

## Gippsland Swimming Incorporated CHILD SAFE POLICY

<b>POLICY NAME</b>	Child Safe Policy
<b>DATE OF ISSUE</b>	December 2017
<b>POLICY COVERAGE</b>	<p>This policy applies to all Gippsland Swimming swim meets, training sessions (in and out of the water), all meetings of the Executive, all other Meetings, This policy applies to all individuals involved in our organisation (paid and volunteer) including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Administrators</li> <li>• Coaches</li> <li>• Officials</li> <li>• Delegates</li> <li>• Team Managers</li> <li>• Participants</li> <li>• Parents</li> <li>• Spectators</li> </ul>
<b>DATE OF REVIEW</b>	July 2017
<b>DATE OF REVIEW</b>	July 2018
<b>CONTROLLING BODY</b>	Gippsland Swimming Incorporated

### 1. INTRODUCTION

- 1.1. Gippsland Swimming is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. Gippsland Swimming supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of this Child Safe Policy is to protect the safety of children in our care and prevent abuse from occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.
- 1.3. Should a person wish to make any enquiries in relation to this Policy, please contact the Gippsland Swimming President, current contact details can be found on the Gippsland Swimming website

### 2. POLICY STATEMENT

- 2.1. Gippsland Swimming is committed to providing the high quality service. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health, safety and wellbeing of members, particularly children, and delivering activities while acting in the best interests of children in the sport.
- 2.2. Specifically, Gippsland Swimming considers that the health, safety and well-being of children take priority over all other competing considerations. Gippsland Swimming considers that this is

necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport and its affiliate members.

- 2.3. Gippsland Swimming 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 or sexual orientation etc.
- 2.4. Child protection is a shared responsibility between Gippsland Swimming, its member clubs, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the swimming community. Everyone that participates in Gippsland Swimming activities is responsible for the care and protection of children, and reporting information about child abuse.
- 2.5. Gippsland Swimming 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).
- 2.6. Gippsland Swimming is also committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
- 2.7. Gippsland Swimming promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the Swimming Australia Safe Sport Framework.

### **3. SCOPE**

- 3.1. This Policy applies to clubs, participants, parents, spectators, contractors, officials, coaches, judges and staff throughout all Gippsland Swimming events and activities.
- 3.2. This Policy will continue to apply retrospectively to a person or Member following the cessation of their association or employment with Gippsland Swimming.
- 3.3. Gippsland Swimming is supported by a network of affiliated clubs across Victoria. Affiliation with (Organisation) is conditional on an affiliated club implementing, and complying with this Policy. Failure to implement and comply with this Policy may cause Gippsland Swimming to end its affiliation with a club that is in breach of its obligations.

### **4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS**

4.1. This Policy must be read in conjunction with:

4.1.1. the law of the Commonwealth and Victoria including but not limited to:

- 4.1.1.1. Children, Youth and Families Act 2005 (Vic)
- 4.1.1.2. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
- 4.1.1.3. Crimes Act 1958 (Vic); and
- 4.1.1.4. Working with Children Act 2005 (Vic)

4.1.2. Specific swimming policies and procedures, including but not limited to:

- 4.1.2.1. Swimming Australia Safe Sport Framework;
- 4.1.2.2. Swimming Australia Privacy Policy;
- 4.1.2.3. Swimming Victorian Commitment Statement/Code of Conduct;
- 4.1.2.4. Swimming Victoria Safe Sport Reporting Process;
- 4.1.2.5. Gippsland Swimming Constitution & By Laws;

## 5. DEFINITIONS

- 5.1. **Child** means a person involved in the activities of Gippsland Swimming (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child.
- 5.2. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.
- 5.3. **Sexual offence** means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexually offence behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.
- 5.4. **Mandatory reporter** means a person who is legally required to make a report to the Department of Human Services or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.

