

# Child Safe Policy

## Commitment to child safety

All children who come to a State Swim Swimming School have a right to feel safe and be safe. We are committed to the safety and well-being of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. We aim to create a child safe and child friendly environment where all children are valued and feel safe. All staff have been trained in their mandated notification and child safety responsibility.

## Policy

This policy has been written to demonstrate the strong commitment of State Swim Swimming Schools to child safety and establishing and maintaining child safe and child friendly environments.

This policy reflects our commitment to provide a safe environment where every person, regardless of the age or ability, has the right to be treated with respect and is safe and protected from harm.

This complies with our obligations under the **Child Safety (Prohibited Persons) Act 2016**, including:

- Part 4 – Restrictions on working with children
  - o Division 2 – Steps employers must take in relation to employing person, and the maintenance of the working with children check (section 17)
- Part 5 – Working with children checks
  - o Division 2 – Working with children checks
  - o Division 5 – Information sharing

It complies with our obligations under the **Children and Young People (Safety) Act 2017**, including:

- Chapter 2, Part 1
  - o Section 5 – Duty to safeguard and promote the welfare of children and young people
- Chapter 2, Part 2
  - o Section 7 – Safety of children and young people paramount
  - o Section 8 – Other needs of children and young people
- Chapter 5 – Children and young people at risk
  - o Part 1 – Reporting of suspicion that child or young person may be at risk
- Chapter 8 – Providing safe environments for children and young people
  - o Section 114 – Certain organisations to ensure environment is safe for children and young people
  - o Section 115 – Policies and procedures to be reviewed

This policy, from the date of endorsement, applies to all people employed in the organisation, including:

- Management
- All Employees (permanent and casual): Swimming Instructors and Supervisors, Customer Service Officers, Aquarobics Instructors, and Maintenance/Hygiene Officers.

- Students completing their swimming instructor training certificate their supervision hours at State Swim venues.

### Children's participation

State Swim Swimming Schools encourages and respects the views of children and young people who access our services. We listen to and act upon any concerns that children, young people or their families raise with us. We take children's concerns seriously and respond in the most appropriate way to ensure the situation is resolved.

We teach children what they can do if they feel unsafe. We encourage parents to stay in the water (for younger children), and close-by to the pool, as we understand this helps children to feel comfortable in the swimming school environment.

We ensure that children, young people, and their families know their rights and how to access the complaints procedures available to them, in both printed and online documentation.

Living in Australia, water awareness and swimming skills are important life skills. We encourage children and families, including those of different culture and ethnicity, gender identity and sexual orientation, age, social class, and physical ability to participate at our swimming schools. All children and families will be treated with respect and equity, and we do not tolerate any discriminatory practices from any staff or clients.

### Recruitment practices

State Swim Swimming Schools take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. We employ a range of screening measures and apply best practice standards in the screening and recruitment of employees. We interview and conduct referee checks on all employees.

We follow the practice for the conduct of Working with children checks for all potential staff before employment, as set out in Part 4, Division 2, Section 17 of the Child Safety (Prohibited Persons) Act, 2016.

Working with children checks are required for anyone within our organisation that:

- has regular contact with children;
- works in close proximity to children on a regular basis;
- supervises or manages persons who:
  - o have regular contact with children or
  - o work in close proximity to children on a regular basis; or
  - o has access to sensitive records relating to children or young people.

We ensure that criminal history information is handled confidentially, in accordance with Part 4 – Restrictions on working with children, and Part 5 – Working with children checks, of the Child Safety (Prohibited Persons) Act, 2016.

This action is also in accordance with Chapter 2, Part 1, Section 5 – Duty to safeguard and promote the welfare of children and young people; Chapter 2, Part 2, Section 7 – Safety of children and young people paramount; and Chapter 8 – Providing safe environments for children and young people, of the Children and Young People (Safety) Act 2017.

All new employees participate in a three-month probation, which assists in ensuring the most suitable staff are employed by State Swim Swimming Schools.

### **Volunteers and Student Placement**

Prior to starting, students completing their swimming instructor training certificate their supervision hours are required to:

- Maintain a valid Working with Children Check
- Complete Responding to Risks of Harm, Abuse and Neglect in Education and Care (RRHAN-EC) Fundamentals, 2hr online course
- Complete induction, including awareness of the State Swim child safe policy and code of conduct.

Due to the potential risk for the exploitation of children and young people within the swim school environment, State Swim DOES NOT accept volunteers and work experience placements.

### **Code of Conduct**

All staff members are made aware of, and must abide by, our Code of Conduct.

In particular, all staff members will be strictly observed for their adherence to the sections relative to Relationships and Physical Contact, when working with children and young people.

### **Support for employees**

State Swim Swimming Schools seek to attract and retain the best employees. We provide support and supervision, so people feel valued, respected and fairly treated. We ensure that employees who work with children have ongoing supervision, support and training so that their capacity is developed and enhanced to promote the establishment and maintenance of a child safe environment.

Strategies we have implemented include:

- All new employees undergo induction and receive a copy of our child safe policy and code of conduct.
- All employees participate in ongoing and regular training to maintain their awareness of their Child Safe responsibilities.
- All employees participate in an annual performance management review process, to ensure continuous improvement of practices and to enable additional training to be implemented, as necessary.

### **Harassment/bullying**

State Swim Swimming Schools opposes all forms of harassment, discrimination and bullying. We take this issue seriously and encourage anyone who believes that they, or another person, has been harassed, discriminated against or bullied to raise this issue with management.

We enforce the practice of treating everyone (this includes all staff, children, young people, parents and carers) including those of different race, ethnicity, gender, gender identity, sexual orientation,

age, social class, physical ability or attributes and religious beliefs, with respect and honesty and ensure equity is upheld at all Swimming School locations.

