

Child Safety Policy

The Debaters Association of Victoria Incorporated (DAV) has an ethical and legal duty to ensure that all children who participate in DAV programs feel safe, empowered and respected. This Child Safety Policy facilitated and demonstrates the DAV's compliance with these duties and implements the commitment made by the DAV in its *Statement of Commitment to Child Safety*.

Definitions

In this policy, "members" refers to those DAV members who are natural persons (per section 3 (1) of the DAV Constitution), and "staff" refers to the waged employees of the DAV.

Legal Framework

The DAV has responsibilities under the *Child Wellbeing and Safety Act 2005 (Vic)* to implement measures to protect children. These include:

- compliance with Working with Children Check requirements;
- implementation of the Child Safety Standards; and
- reporting of suspected or known child abuse.

The DAV also owes a duty of care towards participants engaged in DAV activities. Under section 91 of the *Wrongs Act 1958 (Vic)*, the DAV is presumed to have breached its duty of care towards children who suffer harm in the course of DAV activities, unless the DAV can demonstrate that measures are in place to support ensure that children are safe.

Responsibility

This policy has been adopted by the DAV Executive and applies at all DAV events. This policy is overseen by the DAV President, who will report to the DAV Executive on its implementation and any issues that arise under it. The DAV Executive may also appoint a Child Safety Delegate to assist the President in implementing and overseeing this policy.

It is the responsibility of all DAV staff, Executive members, volunteers and participants to promote the safety and inclusion of children and ensure that this policy is complied with.

Recruitment of Staff

The DAV is committed to ensuring that all staff who have contact with children are aware of their obligations and appropriate standards of behaviour to be maintained around children. All DAV staff are expected to comply with this Policy and the Child Safe Code of Conduct and must hold a current Working with Children Check.

The DAV will require that all employment contracts issued or renewed after the adoption of this Policy will contain a term mandating compliance with this Policy.

The DAV will also seek opportunities to provide additional training and support to staff members to ensure that they are adequately supported to and empowered to implement this policy across the Association.

Recruitment of Volunteers

The DAV is a membership-based organisation. The relationship between the DAV and members is governed by the DAV Constitution. The DAV values the contributions of members to the Association and recognises that many of its activities would not be possible without the time volunteered by its members.

When promoting membership to potential members of the DAV, the Association will ensure that all material restates its commitment to the safety of children at its activities.

The DAV will also ensure that all members comply with Working with Children Check requirements. The DAV requires that all members (including those under the age of 18) hold a Working with Children Check when contacting children, unless they hold a professional role which exempts them from this requirement (e.g. they are registered with the Victorian Institute of Teaching or are a Victorian police officer).

All DAV members who participate in DAV programs (including but not limited to the DAV Schools Competition, Junior Secondary Program, external training, public speaking, parliamentary debating, and regional debating programs) are required to become accredited adjudicators. The DAV will ensure that the accreditation process includes adequate information and training to members on their responsibilities when working with children. Members working with children will also be required to read and comply with the DAV Child Safe Code of Conduct.

Occasionally the DAV conducts programs which may involve interstate participants, or Victorian participants travelling interstate (e.g. the National Schools Debating Championships). Where this occurs, the DAV President or Child Safety Delegate may exempt volunteers from the requirement of holding a Working with Children Check where they fall into a designated exemption category under section 32 of the *Working with Children Act 2005 (Vic)*. This will generally only occur where the volunteer holds the equivalent of the Working with Children Check in their home state or territory. The President or Child Safety Delegate must still ensure that the volunteer complies with the DAV Child Safe Policy and must be satisfied that the person has the appropriate training, skills, and demeanour to work with children before granting an exemption.

Appointment to Positions of Authority

Members of the DAV Executive are elected annually at the DAV's Annual Meeting of Council, except where they hold an *ex officio* position (Executive Officer or Immediate Past President) or are co-opted as a member without portfolio or to fill a vacancy on the Executive.

This Policy will be distributed to all Executive members upon joining the DAV Executive. It will also be distributed with the notice of the Annual Meeting of Council, and where the Executive requests applications for co-opted positions. Executive members have a responsibility to ensure that they are informed of this policy so that the Association continues to meet its Child Safety requirements. Where an Executive Member does not hold a Working with Children Check, their duties may be altered by the DAV Executive to ensure that they do not come into contact with children.

The DAV Executive also appoints members to position of authority within the organisation. These include Regional Co-ordinators, who are responsible for running DAV events and competitions

and act as primary representatives of the Association. The DAV Executive must not appoint a person to a position of authority unless they are satisfied that the appointee is an appropriate person to work with children and will ensure that this policy is complied with.