## 6. RECOGNISING AND REPORTING CHILD ABUSE

- 6.1. A person may, in the course of participating in the sport or other activities of Gippsland Swimming or carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.
- 6.2. If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.
- 6.3. **Child abuse** can be divided into four categories:
  - 6.3.1. **Physical abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.
  - 6.3.2. **Sexual abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.
  - 6.3.3. **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged.
  - 6.3.4. **Neglect:** occurs when a child's physical development or health has been, or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.
- 6.4. Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.
- 6.5. **Mandatory Reporters**
  - 6.5.1. Select classes of people in the community (including teachers, nurses and doctors) are required by law to report to the Child Protection Unit of the Department of Health and Human Services (DHHS) where they have formed a belief, on reasonable grounds, that a child is in

need of protection because they have suffered (or are likely to suffer) significant harm due to physical or sexual abuse.

- 6.5.2. This report must be made as soon as practicable, and after each occasion where he or she becomes aware of a further reasonable grounds for the belief.

## 6.6. Reasonable grounds for belief

6.6.1. A reasonable belief is formed if a reasonable person believes that:

- 6.6.1.1. the child is in need of protection;
- 6.6.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
- 6.6.1.3. the child's parents are unable or unwilling to protect the child.

6.6.2. 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 is any other related matters known regarding the alleged perpetrator.

6.6.3. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

6.6.4. You will have reasonable grounds to notify if:

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

## 6.7. Voluntary Reporters

6.7.1. In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, *may* disclose that information to the Police or DHHS.

## 6.8. Reporting Child Sexual Abuse

6.8.1. 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 3 years imprisonment.

## 6.9. Gippsland Swimming Approach to Reports of Abuse

6.9.1. Gippsland Swimming supports and encourages a person to make a report to the Police or DHHS if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

- 6.9.2. Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by Gippsland Swimming, and will not be penalised for making the report.
- 6.9.3. If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the President/Child Safe Officer for guidance and information. If in doubt, ask a Club Official for assistance.
- 6.9.4. If an allegation is made against a member of staff or volunteer, Gippsland Swimming will follow the reporting procedure outlined in Swimming Australia Safe Sport Framework (Part 4) and Swimming Victoria Safe Sport Reporting Process and take all steps to ensure that the safety of the child is paramount. An initial step may involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.
- 6.9.5. Gippsland Swimming will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.
- 6.9.6. Gippsland Swimming will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- 6.9.7. Gippsland Swimming will keep a register of any allegations regarding inappropriate conduct.

## **7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN**

- 7.1. Personnel involved in protecting children include the board, management, staff and volunteers within Gippsland Swimming. Those people have responsibilities in relation to protection of children and are expected to:
  - 7.1.1. understand the rights of children, as appropriate to their role;
  - 7.1.2. respect the cultural and religious practices of families who access Gippsland Swimming programs or events;
  - 7.1.3. understand and appropriately respond to the needs of children with developmental delays or disabilities;
  - 7.1.4. appropriately act on any concerns raised by children;
  - 7.1.5. understand the definitions, indicators and impact of child abuse;
  - 7.1.6. know and follow regulations in relation to the care of children;.
  - 7.1.7. co-operate with police and/or other formal investigations to the best of their ability

## **8. CHILD SAFE AND CHILD FRIENDLY GUIDELINES TO PREVENT AND MANAGE RISKS OF CHILD ABUSE**

### **8.1. Change Room Arrangements**

- 8.1.1. Persons in Positions of Authority (**PPA**) must: (Section 3.6(m) SSF)
  - supervise Children or Young People (CYP) in change rooms whilst balancing their need for privacy;
  - avoid one-to-one situations with CYP in a change room area;
  - ensure that females not enter male change rooms and vice versa.

## 8.2. **Overnight stays and sleeping arrangements for Children or Young People (Section 3.6(l) SSF)**

- 8.2.1. Overnight stays are to only occur with the authorisation of parents/carers and appropriate Senior Persons in swimming and there are particular standards of behaviour that must be upheld outlined in section 3.6(l) SSF).

## 8.3. **Transporting Children or Young People (Section 3.6(o) SSF)**

- 8.3.1. PPAs can only transport CYP in circumstances that are directly related to the delivery of swimming programs, activities, services or events and only with express authorisation of a Senior Person and the parent(s)/carer(s) of the CYP.

## 8.4. **Sexual Misconduct (Section 3.6(d) SSF)**

- 8.4.1. No form of “sexual behaviour” is to occur between, with or in the presence of CYP in swimming.

