

POLICY

Safeguarding Children, Vulnerable & Young People (Working with Children Check Adoption)

POLICY No: 7005

EFFECTIVE: 1st July 2019



INTRODUCTION & INTERPRETATION

This Policy should be read as an addendum to Swimming Australia's Policy for Safeguarding Children and Young People, and Swimming Australia's Code of Behaviour and SwimmingSA Rules and Regulations. This document specifies the policy, procedure and process for Working With Children Checks for those involved in Swimming in South Australia.

SwimmingSA's vision is to foster swimming as a successful and sustainable sport in South Australia. Children, Vulnerable and Young People play an integral role in the achievement of this vision, as they represent the future of the sport. The wellbeing of Children, Vulnerable and Young People is of paramount importance. SwimmingSA is committed to providing them with a safe environment when participating in Swimming. To that end, SwimmingSA has adopted:

- Swimming Australia Safe Sport Framework
- Swimming Australia Safeguarding Children & Young People Policy
- Swimming Australia Codes of Conduct
- SwimmingSA Safeguarding Children & Young People Policy

SwimmingSA requires that all Affiliated Associations and Clubs must adopt, implement and comply with the above frameworks, policies and codes of conduct. To formally adopt the Safeguarding Children and Young People Framework, Affiliated Associations and Clubs must pass a resolution at a committee meeting or otherwise pass a resolution in accordance with their Constitution or Rules of Incorporation. Affiliated Associations and Clubs must confirm their adoption of the Safeguarding Children and Young People Framework in writing, in the manner advised by SwimmingSA.

The Safeguarding Children and Young People resources are available on the SwimmingSA and Swimming Australia websites. SwimmingSA is committed to assisting Affiliated Associations and Clubs with this process.

COMMITMENT

A child-safe organisation has a commitment to protect children from physical, sexual, emotional and psychological harm and from neglect. This is more than simply minimising the risk or danger to children. It is about building an environment that is both child-safe and child-friendly. An environment where children can feel respected, valued and encouraged to reach their full potential.

This commitment is a part of the organisation's culture, reinforced by policies and procedures, and is communicated and supported by all members.

All of us in the Australian swimming community have a role to play in ensuring that we keep our proud Sport as safe and enjoyable as possible. We must proudly stand behind high behavioural standards in our Sport and hold others to these standards too – it is in the best interests of our Members, Participants, the community and our Sport.

Swimming Australia Limited, its Member Associations and their Clubs are committed to the health, safety and general wellbeing of everyone involved in the Sport of swimming. That is why we have developed this Safe Sport Framework

SAFE SPORT FRAMEWORK

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The Safe Sport Framework (SSF) confirms the shared responsibility we all have for keeping each other safe in swimming - children and adults alike. The Safe Sport Framework replaced our previous child and member welfare policies and procedures from 29 July 2016, as well as our Codes of Conduct.

The Swimming Australia Safe Sport Framework consists of the following Parts:

Part 1: Introduction – our Safe Sport Framework and Safe Sport Commitment;

Part 2: Our Child Protection Commitment Statement;

Part 3: Our Codes of Conduct (including in relation to Children or Young People); and

Part 4: Our Safe Sport Complaint Procedures.

The complete Safe Sport Framework is available here - <https://www.swimming.org.au/Home/Swimmer-HQ/A-Sport-For-Everyone/Safe-sport.aspx>

An integral part of Swimming Australia's Safe Sport Commitment is the Swimming Australia Child Protection Commitment Statement. It consists of a set of principles and procedural benchmarks in relation to the protection of Children or Young People that Swimming Australia and its Clubs have in place for everyone involved in our Sport.

Swimming Australia and its Clubs endorse and support the principles of the United Nations Convention on the Rights of the Child 1989 (ratified in Australia in 1990). The Convention recognises that Children or Young People under the age of 18 years need special care and protection.

In addition, Swimming Australia and its Clubs will endeavour to become and remain compliant at all times with the Seven Standards of the Safeguarding Children Accreditation Program of the Australian Childhood Foundation. The Standards as set out below, when implemented in their totality, support Swimming Australia and its Clubs to develop and maintain an effective child safe culture across all of their activities, programs and services.

Standard One: Commitment to Safeguarding Children or Young People

Standard Two: Personnel roles and conduct

Standard Three: Recruitment and screening

Standard Four: Personnel induction and training

Standard Five: Involving Children or Young People and parents

Standard Six: Child Abuse reports and allegations

Standard Seven: Supporting a child-safe culture

THE LEGISLATION

Add legislation links for:

- Children and Youngs Peoples (Safety) Act 2017
- Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017
- Child Safety (Prohibited Persons) Act 2016

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- Child Safety (Prohibited Persons) Regulations 2019
- Statutes Amendment (Screening) Bill 2019

WORKING WITH CHILDREN CHECK – LEGISLATION & POLICY

Section 2.6 of the Safe Sport Framework provides provisions for background and Screening checks for people within the sport in a position of authority.

A Person in a Position of Authority includes everyone who holds a position of authority in our Sport, whether paid or unpaid, and includes, but is not limited to, all Swimming Australia and Club staff, coaches, officials and volunteers. For the avoidance of doubt, a Person in a Position of Authority also includes Children or Young People who may hold a position of authority in our Sport over other Children or Young People.

Unless the law provides otherwise, all Swimming Australia Limited, Member Association and Club boards (however named) and employees must have a satisfactory Working with Children Check in the appropriate jurisdiction in which they spend the majority of their working time.

