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| Updated | January 2024 |
| Procedure: | Child Safe Standard |
| Responsibility | ARV / VICSWIM Staff and Participants |
| Affected Parties | ARV / VICSWIM Staff and Participants |

PURPOSE:

The purpose of this Standard is to create safe environments for children and young people involved in ARV activities. It provides a framework for standards and expectations on:

- Risk Management
- Reporting and responding to notifications of child related incidents
- Safeguards and screening processes

SCOPE:

In scope of this Standard include:

- VicSwim program
- VicSwim administration
- VicSwim teachers
- Participants, parents and guardians

INTENDED USERS:

Intended users of this Standard are:

- VicSwim administration
- VicSwim teachers and volunteers
- Participants, parents and guardians

1. Child Safety Standard Expectations

1.1. Responsibilities

The responsibilities and accountabilities include:

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| <p>The ARV Board (the Board) is responsible for:</p> <ul style="list-style-type: none"> • Oversight of the child safety systems and processes. • Are aware of and address any reports or allegations relating to child safety. <p>The Chief Executive Officer is responsible for:</p> <ul style="list-style-type: none"> • Receiving, investigating and responding to reports of inappropriate behaviour or serious misconduct. • Liaison with Police or external agencies. • Reporting of any child safety incidents to the Board. <p>The VicSwim Program Manager is responsible for:</p> |
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- Escalating any matters relating to child safety to the ARV CEO.
- Maintaining all documentation required in a confidential manner.
- Ensuring all VicSwim staff are trained and aware of child safe practices.
- Ensuring all VicSwim staff have up to date Working with Children Checks.

VicSwim Staff and Volunteers are responsible for:

- Monitoring and complying with Working With Children Check legislation.
- Meeting reporting obligations.
- Communicating any child safety concerns to the VicSwim Program Manager.

1.2. **Commitment Statement**

ARV are committed to the safety of children and young people and aim to create an environment that is safe, inclusive and prospers participation.

Inappropriate behaviour will not be tolerated.

1.3. **Inappropriate Behaviour**

ARV considers inappropriate behaviour to include but not limited to:

- Child abuse
- Bullying or harassment
- Neglect
- Grooming
- Physical, verbal or emotional abuse
- Photography without consent

ARV along with VicSwim administration will ensure appropriate frameworks are in place and followed to protect children and young people throughout and will address any complaints as they arise.

1.4. **Child Safe Framework**

This Standard forms part of ARV's Child Safe Framework. The VicSwim Child Safety Policy and Child Safety Code of Conduct also fall under this framework and contains further details on ARV's measures for protecting children and young people.

1.5. **Risk Management**

Child Safety is a consideration in ARV's risk management plan for the VicSwim program. These plans are reviewed and monitored to ensure effectiveness and a child safe environment. Any gaps identified will result in immediate action.

2. **Child Safe Standard Detail**

2.1. **Matters to be Reported**

A report should be made if there is suspicion or reasonable grounds that a child or young person is or may be at risk of harm.

2.2. **Reasonable Grounds for a Report**

Reasonable grounds can include:

- A sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- Sexual misconduct committed against, with, or in the presence of a child
- Physical violence committed against, with, or in the presence of a child
- Any behaviour that causes significant emotional or psychological harm to a child
- Significant neglect of a child.

Note: The reporter is NOT required to prove the abuse occurred

2.3. **Who can make a Report**

Anyone can make a child protection notification. ARV have a legal obligation to report any instances or allegations. It is important to notify ARV immediately if a report is being lodged.

2.4. **How to Report**

Reports can be made by contacting the ARV CEO. Members of the public can also report directly to the Commission for Children and Young People under the Reportable Conduct Scheme. This can be accessed at:

<https://ccyp.vic.gov.au/report-an-allegation/>.

The VicSwim Program Manager and ARV CEO must be notified if a report is being lodged relating to the VicSwim program. This includes self-staffed facilities where an employee has been reported for child-related incidents within an ARV program.

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

2.5. Information Required for Reports

When contacting the ARV CEO, the following is required:

- Child's name, age and address (if known)
- Reason for suspecting abuse (observation, injury or other)
- Name and contact information of witnesses or others with information

2.6. Tips for Including Children and Young People in Reports

When discussing alleged or reported incidents with children and young people, it is important to involve them in conversation, be supportive and listen.

