all involved with badminton. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members, particularly children and delivering the Badminton Western Australia's activities while acting in the best interests of children in the sport.
- 2.2. Specifically, Badminton Western Australia considers that the health, safety, and wellbeing of children take priority over all other competing considerations. Badminton Western Australia considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, Badminton Western Australia and its members.
- 2.3. Badminton Western Australia has a zero-tolerance approach to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability or sexual orientation etc.
- 2.4. Child protection is a shared responsibility between Badminton Western Australia, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the Badminton Western Australia community. Everyone that participates in Badminton Western Australia's activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. Badminton Western Australia supports the active participation of all children. It listens to their views, respects their views and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety). Some of the ways in which Badminton empowers children are:
 - The Badminton Western Australia "Youth Advisor Group". A group of respected junior badminton players between the age of 17-20 who meet and advise Badminton Western Australia on risks and controls for child safety associated with badminton in Western Australia, which forms part of the Badminton Western Australia Child Safety Risk Management Plan.
 - Badminton Western Australia has a dedicated Integrity Officer, who is available for children to contact.

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

2.7. Badminton Western Australia promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the Badminton Western Australia Member Protection Policy.

3. SCOPE

3.1. This Child Safe Policy applies to everyone involved in or connected to badminton, including (but not limited to) participants, parents, spectators, contractors, officials, coaches, judges and staff throughout all Badminton Western Australia events and activities.

3.2. This Child Safe Policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with Badminton Western Australia.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Child Safe Policy must be read in conjunction with:

4.1.1. the laws of the Commonwealth and Western Australia (as amended from time to time) including but not limited to:

- 4.1.1.1. Human Rights Commission Act 1986 (Cth) (AHRC Act)
- 4.1.1.2. Working with Children (Criminal Record Checking) Act 2004
- 4.1.1.3. Children and Community Services Act 2004
- 4.1.1.4. Australian Sports Anti-Doping Authority Act 2006
- 4.1.1.5. Commonwealth Privacy Act 1988
- 4.1.1.6. The Volunteers and Food and Other Donors (Protection from Liability) Act 2002
- 4.1.1.7. Civil Liability Act 2002
- 4.1.1.8. Civil Liability Amendment Act 2003
- 4.1.1.9. Criminal Code Act Compliance Act 1913

4.1.2. Badminton Western Australia policies and procedures, including but not limited to:

- 4.1.2.1. Constitution
- 4.1.2.2. Codes of Conduct;
- 4.1.2.3. Member Protection Policy
- 4.1.2.4. Volunteer Policy
- 4.1.2.5. Communications Policy
- 4.1.2.6. Risk Management Policy
- 4.1.2.7. Health Policies
- 4.1.2.8. Disciplinary Policy
- 4.1.2.9. Inclusion Policy
- 4.1.2.10. Concession Management Policy
- 4.1.2.11. Sports Betting Policy & Anti Match Fixing Policy
- 4.1.2.12. Badminton Australia Anti-Doping Policy
- 4.1.2.13. Refund Policy
- 4.1.2.14. Hot Weather Policy (Draft)

5. DEFINITIONS

- 5.1. **Child** means a person who is under 18 years of Age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.
- 5.2. **Child Abuse** is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person's physical or emotional health, development or wellbeing and the Child has not, or is not likely to be protected by the parent(s) or guardian(s). For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.
- 5.3. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from Harm.
- 5.4. **Grooming** is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Children. For some perpetrators, there will be a lengthy period of time before the Abuse begins. The Child may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child in and abuse them relatively quickly. Some abusers do not groom Children but Abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.
- 5.5. **Harm** means Harm to a person or a Child is any detrimental effect of a significant nature to the person or Child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:
- Physical, Psychological or Emotional Abuse or Neglect;
 - Sexual Abuse or Exploitation;
 - a single act, omission or circumstance; and
 - a series or combination of acts, omissions or circumstances.
- 5.6. **Sexual offence** (in Western Australia) means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child under the age of 16 years to, or involves a child under the age of 16 years in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexually offence behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child under the age of 16 years (or their carer, family or supervisor) to lower their inhibitions and prepare them for engagement in a sexual offence.
- 5.7. **Mandatory reporter** means a person who is legally required to make a report to the Department of Communities – Child Protection and Family Support or the Police if they form a belief on reasonable grounds that a child is in need of protection. Under the Children and Community Services Act 2004 mandatory reporters in Western Australia are doctors, nurses and midwives, teachers, police officers, boarding supervisors.

6. RECOGNISING AND REPORTING CHILD ABUSE

- 6.1. A person may, in the course of participating in the sport or other activities of Badminton Western Australia or carrying out their work, form a belief on reasonable grounds that a Child is in need of protection from child abuse.
- 6.2. If a person is concerned about an immediate risk to a Child's safety, the person

mustphone Police on “000” as soon as practicable.

