

MEMBER PROTECTION POLICY

Swimming Waikato Board Approved

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SWIMMING WAIKATO MEMBER PROTECTION POLICY

Table of Contents

| | |
|------|--|
| 1. | Introduction |
| 2. | Purpose of Policy |
| 3. | Objectives |
| 4. | Who this Policy Applies To |
| 5. | Responsibilities of the Organisation |
| 6. | Policy Review |
| 7. | Responsibilities of Individuals |
| 8. | Position Statements: |
| 8.1 | Child Protection |
| 8.2 | Taking Images/Videos of Children |
| 8.3 | Electronic and Social Media/Networking |
| 8.4 | Physical Contact |
| 8.5 | Private Spaces |
| 8.6 | Cyber Bullying/Safety |
| 8.7 | Anti-discrimination/Harassment |
| 8.8 | Sexual Relationships |
| 8.9 | Pregnancy |
| 8.10 | Gender Identity |
| 8.11 | Responsible Service and Consumption of Alcohol |
| 8.12 | Smoke Free Environment |
| 8.13 | Anti-Doping and Illicit Drugs in Sport |
| 9. | Child Protection Procedures |
| 10. | Complaint Procedures |
| 11. | Safe Recruitment |
| 11.1 | Screening and Vetting Requirements |
| 12. | Training |
| 12.1 | Indicators of Abuse |
| 13. | Definitions |
| 14. | Other Relevant Policies |
| 15. | Appendices |
| a. | Form: Record of Complaint |

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 - Australian Sports Commission. (2013). *Member Protection Policy Template for National Sporting Organisations* (Vol. National Version 7): Australian Government.
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1. INTRODUCTION

Swimming is a sport that values teamwork, cooperation & leadership and one that can be enjoyed by people of all ages and abilities.

Swimming Waikato is committed to ensuring that a diverse range of athletes continue to enjoy our sport for years to come and to providing a safe environment in which to do so.

Swimming Waikato has developed this policy to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values.

This policy is an essential part of Swimming Waikato's proactive and preventative approach to tackling inappropriate behaviour within our sport. Swimming Waikato expects that all administrators, coaches, athletes and support staff will assist it promote safe and responsible behaviour within swimming. This policy is to be read in conjunction with Swimming Waikato's Code of Conduct.

2. PURPOSE OF POLICY

The purpose of this Member Protection Policy ("policy") is to maintain ethical and informed decision-making and responsible behaviours within our sport. The policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse.

3. OBJECTIVES

This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. This Member Protection Policy confirms the commitment of Swimming Waikato to the protection of its members and proceeds to:

- *promote the best interests and welfare of children*
- *provide safe environments for children/members*
- *outline expectations regarding staff recruitment and training*
- *outline the standards and principles by which all staff will abide in line with the Swimming Waikato Code of Conduct*
- *outline expected staff behaviour*
- *outline the action to be taken by staff where any form of abuse or ill-treatment is known or suspected*
- *establish what action is required when allegations are made against staff*

4. WHO THIS POLICY APPLIES TO

The policy provides a code of conduct forming the basis of appropriate and ethical conduct which everyone must abide by. All Swimming Waikato clubs will be required to adopt this policy. This policy applies to all Swimming Waikato staff, members and affiliates. The policy applies to the following people, unless they have varied their agreement with Swimming Waikato by consenting to be bound by a Policy which complements or supersedes this policy, whether they are in a paid or unpaid/voluntary capacity:

- Swimming Waikato;
- Any other person or organisation that is a member of or affiliated to Swimming Waikato;
- Persons appointed or elected to Swimming Waikato's Board, committees and sub-committees;
- Employees and volunteers of Swimming Waikato and organisations affiliated to Swimming Waikato;
- Support personnel appointed or elected to Swimming Waikato teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- Club head coaches and assistant coaches;
- Athletes, including national representative athletes;
- Technical Officials, including referees, and other officials involved in the regulation of the sport;
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Swimming Waikato; and
- Parents, guardians, spectators and sponsors to the full extent that is possible, including where spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy);

Member Clubs are required to adopt and implement this policy and to provide proof to Swimming Waikato of the approval of the policy by the relevant Committee in accordance with its Constitution. Member Clubs must also undertake to ensure that all of their individual club staff are bound by this policy, are made aware of it, and understand its contents.

