

SAFEGUARDING CHILDREN GUIDELINES



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1. PURPOSE OF THESE GUIDELINES

Rugby Australia (Rugby AU) and all other Relevant Organisations seek to provide children with a positive rugby experience and an environment that promotes and protects their physical, social and emotional wellbeing.

We must all be committed to safeguarding children in our care and strive to ensure that those children are safe and are protected from harm. We have an ethical and legal responsibility to ensure that children in our care are protected and safe from harm. There is no national child safe system and each State/Territory has its own legislation that Relevant Organisations need to be aware of and comply with.

We expect all those involved in rugby to adhere to the highest possible standards with respect to safeguarding children from abuse. Rugby AU has developed these Guidelines to identify and prevent behaviour which is/may be harmful to the children involved in our sport.

The Guidelines will assist all participants in meeting their obligations, specifically related to safeguarding children, under the Child Safe Framework¹ and the Rugby Australia Member Protection Policy (MPP). Rugby AU will support all Relevant Organisations with training and education on the Child Safe Framework and on these Guidelines as required. The Guidelines are to be applied in conjunction with:

- a) All applicable legislation within the relevant State/Territory in relation to safeguarding children (and, if working abroad, all applicable laws within that jurisdiction);
- b) The specific requirements of an individual's role as defined in their 'position description';
- c) All relevant requirements set out in policies and codes, including Rugby AU's:
 - Member Protection Policy (MPP);
 - Code of Conduct;
 - Safety Policy and Participation Policy; and
 - Inclusion Policy.
- d) General community expectations in relation to appropriate behaviour concerning children.

Please note that a failure to observe the Guidelines may be deemed to be a breach of the Rugby AU Code of Conduct.

There may be exceptional situations where it may not be possible to fully follow the Guidelines (for example, in an emergency situation). However, Relevant Organisations and Relevant Persons are expected to take all reasonable steps to follow the Guidelines where possible and ensure that they always act in the best interests of the child Participant(s) involved.

¹ https://childsafety.pmc.gov.au/what-we-do/commonwealth-child-safe-framework

2. **DEFINITIONS**

Activity means a rugby contest, match, competition, tournament, event, or rugby related activity (including training), whether on a one-off basis or as part of a series, league, competition, tournament sanctioned or organised by a Relevant Organisation.

Appointed Person means the person(s) appointed by a Relevant Organisation under the Rugby AU Code of Conduct.

Child means an individual under 18 years of age.

Contractor means any person or organisation engaged to provide services for or on behalf of a Relevant Organisation, and includes agents, advisers, and subcontractors of a Relevant Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.

Emotional or Psychological abuse occurs when a person repeatedly rejects or threatens a child. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a child or continual coldness, from the caregiver or parent to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

Employee means a person employed by a Relevant Organisation.

Family Violence occurs when children are forced to live with violence between adults in their home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child's life. Exposure to family violence places children at an increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

Guidelines means the safeguarding children guidelines as issued by Rugby AU from time to time.

Grooming is a term used to describe what happens when a perpetrator builds a relationship with a child with a view to abuse them at some stage. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer (e.g. giving special attention, providing favours or giving gifts) for the purpose of facilitating sexual activity at a later time.

Individual Member means an individual that is registered with or a member of a Relevant Organisation.

Member means a Relevant Organisation or an Individual Member.

Member Protection Policy or **MPP** means the Member Protection Policy issued by Rugby AU and amended from time to time.

Neglect is the persistent failure or deliberate denial to provide a child with the basic necessities of life (e.g. failing to give adequate food, clean water, adequate supervision, medical attention, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Participant means:

- e) Players that are registered with or entitled to participate with a Relevant Organisation or in a rugby Activity;
- f) Coaches appointed to train a Player or Team in a Relevant Organisation or in a rugby Activity;
- g) **Administrators** that have a role in the administration or operation of a Relevant Organisation or in a rugby Activity, including owners, directors, committee members or other persons;
- h) Officials including referees, citing commissioners, television match officials, or other officials appointed by a Relevant Organisation or any league, competition, series, Club or Team sanctioned by a Relevant Organisation;
- Support Personnel that are appointed in a professional or voluntary capacity by a Relevant Organisation or in a rugby Activity including, but not limited to, sports science sport medicine personnel, Team managers, agents, selectors, and Team staff members; and
- **j) Other individuals** that attend rugby Activities or facilities, for example, parents, guardians, spectators and sponsors.