Register of Working with Children Checks

As outlined above, the DAV requires that all volunteers contain an appropriate Working with Children Check when involved in DAV activities. DAV staff will be responsible for maintaining a register of Working with Children Checks and ensuring that this is kept up to date.

The DAV is able to provide schools with the Working with Children Check numbers of members upon request where a school requires this information as part of their own Child Safe policies or procedures.

Risk Management Framework

The DAV is committed to ensuring that it minimises any risks to the health, safety and wellbeing of children and other participants at DAV events. The DAV will undertake a risk assessment of its activities and implement measures as necessary to ensure that it reduces any risks identified as part of this process. The DAV will annually review its risk assessments and ensure that is updated when it is provided with additional information or as part of a review of its procedures after receiving a complaint or otherwise being notified of an incident (see below).

Content and Inclusion

The Vice-President (Schools) is responsible for overseeing topic selection across the DAV Competitions. While the DAV seeks to promote debate, engagement and critical analysis of contemporary issues, the Vice-President (Schools) is still responsible for ensuring that all content prepared by the DAV is appropriate for school children. This may include issuing guidelines or providing training to other DAV staff, members or volunteers involved in setting topics or preparing resources as appropriate.

All DAV personnel involved in preparing topics and content should be aware of and consider the impact of material on Aboriginal and Torres Strait islanders and individuals from vulnerable backgrounds. DAV personnel should be aware of the broad and diverse range of cultures and beliefs held by participants engaged in DAV activities and ensure that positive steps are taken to ensure that equal participation in DAV activities is facilitated.

When giving feedback to children, DAV personnel should ensure that it is done in a fashion which encourages children to be heard and engaged in the process. Criticism should always be constructive and presented in a manner which encourages children to develop and grow. Criticism should never be scathing, demeaning or humiliating and should always be paired with concrete ways for students to improve. This can only be achieved by ensuring that feedback is tailored towards individuals (taking into account their age and experience) and should also recognise and celebrate the successes of children involved in DAV programs. The Vice-President (Adjudication & Training) is responsible for overseeing the training provided to DAV adjudicators and should ensure that they are provided with the training and tools needed to meet this standard.

Reporting of Allegations, Concerns, Complaints and Incidents

The DAV President and Child Safety Delegate are responsible for overseeing any reports of child abuse or other concerns which may impact upon children participating in DAV competitions. Under the *Child Wellbeing and Safety Act 2005 (Vic)* all adults have an obligation to report any suspected cases of child abuse come to their attention. This obligation arises whenever an individual forms a reasonable belief that an incident has occurred. Reportable incidents include:

- a sexual offence committed against, with or in the presence of, a child;
- sexual misconduct, committed against, with or in the presence of, a child;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; and
- significant neglect of a child.

Signs that a child may have been the victim of abuse may include:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
- behaviour consistent with that of an abuse victim is observed;
- someone else has raised a suspicion of abuse but is unwilling to report it; and
- observing suspicious behaviour.

DAV personnel and other participants in DAV events should report any allegations of child abuse to the DAV President or Child Safety delegate, who are responsible for ensuring that the Commission for Children and Young People and (where appropriate) Victoria Police are notified in accordance with the Child Wellbeing and Safety Act. Where DAV personnel become aware of allegations of abuse at a DAV event, this report can be made through the Regional Co-ordinator or any DAV staff members present. **If DAV members have reason to believe that a child is in immediate danger, they should first call 000 before following this process.** The DAV President or Child Safety delegate will also be responsible for liaising with any schools or other relevant parties as required.

The DAV President and Child Safety Delegate should take all reasonable steps to ensure that any risk of abuse to children is mitigated. Following a complaint or incident report involving abuse to children, the DAV President and Child Safety Delegate should review any relevant risk assessments or processes to ensure that they still adequately protect the safety of children. The DAV President and Child Safety Delegate should report to the DAV Executive on any incidents which occur and the steps taken to resolve them or to notify the relevant authorities.

Where other incidents occur which affect the participation of children, a report should be made to the relevant member of the DAV Executive. Complaints concerning the conduct of participants at DAV Competitions, or relating to the content of DAV materials and topics should be directed to the Vice-President (Schools). Complaints concerning the nature of feedback given by DAV adjudicators should be directed towards the Vice-President (Adjudication & Training). The DAV President and DAV staff are able to assist in directing complaints or dealing enquiries about DAV policies and processes. The relevant Vice-President should also report complaints as required by the DAV Rules for Competitions and periodically review any processes which they are responsible for overseeing.

