

# O'BRIEN GROUP

## AUSTRALIA

### CHILD SAFETY STANDARDS: POLICY AND PROCEDURE

#### 1. Application

This policy and procedure applies to all O'Brien Group team members, including employees, contractors, volunteers, and work experience staff. All team members are required to comply with and are responsible for knowing and understanding the policy and procedure.

This policy and procedure specifically applies to everyone involved in or connected to recreational and competitive ice activities (Ice Sports) at the O'Brien Icehouse, including, but not limited to, participants, parents, spectators, contractors, officials, coaches, judges and staff throughout all O'Brien Icehouse events and activities. This policy will continue to apply retrospectively to a person or team member following the cessation of their association or employment with O'Brien Group or O'Brien Icehouse.

#### 2. Purpose

This policy and procedure defines and describes the O'Brien Icehouse commitment to child safety standards. The O'Brien Icehouse is committed to ensuring that children and young people who participate in its activities, have a safe and happy experience. The O'Brien Group supports and respects children, young people, staff, volunteers, and participants at all of its locations including O'Brien Icehouse.

The aim of the O'Brien Icehouse Child Safe Policy and Procedure is to protect the safety of children in our care and to ensure that situations which endanger or may endanger child safety are properly addressed. All complaints will be treated seriously, fully investigated, and managed with maximum confidentiality and discretion in line with the Child Safe Reporting Procedure (WHS.PP.012.1) and the Work Health Safety and Wellbeing Policy (WHS.MS.002).

Should a person wish to make enquiries in relation to this policy, please contact the Human Resources Department by emailing [human.resources@obga.com.au](mailto:human.resources@obga.com.au) or calling O'Brien Group Australia Head Office on (03) 9326 5200.

#### 3. Policy Statement

- O'Brien Icehouse is committed to providing the highest level of safety for all recreational skating and ice sports participants at the venue. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members (particularly children), and delivering the O'Brien Icehouse's activities while acting in the best interests of participating children.
- Specifically, O'Brien Icehouse considers that the health, safety, and wellbeing of children take priority. O'Brien Icehouse considers that this is necessary to ensure the health, safety, and welfare of all people associated with the venue.
- O'Brien Icehouse 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, sexual orientation or other protected characteristic.
- Child protection is a shared responsibility between O'Brien Icehouse, its employees, contractors, parents/guardians, coaches, spectators, volunteers, and members of the O'Brien Icehouse community. Everyone who participates in O'Brien Icehouse's activities plays a role in the care and protection of children, and reporting situations which endanger child safety.
- O'Brien Icehouse 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).
- O'Brien Icehouse is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds.
- O'Brien Icehouse is committed to providing a safe environment for children living with a disability.
- O'Brien Icehouse promotes fairness and consideration for all staff, volunteers, and participants.

### 4. Procedure Statement

#### 4.1 Roles and Responsibilities of Personnel Protecting Children

**4.1.1** Personnel involved in protecting children include the board, management, staff, and volunteers within the organisation. Those people have responsibilities to protect children and are expected to:

- understand the rights of children, as appropriate to their role;
- respect the cultural and religious practices of families who access O'Brien Icehouse's services, programs or events;
- understand and appropriately respond to the needs of children with developmental delays or disabilities;
- appropriately act on any concerns raised by children;
- understand the definitions, indicators and impact of child abuse;
- at all times, know and follow regulations concerning the care of children and follow the Code of Conduct;
- co-operate with police and/or other formal investigations to the best of their ability; and
- not harm or exploit children who access O'Brien Icehouse's services.

O'Brien Icehouse will appoint a Child Safety Officer or equivalent role that will be the primary point of contact for all concerns related to child safety.

#### 4.2 Recognising and Reporting Child Safety Concerns

**4.2.1** A person may, while participating in the sport or other activities of O'Brien Icehouse or conducting their work, form a belief on reasonable grounds that a child requires protection.

**4.2.2** If a person is concerned about an immediate risk to a child's safety, the person must phone Victoria Police on "000" as soon as practicable.

**4.2.3** Specific types of child safety concerns or abuse may include:

- Physical: occurs when a child has suffered, or is likely to suffer, significant harm because of a physical injury, such as a non-accidental physical injury.
- Sexual: occurs when a child experiences, or is at risk of experiencing, significant harm due to sexual exploitation, such as being used by someone else for sexual purposes.
- Emotional and psychological: occurs when a child has experienced or is at risk of experiencing emotional or psychological harm to an extent that could significantly impair the child's emotional or intellectual growth; and
- Neglect: occurs when a child's physical well-being or health has been or is likely to be significantly compromised. This includes situations where essential needs like food, clothing, warmth, hygiene, intellectual engagement, supervision, safety, emotional support, and medical attention are neglected.