Player means an individual that plays rugby.

Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.

Relevant Organisation means any of the following organisations:

a) Rugby AU;

- b) Member Unions;²
- c) Affiliated Unions;³
- d) **Rugby Bodies**;⁴ and
- e) Any other organisation that has agreed to be bound by these Guidelines.

Relevant Person means any of the following persons:

- a) Individual Member;
- b) Participant;
- c) Employee;
- d) Contractor;
- e) **Volunteer** which means any person engaged by a Relevant Organisation or in a rugby Activity in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and Team and support personnel; and
- f) Any other individual who has agreed to be bound by these Guidelines.

Rugby AU means Rugby Australia Ltd (CAN 002 898 544).

Sexual Abuse occurs when adults or other children involve a child in any sexual activity. It includes both contact and non-contact behaviour, and when a child is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging children in sexual conversations in-person or via social media, voyeurism (i.e. observing a child in an action that is considered to be of a private nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or the child) touching a child's genitals or breasts, encouraging a child to view pornography including child pornography or other inappropriate touching or conversations); and exploiting a child through prostitution.

3. WHO DO THE GUIDELINES APPLY TO?

The Guidelines apply to all Relevant Organisations and Relevant Persons.

² Member Unions include Australian Capital Territory Rugby Union; New South Wales Rugby Union; Northern Territory Rugby Union; Queensland Rugby Union; South Australia Rugby Union; Tasmanian Rugby Union; Victorian Rugby Union; Western Australia Rugby Union.

³ The Affiliated Unions include Australian Junior Rugby Football Union Ltd; Australian Rugby Football Schools Union; Australian Defence Force Rugby Union; Australian Universities Rugby Union; Australian Barbarian Rugby Club; Australian Women's Rugby Football Union; Classic Wallabies; NSW Country Rugby Union; Sydney Rugby Union and any other body that is or becomes an "Affiliated Union' pursuant to the terms of the Rugby AU Constitution, as amended from time to time.

⁴ Rugby Body means Rugby AU, each Member Union and Affiliated Union, any union, association or other body in membership with or affiliated to a Member Union or Affiliated Union and any rugby Club in membership with or affiliated to any of the foregoing.

4. PROCEDURAL OBLIGATIONS OF RELEVANT ORGANISATIONS

- 4.1 All Relevant Organisations must:
 - a) Adopt and comply with these Guidelines;
 - b) Recognise and enforce any penalty imposed under the Rugby AU Code of Conduct, which may result from behaviour which contravenes these Guidelines;
 - c) Publish, distribute and promote the Guidelines (and any amendments made to the Guidelines from time to time) to their members, in the manner required by Rugby AU and upon reasonable request make the Guidelines available for inspection, or copying;
 - d) Make amendments to any internal policies or requirements necessary for these Guidelines to be implemented;
 - e) Ensure that their members adopt and comply with these Guidelines;
 - f) Comply with any compliance audits and provide all requested information on the implementation of these Guidelines; and
 - g) Ensure compliance with all relevant State/Territory legislation.
- 4.2 Rugby AU, where operating outside of Australia as part of a program that is funded, or part funded by the Department of Foreign Affairs and Trade (DFAT), must report to DFAT any breaches of the Guidelines or Rugby AU Code of Conduct that are alleged to have occurred in that international environment.

5. EXPECTED STANDARDS OF BEHAVIOUR

As stated above, Rugby AU has developed these Guidelines to provide clear guidance to all Relevant Organisations and Relevant Persons in relation to the treatment of children within rugby. They are designed to ensure a high level of safety for children and to protect them from abuse and neglect.

5.1 Sexual misconduct

Under no circumstances is any form of Sexual Behaviour to occur between, with or in the presence of, children whilst they are participating in any Activity. Engaging in sexual behaviour whilst participating in or delivering Activities is prohibited, whether consensual or

not, including if the person involved is above the legal age of consent.

This is due to the fact that a relationship is formed under the circumstance of authority and there is a power imbalance and a breach of trust. Sexual Behaviour, involving one person who is in a position of authority, whether consensual or not, may be exploitative because there is a disparity in authority, maturity, status, influence and/or dependence.