*Note that CYP in different States have differing rights depending on the legislated “age of consent”.*

## 8.5. **Adults under investigation**

- 8.5.1. Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working With Children Check (WWCC) (or if based in another State the equivalent requirement) status may be prohibited, by the Gippsland Swimming Board, from participating in events or activities.

## 8.6. **Physical Contact with CYP**

- 8.6.1. All coaches and others to whom this Policy applies must:

8.6.1.1. ensure that all physical contact with CYP particularly that which occurs when coaching is appropriate for the situation and necessary for the athlete's safety. It is strongly recommended that:

8.6.2.2. ensure that there are other adults present whenever coaching;

8.6.2.3. take care to explain the procedure to the child prior to beginning any physical contact; and

8.6.2.4. obtain consent from the athlete prior to beginning any physical contact.

## 9. **ENGAGING NEW PERSONNEL**

- 9.1. The minimum standard for background checks of employees and volunteers of Gippsland Swimming and its members is the law as it applies in Victoria.

- 9.2. Gippsland Swimming undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:

9.2.2. promote and protect the safety of all children who participate in the activities of Gippsland Swimming;

9.2.3. identify and recruit the safest and most suitable candidates who share Gippsland Swimming's values and commitment to protect children; and

9.2.4. prevent a person from working at Gippsland Swimming if they pose an unacceptable risk to children.

- 9.3. Gippsland Swimming requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement.

9.4. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people in a recreational setting.

9.4.2. all staff and Board/Committee members require a valid WWCC; and

9.4.3. the following key event personnel must have a valid WWCC:

9.4.3.2. those paid by Gippsland Swimming for their services

9.4.3.3. volunteers;

9.4.3.4. relevant contractors who may have direct Contact with CYP; and

9.4.3.5. anyone else who Gippsland Swimming feel requires a WWCC due to the nature of the work that they are undertaking. For example, under the Working With Children Act 2005 (Vic) anyone 18 or over who has contact with CYP in any of the following ways:

- face to face;
- physical;
- by phone or other oral communication;
- by post or other written communication (e.g. newsletters);
- by email or other electronic communication (e.g. social media)

(in this Policy referred to as **Contact**) must have a valid WWCC.

9.5. The type of evidence that an applicant is required to provide to Gippsland Swimming will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence.

9.6. Gippsland Swimming 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 in regular intervals.

9.7. Gippsland Swimming will undertake thorough reference checks prior to engaging any personnel.

9.8. Once engaged, Gippsland Swimming will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

9.9. Gippsland Swimming requires that affiliated clubs ensure all staff and volunteers (including but not limited to coaches and any officials) likely to have Contact with CYP have a current WWCC, which needs to be signed off annually as part of the affiliation process. Clubs which do not comply with their legal obligations will be found to have not complied with the Gippsland Swimming affiliation requirements and may be disaffiliated.

9.10. Gippsland Swimming requires all affiliated club personnel including Committee Members, Volunteers, Coaches and Judges and anyone else who has Contact with CYP to possess a valid WWCC. Any costs associated with gaining a valid WWCC will be dealt with in a manner determined by that club.

## **10. RISK MANAGEMENT APPROACH**

10.1. Child safety is a part of Gippsland Swimming's overall risk management approach.

## **11. POLICY BREACHES**

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 breaches this policy is subject to disciplinary procedures contained within Swimming Australia's Safe Sport Framework.

## **12. POLICY PROMOTION**

- 12.1. This policy will be made available to all members via Club Delegates, via Club based communication channels, and via the Gippsland Swimming website.
- 12.2. This policy will be communicated to all staff, Board, and Committee members via the Gippsland Swimming website and induction process. E.g. face to face communication and member education sessions, along with inclusion as a standard Agenda item for (Organisation) Board meetings.
- 12.3. References to this policy will be included in documentation provided to all team officials that represent Gippsland Swimming.

## **13. REVIEW PROCESS**

- 13.1. This policy will be reviewed by Gippsland Swimming Board on an annual basis.
  - 13.2. If you would like to provide Gippsland Swimming with any feedback or suggestions to improve this policy, please contact the District President, contact details found on the Gippsland Swimming website.
  - 13.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the Board for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via the webpage, bulletin and other appropriate communication channels.
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