

Updated	January 2024
Policy	ARV Child Safety Code of Conduct
Responsibility	ARV / VICSWIM Staff and Participants
Affected Parties:	ARV / VICSWIM Staff and Participants

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:

The Victorian Child Safe Standards and Reportable Conduct Scheme apply to all organisations that exercise care, supervision and authority over children and young people. This policy applies to all ARV employees including VICSWIM Staff and guides them on how to behave with children and young people they work with or have contact with.

INTEDED USERS:

Intended Users of this Child Safey Code of Conduct include:

- ARV Board and staff
- VicSwim staff and volunteers
- Parents and Guardians of children and young people

PREREQUISITES:

The following people are legally required to hold a Working with Children Check (WWCC):

- All VicSwim Teachers and Volunteers
- All ARV Staff (who are directly involved with the VicSwim program)

1. ROLES AND RESPONSIBILITIES

ARV require certain standards of behavior from all persons involved in our organisation to protect children and young people. Our Codes of Conduct are underpinned by the following principles:

- To display respect and courtesy to all involved in our organisation and VicSwim program and prevent discrimination and harassment.
- To prioritise the safety and wellbeing of children and young people in our VicSwim program.
- To report any behavior that is in breach of this Code of Conduct to help prevent the abuse of children and young people within our VicSwim Program.
- To encourage a culture of watching, listening, and notifying child behaviour.

ARV Board (the Board):

- Ensure 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 Commission 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).

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 ARV's Child Safe Officers and/or the relevant Manager.

Contractor/Agency/Labor Hire Workers

- Contractors/Agency/Labour Hire workers and contractors share responsibility for the prevention and reporting of child abuse or suspected child abuse.
- ARV will ensure that the same standards that apply to ARV also apply to contractors/agency/labour hire under their contractual obligations.

2. Commitment to Child Safety**2.1 Duty of Care**

Everyone at ARV and the wider VicSwim cohort has a responsibility to care for and protect all children and young people in the VicSwim program. The ARV Child Protection Framework provides an overview of the requirements for child protection.

2.2 Child Safe Commitment

As a child-safe organisation, we are committed to protecting children from physical, sexual, emotional & psychological harm and from neglect.

2.3 Positive Environments

We aim to ensure that children and young people participating in the VicSwim program are aware of the acceptable limits of their behavior so that we can provide a positive experience for all participants.

3. Expected Behaviors

3.1 Behavioral Guidelines

The following behavioral guidelines outline ARV's expectations when dealing with children and young people.

3.2 Parent/Guardian Involvement

Parent/Guardian supervision at all times for VicSwim programs is essential in assisting ARV to maintain a child safe environment.

Maintaining Appropriate Boundaries

When dealing with children and young people, it is important that all personnel involved in VicSwim should adhere to the boundaries associated with their role and act so in a professional manner.

Do:

- Be clear about your role and obligations within the VicSwim program.
- Contact a child through their parents / guardians on the details specified in the VicSwim registration.
- Ask for and receive permission before making any physical contact with a child or young person.
- Report any inappropriate behavior or any / potential child abuse.

Do Not:

- Go beyond the duties of your role.
- Contact a child directly outside of the role requirements.
- Make physical contact with a child without consent.
- Make physical contact with a child for reasons outside of the specified role of the VicSwim program.
- Attempt or have a relationship with people under the age of 18.
- Go into an isolated room alone with a child.
- Refrain from reporting inappropriate behaviour and/or suspected child abuse.

Use of Language

Communicating with children and young people is essential in the successful delivery of the VicSwim program and it is important that the use of appropriate language is used at all times.

Do:

- Be respectful of all ages and backgrounds when communicating.

- Be encouraging and positive.
- Use age-appropriate language when communicating with children and young people.

Do Not:

- Use degrading, harmful or culturally sensitive language in any communication.
- Put others down with negative language which can be considered verbal bullying / harassment.
- Swear, use obscene/sexual language or gestures.
- Make inappropriate comments about a person's appearance, race, gender, disability, cultural background / beliefs, or about their personal situation.

Inclusive Environment

Maintaining an inclusive environment is essential to ensuring children and young people feel safe, valued and able to fully express themselves, their values, beliefs and personality.