'Sexual Behaviour' must be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- a) **'Contact behaviour'** such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
- b) **'Non-contact behaviour'** such as flirting, sexual innuendo/jokes/comments, inappropriate text messaging, inappropriate social media behaviour, inappropriate photography or exposure to pornography or nudity.

5.2 Positive guidance

Relevant Persons are required to use strategies that are fair, respectful and appropriate to the developmental stage of the children involved. Should a child behave inappropriately, then it is important that they are provided with clear directions and given an opportunity to understand and then address their poor behaviour.

Under no circumstances are Relevant Organisations or Relevant Persons to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered degrading, harmful, embarrassing, cruel, frightening or humiliating.

5.3 Adhere to professional boundaries

All Relevant Persons should limit contact with children engaged in rugby to what is acceptable and appropriate. Acceptable and appropriate boundaries include the following:

- a) Do not engage in activities with children that are participants or members of a Relevant Organisation outside authorised Activities;
- b) Do not provide any form of support to a child or their family, unrelated to Activities;
- c) Do not seek contact with children (or former participants) outside Activities; and
- d) Do not accept any invitations to attend private social functions at the request of a child who has participated in, or is participating in, Activities

If you become aware of any situation where a child requires assistance that is beyond the confines of your role, or beyond the scope of your Relevant Organisation's usual service, you should at the earliest opportunity:

- a) Refer the matter to an appropriate support agency (see Attachment A);
- b) Refer the child to an appropriate support agency;
- c) Contact the child's parent(s) or guardian(s); or
- d) Seek advice from:
 - Club Management;
 - Club Committee Member;
 - Relevant Member Union; or
 - Rugby Australia Integrity Team;
- e) Submit a child protection/abuse incident report via the *National Online Incident Report*.

5.4 Use of language and tone of voice

The language and tone of voice you use in the presence of children should:

- a) Provide clear direction, boost their confidence, encourage or affirm them; and
- b) Not be harmful to them.

Avoid language that is:

- a) Discriminatory, racist or sexist;
- b) Derogatory, belittling or negative, for example, by calling a child a 'loser' or telling them they are 'too fat';
- c) Intended to threaten or frighten; or
- d) Profane or sexual.

5.5 Supervision

Relevant Persons responsible for supervising children that participate in Activities provided by a Relevant Organisation should ensure that those participants:

- a) Positively engage in Activities;
- b) Behave appropriately towards one another; and
- c) Are in a safe environment and are protected from external threats.

Relevant Persons are required to avoid one-to-one situations with children under their supervision and (where possible) should conduct all activities and/or discussions with children in the presence/view of others.

5.6 Use of electronic communications

All Relevant Organisations and Relevant Persons are required to follow both the Rugby AU Code of Conduct, Rugby AU MPP and Inclusion Policy.

We must all acknowledge the benefits new technology and communication platforms and devices can offer to Relevant Organisations and Relevant Persons. For example, being able to use programs and Apps both on- and offline to manage scheduling, teams and competitions etc.

However, we must also all recognise that these new technologies and communication platforms and devices may also present a fundamental risk to child safety, particularly where electronic messaging platforms can be used to groom or make inappropriate and unsupervised contact with children. Accordingly, Relevant Persons should at all times adhere to the Guidelines when using electronic communications.

Emails and text messages sent to a child should always be copied to their parents or guardians. Where a parent is not included in a communication, then a Relevant Person must be able to provide reasons for this and must:

- a) Restrict such communication to issues directly associated with delivering Activities, such as advising that a scheduled event is cancelled;
- b) Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, a Relevant Person must not communicate anything that a reasonable observer could view as being of a sexual or inappropriate nature;
- c) Not use such communication to promote unauthorised 'social' activity or to arrange

unauthorised contact;

- d) Not request a child to keep a communication secret from their parents; and
- e) Not communicate with children using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging from personal profiles or accounts.

Relevant Persons are required to ensure appropriate monitoring of children when they use a Relevant Organisation's electronic communication equipment to ensure they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

5.7 Giving gifts/rewards

Rugby AU prohibits Relevant Persons giving gifts to children to whom they provide a service, except when the value of the gift does not exceed \$25 and the child's parent(s) or guardian(s) have been made aware of the gift and have consented to it being given.