This policy will continue to apply to a person even after they have stopped their association or employment with Swimming Waikato if disciplinary action, relating to an allegation against that person, has commenced prior to that person ceasing their association with Swimming Waikato.

5. ROLES AND RESPONSIBILITIES

Responsibilities of the Organisation:

Swimming Waikato and its member clubs must:

- Adopt, implement, comply with, and enforce this policy
- Ensure that child protection is a key focus within Swimming Waikato and its Member Clubs and that appropriate protocols, procedures and training are in place.
- Promote and model appropriate behaviour at all times
- Ensure that all allegations are managed appropriately
- Ensure, and safeguard, clear, confidential, detailed and dated records on all child protection cases.
- Ensure that all staff are aware of, have access to, and understand, this policy
- Ensure that all staff are recruited and employed in accordance with the guidelines identified in the Swimming Waikato Employment Policy.

6. POLICY REVIEW

This policy will be reviewed by the Swimming Waikato Board a minimum of every three years and updated regularly, to ensure it is kept up to date with changes that may have been made to legislation, related policies and procedures, and in light of operational experience.

7. RESPONSIBILITIES OF THE INDIVIDUAL

All Swimming Waikato Staff must:

- Ensure that the needs and rights of children come first - the safety and wellbeing of each child is the paramount consideration in all circumstances
- Promote and model appropriate behaviour at all times
- Understand, and adhere to, this policy and the Swimming Waikato's Code of Conduct at all times

8. POSITION STATEMENTS

8.1 *Child Protection*

Swimming Waikato, its staff, and affiliated clubs, have a responsibility to ensure that those participating in our sport are safeguarded from all forms of harm. It is the primary responsibility of all Swimming Waikato staff to be vigilant, have knowledge and awareness of the indicators of neglect and abuse, whether actual or potential, and report any concerns, suspicions or allegations immediately. Staff have a responsibility to ensure that any concern, suspicion or allegation raised is taken seriously.

Guiding Principles

- Swimming Waikato aims to foster an environment which ensures the safety and wellbeing of all children.
- Swimming Waikato asserts that all persons have equal rights to protection from abuse, neglect and exploitation regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, family and social background, and culture, economic status or criminal background.
- All children engaged in Swimming Waikato services have a right to feel safe and comfortable in that environment.
- The decisions and actions of Swimming Waikato in response to any child protection concern will be guided by the principle of "the welfare and best interests of the child".
- All services provided by Swimming Waikato for the safety and wellbeing of children adhere to the principles of partnership, protection and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.
- Adults should at all times establish and maintain appropriate professional boundaries in their relationships with athletes.

MEMBERSHIP PROTECTION ADVISOR (MPA): Swimming Waikato will utilize the support of our own regional Membership Protection Advisor (MPA). The MPA will work with Swimming Waikato and Member Clubs, to help enforce the policies contained in this manual and offer expert advice and support should disciplinary action against any person or organisation bound by these policies be required. The MPA is someone who has a professional background and experience in child/membership protection issues and is the point of contact for anyone who has concerns or would like to discuss an issue around child/member safety. The MPA can be contacted (in confidence) via our online support for which can be found on Swimming Waikato website. Noting however, that all complaints should be dealt with at the lowest possible level, therefore any complaint made to the MPA may be directed to a more appropriate authority. Anyone who has a child safety concern can bypass the MPA and go directly to Oranga Tamariki (Ministry for Children), or the Police at any time.

Practice Guidelines

All staff, members, parents, volunteers and affiliated clubs are expected to behave in a manner consistent with the Swimming Waikato Code of Conduct.

The safety and wellbeing of children must be paramount at all times. All Swimming Waikato staff must maintain appropriate professional boundaries, treating children with dignity and respect, and avoiding behaviour which might be misinterpreted by others.

