Australian Government
Sport Integrity Australia

SPORT INTEGRITY AUSTRALIA

swimming australia

NATIONAL INTEGRITY FRAMEWORK

Child Safeguarding Policy

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SUMMARY

Swimming has a zero-tolerance policy to child abuse and neglect in any form.

Swimming Australia is committed to safeguarding and promoting the welfare of Children in Swimming by providing a safe and inclusive environment and by ensuring that everyone involved in Swimming is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in sport in a safe, positive, and enjoyable environment.

Swimming Australia aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Swimming.

This Policy is part of Swimming Australia's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access Swimming.

This Policy seeks to ensure that everyone involved in our Swimming is aware of their rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in our Swimming and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy imposes obligations on Swimming Australia and Swimming Organisations in relation to responding to allegations of Prohibited Conduct, including by reporting suspected Child Abuse to the appropriate authorities, and to implementing a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.

1. Definitions

Defined terms not otherwise defined in this Policy have been defined in and have the meaning given to them, in the National Integrity Framework. In this Policy the following words have the corresponding meaning:

Abuse means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.[1]

Australian Child Protection Legislation means all state/territory child protection legislation as amended from time to time, a summary of which is available here.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.[2]

Child or **Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

Child Abuse has the meaning given to it in Schedule 1 and includes the following as outlined in that Schedule:

(a) Physical Abuse

(b) Emotional or Psychological Abuse

(c) Sexual Abuse

(d) Neglect

(e) Exposure to Family Violence.

Child Safe Commitment refers to Relevant Organisations' commitment to child safety in Swimming, as outlined in Annexure B.

[1] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Abuse.

[2] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Bullying.

Child Safe Practices refer to the child safety requirements and practices adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in a Swimming Activity as outlined in Annexure B.

Grooming refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

Harassment means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.[3]

Misconduct with a Child means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

MPP means the Member Protection Policy of Swimming Australia.

Policy means this Child Safeguarding Policy including any schedules and annexures.

Prohibited Conduct means conduct in breach of clause 4 of this Policy.

Recruitment & Screening means the child safety recruitment and screening requirements adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in Swimming, as outlined in Annexure C.

Sexual Misconduct means[4]:

(a) Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and

(b) Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.

Unlawful Discrimination includes:

(a) Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and

(b) Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.[5]

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.[6]

Vilification means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.[7]

WWCC means a 'Working with Children Check' (however named) under the applicable legislation of a state or territory, a summary of which is available here.

[3] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Harassment.

[4] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Sexual Misconduct.

[5] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Unlawful Discrimination.

[6] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Victimisation.

[7] Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Vilification.

2. Jurisdiction

2.1 Who this Policy applies to

This Policy applies to:

(a) Relevant Persons; and

(b) Relevant Organisations.

2.2 When this Policy applies

(a) All Relevant Persons and Relevant Organisations to which this Policy applies must comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:

(i) in relation to any dealings they have with a Child arising from the Relevant Person's, Relevant Organisation's, or the Child's involvement in any capacity with Swimming.

(ii) in relation to any dealings in relation to a Child that they might have with a Relevant Organisation or their staff, contractors, and representatives;

(iii) when dealing with a Child or other Relevant Person or Relevant Organisation in their capacity as a Relevant Person or Relevant Organisation; and

(iv) in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.

(b) The following is not within the scope of this Policy:

(i) interactions involving a Relevant Person and a Child where there is no direct or indirect link to Swimming or a Relevant Organisation.[8].

3. Requirements of Relevant Persons and Organisations

3.1 Requirements of Relevant Persons

Relevant Persons must always:

(a) comply with the requirements of Responding to Child Abuse Allegations in Annexure A;

(b) comply with the Child Safe Practices as set out in Annexure B;

(c) report any concerns or allegations of Prohibited Conduct involving any Relevant Person or Relevant Organisation;

(d) provide true and accurate information during Recruitment & Screening;

(e) comply with all obligations that they are subject to under the Australian Child Protection Legislation; and

(f) comply with all legislative obligations that they are subject to in relation to reporting of suspected Child Abuse [9] or a WWCC[10].

3.2 Requirements of Relevant Organisations

Relevant Organisations must:

(a) adopt, implement, and comply with the:

(i) Child Safe Commitment;

(ii) Child Safe Practices; and

(iii) Recruitment & Screening,

including reviewing and amending those requirements from time to time;

(b) comply with the 'Responding to Child Abuse Allegations' in Annexure A;

(c) use best efforts to assist Relevant Persons to fulfil their responsibilities under this Policy;

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[8] Such as pre-existing personal or family relationships.

