

<b>Updated</b>	<b>January 2024</b>
<b>Policy</b>	<b>ARV Child Safe Policy</b>
<b>Responsibility</b>	<b>ARV / VICSWIM Staff and Participants</b>
<b>Affected Parties:</b>	<b>ARV / VICSWIM Staff and Participants</b>

### **PURPOSE:**

This policy formalises Aquatics and Recreation Victoria’s (ARV) commitment to:

- Being a child safe organisation
- A zero tolerance response to child abuse
- Preventing and reporting of child abuse
- Promoting the cultural safety, participation and empowerment of Aboriginal/Torres Strait Islanders children and young people
- Promoting the cultural safety, participation and empowerment of children and young people from culturally and/or linguistically diverse backgrounds
- Ensuring that children and young people with a disability are safe and can participate equally

### **SCOPE:**

In scope of this Policy include:

- ARV and VicSwim staff
- VicSwim teachers and volunteers
- VicSwim participants and parents/caregivers

### **INTEDED USERS:**

Intended users of this Policy include:

- ARV and VicSwim staff
- VicSwim teachers and volunteers
- VicSwim participants and parents/caregivers

## **1. Child Safety Policy Expectations**

### **1.1 Principles**

Intended users of this Policy are expected to ensure that children and young people:

- Adherence to ARV's Child Safe Framework.
- Take all reasonable steps to protect children and young people from child abuse.
- Treat all children and young people with respect and in the context of their age and development.
- Listen and respond to the views and concerns of children and young people, particularly if they are disclosing child abuse or are concerned with their own safety or that of another.
- Promote the cultural safety, participation and empowerment of Aboriginal children and young people.
- Promote the cultural safety, participation and empowerment of children and young people with culturally and/or linguistically diverse backgrounds.
- Promote the safety, participation and empowerment of children and young people with a disability.
- Ensure as far as practicable that adults/ARV representatives are not left alone with a child or young person. If this is a recognised, necessary part of the service being provided for child or young person, this should be documented and overseen by a direct manager of the adult/ARV representative.
- Report any child safety concerns or allegations of abuse to a Child Safe Officer. If it is reasonably believed a child or young person is at immediate risk of abuse, this should be reported to police immediately.
- Encourage children and young people to inform and contribute to all relevant organisational activities where possible, especially on issues that are important to them as citizens and members of their community.

## 1.2 Roles and Responsibilities

**ARV Board (the Board)** is responsible for strengthening ARV's child safety and wellbeing culture. This will be achieved through ensuring:

- The organisation has appropriate policies and procedures in place for the prevention and reporting of child abuse.
- Allegations of child abuse are reported and fully investigated.
- Support is provided for all ARV representatives in undertaking their child safety and wellbeing obligations.

The **Chief Executive Officer** is additionally responsible for meeting specific obligations under the Reportable Conduct Scheme. These obligations include:

- Notifying the Commission for Children and Young People within three working days of becoming aware of an allegation.
- Investigating any allegations (subject to Police clearance on criminal matters) and notifying the Commission who is undertaking the investigation. Managing any risks to children and young people.
- Updating the Commissions within 30 calendar days; providing information on the reportable allegation and any action taken.
- Notifying the Commission of investigation findings and any disciplinary actions (or why no action was taken).

The VicSwim Program Manager is responsible for:

- Ensuring all VicSwim staff are trained and aware of ARV's Child Safe Framework and are equipped with the training and knowledge.

**All ARV representatives must:**

- Be aware of and understand their obligations under the relevant legislation, Code of Conduct and relevant ARV's policies and procedures in relation to child safety and wellbeing.

- Provide an environment where children and young people feel safe, empowered and can participate.
- Participate in training/education in relation to identifying, preventing and reporting child abuse.
- Report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused to the VicSwim Program Manager and/or ARV CEO.

## **2. Child Safety Policy Detail**

### **2.1 Aquatics and Recreation Victoria's Statement of Commitment**

Children and young people are vital and active participants in our community and Aquatics and Recreation Victoria (ARV) is committed to protecting the physical, emotional, cultural and social wellbeing of all children and young people.