Staff working with children must act in a way that is considered to be safe practice. This includes, but is not limited to:

- Adhering to, and acting in accordance with, the swimming Waikato Member Protection Policy and Code of Conduct;
- Treating all children with respect at all times, regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, family and social background, and culture, economic status or criminal background
- Acting professionally and maintaining appropriate boundaries at all times.
- Avoiding situations where they are alone with a child;
- Ensuring that they are visible to others when with a child;
- Using an open door policy where possible;
- Avoiding circumstances where their behaviour (both verbal and physical) may be misinterpreted as hostile, suggestive, inappropriate, offensive, or neglectful.
- Not transporting a child, other than their own, alone at any time other than in an emergency situation
- Monitoring visitors to an event, meet, activity, lesson or programme
- Securing parental consent if the need to administer emergency first aid and/or medical treatment arises
- Not displaying images of children unless they have consent to do so from the child and the child's parents or caregivers
- Never leaving a child in a pool or at a training venue unattended or without appropriate levels of supervision and in accordance with safe working practices
- Promoting an environment where children feel safe and comfortable.
- Acting swiftly to ensure that any perceived risk to a child is immediately reported in consultation with the Member Protection Advisor
- Informing the Member Protection Advisor of breaches in safe working practices, regardless of whether this has resulted in the harm of a child.

8.2 Taking Images/Videos of Children

There is the potential for images or videos of children to be used inappropriately or illegally. Any devices that have the ability to take/record images or videos are included in this Position Statement, including the use of telescopic or zoom lens.

Swimming Waikato requires all its members to be vigilant in changing rooms and other areas of the pool and to report immediately any concerns arising from the taking or recording of images or video. Swimming Waikato disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

Always be vigilant for people who don't appear to be relatives or friends of those who are swimming, but seem to spend a lot of time videoing or taking images of them. Report these incidents to the organisers or the pool management immediately.

Swimming Waikato encourages that all individuals and Clubs, wherever practicable, obtain the permission from a child's parent/guardian before taking an image or video of a child that is not their own. Taking an image or video of a medal or award presentation or a team photo are exceptions to this requirement to seek permission as are videoing or livestreaming for broadcasting events and the taking of media photographs.

Parental photography forms an enduring part of each family's record or their child's progress, celebration of success and achievement and is an established social practice.

In the interest of protection of your son/daughter, while Swimming Waikato recognises parents/caregivers may want to take images or video of their son/daughter, spectators wishing to do this must be aware that:

- They may be asked to cease using photographic or video devices by an official; and
- They may be required to seek consent directly with their club for photographic/video use outside of swimming meets, e.g. training sessions, camps etc.

The athlete of the parent/caregiver wishing to record images/video must be the main subject in the images/video. No images or videos are to be taken of other children as the main subject without appropriate consent.

No images or videos of children should be uploaded onto any electronic device or website by any person without the consent of the parent/caregiver if the child is less than 18 years.

If Swimming Waikato or its Member Clubs use an image of a child they will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. They will not display any information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. They will only use appropriate images/videos of a child relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. where possible they will seek permission to use these images.

Official Photographers/video operators –

Official event photographers wishing to take either photographs or video at Swimming Waikato events must seek accreditation and produce their professional identification for their details to be recorded.

Official event photographers wishing to take either photographs or video at Regional swimming events must seek accreditation with the Region and produce their professional identification for their details to be recorded.

Ideally this should be requested at least five working days before an event. Parental consent must still be given for use of images for promotional purposes and these images/video must be stored securely.

Swimming Waikato Affiliated Clubs –

If you are wishing to take photographic or video images of your club swimmers to make your region or club known either externally or internally, it is recommended you:

- Seek consent from the athlete and/or the parent/caregiver if the subject is under 18 years;
- State clearly the intended purpose/use of the images;
- Confirm whether you intend to publish the athletes names alongside the image; and
- Securely store the photography or video and annotate them with the date they were taken.

It is important to note that an athlete may be under an external agency's protection order that may not be known to another parent, coach, volunteer or official photographer. Images of this nature may compromise the safety of the person the images are of.