[9] Child Family Community Australia Mandatory Reporting of Child Abuse & Neglect Resource Sheet website.

[10] Child Family Community Australia Working with Children Checks & Police Checks Resource Sheet website.

(d) recognise any Sanction imposed under this Policy; and

(e) take all necessary steps to:

(i) enforce any Sanction imposed under this Policy and the Complaints, Disputes & Discipline Policy; and

(ii) procure compliance with the 'Responding to Child Abuse Allegations' in Annexure A.

4. Prohibited Conduct

4.1 Prohibited Conduct

A Relevant Person or Relevant Organisation commits a breach of this Policy when:

(a) they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2:

(i) Child Abuse;

(ii) Grooming;

(iii) Misconduct with a Child;

(iv) request or infer that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation;

(v) supply alcohol, drugs (including tobacco) to a Child;

(vi) supply medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or

(vii) commit any act that would constitute Prohibited Conduct under the Member Protection Policy;

(b) there is a breach of a requirement imposed under clause 3.1, or sub-clauses 3.2(a), 3.2(b) or 3.2(e)(ii));

(c) they are involved in or have knowledge of and do not report a breach of clauses 4.1(a) or 4.1(b); or

(d) they have engaged in an attempt to breach sub-clauses 4.1(a) (i), (ii), (iii) or (v).

5. Reporting

(a) Where a Relevant Organisation becomes aware of an Alleged Breach and the information known about that Alleged Breach is such that it would cause a reasonable person to suspect that a Child is, or is at risk of, being abused and/or neglected:

(i) The Relevant Organisations must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Annexure A; and

(ii) no further action under the Complaints, Disputes and Discipline Policy in relation to that Alleged Breach, except Provisional Action or Assessment, should occur until the obligations in (i) are complied with.

6. Complaints, Disputes & Discipline Policy

The Complaints, Disputes and Discipline Policy applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

7. National Integrity Framework

The National Integrity Framework applies to this Child Safeguarding Policy. When interpreting this Policy, any provisions inconsistent with the National Integrity Framework apply to the extent of that inconsistency.

SCHEDULE 1 - Child Abuse Definitions

Child Abuse is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect so that a Child's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger that a Child's physical or emotional health, development, or wellbeing,

whether through a:

- single act, omission, or circumstance; or
- series or combination of acts, omissions, or circumstances,

and includes:

1. **Physical Abuse** occurs when a person subjects a Child to application of physical force, which may cause 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:

   (a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and

   (b) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.

2. **Emotional or Psychological Abuse** occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:

   (a) repeated rejection or threats to a Child;

   (b) constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;

   (c) Bullying and Harassment;

   (d) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.

3. **Sexual Abuse** occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still constitutes sexual abuse.

   Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

   Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites, or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

4. **Neglect** is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.

5. **Exposure to Family Violence** is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic violence, then they may be at risk of significant physical and/or psychological harm.

Annexure A: Responding to Child Abuse Allegations

You must ACT.

As a person involved in Swimming you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any Child Abuse allegations.

Action 1 - Responding

If a Child is at risk of immediate harm you must ensure their safety by:

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required:
- Separating at-risk Child and others involved;
- Identifying an appropriate contact person for any on-going liaison with the Police.

If there is no immediate harm go to Action 2 below.

Action 2 – Reporting

If you suspect, on reasonable grounds that a Child was, is, or is at risk of being abused and/or neglected, you must report it to the police and/or the relevant State/Territory child protection agency.

If the alleged Child Abuse is occurring in a Relevant Organisation, it must be documented on the Report Form found at MAKE AN INTEGRITY COMPLAINT OR REPORT | Sport Integrity Australia .

You must also report internally to your designated contact in your sport, who then needs to report to the Integrity Unit, CEO and Board.

Action 3 – Contact

You must contact the police and/or the relevant child protection agency to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e. police, child protection department or Relevant Organisation representative). This could include advice:

1. Not to contact the parents or guardians in circumstances where they are alleged to have engaged in the abuse.
2. To contact the parents/guardians and provide agreed information as soon as possible.

Action 4 - Support

- Support should be provided to any Child that has experienced abuse.
- It is important that the person providing support to the Child does not attempt to provide support which is outside of the scope of their role.
- Support should include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- This information needs to be well documented and shared with Swimming's designated contact.
- Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.