Do:

- Acknowledge and respect Aboriginal and Torres–Strait Islander children and young people to feel included and welcome in the VicSwim program.
- Be respectful and acknowledge a person's beliefs, religion and appearance.
- Encourage people to express themselves and celebrate their culture, religion, and beliefs.
- Include all people in discussions and activities, no matter their appearance, religion, beliefs, appearance and disability.

Do Not:

- Make fun of, question or degrade someone based on their beliefs, religion, or appearance.
- Restrict or discourage people from expressing themselves, their culture, religion and beliefs.
- Discriminate or exclude people from discussions/activities based on their appearance, religion, beliefs, appearance and disability.

Supervision of Children and Young People

Supervision of children and young people is critical in ensuring a child safe environment and it is the responsibility of all involved in the VicSwim program to ensure children and young people are not left unsupervised at any stage.

Do:

- As a parent or guardian, supervise your child/ren at all times throughout the VicSwim program session.
- Ensure all children / young people are within sight at all times.
- Ensure children / young people are accompanied by an adult when leaving a supervised area (i.e. to go to the bathroom, changeroom).

Do Not:

- Leave your child/ren unsupervised at a VicSwim program session.
- Allow children or young people to leave a supervised area on their own.
- Go into an enclosed environment on your own with a child / young person.

Use of Electronic or Online Communications

Electronic and online communication plays an important role in the delivery of the VicSwim program. It is important that appropriate use of such communication is upheld to ensure a child safe environment.

Do:

- Use all electronic and online communication for the sole purpose of the VicSwim program.
- Ensure all communication is clear and consistent with ARV guidelines and values.
- Get permission from a parent/guardian before contacting a child / young person online for the purpose of VicSwim.
- Get permission from a parent/guardian before posting about a child or young person on social media.

Do Not:

- Use electronic and online communication outside of the VicSwim role.
- Go against ARV social media guidelines and/or communicate in a way that is deemed inappropriate.
- Contact a child/young person online without permission from a parent or guardian.
- Request to follow or interact with a child or young person on social media, or comment on their social media activities.

Photographs

Photographs are a useful way to capture and promote the VicSwim program and ARV's image. All involved in the program have a responsibility to ensure the use of photographs are appropriate and show the individual and VicSwim program in an appropriate way.

Do:

- Read VicSwim Terms and Conditions upon registering your child/ren and confirm use of photographs by accepting. Please Notify ARV if you wish for your child/ren to not be photographed and/or have their photograph shared on public platforms (such as social media, government and ARV reporting).
- Take photographs that best reflect the VicSwim program and individuals and are of an appropriate nature.
- Store images in a manner that prevents unauthorised access.

Do Not:

- Take photographs of children or young people without parent/guardian consent.
- Publicly identify a child/young person without parent/guardian permission.
- Take indecent or inappropriate photographs.

4. Compliance, Monitor and Review**4.1 Compliance with this Code of Conduct**

All persons involved in the VicSwim program must comply to this Child Safety Code of Conduct. Failure to do so may result in disciplinary action, as per the process detailed in the Complaints and Grievance Procedure. In some instances, action may be elevated to external parties. In Victoria, there are criminal offences associated with serious breaches and failing to act on child safety.

4.2 Monitoring this Code of Conduct

ARV will formally and informally monitor compliance with this Code of Conduct.

4.3 Review of this Code of Conduct

ARV will review this Code of Conduct annually and in-line with regulation changes as well as interested parties.

5. References:**5.1 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

5.2 ARV Child Safety Framework

- Child Safety Policy
- Child Safety Code of Conduct

5.3 Relevant Policies

- Complaints and Grievance Procedure

6. Definitions

Aboriginal/Torres Strait Islander Child	<p>A person under the age of 18 who:</p> <ul style="list-style-type: none"> • is of Aboriginal or Torres Strait Islander descent <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>
Adult	Any person aged 18 years of age and above
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"> 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 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.

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- 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 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

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.

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.
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- 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.

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.

**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

Negligently Fails

Inaction knowing there is a substantial risk

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

Reasonable Belief

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:

- 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.

Substantial Risk

In the context of this Code of Conduct, 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 in the VicSwim program.

- 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.