



Response to Physical Assault, and Neglect Policy

**Effective from
01/07/04**



PREFACE

Every one has the right to a happy and safe life and our role as sports administrators and coaches can help attain that safety for our participants. We are committed to doing what we can to protect our participants from abuse, which can develop from many sources within their lives.

We accept the strong and maybe unique role we have in recognising and assisting victims and have established a strong framework for leaders to:

- a. recognise when a participant is being abused; and
- b. take action to assist in identified cases.

This policy reflects our ethics and attitude to our members well-being, and we encourage every leader in calisthenics to extend their traditional role into true 'care for team members'.

Lynne Hayward
President

CONTENTS

PART I – INTRODUCTION	1
1. What is the purpose of this Policy?	1
2. Who does this Policy apply to?	1
3. What is the status of this Policy?	1
4. What do words in this Policy mean?	2
PART II - POSITION STATEMENT	2
5. Responsibilities under the Policy	2
PART III - OPERATIONAL PROCEDURES	3
6. Prevention	3
7. Detection of Physical Assault, Sexual assault, Emotional Abuse and Neglect	3
8. Responding to Physical Assault, Sexual Assault, Emotional Abuse and Neglect	5
9. Responding to Physical assault, Sexual assault, Emotional abuse of People Aged Eighteen and Over	6
ATTACHMENT A - POLICY DEFINITIONS	8

PART I – INTRODUCTION

This part sets out the purpose of this Policy, who it applies to, when it commences, what words mean and who has responsibilities under the Policy.

1. WHAT IS THE PURPOSE OF THIS POLICY?

- 1.1 The purpose of this Policy is to provide guidelines for identifying and responding to potential situations of assault, abuse and neglect in the activities of ACF, Member States and Affiliated Clubs.
- 1.2 The Policy provides a procedure for informal and formal responses to potential circumstances of assault, abuse and neglect.

2. WHO DOES THIS POLICY APPLY TO?

- 2.1 This Policy applies to the following organisations and individuals:
 - (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-committees) of ACF, Member States and Affiliated Clubs;
 - (b) officials appointed or elected by ACF, Member States and Affiliated Clubs which represent such organisations;
 - (c) coaches (including assistant coaches) who:
 - (i) are appointed and/or employed by ACF, Member States and Affiliated Clubs (whether paid or unpaid); or
 - (ii) have an agreement (whether or not in writing) with ACF, a Member State or an Affiliated Club to coach at a facility owned/hired or managed by such organisation;
 - (d) participants who enter any competition, activity or events (including camps, training sessions etc) which are held or sanctioned by ACF, a Member State or an Affiliated Club;
 - (e) Member States;
 - (f) Affiliated Clubs; and
 - (g) any other person or organisation, who or which is, a member of, or affiliated to, ACF, a Member State or an Affiliated Club (including life members).

3. WHAT IS THE STATUS OF THIS POLICY?

- 3.1 This Policy is issued by the ACF Council under rule 19(3) of the ACF Constitution.
- 3.2 This Policy comes into force on 1 July 2004.
- 3.3 This Policy may be changed from time to time by the ACF Council.

4. WHAT DO WORDS IN THIS POLICY MEAN?

- 4.1 In this Policy, words appearing with a capital shall have the meaning set out in Attachment A and Attachment A will form part of this Policy.

PART II - POSITION STATEMENT

The ACF and its Affiliated bodies recognise that each person participating in calisthenics has the right to feel safe and to participate in an environment free from any type of abuse including Sexual assault, Physical assault, Emotional abuse and Neglect. They are entitled to privacy, dignity and confidentiality in all aspects of their lives and the same legal and human rights as any member of the community.

The ACF and its Affiliated bodies have a responsibility to create an environment for its pupils, coaches and administrators which is safe and where practices aim to prevent any form of abuse or neglect. Where assault or neglect has occurred, responsibility lies with ACF members to respond promptly and sensitively to the allegations to protect the person/s from further harm and to offer medical and psychological assistance to which they are entitled as is any member of the community.