Contact information for the Child Safe Contact:

Lydia Dowse, National Integrity Manager, lydia.dowse@swimming.org.au

Annexure B: Child Safe Commitment & Practices

1. CHILD SAFE COMMITMENT STATEMENT

Swimming Australia is committed to ensuring the safety and wellbeing of all Children that are involved in our sport. Our policies and procedures seek to address risks to child safety and to establish child safe culture and practices.

1.1 We are committed to keeping Children safe

(a) Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.

(b) We communicate our commitment to all our staff and volunteers and give them access to a copy of our commitment statement.

1.2 We promote equity and respect diversity

(a) We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.

(b) We give all Children access to information, support, and a complaints processes.

(c) We consider the needs of all Children, particularly Aboriginal and Torres Strait Islander Children, Children with a disability, LGBTQI Children and Children from culturally and linguistically diverse backgrounds.

1.3 Our staff and volunteers know the behaviour we expect

(a) We ensure that each person involved in our delivery of services to Children understands their role and the behaviour we expect in relation to keeping Children safe from abuse and neglect through application of our Child Safe Practices.

(b) We utilise clear position descriptions which clearly state relevant child safe requirements.

(c) We have Child Safe Practices, which are approved and endorsed by Sport Integrity Australia and the Swimming Australia Board that outlines our expectations for behaviour towards Children.

(d) Our staff and volunteers are given a copy of and have access to the Child Safe Practices.

(e) Our staff and volunteers indicate, in writing, that they have read and are committed to the Child Safe Practices.

1.4 We minimise the likelihood of recruiting a person who is unsuitable

(a) We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work/volunteer with Children.

(b) We will meet the requirements of the relevant state or territory Working with Children Check regulations.

1.5 Induction and training are part of our commitment

(a) We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Abuse Allegations.

(b) We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.

(c) We ensure that our staff and volunteers have up-to-date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.

1.6 We encourage the involvement of Children and their parents

(a) We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their parents/carers (such as brochures, posters, handbooks, guidelines) about:

(i) our commitment to keeping Children safe and communicating their rights;

(ii) the behaviour we expect of our staff and volunteers and of themselves;

(iii) our policy about responding to child abuse.

(b) We have processes for encouraging two-way communication with Children and families.

(c) We seek their feedback and have a process for responding.

(d) We respect diversity and seek to facilitate effective communication and involvement.

1.7 Our staff and volunteers understand their responsibility for reporting child abuse

(a) Our policy for responding to child abuse is approved and endorsed by Swimming Australia Board and applies to all our staff and volunteers. Staff and volunteers must:

(i) immediately report abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers;

(ii) meet any legislated mandatory or other jurisdictional reporting requirements;

(iii) follow a specified process when reporting abuse or neglect.

(b) Our staff and volunteers are given a copy of and have access to the Complaints, Disputes and Discipline Policy and understand the implications of the policy for their role.

(c) We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

1.8 We maintain and improve our policies and practices

(a) We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.

(b) We have assigned responsibility for regularly maintaining and improving our policies and procedures to (insert name or person or group).

(c) We monitor our staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.

(d) We require our staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. We review police record and WWCC checks regularly.

(e) We have formally reviewed our service delivery to identify and document potential risks to Children.

(f) We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

2. CHILD SAFE PRACTICES

- Swimming Australia is committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. Swimming Australia Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our sport.
- A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed by the Complaints, Disputes and Discipline Policy.
- There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child. However it is crucial that, where possible, you seek authorisation prior to taking action that does not comply with these standards or that you notify a Relevant Organisation as soon possible after any incident in which these standards are not complied with.

2.1 Sexual misconduct

(a) Under no circumstances is any form of ‘sexual behaviour’ to occur between, with, or in the presence of Children.

(b) ‘Sexual behaviour’ needs to 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:

(i) ‘contact behaviour’, such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and

(ii) ‘non-contact behaviour’, such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

2.2 Professional boundaries

(a) Relevant Persons must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in our sport. They must not:

(i) provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal, or family relationship (e.g. financial assistance, babysitting, provide accommodation);

(ii) use a personal phone, camera, or video camera to take images of Children;

(iii) exhibit any type of favouritism towards a Child;

(iv) transport Children unless specifically approved;

(v) give gifts/presents to Children other than the provision of official awards;

(vi) engage in open discussions of a mature or adult nature in the presence of Children;

(vii) discriminate against any Child, including on the basis of gender identity, culture, race, or disability;

(viii) have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or

(ix) accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.