Do:

- Reassure the child or young person that what occurred is not their fault
- Explain that other people may need to be told as part of the investigation
- Promptly and accurately document allegations
- Make sure you are clear about what the child or young person has told you
- Create a safe environment for the child or young person

Do not:

- Challenge or undermine the child or young person
- Discuss the details with anyone outside of those involved in the investigation
- Contact the alleged offender
- Force information or offer your opinion to the child or young person

More information and resources can be found on the Commission for Children and Young People's website: <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/including-children-and-young-people-in-reportable-conduct-investigations/>

3. ARV's Response to Reports

3.1. ARV's Response

The ARV CEO will respond to any reports or allegations and contact relevant people for any further information needed. The level of response will be based off the information provided.

The following details the steps that will be followed:

1. Make contact with the reporter to gain information
2. Offer support to the child/young person, parent(s) and others as required
3. Determine whether Police or external agencies deemed it to be a criminal offence and require an investigation (Contact to be made to Commission as indicated in 3.2).

4. Undertake an internal investigation and put in place any temporary measures (e.g. suspending employment)

3.2. ARV Responsibility

Under the Reportable Conduct Scheme, the head of an organisation (ARV CEO) must contact the commission of any reports or allegations.

Upon receiving a report or allegation, the ARV CEO must notify the Commission within **three (3) business days**:

- That a reportable allegation has been made against an employee
- The name of the employee, including any former names and aliases, if known
- The date of birth of the employee
- Whether Victoria Police has been contacted
- The name, address and telephone number for the organisation
- The name of the head of the organisation

As soon as possible and within 30 calendar days after becoming aware of the reportable allegation the organisation must provide the Commission:

- Detailed information about the reportable allegation
- Whether or not disciplinary or other action has been taken against the employee
- Reasons as to why disciplinary or other action is to be taken or not be taken
- Any written submissions the employee wishes to be considered in determining disciplinary or other action to be taken against them

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| <p>Note: It is a criminal offence not to provide information to the commission within the stated timeframes</p> |
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3.3. Follow up of Reports

All issues of inappropriate behaviour should be reported to the ARV CEO and/or the VicSwim Program Manager, following the Complaints and Grievance Procedure. Appropriate measures will be taken to ensure confidentiality however, external agencies may be required by law to be contacted.

3.4. Mandatory Reporting

Mandatory reporting forms both a legal and important part of the child safe framework and ARV acknowledges the obligations to report any instances involving child safety.

4. Working With Children Checks (WWCC)

4.1. Who Requires a Working With Children Check

The following legally require a WWCC

- All VicSwim administration and ARV staff
- All VicSwim teachers

4.2. WWCC Monitoring

VicSwim management will ensure that all VicSwim teachers and volunteers have up to date WWCC's before commencement of the program. ARV will ensure that WWCC's are obtained for any personal associated with children and young people in any other ARV activities.

4.3. Prohibited Notices

If an individual becomes prohibited from working with children and gaining a WWCC, ARV will ensure that the individual is immediately removed from their role in dealing with children and young people.

5. Training and Education

ARV will ensure all staff including VicSwim administration are aware of the child safe framework in place, as well as the legal obligations regarding WWCC's, reporting and record keeping.

6. Record Keeping

6.1. Maintaining Documentation

Places, names, dates, times, observable behaviours or evidence of harm are to be recorded.

6.2. Document Storage

All documentation will be stored securely by ARV and remain strictly confidential.

7. Resources and References

ARV Child Safe Framework

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

The Commission for Children and Young People (Child Safe Standards)

<https://ccyp.vic.gov.au/>

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

5. Definitions

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| Adult | Any person aged 18 years of age and above |
| ARV Child Safe Framework | <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"> • Child Safe Policy • Child Safe Standard • Child Safety Code of Conduct • Complaints and Grievance Procedure |
| Child/Young Person | Any person aged below 18 years of age |
| Child Abuse | <p>Types of child abuse can include:</p> <ol style="list-style-type: none"> a. Physical abuse – 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 b. Sexual abuse – 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. c. Emotional abuse – 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. d. Neglect – is the failure to provide a child with the basic necessities of life which may include, nutrition, clothing, shelter, supervision and medical attention to the extent the child’s health and development is or |

Child Safe Standard

is likely to be significantly harmed

- e. **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
- f. **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
- g. **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

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.
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- 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.
- 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.

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.

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

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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| Negligently Fails | Inaction knowing there is a substantial risk |
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| Position/Person of Authority | 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 |
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| Reasonable Belief | <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"> • A child or young person stating they have been sexually abused. • A child or young person stating they know someone who has been abused. • Someone who knows a child or young person stating that the child or young. • Person has been sexually abused. • 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. • Signs of sexual abuse leading to a belief that the child or young person has been sexually abused. |
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