### **Communication**

State Swim Swimming Schools will ensure that everyone to whom this policy applies is aware of and has had an opportunity to read the policy.

All employees are expected to sign a written statement indicating that they have read and will abide by our child-safe policy.

We retain a copy of all signed statements.

This policy is available to all children and families via the State Swim website and at the customer service counter of each State Swim location.

## **Risk Management Strategy:**

### **Reporting and responding to suspected harm and risk of harm to children**

Information about making appropriate reports of harm or risk of harm is available from the Department for Child Protection website: <https://www.childprotection.sa.gov.au/reporting-child-abuse>.

State Swim Swimming Schools will not tolerate harm or risk of harm to a child or young person. All employees understand their obligation to notify the Child Abuse Report Line on 13 14 78 as soon as practicable if they have a reasonable suspicion that a child has been harmed or is at risk of being harmed.

We also ensure that employees have access to relevant information resources such as:

- National Principles for Child Safe Organisations to promote the safety and wellbeing of children in Australia: <https://www.childprotection.sa.gov.au/child-protection-initiatives>
- South Australian child protection initiatives: <https://www.childprotection.sa.gov.au/child-protection-initiatives>
- We ensure that support is also available for the employee making the report, particularly where an ongoing service is provided to the child or young person and their family.

### **Supporting children, young people, and their families**

Child Protection is everyone's responsibility. State Swim Swimming Schools recognise that even where a report is made, we may still have a role in supporting the child or young person.

### **Concerns relating to employee action**

State Swim Swimming Schools have a responsibility in dealing with reports or concerns relating to the actions of an employee of our organisation.

In addition to making a report to the Child Abuse Report Line, employees must also report to management if reasonable suspicion is formed that a child has been harmed or is at risk of being harmed by another member or employee.

In response to any report to management concerning a member or employee of this organisation, management may determine to take disciplinary action.

Other protective actions may also be introduced to ensure the safety of children and young people within our organisation. This may include the member or employee being stood down from their position within State Swim, until a decision or resolution has been determined.

### **Strategies to minimise risk**

All employees are provided with a copy of the Protective Practices Guidelines, as part of their induction. These guidelines, together with the State Swim Policies and procedures address (but are not limited to):

- Taking images of children
- Supervision of children
- Complaint's procedures
- Physical contact
- Employee Responsibilities

- Procedure for breaches of policy
- Protecting privacy and confidentiality
- Procedures for dealing with situations where a member is being investigated for, or is charged with, a serious criminal offence. Evaluation of these strategies and the development of additional strategies to minimise and control risks to children and young people occur as part of our ongoing risk management process.

## APPENDIX 1

### Conducting criminal history assessments

#### Assessments required for prescribed positions

All employees of State Swim Swimming Schools who occupy a prescribed position (as set out under Part 4 – Restrictions on working with children, and Part 5 – Working with children checks, of the Child Safety (Prohibited Persons) Act, 2016) are required to undergo a Working with children check before commencing employment, and at least every five years hereafter.

This requirement applies to all employees, including those who regularly work with or around children in an unsupervised capacity or have access to prescribed records relating to children.

State Swim Swimming Schools retains the discretion to decide on a case-by-case basis whether any relevant exemptions will be exercised.

#### Procedure for conducting criminal history assessments

A current Working with children check is a precondition of working in a prescribed position at State Swim Swimming Schools.

Prior to the appointment of a new employee and thereafter at five yearly intervals, this organisation will direct the employee to obtain a Working with children check (WWCC) from the Department of Human Services Screening Unit <https://screening.sa.gov.au/applications>. The cost of obtaining a WWCC will be met by the employee.

Where a person has no disclosable criminal history, the Working with children check is successfully completed and no further action in respect to an assessment is required.

Where an individual receives a Prohibited WWCC result, State Swim Swimming Schools assesses this information in accordance with Part 4, Division 1, Section 15 – Persons who cannot work with children, as per the Child Safety (Prohibited Persons) Act 2016. The individual will be advised of this result and informed their employment with State Swim will be terminated immediately.

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. Principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

The Working with children check will not be retained once a decision has been made regarding the person's suitability to work with children. The Working with children check will not be retained beyond three months in any circumstances.

In accordance with its legal requirements, State Swim Swimming Schools will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

State Swim Swimming Schools may obtain a further criminal history assessment for an employee at any time that State Swim Swimming Schools believes it necessary or desirable for the purpose of maintaining a child safe environment.

As per the Child Safety (Prohibited Persons) Act 2016, Section 19 (1), State Swim will advise the central assessment unit as soon as practicable, that the assessable situation of a person employed by State Swim has become compromised. In this situation, the employee will be immediately stood down from their position within State swim.

## **APPENDIX 2**

### **Child Protection guidelines for employees of State Swim Swimming Schools**

Caring for children and young people brings additional responsibilities for employees of this organisation.

All employees of this organisation are responsible for promoting the safety and well-being of children and young people by:

- Ensuring the safety and welfare of the child or young person is paramount at all times.
- Treating all children and young people with dignity, equality and respect.
- Adhering to this organisation's child safe policy at all times.
- Listening and responding appropriately to the views and concerns of children and young people within the organisation.
- Taking all reasonable steps to ensure the safety and protection of children and young people within the organisation.
- Ensuring children and young people understand their rights and explaining to the child in age-appropriate language what they can expect when participating in a service, activity or program offered by the organisation.
- Responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian.
- Notifying the Child Abuse Report Line on 13 14 78 as soon as practicable if they have a reasonable suspicion that a child or young person has been harmed or is at risk of being harmed.

Employees will not:

- o Take part in any unnecessary physical contact with a child or young person.
- o Discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.
- o Develop any 'special' relationships with children or young people outside of the professional relationship.