ARV has zero tolerance towards child abuse and is committed to the prevention, investigation and reporting of all child abuse.

ARV recognises that children and young people's safety is a whole of community responsibility and is everyone's business.

Our commitment to providing a safe environment for children and young people includes policies and systems to protect children and young people and the ongoing education of all ARV and VICSWIM employees and contractors on child safety.

### **2.2 Inappropriate Behaviour**

Inappropriate behaviour can include, but is not limited to::

- Developing any 'special' relationships with children and young people that could be viewed as favouritism and/or grooming.
- Exhibiting behaviours with children which may be construed as unnecessarily physical interaction.
- Putting children and young people at risk of child abuse.

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- Doing things of a personal nature that a child or young person can do for themselves, e.g. toileting or changing clothes.
- Engaging in open discussions of a mature or adult nature, including inappropriate language, in the presence of children and young people.
- Utilising inappropriate language in the presence of children and young people.
- Expressing personal views on cultures, race or sexuality in the presence of children and young people.
- Discriminating against any child or young person, including because of culture, race, ethnicity or disability.
- Forming relationships or having contact with a child, young person or their family outside of their role at ARV/VICSWIM without the knowledge and/or proper consent.
- Having any online contact with a child, young person or their family unless necessary for the purpose of conducting ARV business.
- Ignoring or disregarding any suspected or disclosed child abuse.

### 3. Legislative Requirements

ARV takes its obligations in relation to protecting children and young people and reporting abuse seriously, including:

- **Failure to disclose:** Reporting child sexual abuse is a community wide responsibility. Any adult who forms a reasonable belief that a sexual offence has been committed or is at risk of being committed against a child (under age 16) must disclose the information to police. Failure to disclose a reasonable belief may result in criminal penalty.
- **Failure to protect:** ARV representatives with the power or responsibility to reduce or remove a substantial risk of a child sexual offence being committed by another person associated with ARV must not negligently fail to do so. Failure to protect may result in criminal penalty.
- **Grooming:** The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence occurs where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct.
- Ensuring all persons involved directly with children or young people have up to date Working With Children Checks (WWCC).

#### 3.1 Training and Supervision

Training and education, as well as supervision are important to ensure all ARV representatives understand that the wellbeing and safety of children and young people is everyone's responsibility and ensure that all people feel comfortable and confident in discussing concerns or allegations of child abuse.

ARV relevant representatives will be provided with ongoing training and education to ensure they understand:

- ARV's commitment to child safety and our Child Safe Framework.
- How to identify, assess and minimise risks of child abuse.
- How to raise or report concerns or allegations of child abuse.

All ARV representatives will be supervised to ensure they understand ARV's commitment to child safety and that everyone has a role to play in protecting children and young people from abuse; as well as ensuring that their conduct towards children and young people is appropriate.

### 3.2 Recruitment

ARV will take all reasonable steps to ensure that it recruits the most appropriate people to work with children and young people.

ARV's recruitment and selection processes are designed to reduce the risk of child abuse by new and existing ARV representatives. ARV understands that when recruiting it has both ethical and legislative obligations and will comply with all relevant regulatory and legal requirements.

ARV's selection criteria, advertisements and screening processes, including interviews, reference checks and background security will demonstrate ARV's commitment to child safety. ARV Will ensure that all staff have up to date Working With Children Checks.

### 3.3 Risk Management

In addition to general occupational health and safety risks, ARV's integrated risk management strategies will identify, assess and minimise child abuse risks within both physical and online environments.

### 3.4 Reporting Allegations, Concerns and Complaints

ARV takes all allegations, concerns and complaints in relation to child abuse for any child or young person under the age of 18 years seriously and should it be required will investigate thoroughly and quickly.

The ARV Child Safety Standard details the process for reporting and managing reports of child safety, as well as mandatory reporting practices. The Complaints and Grievance Procedure also details ARV's response to complaints and inappropriate behaviour.