5.8 Photographs and video recordings of children

Relevant Persons must always act in accordance with any applicable laws or regulations within their State/Territory relating to the capture, storage and dissemination of photographs or video recordings of children. Additionally, the following guidelines apply:

a) Relevant Persons and Relevant Organisations may only photograph or record children to whom they provide Activities when the child is participating in Activities and only if:

(i) The child's parent(s) or guardian(s) has granted prior and specific approval through Rugby Australia's Registration terms and conditions;

- (ii) The context is directly related to participation in the Activity;
- (iii) The child is appropriately dressed and posed; and
- (iv) The image is taken in the presence of others.
- b) Images are not to be distributed (including as an attachment to an email) to anyone outside the Relevant Organisation other than the child photographed or their parent, without management knowledge and approval;
- c) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:

- (i) If in hard-copy form, in a locked drawer or cabinet; or
- (ii) If in electronic form, in a 'password protected' folder;
- d) Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required;
- e) Video footage of matches and training be used appropriately and, in the context, directly related to participation in rugby; and
- f) Images are not to be exhibited on a website or social media platform without parental knowledge and approval or such images must be presented in a manner that de-identifies the child. Any caption or accompanying text may need to be checked so that it does not identify a child if such identification is potentially detrimental.

For the avoidance of doubt, clause 5.8 does not prohibit a parent(s) or guardian(s) from taking photos or videos of their own child.

5.9 Physical contact with children

Any physical contact with children must be appropriate in the context of delivering Activities and based on the needs of the child, rather than the needs of Relevant Persons.

Rugby AU acknowledges that in order to teach the correct technique of certain skills in rugby, occasional and appropriate physical contact may be required. Rugby AU Guidelines state that coaches should only use physical contact appropriate for the development of a particular skill and as long as you have the permission of the child. This section does not prevent medical practitioners or other health professionals acting in the course of their duties and delivering medical or health services to children as and when required.

Under no circumstances should any Relevant Persons have contact with children participating in Activities that:

- a) Involves touching of genitals, breast area or buttocks that is not appropriate when teaching a scrum or tackle technique etc.;
- b) Would appear to a reasonable observer to have a sexual connotation;
- c) Is intended to cause pain or distress to the child, for example corporal punishment;
- d) Is overly physical, for example, horseplay, tickling or other roughhousing;

- e) Is unnecessary, for example, assisting with toileting when a child does not require assistance; or
- f) Is initiated against the wishes of the child, except if such contact may be necessary to prevent injury to the child or to others, in which case:
 - (i) Physical restraint should be a last resort;

(ii) The level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child to prevent harm to themselves or others; and

(iii) The incident must be reported to Management as soon as possible.

Relevant Persons are also required to report any physical contact initiated by a child that is sexual and/or inappropriate (e.g. acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the child, and any other participants.

5.10 Overnight stays and sleeping arrangements

Overnight stays are to occur only with the written authorisation of the parent(s) or guardian(s) of the children attending. Additionally, prior written authorisation must be sought from the applicable Relevant Organisation.

Practices and behaviour by Relevant Persons during an overnight stay must be consistent with the practices and behaviour expected during delivery of Activities at all other times.

Standards of conduct that must be observed by Relevant Persons during an overnight stay include:

- a) Providing children with privacy when bathing and dressing;
- b) Observing appropriate dress standards when children are present;
- c) Ensuring that children are not exposed to pornographic material, which may include, movies, television, internet, magazines or any other form;
- d) Ensuring that children are not left under the supervision or protection of unauthorised persons such as hotel staff or friends;

- e) Ensuring that sleeping arrangements do not compromise the safety of children, such as unsupervised sleeping arrangements, or an adult sleeping in the same bed or room as a child; and
- f) Ensuring that children are provided with the ability to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay and take immediate steps to address any risks identified by the child.

It is the responsibility of the Relevant Persons organising the overnight stay to ensure that:

- a) Children only share hotel rooms or bedrooms with children of the same gender;
- b) Children who are transgender are consulted on their choice of sleeping arrangements;
- c) There are adequate chaperones present; and any chaperones have been adequately screened, briefed and trained. Examples of an adequate chaperone ratio are:
 - (i) Under 16: One chaperone to four children; or
 - (ii) **Over 16**: One chaperone to six children.