All states and territories have introduced legislation providing for child-related employment pre-screening, and there are important differences across jurisdictions. For further information regarding requirements outside of South Australia please visit - <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-b-state-and>

Under South Australian Law Volunteers are deemed to be employees and are referenced as such in the legislation. For further South Australian specific legislation and requirements see below.

WORKING WITH CHILDREN CHECK – CURRENT & FUTURE REQUIREMENTS

Current Requirements

The Acts & Regulations:

- Childrens Protection Act 1993 (Division 3)
- Childrens Protection Regulations 2010

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian Children's Protection Act 1993) are required to undergo a relevant history assessment once every three years unless an exemption applies.

A relevant history assessment includes obtainment of one of the following documents:

- SA Police Screening
- DCSI Screening
- AFP Screening

The Future – THE LEGISLATION IS CHANGING FROM JULY 1 2019

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The acts and regulations below will replace those listed above:

- Children and Young People (Safety) Act 2017
- Child Safety (Prohibited Persons) Act 2016
- Child Safety (Prohibited Persons) Regulations 2019

Stronger, nationally consistent screening laws for people wanting to work or volunteer with children in South Australia start on 1 July 2019.

The new laws require people working or volunteering with children to have a valid working with children check (WWCC), replacing the current system where people can have either national police check assessment done by an employer, or a DHS screening.

From 1 July 2019, a WWCC can only be issued by the DHS Screening Unit.

A valid WWCC is transferrable between different jobs or volunteer positions and lasts for five years. Continuous monitoring will remain in place for WWCCs, which will be re-assessed as new information becomes available. If a re-assessment results in a person being prohibited from working with children, both the person and their employer will be notified.

TRANSITION & CHANGE

Commencement & Transition: Commencement Date - 1st July 2019

While the Child Safety (Prohibited Persons) Act has been passed, or 'assented', by Parliament, it has not yet 'commenced'. Further legislative changes to put in place transitional arrangements and make consequential amendments passed Parliament in late 2017 (the Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017).

The parts of this transitional Act regarding working with children checks won't commence until the Act is implemented. The Act has not yet commenced and the new system of working with children checks has not started. Once the regulations are finalised and made, then a date will be set for the Act to commence.

Is My Police Clearance still acceptable?

An assessment of relevant history (Police Clearance) conducted in respect of a person within the 3 years preceding the commencement of this section will, for the purposes of the Child Safety (Prohibited Persons) Act 2016, be taken to be a working with children check in respect of the person conducted under that Act. There is a 12month transition period eg. by 1st July 2020 all WWCC must be issued by DHS therefore a Police Clearance will not be accepted from this date.

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Why the Change?

The new Act implements a number of recommendations made by Royal Commissioner Nyland of the South Australian Child Protection Systems Royal Commission (2014). The Commissioner's recommendations about improvements to the child protection system in her report included recommendations concerning working with children checks in South Australia.

The Act also implements recommendations from the August 2015 Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and final recommendations on working with children checks.

The Act provides for a consistent, efficient and transparent system, in line with these recommendations. The new system will eliminate the current two-tiered arrangement, whereby some organisations rely on a National Criminal History Check instead of a check undertaken through the Department for Communities and Social Inclusion's Screening Unit. Under the new system a person will need to undertake a working with children check. The person will only be allowed to work or volunteer with children if they have this check.

The checks will be:

- valid for a period of five years
- transferable between different jobs or volunteer positions
- continuously monitored as new information, such as a new criminal conviction, becomes available
- undertaken through a single, centralised assessment unit responsible for all working with children checks on individuals.
- Employers will be able to use a persons' unique identifier that they receive when the working with children check is completed, to check a records management system to see if a working with children check has been done and also to see if a person is a prohibited person.

WHAT IS A CHILD RELATED SCREENING / CHECK?

Child-related employment screening is required to assess whether a potential employee or volunteer could pose a risk to the safety of children, while working for an organisation offering these services:

- health
- child and family welfare
- education
- sporting or recreational
- religious or spiritual instruction
- child care and child protection
- cultural
- entertainment
- residential

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SWIMMINGSA POLICY – WORKING WITH CHILDREN CHECKS

All SwimmingSA members required by legislation to obtain a Working With Children Check must obtain a Check and upload their check to the membership database for verification.

In addition to those required by legislation to obtain a Working With Children Check the following participants where aged 14yrs and over must have a Working With Children Check to participate in the sport of Swimming:

- Club and Region Committee Members
- Coaches
- Entertainment providers
- Event Volunteers
- Lifeguards & First-Aid Providers
- Media
- Multi-Class Carers
- Sports Science Staff
- Directors
- Staff
- State Committee Members
- SwimmingSA invited guests
- Team Managers
- Technical Officials (Unqualified, Volunteer or Qualified)

WORKING WITH CHILDREN CHECKS – APPLICATION PROCESS

All SwimmingSA members undertaking the above volunteer roles are entitled to free Working With Children Check when applying through SwimmingSA.

[Click Here](#) to apply.

The Screening Unit processes most applications within three weeks but it is recommended that organisations allow up to six weeks for screening to be completed.

When submitting an application, it's important that all information is correct and relevant, such as all names, nicknames and previous addresses, to help the process run smoothly. Incorrect or incomplete information can slow the process down, as the Screening Unit may need to return the application to the volunteer and ask them to correct and resubmit it.