



SAFEGUARDING CHILDREN GUIDELINES

**RUGBY
AU**

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1. PURPOSE OF THESE GUIDELINES

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

We are 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 or territory has its own legislation that unions 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 relating to children, under the Rugby Australia Member Protection Policy (MPP). Rugby AU will support all Member Unions and Affiliated Unions 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 your respective state / territory in relation to protecting children (and, if working abroad, all applicable laws within that jurisdiction);
- (b) The specific requirements of your role as defined in your 'position description';
- (c) All relevant policy and procedure documents, including Rugby AU's:
 - (i) MPP;
 - (ii) Code of Conduct;
 - (iii) Safety Policy and Participation Policy;
 - (iv) Inclusion Policy; and
- (d) General community expectations in relation to appropriate behaviour concerning children.

Rugby AU may consider a failure to observe the Guidelines as a breach of the Rugby AU Code of Conduct and MPP. Sanctions available to a Member Union, Affiliated Union and/or Rugby Body or a tribunal, in such circumstances include (but are not limited to) suspension, fine, warnings, suspension of Rugby AU coach or other professional membership and/or termination of employment. In addition to any of these sanctions, Rugby AU or the member union/affiliate will (where mandatory reporting is required) report all instances in which a breach of legislation has, or may have, occurred to the police/relevant authorities.

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

2. DEFINITIONS

Affiliated Union means Australian Junior Rugby Football Union Ltd., Australian Rugby Football Schools Union Inc., Australian Services Rugby Union, Australian Universities Rugby Union, Australian Barbarians Rugby Club Inc., Australian Women's Rugby Football Union, Classic Wallabies Inc., or any other Union in affiliations with Rugby Australia.

Member means a player (including an amateur or non-contract player), a referee, touch judge or other match official, a selector, coach, trainer, manager or other team official, or an individual involved in the organisation, administration or promotion of Rugby including a director, other officer or employee of a Rugby Body.

Children are any individuals under 18 years of age.

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.

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 these safeguarding children guidelines as issued by Rugby Australia 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.

Member Union means New South Wales Rugby Union Limited, Queensland Rugby Union Limited, Australian Capital Territory and Southern New South Wales Rugby Union Limited, Victorian Rugby Union Inc., South Australian Rugby Union Limited, Western Australian Rugby Union Inc., Tasmanian Rugby Union Inc. and Northern Territory Rugby Union Inc.

Member Protection Contact (MPC) means a person or group of people identified by a Rugby Body as a Member's first point of contact under this Policy. In the absence of an appointed MPC, a designated person in authority identified by a Rugby Body shall fulfill this role. The MPC provides confidential support to the complainant. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do.

Member Protection Information Officer (MPIO) means a person experienced and trained to deal with complaints under, or breaches of, the Rugby Australia Member Protection Policy. The MPIO provides confidential and moral support to the complainant. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decided what they want to do. Where required, a MPIO will also provide advice and assistance to MPCs.

Member Protection Policy or **MPP** means the Member Protection Policy issued by Rugby Australia 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).

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.

Rugby Body means Rugby Australia, any Member Union or Affiliated Union of Rugby AU, or any Rugby Union, club or other body in membership with or affiliated to a Member Union or Affiliated Union.

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 anyone bound by the Rugby AU MPP irrespective of whether they are remunerated or not, their role and their level of responsibility (hereafter referred to as **Member**).

For ease of reference this includes:

- (a) Administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees), including office bearers such as presidents, vice-presidents, treasurers and secretaries of rugby clubs or bodies;
- (b) Employees, volunteers and contractors of rugby clubs or bodies;
- (c) Officials appointed or elected by a Member Union, Affiliated Union or Rugby Body in relation to players and/or teams which represent such organisations including team management Members such as coaches, managers, physiotherapists etc.;
- (d) Rugby coaches (including assistant coaches) who:
 - (i) Are appointed and/or employed by a Member Union, Affiliated Union or Rugby Body (whether paid or unpaid);
- (e) Match Officials involved in the regulation of the game of rugby appointed by a Member Union or Affiliated Union;
- (f) Rugby players who:
 - (i) Enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by Rugby AU; or
 - (ii) Are registered with a Member Union, Affiliated Union or Rugby Body as a player and/or member of that union. As schools have their own safeguarding requirements in line with education legislation, this document can be used for information purposes only as they must comply with their statutory requirements as part of the education sector.
- (g) Any other person who is member of or affiliated to a Rugby Body (including Life Members); and
- (h) Any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by the Guidelines or the Rugby AU MPP.

