



**Child Safe Environment
Onkaparinga Swimming Club**

**Policy and Procedures for ensuring the safety of children
members of the club**

March 2010

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Attachment 1 – Onkaparinga Swimming Club – Child Safe Environments – Statutory Declaration form.

1. Introduction

Every child¹ has a right to be safe from harm at all times. The wellbeing and best interests of children are the responsibility of the entire community but the Onkaparinga Swimming Club (the club) has specific responsibility to create a club environment that ensures the safety of the children who are members of the club. A commitment to protecting children is embedded in the club's culture such that all members and adults associated with the club are aware of their responsibility for taking action.

The *Children's Protection Act 1993* aims to ensure that all children are safe from harm. Under this legislation the club is responsible for ensuring that appropriate policies and procedures are implemented to create a child safe environment. Organisations that do not establish appropriate policies and procedures for ensuring the establishment and maintenance of child safe environments may face a fine of up to \$10,000.

Creating child safe environments

A child safe organisation:

- 'takes a preventative, proactive and participatory stance on child protection issues'.² The safety and wellbeing of children is a paramount consideration when developing activities, policies and management practices
- is one that values and embraces the opinions and views of children
- encourages and assists children to build skills that will assist them to participate in society
- takes action to protect children from physical, sexual, emotional and psychological abuse and neglect.

The focus of a child safe organisation is not simply to create an environment free from risk or danger. Rather it is about building an environment which is both child-safe and child-friendly, where children feel respected, valued and encouraged to reach their full potential.

2. Legislation and Standards

As from January 2008 the following specific requirements as outlined in the *Children's Protection Act 1993* are required by the club;

- demonstration of the organisation's commitment to the safety and protection of children
- processes for how volunteers³ recognise and respond to suspicions of child abuse and neglect
- implementation of standards of care for ensuring the safety of children including standards for addressing bullying by children within the organisation
- clear codes of conduct for volunteers within the organisation
- standards of care for volunteers within the organisation that reflect the organisation's duty of care to children.

¹ Child means a person less than 18 years of age.

² Child Wise *Choose with Care*[®]: *A handbook to build safer organisations for children*. Child Wise, Melbourne 2004, p. 18.

³ Volunteer means a person who carries out community work on a voluntary basis. A person works on a voluntary basis if they receive no remuneration for the work.

The club must also have in place appropriate policies and procedures for ensuring;

- that appropriate reports of abuse or neglect are made by mandated notifiers
- that child safe environments are established and maintained within the club.

Specific obligations under section 8A of the *Children's Protection Act 1993* apply to South Australian Sporting and Recreation Clubs. These obligations are detailed in the "Good Practice Principles" section of this document.

The club is also required to adhere to Swimming Australia Ltd (SAL) Child Welfare Policy and Procedures. The SAL Policy stems from the following guiding principles:

- (a) the Child's welfare is the first consideration;
- (b) all Children, regardless of age, gender, racial origin, religious belief, sexual identity and or disability, have a right to enjoy sport free from Child Abuse and all forms of Bullying, Harassment and Discrimination;
- (c) all individuals and organisations involved with our sport have responsibilities for the welfare of Children in our sport and are bound by this policy; and
- (d) all individuals and organisations involved with our sport must act in accordance with the law in relation to child protection issues.

Through this Policy, SAL aims to ensure that:

- (a) every child involved in our sport is treated with respect and dignity and is safe and protected from Child Abuse, Bullying, Harassment or Discrimination;
- (b) our core values, good reputation and positive behaviours and attitudes are maintained; and
- (c) everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities relating to the welfare of Children.

Under this policy Clubs are required to:

- (a) make recognition and adherence to this Policy and Complaints Procedure a condition of membership of the Club;
- (b) disseminate information on this Policy widely to make the Policy known and available to all members and employees (paid and voluntary);
- (c) respond to incidents of Child Abuse, Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
- (d) act in the best interests of their Child members and their safety and welfare; and
- (e) foster an environment of tolerance, friendship and enjoyment.

SAL has developed a Behavioural Guidelines as advice on acceptable behaviour for all of its members.

The SAL policy and accompanying procedures may be amended from time to time by resolution of the Board of Directors of SAL. Copies of the Policy and its attachments can be obtained from the Swimming Australia website www.swimming.org.au.

3. Mandated notification and reporting suspected abuse and neglect

Anyone who is associated with the club who suspects, on reasonable grounds, that a child or young person is being abused or neglected, should report it to Families SA's Child Abuse Report Line (ph. 13 14 78).

Under section 11 of the *Children's Protection Act 1993*, certain groups of people are required to report to Families SA if they suspect on reasonable grounds that a child is being abused or neglected and this suspicion is formed in the course of their work.

The coaches, officials and volunteers of the club are considered mandatory reporters as they are engaged by a sporting club to delivery services to children and have *duties which include direct responsibility for, or direct supervision of, the provision of those services to children.*

A reasonable suspicion must be based on facts, for example:

- a disclosure of abuse from a child
- professional judgment, based on the notifier's experience and observations
- disclosure by a child or an adult that a child is being abused.