The ACF and its Affiliated bodies will aim to actively encourage and support persons to access due process through the justice system. It is also the ACF and its Affiliated bodies responsibility to address both the short and long term issues that may lead to abuse recurring to persons within any of its operating environments.

5. RESPONSIBILITIES UNDER THE POLICY

- 5.1 ACF and Member States must:

- (a) adopt and comply with this Policy; and
- (b) publish, distribute and promote this Policy (and any amendments made to it from time to time) to their members in the manner required by ACF and make this Policy available for inspection, or provide a copy.

- 5.2 Affiliated Clubs must:

- (a) adopt and comply with this Policy;
- (b) publish, distribute and promote this Policy (and any amendments made to it from time to time) to their members in the manner required by ACF and make this Policy available for inspection, or provide a copy; and
- (c) make such amendments to their constitution, rules or by laws in order for this Policy to be enforceable, as required by ACF.

PART III - OPERATIONAL PROCEDURES

6. PREVENTION

- 6.1 Administrators are to emphasise prevention of Physical assault, Sexual assault, Emotional abuse and Neglect of persons participating in calisthenics by ensuring:
- (a) coaches and administrators and any relevant support personnel receive education and support on issues associated with Physical assault, Sexual assault, Emotional abuse and Neglect; and
 - (b) Members are actively encouraged and supported to access complaint mechanisms, to raise concerns about calisthenic activities and to be involved in review and development of calisthenic activities.

7. DETECTION OF PHYSICAL ASSAULT, SEXUAL ASSAULT, EMOTIONAL ABUSE AND NEGLECT

- 7.1 An allegation may be made by a pupil, administrator, coach, parent/family member or another person following a witnessed act.
- 7.2 A coach, administrator or parent/family member may suspect that a person has been physically or sexually assaulted, emotionally abused or neglected by observing behavioural or physical indicators detailed below, particularly when they occur in clusters. The following indicators are provided as a guide only and are not to be taken as proof that an incident of assault has occurred. They are to be evaluated within the context of the person's whole life.

(a) Physical Assault

Some physical signs of Physical assault are:

- bruises and welts
- cuts scratches and sprains
- burns and scalds
- head injuries
- bruising around the eyes
- internal injuries
- broken bones
- swollen or painful joints accompanied by bruising.

Some behavioural signs of Physical assault are:

- unusual fear of authority
- uncharacteristic withdrawn behaviour
- wariness of physical contact
- uncharacteristic seeking of affection
- difficulty in relating to others
- constantly watching for possible danger
- fear of going to a certain event or place
- sudden changes in behaviour
- onset of incontinence
- problems sleeping.

(b) Sexual Assault

Some physical signs of Sexual assault are:

- bruises, bleeding in the genital area
- bruises to breasts, buttocks, lower abdomen or thighs
- vaginal infection
- abdominal pain
- pregnancy
- recurrent headaches/migraines
- sexually transmitted diseases
- psychosomatic illness
- itching, inflammation or infection in urethral, vaginal or anal areas
- foreign objects in genital, rectal or urethral openings
- semen stains on clothing.

Some behavioural signs of Sexual assault are:

- verbal report from the person
- inappropriate sexual activity
- fear of being alone with a particular person
- sexual themes in drawing, drama or sexual acting out
- self injury or hurting others
- unexplained increase in sexual knowledge
- regressive behaviour such as bed wetting
- poor relationships with others, irritability, short tempered behaviour, weeping
- strong fear/anxiety about going to a particular place
- withdrawal, depression, listlessness
- unexplained accumulation of money or gifts.

(c) Emotional Abuse

Some behavioural signs of Emotional abuse are:

- depression or withdrawal
- sudden and significant changes in usual behaviour
- destructive or violent behaviour to self or others
- constant attention seeking
- low self esteem
- inappropriate self stimulating behaviour, rocking or sucking.

