



HONG KONG SAILING FEDERATION (“HKSF”) Child and Vulnerable Persons Protection Policy

This policy focuses on protection of children and vulnerable persons. It should be treated as supplemental to the broader HKSF policy on Code of Conduct for various personnel.

The policy applies to all aspects of HKSF's operations in its capacity as an employer and the governing body for the sport of sailing. It applies to all staff, office bearers, assistant instructors, instructors, coaches, volunteers, officials and other persons connected with HKSF programmes and activities.

Section A: Policy I

1. Introduction

- 1.1. Every athlete at HKSF is entitled to train in a safe, motivating environment. HKSF has a moral and legal obligation to ensure that all sailors and in particular young athletes (i.e. those under the age of 18) and vulnerable persons are provided with the highest possible standard of care.
- 1.2. HKSF is committed to devising and implementing policies so that everyone is aware of and accepts their responsibilities to safeguard children and vulnerable persons from harm and abuse. This means all staff, office bearers, coaches, volunteer, officials and other persons connected with HKSF programmes and activities have the responsibility to follow agreed procedures to protect children and vulnerable persons and report any concerns about their welfare.
- 1.3. The aim of the policy is to promote best practice in providing HKSF's young athletes and those who are vulnerable with appropriate safety and protection under the HKSF's programmes and to allow everyone involved to make informed and confident responses to specific child and vulnerable person protection issues.
- 1.4. This policy applies to all programmes and activities in which HKSF and its Member Clubs and Member Associations are involved.

2. Policy statement

2.1 HKSF is committed to the following principles:

- a) the protection and welfare of young athletes and those who are vulnerable is paramount regardless of all other considerations.
- b) all athletes have the right to be able to train in a safe, motivating, positive environment.
- c) HKSF will take all reasonable steps to protect children and vulnerable persons involved in sailing activities and related programmes from harm.
- d) all suspicions and allegations of risky practice or abuse will be taken seriously and responded to swiftly and appropriately.
- e) all HKSF staff, instructors and coaches (both full time and part time), officials and office bearers will be protected from having to take unnecessary risks that may leave them open to accusations of abuse.
- f) HKSF maintains a policy of openness with parents.

3. Promoting good practice

- 3.1. To provide children and vulnerable persons with the best possible experience and opportunities in HKSF, everyone must operate within an accepted ethical framework. Reference should also be made to HKSF Code of Conduct.
- 3.2. It is not always easy to distinguish risky practice from abuse. It is therefore not the responsibility of HKSF to make judgments about whether or not abuse is taking place. It is however everyone's responsibility to identify risky practice and possible abuse and act if they have concerns about the welfare of the child or vulnerable person. **Annex I** provides information to help all persons concerned to identify what is meant by good practice and risky practice.

4. Defining child abuse

- 4.1. Child abuse is any form of physical, emotional or sexual mistreatment that leads to injury or harm. It more commonly occurs within a relationship of trust or responsibility and is an abuse of power and a breach of trust. Abuse can happen to a young person regardless of his or her age, gender, race or ability. Both men and women can perpetrate abuse.
- 4.2. There are four main types of abuse: **physical abuse, sexual abuse, emotional abuse and neglect**. The abuser may be a family member,

or someone the young person encounters in their community, including sports and leisure activities.

4.2.1 Types of abuse

- 4.2.1.1 **Physical abuse:** where adults physically hurt or injure a young person e.g. hitting, shaking, throwing, kicking, etc. Giving young people alcohol or inappropriate drugs would also constitute child abuse.
- 4.2.1.2 **Emotional abuse:** the persistent emotional ill treatment of a young person, or an extreme incident which endangers or impairs the child's emotional or intellectual development. Emotional abuse can occur when the young person is experiencing constant criticism. This may involve telling a young person they are useless, worthless, or inadequate. Bullying can also cause lasting distress. It may cause a young person to feel frightened or in danger by being constantly shouted at, threatened or taunted. Emotional abuse may make the young person frightened or withdrawn and can cause severe and lasting adverse effects on the child's emotional development.
- 4.2.1.3 **Neglect** occurs when an adult fails to meet the young person's basic physical and/or psychological needs, to an extent that is likely to result in serious impairment of the child's health or development. For example, failing to provide adequate food, shelter and clothing, failing to protect from physical harm or danger, or failing to ensure access to appropriate medical care or treatment.
- 4.2.1.4 **Sexual abuse** is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. Sexual abuse can involve non-contact activities such as showing young people pornography or talking to them in a sexually explicit manner. It can involve physical contact including penetrative (oral, anal, vaginal) and non-penetrative (e.g sexual touching) acts.

- 4.3. Young people with disabilities may be at increased risk of abuse as they are often dependent on a number of people for care and handling. Young people with intellectual disabilities may be unable to understand the inappropriateness of actions or unable to communicate to others that something is wrong.
- 4.4. Abuse in all of its forms can affect a young person at any age. The effects can be psychologically harmful and if not treated, may persist into adulthood.