(b) If Relevant Persons become aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, they should undertake any or all of the following at the earliest opportunity:

(i) refer the matter to an appropriate support agency;

(ii) refer the Child to an appropriate support agency;

(iii) contact the Child's parent or guardian;

(iv) seek advice from a Relevant Organisation.

2.3 Use of language and tone of voice

Language and tone of voice used in the presence of Children should:

(a) provide clear direction, boost their confidence, encourage, or affirm them;

(b) not be harmful to Children. In this respect, not use language that is:

(i) discriminatory, racist, or sexist;

(ii) derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';

(iii) intended to threaten or frighten; or

(iv) profane or sexual.

2.4 Positive guidance (Discipline)

(a) Children participating in our sport will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.

(b) Relevant Persons and Relevant Organisations must use appropriate techniques and behaviour management strategies to ensure:

(i) an effective and positive environment; and

(ii) the safety and/or wellbeing of Children and personnel participating in sport.

(c) Relevant Persons and Relevant Organisations must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.

(d) Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.

(e) Under no circumstances are Relevant Persons or Relevant Organisations to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

2.5 Supervision

(a) Children participating in our sport programs and services must always be supervised. Supervision must be constant, active, and diligent and requires Relevant Persons to always be in a position to observe each Child, respond to individual needs and immediately intervene if necessary.

(b) One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medical treatment and physical therapy) and in this case, these situations will need to be identified and recorded by the Relevant Organisation.

(c) Any incident of one-to-one unsupervised contact should be immediately reported to the Relevant Organisations management within 24 hours of the incident occurring.

2.6 Use of electronic or online communications

(a) For any electronic or online communication with Children in our sport we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.

(b) When communicating with Children, Relevant Organisations and Relevant Persons must ensure content is:

(i) directly associated with delivering our services, such as advising that a scheduled event is cancelled;

(ii) concise with personal or social content limited only to convey the message in a polite and friendly manner;

(iii) devoid of any sexualised language; and

(iv) not promoting unauthorised social activity or contact.

2.7 Photographs of Children

(a) Children are to be photographed or videoed while involved in our sport only if:

(i) the Child's parent or guardian has provided prior written approval for the photographs to be taken or for the video footage to be captured;

(ii) the context is directly related to participation in our sport;

(iii) the Child is appropriately dressed and posed; and

(iv) the image is taken in the presence of other personnel.

(b) Relevant Organisations and Relevant Persons must not distribute images or videos (including as an attachment to an email) to anyone outside our sport organisation other than the Child photographed or their parent, without organisational knowledge and approval.

(c) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.

(d) Images are not to be exhibited online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), 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.

2.8 Physical contact with Children

(a) Any physical contact with Children must be appropriate to the delivery of our sport programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administrating first aid.

(b) Under no circumstances should Relevant Persons have contact with Children participating in our programs and services that:

(i) involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;

(ii) would appear to a reasonable observer to have a sexual connotation;

(iii) is intended to cause pain or distress to the Child (e.g. corporal punishment);

(iv) is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);

(v) is unnecessary (e.g. assisting with toileting when a Child does not require assistance); or

(vi) 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:

- physical restraint should be a last resort;
- 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; and
- the incident must be reported to management as soon as possible.

(c) Relevant Persons are required to report to the Relevant Organisation any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, Relevant Persons and any other participants.

2.9 Overnight stays and sleeping arrangements

(a) Overnight stays involving Children are to occur only with the Relevant Organisations approval and consent of a parent or guardian of the Children involved.

(b) Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.

(c) Practices and behaviour by Relevant Persons involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of our sport at all other times.

(d) Standards of conduct that must be observed by Relevant Organisations and Relevant Persons involved during an overnight stay include:

(i) Children are provided with privacy when bathing, toileting, and dressing;

(ii) appropriate dress standards are observed when Children are present – such as no exposure to adult nudity;

(iii) Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;

(iv) Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers;

(v) sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements or Children sharing a bed or an adult sleeping in the same bed as a Child; and

(vi) Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

2.10 Change room arrangements

(a) Children should be supervised in change rooms whilst ensuring their right to privacy.

(b) A minimum of two Relevant Persons of the same gender as the group should always be present,

(c) Relevant Persons must not shower or change at the same time as supervising groups of Children.