(d) Neglect

Some physical signs of Neglect are:

- malnutrition
- consistent and regular hunger
- low weight
- gaining weight when placed in hospital or alternative care
- poor hygiene (including dental hygiene and untreated sores)
- inadequate clothing for the weather
- lack of supervision consistent with support needs
- lack of necessary medical intervention
- non organic failure to thrive.

Some behavioural signs of Neglect are:

- eating hungrily or hardly at all
- uncharacteristic seeking of attention or affection
- reluctance to go home
- rocking, sucking or self abuse.

8. RESPONDING TO PHYSICAL ASSAULT, SEXUAL ASSAULT, EMOTIONAL ABUSE AND NEGLECT

- 8.1 Administrators and coaches who become aware of, or are concerned about the possibility of any form of abuse or assault of a child under the age of eighteen should:
- (a) advise their senior club administrator/official;
 - (b) discuss appropriate action to be taken and whether this should include informing the relevant state child protection authority; and
 - (c) agree and document any action to be taken.
- 8.2 Administrators and coaches are not required by legislation to make a Notification if they are aware of allegations, or have suspicions that Physical assault, Sexual assault, Emotional abuse or Neglect has occurred to a child under the age of eighteen.
- 8.3 In reporting the case to the relevant child protection authority, as much detail as possible should be supplied regarding any observed indicators, witnessed events or verbal disclosures.
- 8.4 The relevant child protection authority have a responsibility to manage the investigation of a suspicion or allegation, subsequent follow up action in relation to the alleged abuse including informing the police, organising the child's attendance at

a Sexual assault service in the case of Sexual assault, advising the parents and family, confronting the alleged perpetrator where necessary, making provision for the child's safety and addressing longer term issues of the child and parents and family's well-being.

- 8.5 In any discussion or action taken strict adherence to confidentiality and privacy principles should apply.
- 8.6 It is not necessary for the ACF or Affiliated bodies to be advised by clubs of investigations. Such investigations are the responsibility of the police and relevant state authorities.
- 8.7 Affiliated bodies should only be contacted where the outcome of an investigation requires consideration of member registration and accreditation.

9. RESPONDING TO PHYSICAL ASSAULT, SEXUAL ASSAULT, EMOTIONAL ABUSE OF PEOPLE AGED EIGHTEEN AND OVER

- 9.1 In the case where coaches, administrators, parents/family members suspect a person has been assaulted they are to:
 - (a) immediately notify their senior club administrator/official;
 - (b) record verbatim the details of the disclosure, allegation or witnessed event;
 - (c) refrain from engaging the person in further questioning in relation to the allegation;
 - (d) encourage the person not to shower/bathe and not to wash clothing if there is a belief that the assault occurred within the past 24 hours; and
 - (e) contact police as soon as possible due to the need to obtain physical evidence which may not be apparent after 24 hours.
- 9.2 Reporting the suspected/witnessed assault to the police.
 - (a) Persons should be clearly advised that they have the same legal rights and duties as other people in the community, including the right to due process within the criminal justice system and the right and duty to report the assault to the police.
 - (b) Whenever Sexual assault or a Serious Physical assault has occurred, usually indicated by actual bodily harm or a sexual element to the assault (see section on some physical signs of Physical assault), or where the person, their legal Guardian or parents and family want to lay charges, the senior club administrator/official should notify the police.
 - (c) If there is any doubt as to the seriousness of a Physical assault, advice should be sought from the police about obligation to report the matter. This will not always be dependent solely on the actual bodily harm inflicted.
- 9.3 The person's wishes regarding whether or not to advise parents and family members, or carers of the alleged/suspected assault should be ascertained. In

deciding who to advise of the assault, take into account whether those to be advised are suspected of the assault.

