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SA AQUATIC & LEISURE CENTRE

Children and Young People's Safe Environment Policy

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1. Purpose

In South Australia, organisations providing services to children and young people must, by law, provide child-safe environments. Those organisations are required to:

- Have child safe environments policy(s) in place and at a minimum, review their policy(s) once every 5 years;
- Meet Working with Children Check obligations, and
- Lodge a Child Safe Environments compliance statement with the Department of Human Services and lodge a new statement each time policy(s) is/are reviewed and updated (or every 5 years, whichever occurs first).

This policy has been developed to meet compliance requirements and demonstrate our commitment to safeguarding children and young people.

The Children and Young People's Safe Environment Policy must be read, interpreted, and applied with reference to, and in conjunction with, the Children and Young People (Safety) Act (2017), Child Safety (Prohibited Persons) Act (2016) and the National Principles for Child Safe Organisations.

We at the South Australia Aquatic and Leisure Centre (SAALC) and the YMCA Aquatic & Event Services Ltd (YAESL) are committed to the safety and well-being of all children and young people accessing SAALC services, and the welfare of the children and young people in SAALC's care will always be the priority.¹

2. Statement of Commitment to the Safety and Protection of Children and Young People

Refers to National Principles 1-10

¹ *The South Australia Aquatic and Leisure Centre (SAALC) is managed by YMCA Aquatic & Event Services Ltd on behalf of the South Australian Government under the Office for Recreation, Sport and Racing and will be referenced as SAALC.*

All children and young people who attend SAALC as part of Swimming Lessons, Gym, Crèche, and Event bookings have a right to feel safe and be safe. The Children and Young People's Safe Environment Policy will reflect the SAALC commitment, specifically:

- Children and young people are valued, respected and encouraged to participate, and the safety and protection of children and young people is always the priority;
- SAALC policy complies with the relevant legislation and guidelines;
- Commitment to diversity, e.g., all children and young people are embraced regardless of their abilities, sex, gender, socioeconomic or cultural background, and equity is upheld;
- That bullying and harassment will not be tolerated; and
- Displaying information about services that can assist children and young people (such as the Kids Helpline on 1800 55 1800 and Youth Helpline on 1300 13 17 19) in areas accessed by them.

3. Scope

Refers to National Principles 1–10

This policy, from the date of endorsement, applies to all employees (paid and unpaid) in the organisation, including:

- Management, including Coordinators, Team Leaders;
- All Employees (permanent and casual): Teachers, Instructors, Events and Functions Team, Marketing, Lifeguards, Customer Service Officers, Teachers in Charge, Finance Team, Promotional Team, Crèche Team, Supervisors, Café Team, Retail Team, Physiotherapist Team, Operations Team; and
- Students completing their teacher/instructor training certificate supervision hours at SAALC.

4. Children and Young People's Participation

Refer to National Principle 2

At SAALC, we believe in empowering the voices of all children and young people. We are committed, wherever possible, to consulting with children and young people who receive SAALC services to participate in policy consultations. Members, patrons, and staff employed at SAALC aged 19 years and under are encouraged to complete an online

survey (see Appendix 1: Child and Young Person Safety Survey) which asks, “How child safe is your organisation?”²

5. Code of Conduct

Refer to National Principles 4 and 6

All Relevant Person(s) must abide by the Code of Conduct. (Refer to SAALC HR022 - CODE OF CONDUCT POLICY). As soon as practicable after a suspected breach of the Code has been identified, and the Relevant Persons notified of the alleged breach, a determination will be made in accordance with the SAALC HR022 - Code of Conduct Policy.

6. Recruitment Practices for Staff/Volunteers

Refer to National Principle 5

We minimise the likelihood of recruiting a person (paid and unpaid) who is unsuitable to work with children and young people through:

- Applying the requirements of the SA Working with Children Check.

Annexure C: Recruitment and Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across SAALC.

SAALC takes child protection seriously and ensures that personnel are suitably qualified and committed to providing professional, safe, and enjoyable programs and services by:

- Child-Related Positions - All roles within SAALC (employees and volunteers), both new and existing, must be assessed using Appendix 2: Child-Related Position Assessment.