(d) Relevant Persons must avoid one-to-one situations with a Child in a change room area

(e) Relevant Persons need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.

(f) Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed.

2.11 Use of, possession or supply of alcohol or drugs

Relevant Persons, whilst responsible for the care of Children, must not:

(a) use, possess or be under the influence of an illicit drug;

(b) use or be under the influence of alcohol;

(c) be impaired by any other legal drug such as prescription or over-the-counter drugs;

(d) supply alcohol or drugs (including tobacco); or

(e) supply or administer medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

2.12 Parent/Guardian Involvement

Relevant Organisations must:

(a) ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Swimming.

(b) conduct all training sessions in open locations and allow parents/guardians to watch their Children during training.

(c) make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

2.13 Transporting Children

(a) Children are only to be transported in circumstances that are directly related to the delivery of our sport programs and services.

(b) Other than in an emergency, it is not acceptable for Relevant Persons to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey, including the:

(i) form of transport to be used;

(ii) reason for the journey;

(iii) route to be followed, including any stops or side trips; and

(iv) details of anyone who will be present during the journey

(c) When transporting Children, the Relevant Person must drive responsibly, not be impaired by alcohol or any other mind-altering substances, have an unrestricted drivers' licence and to the extent practicable, not be alone in the car with a Child.

(d) Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

2.14 Drop off and Pick up of Children

Relevant Organisations must:

(a) ensure Children and their parent or guardian know the time and location of training and matches, including start and finish times.

(b) arrive before scheduled practice or game times to ensure that Children are not left unattended.

(c) have an accessible register of parent and guardian emergency contact numbers and an operational phone.

(d) ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.

(e) ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of Relevant Persons to transport Children home if their parent or guardian is late for pick up.

(f) not leave the training or match until all Children have been collected by their parent or guardian.

Annexure C: Recruitment & Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across our sport. Our sport takes child protection seriously and ensures that the organisation recruits personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

1. Child-Related Positions

1.1 All roles within our sport (employees and volunteers) both new and existing must be assessed using Appendix 1: Child-Related Position Assessment .

1.2 A child-related position means a position that involves or may involve contact with children, either under the position description or due to the nature of the role.

1.3 Positions assessed identified as 'child-related' must be appointed using the recruitment and screening process outlined in Annexure C.

2. Position Descriptions

2.1 Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.

2.2 Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children.'

3. Advertising

3.1 All positions identified as child-related will include the following statement in the position description and any advertising: *{Sport Organisation} is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.*

4. Interviews

4.1 All applicants for child-related positions are required to attend at least one interview, preferably in person or on a videoconference (e.g. Zoom etc.).

4.2 During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 2: Interview Requirements and Sample Questions.

5. Working with Children Checks

5.1 Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.

5.2 These laws require certain individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with Children. Whether a particular individual is required to undertake a check depends on the WWCC laws of the relevant state or territory.

5.3 Relevant Organisations must meet the requirements of the relevant state or territory WWCC laws. Specific state and territory requirements can be found here: https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-b-state-and

5.4 All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment.

5.5 Relevant Organisations may not engage a person who does not have a satisfactory WWCC in the relevant jurisdiction(s).

5.6 Regardless of whether an individual is required or otherwise eligible to obtain a WWCC in the relevant jurisdiction)(s), it is a serious breach of the Child Safe Policy if an individual:

(a) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child-related position in our sport; or

(b) continues in a child-related position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.

5.7 Relevant Persons are required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault.

6. National Criminal History Record Checks

6.1 Depending on the relevant jurisdictional legislation a Relevant Organisations may require the preferred candidates to have completed a 'national criminal history record check' (also known as a 'police check') where the candidate does not otherwise meet the jurisdictional threshold to apply for and obtain a WWCC.

6.2 A criminal history does not automatically preclude an applicant from being appointed unless their criminal history suggests that they may pose a risk to Children. If there is information relevant to the employment decision, the applicant will be provided with an opportunity to respond to the contents of their police check (if they wish to do so).

6.3 The decision to appoint or not appoint an applicant because of a police check result, along with the rationale for that decision, must be communicated to the applicant by the Relevant Organisation.

6.4 A copy of the police check must not be retained. The original must either be returned to the applicant if requested or be destroyed in a secure manner on completion of the recruitment process. If the applicant is appointed, a record of the date and certificate number of the police check should be recorded in their personnel file.