**Note:** If you believe a child or young person is in immediate danger, please contact the Police and dial 000 immediately

## **4. References:**

### **4.1 Relevant Legislation**

- Child Wellbeing and Safety Amendment (Child Safety Standards) Act 2022
- Reportable Conduct Scheme
- Children, Youth and Families Act 2005
- Working with Children Act 2005
- Crimes Act 1958 (VIC) (s 327)
- Family Violence Protection Act 2008
- Equal Opportunity Act 2010
- Privacy and Data Protection Act 2014
- Privacy Act 1988

### **4.2 Related ARV Policies**

- Child Safe Standard
- Child Safety Code of Conduct
- Complaints and Grievance Procedure



### 5. Definitions

<b>Aboriginal/Torres Strait Islander Child</b>	<p>A person under the age of 18 who:</p> <ul style="list-style-type: none"> <li>• is of Aboriginal or Torres Strait Islander descent</li> </ul> <p>identifies as being of Aboriginal or Torres Strait Islander origin, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander Community</p>
<b>Adult</b>	<p>Any person aged 18 years of age and above</p>
<b>ARV Child Safe Framework</b>	<p>The ARV Child Safe Framework is an overarching commitment to the protection of children and young people, and includes the following documents:</p> <ul style="list-style-type: none"> <li>• Child Safe Policy</li> <li>• Child Safe Standard</li> <li>• Child Safety Code of Conduct</li> <li>• Complaints and Grievance Procedure</li> </ul>
<b>Child/Young Person</b>	<p>Any person aged below 18 years of age</p>
<b>Child Abuse</b>	<p>Types of child abuse can include:</p> <ul style="list-style-type: none"> <li>• <b>Physical abuse</b> – occurs when a child suffers or is likely to suffer significant harm from an injury inflicted either intentionally or through the inadvertent consequence of physical punishment or physically aggressive treatment of a child</li> <li>• <b>Sexual abuse</b> – occurs when an adult uses their authority to involve a child in sexual activity. This activity could be fondling genitals, masturbation, vaginal or anal penetration by a finger, penis or any other object, voyeurism or exhibitionism.</li> <li>• <b>Emotional abuse</b> – occurs when a child is repeatedly rejected, isolated, humiliated or threatened or through witnessing family violence. This may include continued name calling, put downs etc</li> <li>• <b>Neglect</b> – is the failure to provide a child with the basic necessities of life which may</li> </ul>

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include, nutrition, clothing, shelter, supervision and medical attention to the extent the child's health and development is or is likely to be significantly harmed

- **Family violence** – is any violent or threatening behaviour including physical, verbal, emotional, psychological, sexual, financial or social abuse that occurs in any current or previous family, domestic or intimate relationship
- **Grooming** – targets communication including online communication with a child under the age of 16 or their parents with the intent of committing child sexual abuse. Grooming does not necessarily involve sexual activity or discussion. It is the establishment of a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time
- **Racial, cultural and religious abuse** – is behaviour that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be direct or indirect by demonstrating a lack of cultural respect and awareness or failing to provide positive images about another culture

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**Children from culturally and/or linguistically diverse backgrounds**

A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis. A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.

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### Child Safe Standards

The Child Safe Standards are a central feature of the Victorian Government's response to the Betrayal of Trust Inquiry and aim to improve the way organisations that provide services for children and young people, prevent and respond to child abuse that may occur within their organisations. The Standards include:

There are 11 Child Safe Standards:

- Standard 1: Culturally safe environments – Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
  - Standard 2: Leadership, governance and culture – Ensure that child safety and wellbeing are embedded in school leadership, governance and culture.
  - Standard 3: Child and student empowerment – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
  - Standard 4: Family engagement – Families and communities are informed and involved in promoting child safety and wellbeing.
  - Standard 5: Diversity and equity – Equity is upheld and diverse needs are respected in policy and practice.
  - Standard 6: Suitable staff and volunteers – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
  - Standard 7: Child-focused complaints processes – Ensure that processes for complaints and concerns are child focused.
  - Standard 8: Child safety knowledge, skills and awareness – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
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- Standard 9: Physical and online environments – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Standard 10: Review of child safety practices – Implementation of the Child Safe Standards is regularly reviewed and improved.
- Standard 11: Implementation of child safety practices – Policies and procedures that document how schools are safe for children, young people and students.

**Child Safety** In the context of the child safe standards, child safety means measures to protect children and young people from abuse.