The Act also states that mandated notifiers may have a duty of care, beyond making a notification, to take further steps to assist a child and ensure their safety and wellbeing (section 11(5)).

The Office for Recreation and Sport has developed a booklet 'Keeping Children Safe in Recreation and Sport', which can be given to all staff and volunteers to help them understand this legal requirement. The booklet can be downloaded from the Office for Recreation and Sport website:

www.recSPORT.sa.gov.au/resources-publications/resources-publications.html

4. Good Practice Principles

4.1 Principle 1: Identify and analyse risk of harm

The Club has a risk management strategy to minimise and prevent the risk of harm to children.

Swimming Australia Ltd has developed a risk management plan as a resource for all affiliated clubs. The goals behind introducing Risk Management into Swimming Australia are threefold:

- To provide an assurance that the organisation has identified its highest-risk exposures and has taken steps to properly manage these.
- To ensure that Swimming Australia's business planning processes include a focus on areas where risk management is needed.
- To establish a process across the Organisation that will integrate the various risk control measures that the Organisation already has.

The club is required to develop a risk register and a local risk management plan and to review these documents at least annually.

All club coaches, officials and committee members are required to undertake the SAL basic principles course and the free online Child Welfare course. The club secretary maintains the register of completion and updates the register annually.

Another significant strategy to assist in the management of risk relating to child safety is the development of this policy as well as ensuring that all club members and volunteers are aware of their obligations under the policy. This policy is located on the club web page and each new member will be provided with a hard copy of the policy when they join the club. Members will be provided with a reminder annually (at the annual general meeting) of their obligations under the policy.

4.2 Principle 2: Develop a clear and accessible child safe policy

The club has a child safe environment policy that outlines its commitment to promoting children's wellbeing and safeguarding children from harm.

The club developed the Child Safe Environments Policy & Procedures in January 2010. This policy & procedures will be reviewed by the Club Committee in January each year.

The document is located on the Club web page.

4.3 Principle 3: Develop code of conduct for adults and children

The Club adheres to the Swimming Australia Ltd comprehensive behavioural guidelines.

The behavioural guidelines set out professional boundaries, ethical behaviour and unacceptable behaviour and can be found on the Swimming Australia Web page through the following link;

https://www.clubsonline.com.au/console/customitem/attachments/2007_behavioural_guidelines_brochure.pdf

Reference to the behavioural guidelines is made in the club parent's and member's handbook which is located on the club's web page.

4.4 Principle 4: Choose suitable volunteers

The club takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

The *Children's Protection Act 1993* refers to people who work with children as working in 'prescribed positions' which includes positions that require or involve 'prescribed functions'. Prescribed functions are those involving any of the following:

- regular contact with children or working in close proximity to children on a regular basis
- supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis
- access to records relating to children
- functions of a type prescribed by regulation. As at 1 July 2007, the *Children's Protection Act 1993* did not specify any further functions in the regulations.

Coach, Assistant Coaches, committee members, team managers and training officials are all deemed to be undertaking prescribed functions.

The club has implemented reasonable actions within the resources available to ensure that those undertaking prescribed functions are suitable. The actions are outlined in the sections below.

4.4.1 Coach and Assistant Coaches

For the positions of coaches and assistant coaches the club committee will undertake the following screening measures prior to appointment:

Face-to-face interview

The interview will include behaviour-based questions and open questions that invite explanations rather than a yes/no response (e.g. why do you want to work with children?). It is recommended that one of the interviewers is someone who has undergone training/is familiar with issues of child protection.

Referee reports and undertake reference checks

Relevant referee reports/references can help determine when individuals present a risk of harm to children or are unsuitable to work with children. A structured referee check is to be undertaken as part of any selection process for recommended applicants. Information on the applicant's suitability to work with children is sought from a minimum of two referees.

A suggested question to be asked of referees for the structured referee check regarding working with children is: 'to your knowledge is there any aspect of the applicant's behaviour, actions or activities that would make them unsuitable for working with children?'

Criminal history reports

A criminal history check (also known as a *National Police Certificate* or a *National Criminal History Record Check*) will be undertaken prior to the appointment of a coach or assistant coach.

A criminal history check will be undertaken at least every three years for appointed coaches and assistant coaches. The club president will manage the process of the criminal history check the club secretary will maintain the records associated with the checking of coaches and assistant coaches.

Refer to Criminal History Checking procedure below.

4.4.2 Officials and Committee Members

All trainee officials are required to undertake a Criminal History Check. This process is managed by Swimming SA.

Committee Members are appointed each year at the annual general meeting and have responsibilities as outlined in the Club Constitution.

Committee Members are required to undertake a criminal history check within the first three months of appointment to the committee and then every three years. The club secretary maintains the register.

4.4.3 Adult club members

All adult club members who swim in the same pool as the club children are considered to be in close contact with children and at times may not be directly supervised by the

coach. These adults are required to complete a statutory declaration (refer to attached document) before approval is provided by the coach for them to train or compete. A criminal history check is not required.

Any other adult who comes into close contact with club children in an unsupervised capacity may be required to complete the statutory declaration. The coach, assistant coaches or club president have the authority to determine when this is required.