4. PROCEDURAL OBLIGATIONS OF MEMBER UNIONS AND AFFILIATES

- 4.1 All Rugby AU Member Associations must:
- (a) Adopt and comply with these Guidelines;
 - (b) Appoint a suitably qualified and trained member of staff to perform the role of Member Protection Information Officer (MPIO) and publish their name and contact information on the unions website and also on the Rugby AU website;
 - (c) Ensure that each Rugby Club has an accredited Member Protection Contact (MPC) and these details are recorded in the registration and competition management system and their members are aware of who it is;
 - (d) Recognise and enforce any penalty imposed under the MPP, which may result from behaviour which contravenes these Guidelines;
 - (e) Publish, distribute and promote the Guidelines (and any amendments made to them 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;
 - (f) Make amendments to any internal policies or guidelines necessary for these Guidelines to be implemented;
 - (g) Ensure that its members adopt the Guidelines and that these members in turn ensure that their clubs are also required to comply with the Guidelines; and
 - (h) Comply with Rugby AU's annual compliance audit and provide any requested information on the implementation of these Guidelines.
- 4.2 Affiliated Unions, Rugby Bodies and associated Clubs must ensure compliance with the Guidelines and their relevant state or territory legislation and standards.
- 4.3 Rugby AU, when operating outside of Australia as part of a program which is funded, or part funded by the Department of Foreign Affairs and Trade (DFAT), must report to DFAT any breaches of the Guidelines or MPP which occur in that international environment.

5. EXPECTED STANDARDS OF BEHAVIOUR

As stated above, Rugby AU have developed the Guidelines to provide clear guidance to all Members 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. The Guidelines also support Members by providing the following standards of behaviour.

5.1 Sexual misconduct

Under no circumstances is any form of 'sexual behaviour' to occur between, with or in the

presence of, children while they are participating in a rugby service, program or event. Engaging in sexual behaviour whilst participating in or delivering rugby services, programs or events is prohibited, whether consensual or not, and whether the person involved is above the legal age of consent.

The reason for this is the 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

Members are required to use strategies that are fair, respectful and appropriate to the developmental stage of the children involved. The child needs to be provided with clear directions and given an opportunity to understand and then address their poor behaviour.

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

5.3 Adhere to professional boundaries

All Members 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 who are clients or members of a Rugby Body outside authorised rugby services, programs or events;
- (b) Do not provide any form of support to a child or their family, unrelated to rugby services, programs or events;
- (c) Do not seek contact with children (or former participants) outside rugby services, programs or events; and
- (d) Do not accept any invitations to attend private social functions at the request of a child who has participated or is participating in rugby services, programs or events.

If you become aware of any situation in which a child requires assistance that is beyond the

confines of your role, or beyond the scope of your organisation's usual service, you should at the earliest opportunity:

- (e) Refer the matter to an appropriate support agency (see Attachment C of the Rugby AU MPP);
- (f) Refer the child to an appropriate support agency;
- (g) Contact the child's parent or guardian; or
- (h) Seek advice from:
 - (i) Club Management;
 - (ii) Club Committee Member;
 - (iii) Club Member Protection Contact;
 - (iv) Relevant Member Union Protection Information Officer (MPIO); or
 - (v) Rugby Australia Integrity Team;
- (i) Submit a Child Protection 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:

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

5.5 Supervision

Members responsible for supervising children who participate in rugby services, programs or events provided by a Rugby Body should ensure those participants:

- (a) Positively engage in rugby services, programs or events;
- (b) Behave appropriately toward one another; and
- (c) Are in a safe environment and are protected from external threats.

Members are required to avoid one-to-one situations with children under their supervision and (where possible) should conduct all activities and/or discussions with participants in view of other Members.

5.6 Use of electronic communications

All Members are required to follow both the Rugby AU Code of Conduct, Rugby AU MPP and

Inclusion Policy.

We acknowledge the benefits new technology and communication media can offer to Rugby Bodies and Members. For example, being able to use programs and apps both on- and offline to manage scheduling, teams and competitions.

These new technologies 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, Members should at all times adhere to the Guidelines when using electronic communication.

Wherever possible, emails and text messages sent to a child should be copied to their parent or guardian.

Where a parent is not included in the communication:

- (a) Restrict such communication to issues directly associated with delivering rugby services, programs or events, 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, do not communicate anything that a reasonable observer could view as being of a sexual or inappropriate nature;
- (c) Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact;
- (d) Do not request a child to keep a communication secret from their parents; and
- (e) Do 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.