- 9.4 In any discussion or action taken strict adherence to confidentiality and privacy principles should apply.
- 9.5 It is not necessary for the ACF or Affiliated bodies to be advised by clubs of investigations. Such investigations are the responsibility of the police and relevant state authorities.
- 9.6 Affiliated bodies should only be contacted where the outcome of an investigation requires consideration of Member registration and accreditation.

ATTACHMENT A - POLICY DEFINITIONS

“**ACF**” means the Australian Calisthenic Federation Inc, the national governing body for calisthenics in Australia.

“**ACF Constitution**” means the constitution of ACF as amended from time to time.

“**Policy**” and “**this Policy**” means this Response to Physical Assault, Sexual Assault, Emotional Abuse and Neglect Policy

“**Affiliated body**” is any accredited Calisthenic State and Territories parent bodies.

“**Affiliated Club**” means a club (whether incorporated, unincorporated or otherwise) which is a member of a Member State.

“**Consent**” as it relates to a person consenting to a sexual relationship, is the permission or agreement given by the person to the relationship, as long as both partners are of a legal age. Legal age of consent is 16 years for females whether heterosexual or homosexual; 16 years for males to have heterosexual intercourse and 18 years for males to have homosexual intercourse.

To give valid consent the person must understand what they are physically consenting to, for example petting, kissing or penetration and they must also understand the sexual nature of the touching, as opposed to non-sexual touching associated with washing or receiving medical treatment.

Additionally, the consent given by the person must be given freely and the person must understand and be able to exercise their right to refuse a sexual relationship.

“**Emotional abuse**” refers to harm caused as a result of being subjected to behaviours such as severe verbal abuse, continual rejection, physical or social isolation such as punishment, threats of abuse (which may also constitute physical assault), harassment, frightening, dominating or bullying actions.

“**Guardian**” in relation to a person other than a child under the age of 18 years, is as defined by various guardianship legislation within Australia. The Guardian is a person identified as having the legal status to make decisions in consultation with, and on behalf of, a person on designated issues.

“**Member**” is an affiliated body.

“**Member State**” has the same meaning as in the ACF Constitution.

“**Neglect**” refers to the harm caused as a result of failure to provide adequate support, food, shelter, clothing or hygienic living conditions. It also includes failure to provide adequate information and education in the use of poisons, alcohol and drugs.

“**Notification**” is an allegation where the notifier believes that there are reasonable grounds to suspect that a child may have been, or is at risk of being abused or neglected according to one of the categories listed under the various children’s services acts within Australia.

“**Physical assault**” is any reckless or intentional act which causes another person to think that they may be subjected to immediate and unlawful violence. Battery is actually a separate offence to assault and refers to the resulting injuries, although the term *assault* generally includes a battery.

“Serious Physical assault” is one where the offender is liable for a penalty of five or more years imprisonment. An assault usually becomes a serious offence when actual bodily harm is done to the person. Where no actual bodily harm is done to the person the offence is not usually considered serious, although other elements, such as those of a sexual nature, may mean the assault is considered a serious offence, even if no actual bodily harm is done.

“Sexual assault” occurs when a person is subjected to sexual activities without their Consent. Such activities are wide ranging and include:

- a) Penetration of the vagina, anus or mouth by a penis, by any part of the offender’s body or any object manipulated by the offender without the person’s consent;
- b) Sexual/genital fondling, fellatio and cunnilingus without the person’s Consent;
- c) Unwilling exposure to exhibitionism and/or masturbation,
- d) Suggestive behaviours and comments that are inappropriate or make the person feel uncomfortable or intimidated.

There are two types of situations involving sexual assault in which the notion of Consent is not relevant. They are where any of the above behaviours are perpetrated by:

- a) An adult on a child or
- b) Any person having sex with a person with an intellectual disability with the intention of taking advantage of their vulnerability to sexual exploitation.

In these instances sexual assault has occurred whether or not Consent of **any form** was sought or obtained from the person on whom the assault was committed.