For further information *Play By The Rules* have resources and templates such as a 'Chaperone Policy' that could be useful for your Relevant Organisation.

5.11 Change room arrangements

Relevant Persons may be required to supervise children in change rooms while balancing that requirement with a child's right to privacy. Discretion should be used based on the age, developmental stage and needs of the child. In addition Relevant Persons:

- a) should avoid one-to-one situations with a child in a change room or shower area;
- b) are not permitted to dress or undress in the change room area while children (other than their own) are present;
- c) need to ensure adequate supervision in 'public' change rooms when they are used;
- d) need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehavior, while also respecting a child's privacy;

- e) only enter change rooms of their gender;
- f) should ensure that no photography of children occurs in a change room; and
- g) should knock loudly and announce themselves <u>before</u> entering a changeroom or showers.

5.12 Alcohol or drug use, possession and supply

Whilst on duty, Relevant Persons must not:

- a) Use, possess or be under the influence of an illegal drug;
- b) Use or be under the influence of alcohol;
- c) Be incapacitated by any other legal drug such as prescription or over-the-counter drugs; or
- d) Supply alcohol or drugs (including tobacco) to children participating in our rugby services, programs or events.

Use of legal drugs (i.e. over the counter and properly prescribed medication) other than alcohol by Relevant Persons is permitted, provided that such use does not interfere with your ability to care for children involved in our service.

5.13 Transporting children

Children are only to be transported in circumstances that are directly related to the delivery of Activities. Children are only to be transported with prior written authorisation from the child's parent(s) or guardian(s) and the applicable Relevant Organisation.

To obtain approval, Relevant Persons should provide information about the proposed journey, including:

- a) The mode of transport proposed, such as private car, taxi, self-drive, bus with driver etc.;
- b) The reason for the journey;
- c) The route to be followed, including any stops or side trips;
- d) Details of anyone that will be present during the journey other than Relevant Persons that are involved in delivering the Activity; and

e) Insurance information and proof that the driver is fully licensed for the vehicle that will be used.

6. **REVIEW AND PROMOTION**

These Guidelines will be reviewed on a regular basis and recommendations for any changes can be submitted to Rugby AU for consideration. If any changes are made, the Guidelines will be updated and republished on the Rugby Australia website.

7. CONTACT

If you have any enquiries or suggestions for improvement in relation to these Guidelines please contact Rugby Australia at <u>integrity@rugby.com.au</u>.

ATTACHMENT A – AUSTRALIAN STATE/TERRITORY AGENCIES

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ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Child and Youth Protection Services: https://www.communityservices.act.gov.au/oc yfs/children/child-and-youth-protection- services Ph: 1300 556 729 Office of the Children's Guardian www.kidsguardian.nsw.gov.au Ph: (02) 8219 3600 Family and Community Services - Child Protection Helpline https://www.facs.nsw.gov.au/families/Protecti
Northern Territory Police	Inttps://www.nacs.nsw.gov.ad/namiles/Protection ng-kids/reporting-child-at-risk Ph: 132 111 Child Abuse Hotline – NT Govt:
Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	https://nt.gov.au/law/crime/report-child-abuse Ph: 1800 700 250
Queensland Police Non-urgent police assistance Ph: 131 444 <u>www.police.qld.gov.au</u>	Department of Children, Youth Justice and Multicultural Affairs: <u>https://www.cyjma.qld.gov.au/protecting-</u> <u>children/reporting-child-abuse</u> Ph: 1800 177 135
South Australia Police Non-urgent police assistance Ph: 131 444 <u>www.police.sa.gov.au</u>	Department for Child Protection: www.childprotection.sa.gov.au Ph: 131 478
Tasmania Police Non-urgent police assistance Ph: 131 444 <u>www.police.tas.gov.au</u>	Department of Communities: <u>https://www.communities.tas.gov.au/children/</u> <u>child protection services</u> Ph: 1800 000 123
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <u>www.police.vic.gov.au</u>	Families, Fairness and Housing: https://services.dffh.vic.gov.au/child- protection Ph: 131 278
Western Australia Police Non-urgent police assistance Ph: 131 444 <u>www.police.wa.gov.au</u>	Department of Communities, Child Protection and Family Support: <u>www.dcp.wa.gov.au</u> Ph: 1800 273 889