Privacy

The DAV is exempt from the provisions of the *Privacy and Data Protection Act 2014 (Vic)* and the *Privacy Act 1988 (Cth)*. However, the DAV will ensure that it handles all personal information and data, especially the personal information and data of children, in line with community expectations. The DAV may provide data to third parties where required to facilitate its competitions and programs, but does not sell or provide data to third parties for a profit. The DAV takes reasonable measures to ensure that it stores data securely and does not release data to personnel or third parties where not required.

Where the DAV is provided with complaints of child abuse, the DAV treats these confidentially. Disclosure is made as required by law, and may also be made to a school or other relevant body in order to facilitate the protection of children. Where reports are provided to the DAV Executive for review, individual identifying data should be redacted where it is not required to evaluate the steps taken to evaluate how policies and procedures should be improved for future events.

Victorian Schools Team

Each year the DAV sends a contingent of volunteers and children to participate at the National Schools Debating Championships as part of the Victorian Schools Team. The DAV recognises that NSDC is different in nature to other DAV activities, as it is a residential tournament and involves students travelling interstate under the supervision of DAV personnel, rather than parents or teachers. The Vice-President (Schools) is responsible for overseeing the VST and, in conjunction with the DAV President and Child Safety Delegate, should ensure that appropriate measures are in place to promote the welfare of participants. These measures include:

- ensuring that DAV volunteers have the necessary training and experience to provide pastoral care to students;
- ensuring that children qualifying past the initial stage of trials are given a briefing by the Vice-President (Schools) or their delegate outlining a point of contact other than the VST coaches, should they wish to raise any concerns;
- ensuring that all volunteers are supplied and comply with the DAV Child Safe Code of Conduct;
- ensuring that appropriate risk management plans and procedures are put into place to protect the welfare of children;
- ensuring that Aboriginal and Torres Strait islanders and individuals from vulnerable backgrounds are included and receive additional support as necessary; and
- responding quickly and effectively to concerns or complaints to ensure that the safety and wellbeing of participants is not jeopardised.

Fair Procedures for Staff and Volunteers

The DAV acknowledges that its staff and volunteers play a critical part in facilitating the DAV's activities. Where a complaint is raised against a member of the DAV, that member is entitled to respond to that complaint and be provided with support throughout the complaints process. Breaches of this Policy and the Child Safety Code of Conduct by DAV members are dealt with through the complaints processes outlined in the DAV Constitution and the *Associations Incorporation Reform Act 2012 (Vic)*. To avoid ambiguity, nothing in this policy or the DAV

Constitution prevents the DAV from temporarily suspending or removing a member from DAV activities while a complaint is being investigated.

Where a complaint is raised against a DAV staff member, that complaint is handled by the DAV Executive in accordance with that staff member's employment contract and the provisions of the *Fair Work Act 2009 (Cth)*. Again, nothing in this policy is intended to prevent the DAV from suspending or altering the duties of a staff member while a complaint is being investigated.

Executive Meeting Awareness

The DAV Executive will use this Policy to guide how it structures and monitors the DAV's activities. All members of the DAV Executive will be provided with a copy of this policy on joining the DAV Executive and will be required to certify that they are familiar with its contents. Meetings of the DAV Executive will also include Child Safety as a standing agenda item in order to facilitate oversight of this policy and the DAV's activities.

Review and Disclaimer

This Policy is scheduled to be reviewed by the DAV Executive every three years to ensure that it continues to adhere to the DAV's legal requirements, as well as the nature of the activities run by the DAV. Additionally, the implementation of this policy will also be reviewed whenever a Child Safety incident occurs.

This Policy has been prepared for the DAV, taking into account its unique structure and scope of activities. The DAV does not warrant or represent that it will be appropriate for use in other organisations.

Contacts

The DAV President is responsible for the oversight and implementation of this Policy. The current DAV President is Jonathan Benney, who can be contacted at president@dav.com.au.

The Vice-President (Schools) oversees the DAV Code of Conduct for Competitions and the Victorian Schools Team. The current Vice-President (Schools) can be contacted at vps@dav.com.au.

The Vice-President (Adjudication & Training) is responsible for monitoring the training of and development of DAV adjudicators. The current Vice-President (Adjudication & Training) can be contacted at vpas@dav.com.au.

The DAV Office is responsible for administering the DAV's competitions and can assist with the implementation of this policy. The DAV Office can be contacted at debater@dav.com.au or phoned at (03) 9348 9477.

From time-to-time the DAV Executive may appoint a Child Safety Delegate to assist in the implementation of this framework. At present, the DAV President is responsible for its implementation and oversight.

Annexure A: *DAV Statement of Commitment to Child Safety*

Annexure B: *DAV Child Safe Code of Conduct*