8.3 Electronic & Social Media/Networking

Swimming Waikato acknowledges the enormous value of social networking websites, such as (but not limited to) Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language;
- must not be misleading, false or injure the reputation of another person;
- should respect and maintain the privacy of others;

Children and Electronic & Social Media/Networking –

Many children and young people communicate using electronic and social networking platforms, of which many modalities are available to them. Ideally, communication should be conducted between the coach/another adult and the parent of the child, however, if you need to communicate directly with the child/athlete, you need to observe the cautions stated below.

Swimming Waikato recommends the following cautions:

- If coaches use phone text or any other social networking means to communicate directly with athletes of any age, content remains brief and functionally related to swimming and avoids any social comment;
- Any electronic communication by a coach with an athlete of any age remains professional but brief;
- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language or images;
- Use your best judgement – do not publish something that makes you feel the slightest bit uncomfortable and, never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use electronic and social network forums to add value and promote the sport in a positive way.

8.4 Physical Contact

It is imperative that in all dealings with children, a balance is struck between the rights of the child and the need for intervention. When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Staff should always use their professional judgement, observe and take note of the child's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the child for the minimum amount of time necessary.

Any sexual activity between Swimming Waikato staff and a child will be regarded as a criminal offence and will always be a matter for disciplinary action.

8.5 *Private Spaces*

No Swimming Waikato staff are permitted to enter a private space such as a toilet, bathroom or changing facilities while it is being used by children.

8.6 Cyber Bullying/Safety

Swimming Waikato regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. Swimming Waikato will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence. When a child alleges inappropriate harmful behaviour by another child then the child protection procedures outlined within the Swimming Waikato Member Protection Policy must be considered for both children.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites.

If children are involved in suspected Cyber Bullying/Safety issues, either as the perpetrator or victim, please refer to Child Protection (8.1) in this Membership Protection Policy for the appropriate follow up and management.

8.7 Anti-discrimination and Harassment

Swimming Waikato aims to provide a sport environment where all those involved in its activities are treated with dignity and respect and, harassment or discrimination.

Swimming Waikato recognises that all those involved in its activities cannot enjoy themselves, perform to their best or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, medical, marital status, political belief, pregnancy or breastfeeding, race, religion, gender or social origin.

Swimming Waikato opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourable because of a particular characteristic, imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal, disproportionate effect of people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phones and computers.

If children are involved in your concerns around discrimination or harassment as either the perpetrator or victim, please refer to Child Protection (8.1) in this Membership Protection Policy for the appropriate follow up and management.

8.8 Sexual Relationships

Swimming Waikato takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from another adult if they feel harassed. Our complaints process is outlined in section 10 of this policy.

If children are involved in your concerns around sexual relationships as either the perpetrator or victim, please refer to Child Protection (8.1) in this Membership Protection Policy for the appropriate follow up and management. Any sexual activity between Swimming Waikato staff and a child will be regarded as a criminal offence and will always be a matter for disciplinary action

8.9 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed.

Swimming Waikato recommends that pregnant women wanting to participate in our sport consult with their medical advisors to ensure they make informed decisions about participation. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of the utmost importance in their decision making about the way they participate in our sport.

8.10 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Swimming Waikato will not tolerate any discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender.

Swimming Waikato recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. If issues of performances advantage arise, Swimming Waikato will seek advice on the application of those laws in the particular circumstances.

Swimming Waikato is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Swimming Waikato.

8.11 Responsible Service and Consumption of Alcohol

Swimming Waikato is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

Our position is that:

- Event hosts must prevent drunkenness, minors accessing liquor, and understand that irresponsible liquor practices lead to problems both on and off the premises;
- Food and low-alcohol and non-alcoholic drinks should be available at events we hold or endorse where alcohol is served; and
- Safe transport options should be considered as part of any event held where alcohol is served.
- Alcohol-free social events should be provided for young people and families;

8.12 Smoke Free Environment

Swimming Waikato is committed to conducting sporting and social events in a manner that promotes a smoke free environment.

The following policies should be applied to sporting and social events:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18 years. This policy shall apply to coaches, athletes, officials and volunteers; and
- Social functions shall be smoke free.

8.13 Anti-Doping and Illicit Drugs in Sport

Swimming Waikato abides by the Sports Anti-Doping Rules (as amended from time to time by the Board of Drug Free Sport New Zealand) and the FINA anti-doping rules as its anti-doping policy.