Members are required to ensure appropriate monitoring of children when they use a Rugby Body'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

We prohibit Members from 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 consented to it being given.

5.8 Photographs and video recordings of children

Members are reminded that they must always act in accordance with any applicable laws or regulations within their state or territory relating to the capture, storage and dissemination of photographs or video recording of children.

As such, the following guidelines apply:

- (a) Members may only photograph children to whom they provide services:
 - (i) When the child is participating in rugby services, programs or events
 - (ii) And only if:
 - (1) The child's parent/guardian has granted prior and specific approval through Rugby Australia's registration terms and conditions
 - (2) The context is directly related to participation in the rugby service, program or events;
 - (3) The child is appropriately dressed and posed; and
 - (4) The image is taken in the presence of other Members;
- (b) Images are not to be distributed (including as an attachment to an email) to anyone outside the Member's Rugby Body 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 parents 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 rugby services, programs or events and based on the needs of the child rather than the needs of Members. 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 medically trained Members acting in the course of their duties and delivering medical or health services to children as and when required). Under no circumstances should any Members have contact with children participating in rugby services, programs or events that:

- (a) Involves touching of:
 - Genitals;
 - Breast area; or
 - Buttocks; that is not appropriate when teaching a scrum or tackle technique
- (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;
 - (iii) The incident must be reported to Management as soon as possible.

Members are also required to report to the Member Protection Information Officer (MPIO) 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, Members and any other participants.

5.10 Overnight stays and sleeping arrangements

Overnight stays are to occur only with the written authorisation of the parents/guardians of the children attending. Additionally, prior written authorisation must be sought from one of the following:

- (a) Rugby Australia Nominee;
- (b) Member Union Nominee;
- (c) Affiliated Union Nominee; or
- (d) Rugby Body Nominee.

Practices and behaviour by Members during an overnight stay must be consistent with the practices and behaviour expected during delivery of a Rugby Body's rugby services, programs or events at other times.

Standards of conduct that must be observed by our Members during an overnight stay include:

- (e) Providing children with privacy when bathing and dressing;
- (f) Observing appropriate dress standards when children are present;
- (g) Ensuring that children are not exposed to pornographic material, which may include, movies, television, internet, magazines or any other form;
- (h) Ensuring that children are not left under the supervision or protection of unauthorised persons such as hotel staff or friends;
- (i) 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
- (j) 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 Member organising the overnight stay to ensure that:

- (k) Children only share hotel rooms or bedrooms with children of the same gender;
- (l) Children who are transgender are consulted on their choice of sleeping arrangements;
- (m) 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 union and/or rugby body.

5.11 Change room arrangements

Members are required to supervise children in change rooms while balancing that requirement with a child's right to privacy. Members need to use their discretion based on the age, developmental stage and needs of the child. In addition:

- (a) Members should avoid one-to-one situations with a child in a change room or shower area;
- (b) Members are not permitted to dress or undress in the change room area while children (other than their own) are present;
- (c) Members need to ensure adequate supervision in 'public' change rooms when they are used;
- (d) Members 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) Female Members are not to enter male change rooms and male Members are not to enter female change rooms or showers;
- (f) Members should ensure that no photography of children occurs in a change room; and
- (g) Members should knock loudly and announce themselves before entering a changeroom or showers

5.12 Alcohol or drug use, possession and supply

While on duty, Members 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 other than alcohol by Members 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 rugby services, programs or events. Children are only to be transported with prior written authorisation from the child's parent/guardian and one of the followings;

- (a) Rugby Australia Nominee;
- (b) Member Union Nominee;
- (c) Affiliated Union Nominee; or
- (d) Rugby Body Nominee

To obtain approval, Members should provide information about the proposed journey, including,

- (e) The mode of transport proposed, such as private car, taxi, self-drive, bus with driver etc.
- (f) The reason for the journey
- (g) The route to be followed, including any stops or side trips
- (h) Details of anyone who will be present during the journey other than Members who are involved in delivering our rugby services, programs or events, and
- (i) Insurance information and proof the driver is fully licensed for the vehicle that will be used.

6. REVIEW AND PROMOTION

The Guidelines will be reviewed on a regular basis. In addition to this regular review, recommendations for change to the Guidelines can be submitted to Rugby AU for consideration. If any changes are implemented, the Guidelines will be updated via the Rugby Australia website as appropriate.

The Guidelines will be made available to the public on the Rugby Australia website and will be communicated to all Board and staff members of Rugby AU and all Member Unions, Affiliated Unions and Rugby Body's.

7. CONTACT

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