

Child Safeguarding Policy



NUSPORT

1. Executive Summary

- 1.1 NUsport has a zero-tolerance policy to child abuse and neglect in any form. NUsport is committed to safeguarding and promoting the welfare of Children by providing a safe and inclusive environment and by ensuring that everyone involved in the delivery of sports programs and activities is educated and informed of their responsibilities to protect and look after Children.
- 1.2 All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in sport in a safe, positive, and enjoyable environment. NUsport aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in its sports programs.
- 1.3 This Policy is part of NUsport's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access our sports programs.
- 1.4 This Policy seeks to ensure that everyone involved in NUsport's sports programs is aware of their rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in NUsport's sports programs and the behaviours that are not acceptable ('Prohibited Conduct').
- 1.5 This Policy also imposes obligations on NUsport in relation to Mandatory Reporting as well as the organisation's response to allegations of Prohibited Conduct and to implement a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.
- 1.6 This Policy (and related procedures, annexures and schedules) has been developed in line with Sport Integrity Australia's National Integrity Framework as guiding principles for Child Safeguarding.

2. Scope

This policy applies to:

- 2.1 Relevant Persons, being all people who conduct work for NUsport in a paid or unpaid capacity. This includes Board members, Management, staff, volunteers, interns, trainees, contractors and consultants; and
- 2.2 Newcastle University Sport (ABN 67 096 090 372), being NUsport.

This policy applies when:

- a) All Relevant Persons and NUsport must comply with this Policy including:
 - i. in relation to any dealings they have with a Child arising from the Relevant Person's, NUsport's, or the Child's involvement in any capacity with NUsport;
 - ii. in relation to any dealings in relation to a Child that they might have with NUsport, its staff, contractors, and representatives;
 - iii. in relation to their standing as a Relevant Person or NUsport in general.

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Child Safeguarding Policy



NUSPORT

3. Definitions

In this Policy, and in line with National Integrity Framework, the following words have the corresponding meaning:

Abuse means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

Applicable Child Protection Legislation means (as amended, updated or replaced from time to time and including any subordinate legislation or other statutory instruments enabled by the following):

- a) *Children and Young Persons (Care and Protection) Act 1988 (NSW)*;
- b) *Child Protection (Working with Children) Act 2012 (NSW)*;
- c) *Children's Guardian Act 2019 (NSW)*; and
- d) Any state, territory, or commonwealth legislation relevant to child protection or child wellbeing applicable to NUsport's business from time to time.

Bullying means person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

Child or **Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

Child Abuse has the meaning given to it in Schedule 1 and includes the following as outlined in that Schedule:

- a) Physical Abuse
- b) Emotional or Psychological Abuse
- c) Sexual Abuse
- d) Neglect
- e) Exposure to Family Violence.

Child Safe Commitment refers to NUsport's commitment to child safety in sports programs, as outlined in Annexure B.

Child Safe Practices refer to the child safety requirements and practices adopted and implemented by NUsport to help ensure the safety of Children participating in sport programs, sport events, sport activities and sport coaching and training as outlined in Annexure B.

Grooming refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

Harassment means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

Mandatory Reporting means the legislative requirement for specific people or groups of people to report suspected child abuse, a summary of which is available [here](#).

Child Safeguarding Policy



NUSPORT

Misconduct with a Child means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

Member Protection Policy means the Member Protection Policy of NUsport.

Policy means this Child Safeguarding Policy including any schedules and annexures.

Prohibited Conduct means conduct in breach of clause 5 of this Policy.

Recruitment and Screening means the child safety recruitment and screening requirements adopted and implemented by NUsport to help ensure the safety of Children participating in activities and programs as outlined in NUsport's Recruitment Policy and Procedures.

Sexual Misconduct means:

- a) Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b) Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.

Unlawful Discrimination includes:

Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and

Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

Vilification means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.

WWCC means a 'Working with Children Check' (however named) under the applicable legislation of a state or territory.

4. Requirements of Relevant Persons and NUsport

4.1 Relevant persons must always:

- a) comply with the requirements of Responding to Child Abuse Allegations in Annexure A;
- b) comply with the Child Safe Practices as set out in Annexure B;
- c) report any concerns or allegations of Prohibited Conduct involving any Relevant Person or NUsport;
- d) provide true and accurate information during Recruitment and Screening;

Child Safeguarding Policy



NUSPORT

- e) comply with all obligations that they are subject to under the Applicable Child Protection Legislation; and
- f) comply with all legislative obligations that they are subject to in relation to Mandatory Reporting or a WWCC.

4.2 NUsport must:

- a) Adopt, implement and comply with;
 - i. Child Safe Commitment;
 - ii. Child Safe Practices; and
 - iii. Recruitment and Screening Policy and Practices,

Including reviewing and amending those requirements from time to time.

- a) Comply with the 'Responding to Child Abuse Allegations' in Annexure A;
- b) Use best efforts to assist Relevant Persons to fulfil their responsibilities under this Policy.
- c) Take all necessary steps to:
 - i. Enforce any action imposed under the Disciplinary Policy; and
 - ii. Ensure compliance with 'Responding to Child Abuse Allegations' in Annexure A.

5. Prohibited Conduct

5.1 A Relevant Person commits a breach of this Policy when:

- a) they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2:
 - i. Physical, emotional, psychological or sexual abuse of a child;
 - ii. Grooming;
 - iii. Misconduct involving a Child;
 - iv. requesting or inferring that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or NUsport;
 - v. supplying alcohol, drugs (including tobacco) or medicines to a child, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage;
 - vi. communicating with the child using personal social media accounts or other forms of electronic and online contact outside the scope and nature of acceptable forms of contact outlined in NUsports' Child-Safe Commitment Statement (Annexure B);
 - vii. any other breach of professional boundaries with a child as described in NUsports' Child-Safe Commitment Statement (Annexure B);

Child Safeguarding Policy



NUSPORT

- viii. committing any act that would constitute Reportable Conduct under the NSW Reportable Conduct Scheme administered by the Office of the Children's Guardian;
- ix. committing any act that would constitute Prohibited Conduct under the Member Protection Policy of the relevant National Sporting Organisation (NSO);
- x. there is a breach of a requirement imposed under clause 4.1, or sub-clauses 4.2(a), 4.2(b) or 4.2(e)(ii);
- xi. are involved in or have knowledge of and do not report a breach of clauses 5.1(a) or 5.1(b); or
- xii. they have engaged in an attempt to breach sub-clauses 5.1(a) (i), (ii), (iii) or (v).

6. Reporting

6.1 Where an allegation or disclosure requires Mandatory Reporting, under any Australian Child Protection Legislation:

6.2 NUsport must comply with, and procure compliance with, the requirements of 'Responding to Child Abuse Allegations' in Annexure A;

- a) no further action under the Disciplinary Policy in relation to that Alleged Breach, except Provisional Action or Assessment, should occur unless or until the obligations in (a) are complied with.

7. Related Documents and References

NUsport Disciplinary Policy

NUsport Recruitment Policy

National Integrity Framework

Child Family Community Australia Mandatory Reporting of Child Abuse & Neglect Resource Sheet [click here](#).

Child Family Community Australia Working with Children Checks & Police Checks Resource Sheet [click here](#).

About this Document

7.1 Further Information

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