7. International Criminal History Record Checks

7.1 Any applicant who has resided overseas for 12 months or more in the last ten years must obtain an international criminal check.

7.2 Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks must be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.

7.3 The Relevant Organisation must inform the applicant that referees will be asked whether they have knowledge or information concerning the applicant that would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers or government officials).

7.4 Overseas applicants should not commence until this process is satisfactorily completed.

8. Monitoring compliance

8.1 Relevant Organisations will ensure that all personnel in child-related positions have a current WWCC as specified in state and territory legislation: https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview

9. Reference checks

9.1 The Relevant Organisation will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.

9.2 The selected referees must:

(a) be able to provide information relating to the applicant's suitability to work with Children;

(b) have known the applicant for at least 12 months;

(c) not be related to the applicant;

(d) be able to vouch for the applicant's reputation and character.

Please note: Written character references are not sufficient unless also followed up and verified through direct contact.

9.3 Referees will be asked directly about any concerns they may have about the applicant working with Children. Refer to Appendix 3: Reference Check Requirements and Sample Questions.

10. Qualification and registration checks

Educational or vocational qualifications, or professional registration will be verified for the preferred applicant for the position, if applicable.

11. Minors

11.1 If a person under the age of 18 is appointed to a child-related position, the Relevant Organisation must:

(a) comply with the relevant WWCC legislation;

(b) undertake appropriate screening (interviews and referee checks);

(c) ensure that they are aware that they are bound by the Child Safeguarding Policy, Child Safe Practices and the obligations associated with working with Children; and

(d) obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.

Appendix 1: Child-Related Position Assessment

Note: State and territory jurisdictions have different requirements regarding screening and WWCC. This child-related position assessment aims to assist Relevant Organisations identify child-related positions however, **it should not be used to determine if a Relevant Person requires a WWCC.**

Specific state and territory requirements can be found here.

Question – Does the position/activity (paid/unpaid or volunteer):	Yes	No
Involve supervising children?		
Involve being alone with children or engaging with children in a way that is not observed or monitored?		
Involve activities with children away from the organisation's usual location?		
Involve direct one-on-one or group contact with children via phone, letter, email, online or social media?		
Involve supervising child-to-child online contact?		
Have access (online or paper based) to a child's or children's personal and/or confidential information?		
Involve the need for physical contact/touching children?		
Involve any of the following: transporting children; over-night supervision; and/or out-of-town activities?		
Have a perceived or actual level of authority (including from a child's perspective)?		
Involve any other type of contact with children?		

If you answered YES to one or more of the above questions, the position **is a child-related position**.

The Relevant Organisation is required to undertake the recruitment and screening process as outlined in Annexure 3, including conducting interviews and reference checks.

Relevant Organisations must also meet the requirements of the relevant state or territory WWCC laws.

Appendix 2: Interview Requirements and Sample Questions

- The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
- An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
- All applicants should be informed during the interview that referees will be contacted as part of any final selection process.

Questions that MUST be asked

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

Additional Questions (for positions that work predominately with children) that MAY be asked

- What do you find most rewarding about working with children?
- What do you find most challenging about working with children?
- How would you handle a child that is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child who is acting aggressively?
- Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
- How would you respond to a child who disclosed they were being subjected to abuse?
- A parent of a child attending your service wants someone from the organisation to care for their child out of hours. What would be your response to this request?
- What would you do if you thought another staff member or volunteer had harmed or was harming a child?
- What would you do if you thought a child was being abused at home?
- Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child that appears sad and refuses to participate in activities?

Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.

Red Flags include, but are not limited to:

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography
- being evasive or inconsistent in responding to questions.

Appendix 3: Reference Check Requirements and Sample Questions

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- Ask the same questions of each referee.
- When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
- Before asking questions, describe the job and the competencies that you are seeking.

Questions that MUST be asked

- Are you related to the applicant? (Please note, if the person answers yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
- How would you describe the personal character of the applicant?
- Would you have any concerns about this applicant working with or being in contact with children?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

The panel should consider the validity of the referees by reflecting on the following questions:

- What is the relationship between the referee and the applicant?
- Has the referee known the applicant in a professional capacity and if so when and for how long?
- Is the referee able to provide relevant information about the applicant's work history and performance?
- Has the referee observed the applicant demonstrating the skills and knowledge required for the position?

Red Flags include, but are not limited to:

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted
- Referees that were not informed they would be used.