4.5 Principle 5: Support, train, supervise and enhance performance

The organisation ensures that volunteers who work with children have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child safe environment.

The club fosters a supportive environment which encourages everyone to work towards continuous improvement and accountability.

To achieve this, the organisation ensures that there are opportunities for volunteers to develop and maintain the necessary skills and understanding to promote child safe environments.

All club members are encouraged to complete the free on line child welfare course supported by Swimming Australia.

All club officials, coaches and committee members are required to undertake this course.

4.6 Principle 6: Empower and promote the participation of children in decision-making and service development

The club promotes the involvement and participation of children and young people in developing and maintaining child safe environments.

The club ensures that children members know what behaviour is considered appropriate and when and how to speak out if they feel uncomfortable. The club culture encourages children to be able to raise and discuss their concerns or issues. All club members are provided with a copy of the behavioural guidelines and the guidelines are available on Swimming Australia web page.

Younger children members are encouraged to voice concerns to the club captains if they feel uncomfortable about speaking with an adult. Club captains will then advocate on behalf of the younger child.

Children and parents are aware how they can access help and advice, both within the organisation and beyond, through telephone services e.g. Kids Help Line (ph. 1800 55 1800), Lifeline (ph. 131 114), Youth Help Line (ph. 1300 13 17 19), or through written and online resources e.g. Parent Easy Guides developed by Parenting SA
<http://www.parenting.sa.gov.au/pegs/>

4.7 Principle 7: Report and respond appropriately to suspected abuse and neglect

The organisation ensures that volunteers are able to identify and respond to children at risk of harm.

The club makes all volunteers aware of their responsibilities under the Children's Protection Act 1993 if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

Suspected abuse or neglect must be reported to the Child Abuse Report Line (ph. 13 14 78). The law imposes liability on mandated notifiers who fail to report suspected child abuse. If a mandated notifier fails to notify the Child Abuse Report Line of suspected abuse and neglect, they may be found to have committed an offence under the *Children's Protection Act 1993* and may be fined up to \$10,000.

Sometimes an individual may suspect a child has been abused by a volunteer of the club. This duty exists even if they are not mandated notifiers under the *Children's Protection Act 1993*.

5. Criminal History Check Procedures

Criminal History Checks are undertaken through the Records Release Unit of the South Australian Police. This unit utilises the national Crimtrack system.

A National Police Certificate Application form must be completed by the applicant (copy of form is attached).

The club will only accept police clearance certificates obtained specifically for the purpose of the club and not those obtained for other purposes (e.g. for employment or for other clubs).

Coaches, assistant coaches, committee members and officials may utilise the Volunteer Organisation Authorisation Number (VOAN) of Swimming SA. This number is a secure number and enables the policy check to be undertaken at no charge (funded by the SA Government). Swimming SA does not allow this VOAN to be used beyond the positions of coaches, assistant coaches, officials and committee members.

- Complete the application form
- Take the form to a police station to get verified (with your 100 points ID as identified on the form)
- Send the form to Swimming SA at PO Box 154, North Adelaide. 5006.
- When you receive the certificate in the post take the certificate to the club secretary to be sighted and recorded on the club data base. The club will not keep a copy of the certificate.
- The secretary will inform Swimming SA that the clearance has been obtained.

The standards to be observed in dealing with information obtained about criminal history of volunteers are available in a separate document entitled: *Child Safe Environments: Dealing with information obtained about the criminal history of employees and volunteers who work with children.*

This document is available from the Families SA website. A link is provided on the Onkaparinga Swimming Club Web Site as well.

http://www.familiesandcommunities.sa.gov.au/DesktopModules/SAHT_DNN2_Documents/Download/633987361512383750/CHC_Standards_Jul09.pdf

6. Statutory Declaration Procedure

- The registrations officer has the responsibility to ensure that all adult swimmers complete the statutory declaration prior to swimming and then every three years. The club secretary will maintain a data base to record and track the declarations.
- Once the statutory declaration is completed by the relevant adult, the original declaration is provided to the club secretary for recording on the data base and for filing.

Onkaparinga Swimming Club - Child-Safe Environments

Statutory Declaration

I

(given name/s) (surname)

of

(address)

Do solemnly and sincerely declare that:

I have no criminal convictions arising out of the abuse, neglect or assault (including sexual assault) of a person; and If I am charged with any crime that may lead to a relevant conviction, I will promptly notify the President or an authorised club official; and I have never been investigated for any unlawful act against a minor I have never been refused or had my coaching accreditation suspended for any breach of a code of conduct relating to any sport I am of, or over the age of, 15 years.

I provide the following names of persons willing to attest to me being a fit and proper person to be in close contact with children:

Name:

_____ Contact: _____

Name:

_____ Contact: _____

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*, and as amended.

(Signature of person making Declaration)

at

In the State of South Australia.

On this day (date)

Sworn/affirmed before me:

Name in Full: _____

Title: _____

(Justice of the Peace/notary public/barrister/solicitor/officer by law authorised to administer an oath or affirmation pursuant to the *Oaths Act 1936*)