6.3. Specific types of **Child abuse** include:

- 6.3.1. **Physical abuse:** occurs when a child has suffered, or is likely to suffer, significant Harm as a result of a physical injury, such as a non-accidental physical injury.
- 6.3.2. **Sexual abuse:** occurs when a child has suffered, or is likely to suffer, significant Harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others and includes circumstances where
 - a. The Child is subject to bribery, coercion, a threat, exploitation or violence; or
 - b. The Child has less power than another person involved in the behaviour; or
 - c. There is a significant disparity in the development function or maturity of the Child and another person involved in the behaviour.
- 6.3.3. **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional or psychological Harm of such a kind that the child’s emotional or intellectual development is or is likely to be significantly damaged; and
- 6.3.4. **Neglect:** occurs when a child’s physical development or health has been, or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

6.4. **Mandatory Reporters**

- 6.4.1. Select classes of people in the community (including doctors, nurses and midwives, teachers, police officers, boarding supervisors) are required by law to report to the Department of Communities – Child Protection and Family Support where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered (or are likely to suffer) significant harm due to physical or sexual abuse.
- 6.4.2. This report must be made as soon as practicable, and after each occasion where they become aware of a further reasonable ground for the belief.

6.5. **Reasonable grounds for belief**

- 6.5.1. A reasonable belief is formed if a reasonable person believes that:
 - 6.5.1.1. the child is in need of protection;
 - 6.5.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
 - 6.5.1.3. the child’s parents are unable or unwilling to protect the child.
- 6.5.2. To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.
- 6.5.3. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.
- 6.5.4. You will have reasonable grounds to notify if:
 - 6.5.4.1. a child states that they have been physically or sexually abused;

- 6.5.4.2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- 6.5.4.3. someone who knows a child states that the child has been physically or sexually abused;
- 6.5.4.4. professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; or
- 6.5.4.5. signs of abuse lead to a belief that the child has been physically or sexually abused.

6.6. Voluntary Reporters

- 6.6.1. In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, *may* disclose that information to the Police, Department of Communities – Child Protection and Family Support or the Commissioner for Children & Young People (CCYP).

6.7. Reporting Child Sexual Abuse

- 6.7.1. If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed in Western Australia (or elsewhere) against a Child, the person should report in the first instance to Department of Communities – Child Protection and Family Support and/or the Police.

6.8. Badminton Western Australia Approach to Reports of Abuse

- 6.8.1. Badminton Western Australia supports and encourages a person to make a report to the Police, CCYP or Department of Communities – Child Protection and Family Support if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.
- 6.8.2. Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or voluntary) will be supported by Badminton Western Australia, and will not be penalised by Badminton Western Australia for making the report.
- 6.8.3. If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the Badminton Western Australia Executive Officer of the Badminton Western Australia Member Protection Information Officer for guidance and information. If in doubt, ask for assistance.
- 6.8.4. If an allegation is made against a member of staff or volunteer, Badminton Western Australia will follow the reporting procedure outlined in the Badminton Western Australia Constitution or the Badminton Integrity Framework and take all steps to ensure that the safety of the child and other children is paramount.
- 6.8.5. Badminton Western Australia will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential and sensitive manner to the greatest extent possible.
- 6.8.6. Badminton Western Australia will cooperate with the directions of the Police, CCYP and/ or Department of Communities – Child Protection and Family Support in relation to any investigation conducted by these authorities.
- 6.8.7. Badminton Western Australia will keep a register of any allegations regarding inappropriate conduct.

7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN

7.1. Personnel involved in protecting children include the board, management, staff and volunteers within Badminton Western Australia. Those people have responsibilities in relation to protection of children and are expected to:

7.1.1. understand the rights of children, as appropriate to their role;

7.1.2. respect the cultural and religious practices of families who access the Badminton Western Australia's services, programs or events;

7.1.3. understand and appropriately respond to the needs of children with developmental delays or disabilities;

7.1.4. appropriately act on any concerns raised by children;

7.1.5. understand the definitions, indicators and impact of child abuse;

7.1.6. at all times, know and follow regulations in relation to the care of children and follow the Badminton Western Australia Code of Conduct.

7.1.7. co-operate with police and/or other formal investigations to the best of their ability; and

7.1.8. not harm or exploit children who access Badminton Western Australia's services.

7.2. Badminton Western Australia will appoint a Child Safety Officer or equivalent role that will be the primary point of contact for all concerns related to child safety.

8. RECRUITMENT AND SCREENING

8.1. The minimum standard for background checks of employees, contractors and volunteers of Badminton Western Australia and its members is the law as it applies in Western Australia.