**Children with a Disability** A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child or young person’s ability to undertake everyday activities. A disability can occur at any time in life.

Children and young people can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

**ARV** Aquatics and Recreation Victoria, whether constituted before or after the commencement of this Policy. ARV also encompasses VICSWIM.

**ARV representative(s)** **Staff** - Any permanent, part-time, temporary or casual employee of Aquatics and Recreation Victoria including VICSWIM Teachers and staff.

**Contractor/Agency/Labour Hire Worker** - Any contractor or agency/labour hire worker who provides services or undertakes work on behalf of Aquatics and Recreation Victoria, including teaching, co-ordinating or administering the VICSWIM Program.

**Volunteer/s**

A member of the public when contributing directly to an ARV or VICSWIM program/service/event and who:

- is registered as a volunteer; or
- is part of any count with regard to volunteer hours contributed to ARV programs/services/events

For the purposes of this Policy the definition of a volunteer also includes students on work/student placement from an educational institution.

**Adult Associated with ARV** – This includes an employee, volunteer or contractor over the age of 18 that works for or provides services to ARV e.g. An adult that volunteers to assist with a VICSWIM program.

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### Indicators of Abuse

#### Sexual Abuse

- Physical Signs – presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge, excessive or sudden increase in bed wetting or soiling
- Behavioural Signs – displaying sexual behaviour or knowledge that is unusual for the child's age, difficulty sleeping, nightmares, being withdrawn, clinginess, complaining of headaches or stomach pains, fear of specific people, showing wariness or distrust of adults, displaying aggressive behaviour

#### Emotional Abuse

- Physical Signs – delays in emotional, mental or even physical development
- Behavioural Signs – low self-esteem, high anxiety, aggressive or demanding behaviour, being withdrawn, passive or tearful, self-harming

#### Neglect

- Physical Signs – frequent hunger, malnutrition, poor hygiene, inappropriate clothing
- Behavioural Signs – stealing food, staying at school outside of school hours, aggressive

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behaviour, misusing alcohol or drugs,  
academic issues

### Family Violence

- Physical Signs – speech disorders, delays in physical development, bruises, cuts, welts, internal injuries
- Behavioural Signs – aggressive language and behaviour, nervous and withdrawn, adjustment problems, passive and compliant behaviour, low tolerance and frustration, wariness or distrust of adults, demonstrated fear of parents/carers or of going home, anxiety and/or depression

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<b>Negligently Fails</b>	Inaction knowing there is a substantial risk
<b>Position/Person of Authority</b>	Is dependent on the degree of supervision, power or responsibility to remove or reduce substantial risk posed by an adult associated with ARV and/or VICSWIM. A position of authority can include CEO, Administration staff, swim teachers, volunteers and contractors
<b>Reasonable Belief</b>	<p>A reasonable belief is not the same as having proof. The test for whether a belief is reasonable is whether a reasonable person in the same position would have formed the belief on the same grounds. This may include but not limited by:</p> <ul style="list-style-type: none"> <li>• A child or young person stating they have been sexually abused</li> <li>• A child or young person stating they know someone who has been abused</li> <li>• Someone who knows a child or young person stating that the child or young person has been sexually abused</li> <li>• Professional observations of a child or young person's behaviour or development leading a professional to form a belief that the child or young person has been sexually abused</li> <li>• Signs of sexual abuse leading to a belief that the child or young person has been sexually abused</li> </ul>

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**Substantial Risk**

In the context of this policy a “substantial risk” relates to the likelihood that a child or young person will become a victim of sexual abuse by a person associated with ARV.

- A risk will be a substantial risk if a person forms the reasonable belief there is a significant likelihood or probability that a child or young person will become a victim of sexual abuse.
- There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:
- The likelihood or probability that the child or young person will become the victim of a sexual offence
- The nature of the relationship between a child or young person and the adult who may pose a risk to the child or young person
- The background of the adult who may pose a risk to the child or young person, including any past or alleged misconduct
- Any vulnerabilities particular to a child or young person which may increase the likelihood that they may become the victim of a sexual offence
- Any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child or young person.
- When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child or young person as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.