Swimming Waikato is committed to providing a drug-free sport in which members can compete. Breaches of the Sports Anti-Doping Rules shall be dealt with in accordance with those Rules.

This position statement is designed to help prevent the uptake of illicit drug use and reduce the drug-related harm to individuals, families and stakeholders of Swimming Waikato and the broader community

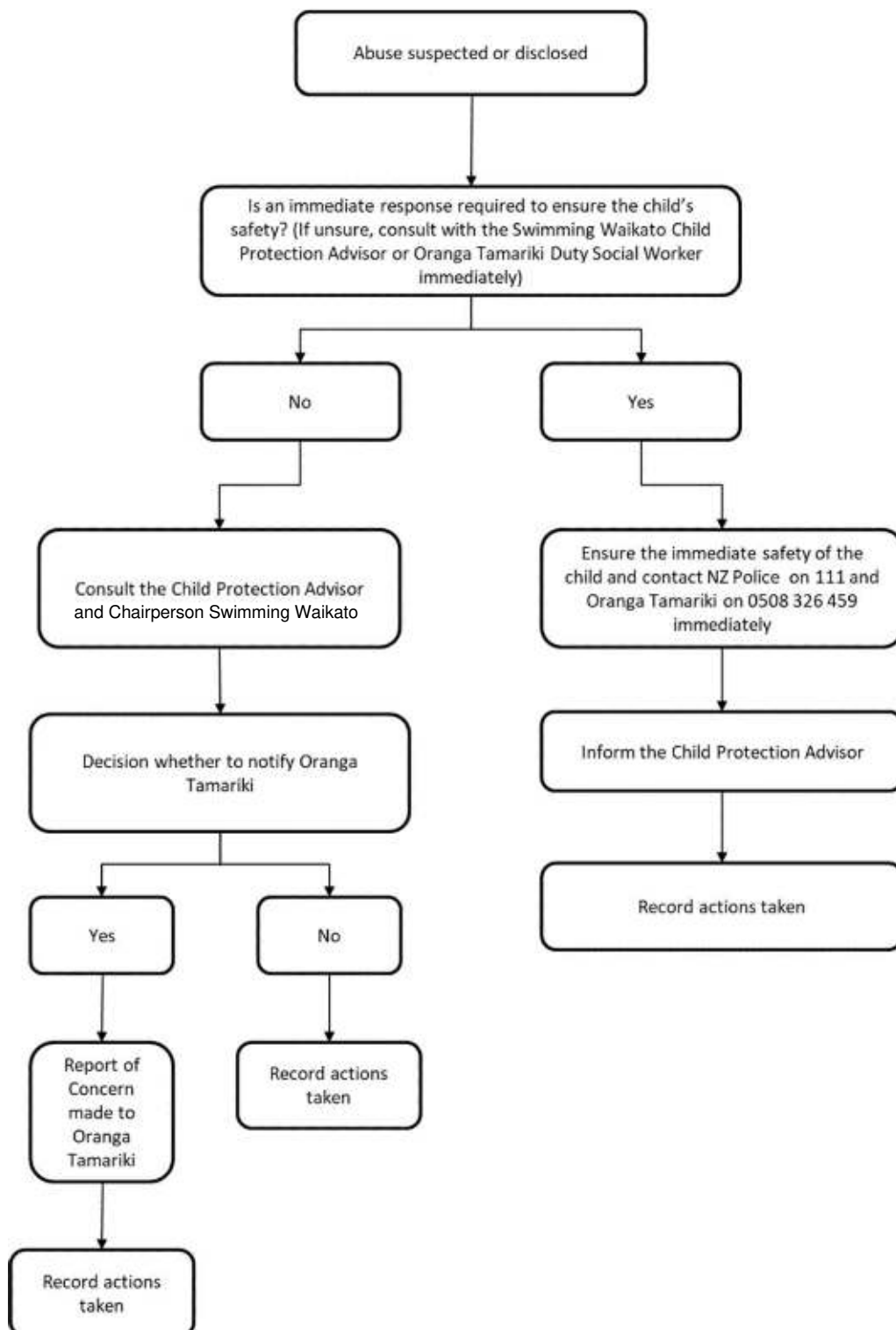
Some illicit drugs may be legitimately used under the supervision of a physician for a clinically justified purpose and then only if approved by Swimming Waikato or Drug Free Sport NZ for each specific application. If you are using a prohibited substance for a legitimate reason and wish to compete you should obtain a Therapeutic Use Exemption from Drug Free Sport NZ. The possession and use of illicit drugs is subject to New Zealand laws.