#### 4.3 Reasonable Grounds for Belief

**4.3.1** A reasonable belief is formed if a rational person believes that:

- the child needs protection;
- the child has suffered or is likely to suffer significant harm because of physical or sexual injury; and
- the child's parents are unable or unwilling to protect the child.

**4.3.2** 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.

**4.3.3** A 'reasonable belief' or a 'belief on reasonable grounds' is different from having proof but is more than mere rumour or speculation.

**4.3.4** You will have reasonable grounds to notify if:

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

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- signs of abuse lead to a belief that the child has been physically or sexually abused.

#### 4.4 Mandatory Reporters

**4.4.1** Certain groups of people have a legal requirement to report a reasonable belief of child physical or sexual abuse to child protection authorities. These may include doctors, nurses, teachers and principals, police etc. In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment,
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

**4.4.2** This report must be made as soon as practicable after forming the reasonable belief.

#### 4.5 Voluntary Reporters

**4.5.1** In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child requires protection from any form of child abuse, *may* disclose that information to the Police, DHHS or the Commissioner for Children & Young People (CCYP).

#### 4.6 Recognising and Reporting Safety Concerns of a Sexual Nature

**4.6.1** If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation under the Crimes Act 1958 (Vic) may be subject to a penalty of imprisonment.

**4.6.2** O'Brien Icehouse have zero tolerance for sexual harassment under the Sexual Harassment Policy and Procedure (WHS.PP.003).

#### 4.7 O'Brien Icehouse Approach to Reporting

**4.7.1** O'Brien Icehouse supports and encourages a person to make a report to the Police, CCYP or DHHS if they form a belief on reasonable grounds that a child needs protection, or they are concerned about the safety, health, or wellbeing of a child.

**4.7.2** Any person who makes a report in good faith in accordance with their reporting obligations (whether mandatory or voluntary) will be supported by O'Brien Icehouse and will not be penalised by O'Brien Icehouse for making the report.

**4.7.3** If a person is uncertain as to whether they should make a report to an external authority, concerning the safety of a child, they may speak to the O'Brien Icehouse General Manager or O'Brien Group Australia's Human Resources Department for guidance and information. If in doubt, ask for assistance.

**4.7.4** If an allegation is made against a member of staff or volunteer, O'Brien Icehouse will report the conduct according to the process outlined in O'Brien Icehouse's Child Safe Reporting Procedure (WHS.PP.012.1) and take all steps to ensure that the safety of the child and other children is paramount.

**4.7.5** O'Brien Icehouse will investigate allegations of inappropriate conduct against a child, in accordance with procedural fairness and will manage the allegations confidentially, and sensitively to the greatest extent possible.

**4.7.6** O'Brien Icehouse will cooperate with the directions of the Police, CCYP and/or DHHS concerning any investigation conducted by these authorities.

**4.7.7** O'Brien Icehouse will keep a register of any allegations regarding inappropriate conduct. All incidents must be reported to Head Office as soon as reasonably practicable.

#### 4.8 Recruitment and Screening

**4.8.1** The minimum standard for background checks of employees, contractors and volunteers of O'Brien Icehouse and its members is the law as it applies in Victoria.

**4.8.2** O'Brien Icehouse undertakes a thorough recruitment and screening process for all staff, contractors and volunteers which aims to:

- Promote and protect the safety of all children who participate in the activities of O'Brien Icehouse;
- Identify and recruit the safest and most suitable candidates who share O'Brien Icehouse's values and commitment to protecting children; and
- Prevent a person from working at O'Brien Icehouse if they pose an unacceptable risk to children.

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- O'Brien Icehouse requires staff, contractors, and volunteers to pass the recruitment and screening process before commencing their engagement with O'Brien Icehouse.
- As part of the screening and recruitment process, an applicant must provide a Victorian Working with Children Check (WWCC) as appropriate evidence to show that they are suitable to work with children and young people in a recreational setting. This applies to all roles that come into direct contact with children and young people.
- O'Brien Icehouse requires that all O'Brien Icehouse staff who work with children, and relevant members of management hold a valid WWCC, and the following key event personnel must have a valid WWCC:
  - those paid by O'Brien Icehouse for their services and will be in contact with children;
  - volunteers who work with children who hold regular roles in O'Brien Icehouse;
  - relevant contractors who may have unsupervised access to children; and
  - anyone else whom O'Brien Icehouse staff feel requires a WWCC due to the nature of the work that they are undertaking for O'Brien Icehouse.