² Australian Human Rights Commission, (2020, February), *National Principles for Child Safe Organisations*, https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf

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- Positions assessed as 'child-related' must be appointed using the recruitment and screening process outlined in Annexure C.
- Position Descriptions include selection criteria on a person's understanding of child safeguarding practices in a swimming environment.

Examples of appropriate selection criteria may include:

- 'Must have experience working with children and young people.'
- 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with children and young people.'

Advertising of positions identified as child-related will include the following statement in the position description and any advertising: "SAALC is committed to protecting children and young people from harm. We require all applicants to undergo an extensive screening process before appointment."

Interviews for applicants for child-related positions are required; applicants must attend at least one interview, preferably in person or via videoconference (e.g., Zoom). During the interview, questions regarding the applicant's suitability to work with must be included. Refer to Appendix 3: Interview Requirements and Sample Questions.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk to children and young people from working with them. WWCC laws are currently in place in all Australian states and territories.

- WWCC laws require certain individuals involved in areas such as sport and recreation to undertake a check to determine if the person poses an unacceptable risk of working (in a paid or volunteer capacity) with children and young people. As a sporting organisation with a significant number of children involved, all staff, paid and unpaid, will require a WWCC regardless of involvement with children;
- SAALC must meet the requirements of the WWCC laws. WWCC requirements can be found here: <https://screening.sa.gov.au/types-of-check/working-with-children-check>;
- A child-related position means a position that involves or may involve contact with children and/or young people under the position description;
- All personnel over the age of 14 years require a WWCC;
- SAALC will register with the Department of Human Services Screening Unit portal and verify all WWCCs for paid and unpaid staff;
- SAALC will not engage a person who has a Prohibited WWCC;
- 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 Children and Young People's Safe Environment Policy if an individual:
 - Who has been charged with, found guilty or convicted of an offence that would make them ineligible to be granted a Not Prohibited WWCC is appointed to a position at SAALC; or

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- Continues in a position if they have been charged or convicted of a crime that would change their WWCC status to Prohibited.

SAALC is required to immediately inform the Screening Unit of any criminal conviction, misconduct offence or charge that indicates that a person may present a potential risk to children and young people at SAALC. Activities, such as illegal drug possession or use, gun crimes, and assault, including adult sexual assault, require reporting.

Reference checks: 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. The selected referees must:

- Be able to provide information relating to the applicant's suitability to work with children and young people;
- Have known the applicant for at least 12 months;
- Not be related to the applicant;
- Be able to vouch for the applicant's reputation and character.

Please note: Written character references are not sufficient unless they are also followed up and verified through direct contact. Employees should also endeavour to contact the applicant's most recent and previous employers. Referees will be asked directly about any concerns they may have regarding the applicant's ability to work with children. Refer to Appendix 4: Reference Check Requirements and Sample Questions.

Minors: If a person under the age of 18 is appointed to a child-related position, in addition to recruitment, SAALC must obtain information about any pre-existing relationships, especially where the Child applicant interacts.

7. Supervision, Training, Development and Support Provided for Staff and Volunteers

Refer to National Principles 5 and 7

SAALC is committed to providing paid and unpaid staff with ongoing training, and supporting them to ensure they understand their responsibilities in relation to child and young people safeguarding. We will achieve this through conducting an induction and providing ongoing training for paid and unpaid staff, outlining their obligations under the National Safeguarding Guidance - Putting our Safeguarding Children and Young People Framework into Practical Guidance:

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- Our Children and Young People's Safe Environment Policy;
- Feel Safe Be Safe induction training;
- Child Friendly Safeguarding Policy;
- Teen and Youth Friendly Safeguarding Policy;
- Play by the Rules training;
- YMCA Victoria Policy - PS704-G Code of Conduct Policy;
- Stay Safe Tell Someone Program Induction and Training;
- Child and young people Safe Practices as determined by continual improvement processes;
- Mandated notifiers to attend a 'Safe Environments: Through Their Eyes' training course;
- Undertaking regular performance appraisals;
- Regular supervision sessions that include a focus on child and young people safety and well-being, and mandatory reporting requirements;
- Access to online resources about issues concerning child safety and well-being;
- Annual safeguarding refreshers qualification requirements set by the sport governing body; and
- Providing professional development opportunities to build knowledge and skills regarding the well-being and development of children and young people, and reporting requirements.