5. Abuse to vulnerable persons

- 5.1. "Vulnerable person" means a person, other than a child, who:
 - (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
 - (b) has an intellectual disability,
 - (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
 - (d) has a physical disability,which is of such a nature or degree:
 - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
 - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.
- 5.2. The same principles apply in relation to abuse of vulnerable persons as apply in relation to children.

Section B: Procedures

1. Procedures for responding to suspicions and allegations

1.1. Overriding principles

- 1.1.1 It is not the responsibility of anyone at HKSF either to investigate or decide whether or not abuse of a child or vulnerable person has taken place.
- 1.1.2 However, we each have a responsibility to act on any concerns so that appropriate authorities can make enquiries and take necessary action to protect the young or vulnerable person. Allegations of abuse must always be taken seriously.

- 1.1.3 In all cases the safety, needs, and welfare and rights of the child or vulnerable person will always be the HKSF's priority.
- 1.1.4 HKSF's procedures are built on the principle of minimizing the need for the young or vulnerable person to have to repeat to multiple parties the information unnecessarily.
- 1.1.5 In all cases if you are not sure what to do you can get help and advice from the specialist services provided by:

Against Child Abuse Ltd ("ACA") hotline 2755 1122

ACA is the leading non-government organisation in Hong Kong specialising in child protection programmes. More information can be found at www.aca.org.hk

Social Welfare Department ("SWD") hotline 2343 2255

The Hong Kong Special Administrative Region SWD provides specialist services through the Family and Child Protective Services Unit. More information can be found at https://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_famillysps/id_fcps/

1.2. Receiving evidence of possible abuse

- 1.2.1 We may become aware of possible abuse in various ways. We may see it happening, or it may be reported to us by someone else or directly by the young or vulnerable athlete affected. It may concern HKSF staff, instructors, coaches, officials, volunteers or other adults in the young or vulnerable athletes' life. It may also concern other children or vulnerable people.
- 1.2.2 If a young or vulnerable person says or indicates that they are being abused, you should:

1.3. Respond

- (a) **Stay calm** so as not to frighten the child or vulnerable person.
- (b) **Reassure** the child or vulnerable person that they are not to blame and that it was right to tell.
- (c) **Listen** to the child or vulnerable person, showing that you are taking them seriously.
- (d) **Keep questions to a minimum** so that there is a clear and accurate understanding of what has been said. Only ask questions to clarify what has been said but remember you are not the investigator. Do not ask leading questions i.e. those that suggest answers.
- (e) **Inform** the child or vulnerable person that you have to inform other people about what they have told you. Tell the child or vulnerable person this is to help stop the abuse.

- (f) **The Safety of the child or vulnerable person** is paramount. If the child or vulnerable person needs urgent medical attention, take the child or vulnerable person immediately to HKSF office if they are at or near the HKSF Sailing Centre(s) or call an ambulance.

1.4. Record

- (a) **Record** all information on the form at **Annex II**.
- (b) Strictly confine yourself to the facts and accurately record and distinguish what your personal knowledge is and what others have told you.
- (c) Do not include your own opinions.
- (d) Any report may be required to be submitted in court if there is a criminal trial.

1.5. Report

- (a) It is recognized that strong emotions can be aroused particularly in cases where sexual abuse is suspected or where there is misplaced loyalty to a colleague, other athlete or to a parent/carer who may be well known to us.
- (b) It is important to understand these feelings but not allow them to interfere with your judgment about any action to take.
- (c) Where there are concerns that a parent/carer may be responsible for or have knowledge of the abuse, first seek advice from the Secretary General ("SG") or equivalent manager or senior person or call the ACA (2755 1122) or SWD (2343 2255). They will advise you on what to do and who should report to the parent/carer.
- (d) **Report** the incident to the SG or equivalent manager or senior person present immediately following procedural step 1.4 in this Section B.
- (e) Where an anonymous allegation has been received by any staff member, instructor, coach, Council Member, or official, this must be reported immediately to the Secretary General ("SG") or equivalent manager or senior person. The Secretary General ("SG") or equivalent manager or senior person should refer the issue to the ACA/SWD for advice.
- (f) Upon receipt of any reported allegation against a non-HKSF staff, instructor or coach or other person involved in HKSF programmes and activities, HKSF should refer the issue to the ACA/SWD for handling and follow their subsequent advice on any follow up steps necessary. For reported allegations against HKSF staff, coaches, officials or athletes or other person connected with HKSF programmes and activities, the procedures in Section 2 below will be followed.