**4.8.3** The type of evidence that an applicant is required to provide to O'Brien Icehouse will vary depending on the type of position for which they are applying. However, an applicant will not be offered a position until they provide the required evidence to O'Brien Icehouse.

**4.8.4** O'Brien Icehouse 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 O'Brien Icehouse in regular intervals.

**4.8.5** Where appropriate, O'Brien Icehouse will undertake thorough reference checks before engaging personnel.

**4.8.6** Once engaged, O'Brien Icehouse will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

**4.8.7** Team members are also required to comply with the Employee Code of Conduct Policy and Procedure (HR.003) at the beginning of employment.

**4.8.8** O'Brien Icehouse 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 WWCC. Clubs which do not comply with their legal obligations will be found to have not complied with the O'Brien Icehouse affiliation requirements and may be excluded from conducting activities at the venue.

**4.8.9** O'Brien Icehouse requires all affiliated club personnel including owners, committee members, volunteers, coaches, judges, and anyone else who has contact with children to possess a valid working with children check. Any costs associated with gaining a valid WWCC will be dealt with in a manner determined by that club or association.

#### 4.9 Supporting Personnel

**4.9.1** O'Brien Icehouse is committed to ensuring that all staff, board members, volunteers and contractors receive training to ensure that they understand their responsibilities concerning child safety. Mandatory training at O'Brien Icehouse includes:

- O'Brien Icehouse Child Safety

**4.9.2** O'Brien Icehouse assists its management, 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.

#### 4.10 Risk Management Approach

**4.10.1** Child safety is a part of O'Brien Icehouse's overall risk management approach and can be found in the Risk Management Procedure (WHS.MS.012).

#### 4.11 Policy Breaches

**4.11.1** 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 performance management including the Disciplinary Action and Warnings Policy and Procedure (HR.020).

#### 4.12 Policy Promotion

**4.12.1** This policy is available to all stakeholders via the O'Brien Icehouse website and distributed via email where appropriate.

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- 4.12.2** This policy is communicated to all staff, management, coaches, and Committee members via email; including when issued and amended from time to time to stay up to date with standards and legislative changes.
- 4.12.3** References to this policy will be included in the documentation provided to all team officials who represent O'Brien Icehouse.

#### 5. Definitions

<b>Child</b>	refers to a person involved in the activities of O'Brien Icehouse (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child (e.g., for child sexual offences in Victoria, a "child" refers to a person under the age of 16 years).
<b>Child Abuse</b>	refers to 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 well-being 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.
<b>Child Protection</b>	refers to any responsibility, measure or activity undertaken to safeguard children from harm.
<b>Grooming</b>	refers to the process where an individual establishes a relationship with a child with harmful intentions, typically aiming to exploit them later. There is no fixed pattern to grooming, as some perpetrators may take a long time before initiating abuse, while others may act more quickly. Initially, the child may receive special attention, which might seem like innocent affection but can escalate into inappropriate behaviour, including sexual acts. Grooming can happen in various settings where relationships form, such as leisure activities, sports, religious groups, or online platforms like chatrooms and social media.
<b>Harm</b>	refers to harm to a person or a child which has a detrimental effect of a significant nature on the person or child's physical, psychological, or emotional wellbeing. Harm can be caused by: <ul style="list-style-type: none"><li>• physical, psychological or emotional abuse or neglect;</li><li>• sexual abuse or exploitation;</li><li>• a single act, omission, or circumstance; and</li><li>• a series or combination of acts, omissions, or circumstances.</li></ul>
<b>Sexual Offence</b>	(in Victoria) refers to when someone does not consent to a sexual act or acts. In cases involving children or people with cognitive impairments, consent may not be relevant. Sexual offences can refer to a broad range of sexual behaviours that make the victim feel uncomfortable, frightened, or threatened.

#### 6. Legislation

Children, Youth and Families Act 2005 (VIC)  
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)  
Crimes Act 1958 (VIC)  
Working with Children Act 2005 (VIC)

#### 7. Other References

WHS.PP.012.1 Child Safe Reporting Procedure  
WHS.PP.01  
HR.003 Employee Code of Conduct Policy and Procedure  
WHS.MS.002 Work Health Safety and Wellbeing Policy  
WHS.PP.003 Sexual Harassment Policy and Procedure  
WHS.MS.012 Risk Management Procedure  
Mandatory Reporting (Department of Families, Fairness and Housing) <https://providers.dffh.vic.gov.au/mandatory-reporting>

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### 8. Document Control

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