SAALC is committed to promoting a child-safe environment. We will do this by:

- Requiring paid and unpaid staff to sign a written statement indicating they have read, understood and will act on this policy;
- Having a dedicated, easy-to-access child-safe area on our website;
- Providing information about the Children and Young People's Safe Environment Policy, Child Safe Practices and Recruitment and Screening requirements as part of membership and event registration, affiliation agreements and coach and official's accreditation;
- Utilising social media channels to promote the Children and Young People's Safe Environment Policy and the value SAALC places on child and young person safety;
- Displaying posters about Children and Young People's Safe Environment Policy and how to make a complaint and/or provide feedback;
- Broadcasting Safeguarding messages and public announcements during programmed activities via the Public Address system and screens.

8. Reporting and Responding to a Reasonable Belief that a Child or Young Person is or may be at Risk of Harm

Refer to National Principle 6

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Child protection is everyone's responsibility. All mandated notifiers are required to report any reasonable belief that a child or young person may be at risk of harm, including, but not limited to:

- Grooming, online or in person;
- Physical harm;
- Emotional/ Psychological harm;
- Neglect;
- Sexual Abuse; and
- Exposure to domestic or out-of-home violence.

Reports regarding the reasonable belief that a child or young person is, or may be, at risk of harm are to be made to the Child Abuse Report Line (CARL) on 13 14 78, or, if at immediate risk, to South Australia Police (SAPOL) on 000. In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti - an Aboriginal team, via the CARL number.

Section 30 of the Children and Young People (Safety) Act 2017 establishes that the following person is a mandated notifier:

- Employee of, or volunteer in, an organisation that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children or young people, being a person who:
 - Provides such services directly to children or young people.
 - Holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children or young people.
 - Officer or employee of a prescribed organisation who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.³

Staff at SAALC who are considered as mandated notifiers:

- Management, including Coordinators, Team Leaders;
- All Employees (permanent and casual): Teachers, Instructors, Events and Functions Team, Marketing, Lifeguards, Customer Service Officers, Teachers in Charge, Finance Team, Promotional Team, Crèche Team, Supervisors, Café Team, Retail Team, Physiotherapist Team, Operations Team; and
- Students completing their teacher/instructor training certificate supervision hours at SAALC.

³ Department of Human Services, (n.d.), *Safe environments for children and young people – Mandatory notification information booklet*.

https://dhs.sa.gov.au/_data/assets/pdf_file/0003/103179/CSE-Mandatory-notification-information-booklet.PDF

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Mandated notifiers that fail to report on reasonable concern of risk of sexual abuse may be prosecutable under the Criminal Law Consolidation Act 1935, which came into effect on 1.6.2022:

- **Section 64A Failure to Report Child Sexual Abuse (maximum penalty of 3 years imprisonment); and**
- **Section 65 Failure to Protect a Child from Sexual Abuse (maximum of 15 years imprisonment).**

Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line (CARL) (Phone: 13 14 78), if they suspect on reasonable grounds that a Child or young person is, or may be, at risk and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.

9. Reporting and Responding to Complaints about a Person Involved in your Organisation, and how you Manage Feedback about your Organisation

Refer to National Principle 6

SAALC offers a friendly and welcoming staff and environment by:

- **Offering opportunities to provide feedback in a safe place, and to be heard and respected;**
- **Providing access to information and clear processes that are child-focused. Feedback on these processes should be encouraged and validated as a transparent way to drive continuous improvement;**
- **Providing different ways to enquire, provide feedback or make a complaint. Ensuring multiple methods are available for accessibility; and**

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- Facilitating flexible, timely, and solution-focused approaches to feedback and complaints. Ensure demonstration of accountability to young people and be notified of the outcome of any feedback or complaint made.⁴

10. Risk Management

Refer to National Principle 8

SAALC takes a risk-based approach to ensure that all activities are child safe and will undertake risk assessments for any activity that may involve children and young people.