8.2. Badminton Western Australia undertakes a comprehensive recruitment and screening process for all staff, contractors and volunteers which aims to:

8.2.1. promote and protect the safety of all children who participate in the activities of Badminton Western Australia;

8.2.2. identify and recruit the safest and most suitable candidates who share Badminton Western Australia's values and commitment to protect children; and

8.2.3. prevent a person from working at Badminton Western Australia if they pose an unacceptable risk to children.

8.3. Badminton Western Australia requires staff, contractors, and volunteers to pass the recruitment and screening process prior to commencing their engagement with Badminton Western Australia.

8.4. As part of the screening and recruitment process, an applicant must provide appropriate evidence, including the compulsory Working with Children Check (WCC) or Police check to show that they are suitable to work with children and young people in a recreational setting. Badminton Western Australia requires that:

8.4.1. all Badminton Western Australia staff and Board members require a WCC; and

8.4.2. the following key event personnel must have a valid WCC:

- 8.4.2.1. those paid by Badminton Western Australia for their services (excluding bump in and bump out);
- 8.4.2.2. volunteers with regular roles in Badminton Western Australia
- 8.4.2.3. relevant contractors who may have unsupervised access to children; and
- 8.4.2.4. anyone else who Badminton Western Australia staff feel requires a WCC due to the nature of the work that they are undertaking for Badminton Western Australia.
- 8.4.2.5. Some exemptions apply and include
 - a. work carried out on a voluntary basis by a child;
 - b. work carried out on an unpaid basis by a student under 18 years of age; and
 - c. parents volunteering in certain activities where their child is also involved or participates (unless attending an overnight activity).

8.5. The type of evidence that an applicant is required to provide to Badminton Western Australia will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence to Badminton Western Australia.

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

8.7. Badminton Western Australia will undertake at least two thorough reference checks prior to engaging any personnel.

8.8. Once engaged, Badminton Western Australia will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

8.9. Badminton Western Australia requires that affiliated clubs ensure all staff and volunteers (including coaches and any officials) likely to have contact with athletes (and other children) have a current WCC, which needs to be checked and signed off annually as part of the club's commitment to Child Safety.

8.10. Clubs which do not comply with their legal obligations may be found to have not complied with the Badminton Western Australia affiliation requirements and may be disaffiliated.

9. SUPPORTING PERSONNEL

9.1. Badminton Western Australia is committed to ensuring that all staff, Board members, volunteers and contractors receive training and refreshers to ensure that they understand their responsibilities in relation to child safety. Mandatory training at Badminton Western Australia includes:

- 9.1.1. Badminton Western Australia Induction
- 9.1.2. Director Education Course - <https://www.sportaus.gov.au/governance/education>
- 9.1.3. National integrity overview course - <https://elearning.sportintegrity.gov.au/course/view.php?id=503>
- 9.1.4. Clean Sport 101 (15 minutes) – Compulsory
- 9.1.5. Play By The Rules - Child Protection and Safeguarding (40 minutes) – Compulsory
- 9.1.6. Competition Manipulation and Sports Betting (30 minutes) – Compulsory

9.1.7. Getting to Grips with Ethics in Sport (35 minutes) - Compulsory

9.2. Badminton Western Australia assists its Board members, staff, contractors, and volunteers to incorporate child safety considerations into decision-making and to promote a culturally safe environment where children are empowered to speak up about issues that affect them.

10. RISK MANAGEMENT APPROACH

- 10.1. Child safety is a part of Badminton Western Australia's overall risk management approach.
- 10.2. Child safety incidents will be investigated by Badminton Western Australia and recommendations will be adopted.
- 10.3. Badminton Western Australia will carry out an annual Child Safety Risk Management review and act on controls and recommendations from these reviews.

11. POLICY BREACHES

- 11.1. It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have done anything contrary to this policy. Any person who may breach this policy is subject to Badminton Integrity Framework and/or grievance procedure outlined in Badminton Western Australia's constitution.

12. POLICY PROMOTION

- 12.1. This policy will be made available to all members via the Badminton Western Australia website and direct mailing lists
- 12.2. This policy will be communicated to all staff, Board, and Committee members via email and formal induction process.
- 12.3. References to this policy will be included in documentation provided to all team officials that represent Badminton Western Australia

13. RECORD KEEPING

- 13.1. Badminton Western Australia will retain records of reports of child abuse and complaints about child safety.
- 13.2. In maintaining records of reports about child safety, Badminton Western Australia will maintain confidentiality and privacy for children and families in accordance with legislation.
- 13.3. Badminton Western Australia will appropriately note identified risks to child safety through the record keeping process and will incorporate those into its risk management plan.

14. REVIEW PROCESS

- 14.1. This policy will be reviewed by the Badminton Western Australia Board of Management on an annual basis.
- 14.2. If you would like to provide Badminton Western Australia with any feedback or suggestions to improve this policy, please contact the Executive Officer, bawa@badmintonwa.org.au

- 14.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the Board for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via the webpage and other appropriate communication channels.
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