2. Procedures for allegations against HKSF staff, instructors, coaches, officials, athletes or other persons connected with HKSF and its programmes and activities

2.1. The SG or equivalent manager will take appropriate steps to ensure the safety of the child or vulnerable person in question and any other child who may be at risk. This will include the following steps:

a) Regarding welfare

- (i) Parent/Guardian of the child or vulnerable person will be informed immediately.
- (ii) A formal meeting will be arranged with the child or vulnerable person and his/her parent/guardian and the SG or equivalent manager.
- (iii) Propose to parents that the child be assessed by the ACA.
- (iv) Parent will be advised that the HKSF will fully cooperate with any investigation and respect their right to report to police.
- (v) If a case goes to the police, the HKSF will fully cooperate with any follow up actions required.

b) Regarding HKSF Staff/Instructor/Assistant Instructor/Coach/ Official

- (i) The staff member/instructor/coach/official against whom a formal abuse allegation is made may be invited to take leave pending the outcome of the police or other investigation.
- (ii) If formal charges relating to abuse are laid, the staff member/coach will be suspended and, if relevant, without pay, pursuant to Section 11 of the Employment Ordinance.
- (iii) If a staff member/instructor/coach/official is found, or pleads, guilty, that person is liable to be dismissed or be terminated as applicable.
- (iv) If following the police investigation/court process, the allegation is deemed unsubstantiated, the outcome will be recorded in the staff member's/instructor's/coach's/official's record file. The staff member/instructor/coach/official will be offered support, as appropriate and feasible if returning to work/training following leave or suspension.
- (v) Where the allegation is of risky practice, the staff member/instructor/coach/official will be interviewed and counseled according to the HKSF's Disciplinary Procedure and Guidelines.

c) Organizational

- (a) Legal advice regarding media enquiries will be followed and the SG or equivalent manager will directly coordinate all media communications.

- (b) The SG or equivalent manager will notify the Council (if the complaint is against a Council member or someone very closely linked to one of the Council members. In such case, the SG or equivalent manager shall consult the President before notifying the Council Member concerned).
- (c) The Council may notify any other body as appropriate and necessary in accordance with this policy.
- (d) Following the completion of a case, a review of these procedures will be undertaken, or alternatively every three years.

2.2. Confidentiality

- (a) Every effort will be made to ensure that confidentiality is maintained for all concerned.
- (b) Information will be handled and disseminated on a need to know basis only in order to:
 - 1. protect a child or vulnerable person
 - 2. facilitate enquiries
 - 3. manage disciplinary/complaint aspects
 - 4. protect the rights of the alleged perpetrator
- (c) The communication network includes the following people:
 - (i) The SG or equivalent manager/Council Members
 - (ii) The parents of the child
 - (iii) The guardian or carer of the vulnerable person
 - (iv) The person making the allegation
 - (v) Social Services/police
 - (vi) HAB and/or LCSD
 - (vii) The person being complained against

Relevant information will be stored in a secure place with limited access to designated people, on a need to know basis and in line with data protection laws.

The Personal Data (Privacy) Ordinance provides specific exemption for collection of data and transfer of information under Part VIII of the Ordinance, such that personal data of the victim and any other relevant persons may be disclosed to the police if the disclosure of information is relevant to the prevention/detection of crime, the arrest/prosecution of the offender of the preclusion/remedying of unlawful conduct etc. (Section 58(2)).

Annex I - Good Practice

Risky Practice (see Note)

1	always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)	1	unnecessarily spending excessive amounts of time alone with a young athlete or vulnerable person away from others
2	make the experience of training positive and motivating	2	transport a young athlete and/or vulnerable person alone in a car
3	always give professional, objective and constructive feedbacks	3	take a young athlete and/or vulnerable person to your home where he/she will be alone with you
4	treat all young athletes and vulnerable persons equally and with respect and dignity	4	share a room with any young athlete and/or vulnerable person while on a trip
5	always put the welfare of the young athlete and vulnerable person first, before winning	5	engage in rough, physical games, including "horseplay" with young athletes and/or vulnerable persons
6	avoid unnecessary physical contact with young athletes and vulnerable persons. Where manual/physical contact is required for training purposes, it should be provided openly and with the informed consent of the young athlete and vulnerable person.	6	allow young athletes and/or vulnerable persons to use inappropriate language unchallenged
7	gain written parental consent for any away trips for training or competition arrangements	7	make sexually suggestive comments/jokes to a young athlete and/or vulnerable person, even in fun
8	ensure that if mixed teams are taken away, they are always be accompanied by a male and a female members of staff	8	reduce a young athlete and/or vulnerable person to tears as a form of control
		9	allow allegations made by a young athlete and/or vulnerable persons to go unchallenged, unrecorded or not acted upon
		10	do things of a personal nature that the young athlete and/or can do for themselves
		11	adults should not enter a young athlete and/or vulnerable person's room alone or invite young athletes and/or vulnerable persons to their rooms alone

Note: When a case arises where it is impractical impossible to avoid certain situations e.g. transporting a young person alone in your car, this should only be

done with the full understanding and consent of the parent / carer and the young person involved.

Annex II

HKSF Allegation of Child Abuse Report.

To be submitted to the SG or equivalent within 2 hours of a complaint, allegation or occurrence

Complainant's name:		Date complaint received:	
Role/status in sport:			
Child's or vulnerable person's name:		Age:	
Child's or vulnerable person's address/contact details :			
Details of the incident/complaint :			
Name of person against whom the allegation is being made:			
Capacity of person against whom the allegation is being made:		Parent/guardian: Athlete: HKSF coaching: HKSF staff: Others:	
Actions taken by person receiving the complaint:			
If ACA/SWD contacted:		Who: When: Advice provided:	
SG or equivalent contacted:	Time:		Date:
Completed by:		Name: Position:	
Signed by:			