SAALC identifies and manages risk across a range of settings. SAALC identifies and manages the risk of harm to children and young people, including physical safety and wellbeing, across a range of settings.

The risk assessment will consider the:

- Contact (with children and young people) and levels of direct supervision;
- Risk factors;
- Mitigation factors; and
- General public.

Parents or supervisors are to always actively supervise their children while in the pool, irrespective of whether they are at SAALC for recreation or education purposes. Children are not to be in the pool without supervision by an appropriately qualified and responsible adult. Code of Behaviour is in evidence. Refer: SAALC Code of Behaviour.

11. Communication

Refer to National Principles 2 and 3

SAALC is committed to promoting a child-safe environment by enforcing the following:

- SAALC paid and unpaid staff to sign a written statement indicating they have read and understood, and will accept to act on the Children and Young People's Safe Environment Policy;
- All contractors, affiliated clubs, and/or organisations must read and sign a written statement indicating that they have read and understood, and will accept to act on the Children and Young People's Safe Environment Policy;

⁴ South Australia Commissioner for Children and Young People, (2020, September), *Trust is a must – What does it take to be child friendly and child safe*, <https://www.ccyp.com.au/wp-content/uploads/2022/03/Trust-is-a-Must-What-Does-it-Take-to-Be-Child-Friendly-and-Child-Safe.pdf>

- Having a dedicated, easy-to-access child-safe area on our website;
- Providing information about the Children and Young People's Safe Environment Policy, Child Safe Practices, and Recruitment and Screening requirements as part of membership and event registration, affiliation agreements and coaches' and officials' accreditation;
- Utilising social media channels to promote the Children and Young People's Safe Environment Policy, and the value SAALC places on children and young people's safety;
- Displaying posters about Child and Young Person Safeguarding Practices and how to make a complaint and/or provide feedback; and
- Broadcasting Safeguarding messages and public announcements during programmed activities.

12. Related Policies and Procedures

Additional policies and procedures that support the Children and Young People's Safe Environment Policy can be made available upon request.

13. Policy Review

Refer to National Principle 9

Relevant policies and procedures will be reviewed when a new child safe environments compliance statement is required by the Department of Human Services:

- At a minimum of every 5 years as required by the Children and Young People (Safety) Act 2017;
- When new or added risks are identified for children and young people, which may require a change in the policy or procedures;
- A critical incident where a child or young person has experienced harm through involvement in the organisation;
- Concerns are raised by anyone involved in SAALC about child safety or welfare in the organisation; and
- Awareness or compliance with the Children and Young People's Safe Environment Policy and/or procedures are low.

14. Definitions

Defined terms not otherwise described in this Addendum have been defined in and have the meaning given to them in the National Integrity Framework and the Children and Young People's Safe Environment Policy. In this Addendum, the following words have the corresponding meaning:

Harm: Harm as defined in Section 17 of the Children and Young People (Safety) Act 2017 means physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental, or emotional abuse or neglect. This definition should be read in conjunction with the definition of Child Abuse as outlined in Schedule 1 of the Child Safeguarding Policy.

Prohibited Persons Act means the Child Safety (Prohibited Persons) Act 2016 (SA), the South Australian legislation governing Working with Children Check requirements. **Risk** is defined in Section 18 of the Children and Young People (Safety) Act 2017. This includes that a child or young person will be taken to be at risk if:

- (a) The child or young person has suffered harm (being harmed of a kind against which a child or young person is ordinarily protected); or
- (b) There is a likelihood that the child or young person will suffer harm (being harmed of a kind against which a child or young person is ordinarily protected).

15. Specific Department Instructions for Emergency Situations

Internal departments at SAALC have specific policies and procedures for emergency situations:

- SAALC Emergency Management Plan;
- First Aid Policy and Procedure; and
- Incident Reporting