9. CHILD PROTECTION PROCEEDURES

Responding to Abuse

Where child abuse is known, or suspected, everything possible must be done to ensure the ongoing safety of the child concerned, along with the ongoing safety of any other child who is in close connection to the alleged offender. The child is the primary concern and all other concerns (including the guilt or innocence of the alleged offender) must be secondary. This does not mean that the alleged offender is to be considered guilty without due investigation, but that the child's concerns and safety come first. In a situation where a Swimming Waikato staff member believes that a child is in immediate danger, that Swimming Waikato staff member, in consultation with the Member Protection Advisor, will inform Oranga Tamariki (Ministry for Children), and the Police of their concerns.

Child Protection Procedures Flowchart:



Responding to Disclosure

Swimming Waikato staff must report concerns or allegations of child abuse to the Member Protection Advisor at the first possible opportunity to best ensure the safety of the child. If the Member Protection Advisor is unavailable, then consultation should occur with the Oranga Tamariki Duty Social Worker (or another appropriate member of Swimming Waikato staff as discussed under the “Member Protection Advisor” section of this review). A decision will be made as to whether to formally notify Oranga Tamariki or the Police. If an immediate response is required to ensure the child's safety, contact should be made with Oranga Tamariki and the NZ Police by staff directly.

All concerns or allegations of sexual abuse must be reported to Oranga Tamariki and the NZ Police

When reporting an incident staff should:

- Inform the Member Protection Advisor as soon as possible
- Record in writing all conversations and actions taken and keep these records securely in a Child Protection Register.

Effective documentation, including referrals and notifications, must include the following:

- A record of facts, including observations, with time and date
- What was said and by whom, using the person's words
- What action has been taken, by whom and when

All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, must be recorded in writing and kept securely in a Child Protection Register with the reasons clearly identified and explained

Guidance to Managing any Disclosure from a Child

- *stay calm*
- *listen and hear*
- *give time to the child to say what they want*
- *reassure them that they were right to tell*
- *tell the child that they are being taken seriously and that they are not to blame*
- *Advise that they have to pass on what the child has told them as soon as they are aware that the child is making a disclosure*
- *give an age appropriate explanation to the child of what the child can expect to happen next*
- *Record in writing what was said as soon as possible, using the child's own words where possible.*
- *Report the concern to the appropriate statutory agency, in consultation with the Swimming New Zealand Member Protection Advisor.*

Staff must not:

- make the child repeat the story unnecessarily
- promise to keep secrets
- enquire into the details of the alleged abuse
- ask leading questions

Identification of Abuse

Swimming Waikato staff should be alert and aware of the fact that child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to:

- Direct or indirect disclosure by the child;
- Direct or indirect disclosure from someone known to the child;
- Suspicions of abuse by those involved with the child;
- Allegations and/or direct observations or signs displayed in the child's physical or emotional behaviour;
- Direct witnessing of abuse

If a member of Swimming Waikato staff is unsure about what might constitute child abuse, they should ask for advice and guidance from the Swimming New Zealand Member Protection Advisor or the Duty Social Worker at Oranga Tamariki (0508 326 459)

Legal/Privacy Issues

Under the Privacy Act 1993, the giving of information to protect children is not a breach of confidentiality. Principle 11 of the Privacy Act, 1993, states that the sharing of personal information is allowed if "disclosure of the information is necessary to prevent or lessen a serious threat".

"Under the Oranga Tamariki Act 1989, if a member of staff raises a legitimate concern in good faith about suspected child abuse, which proves to be unfounded on investigation, no civil, criminal or disciplinary proceedings may be brought against that staff

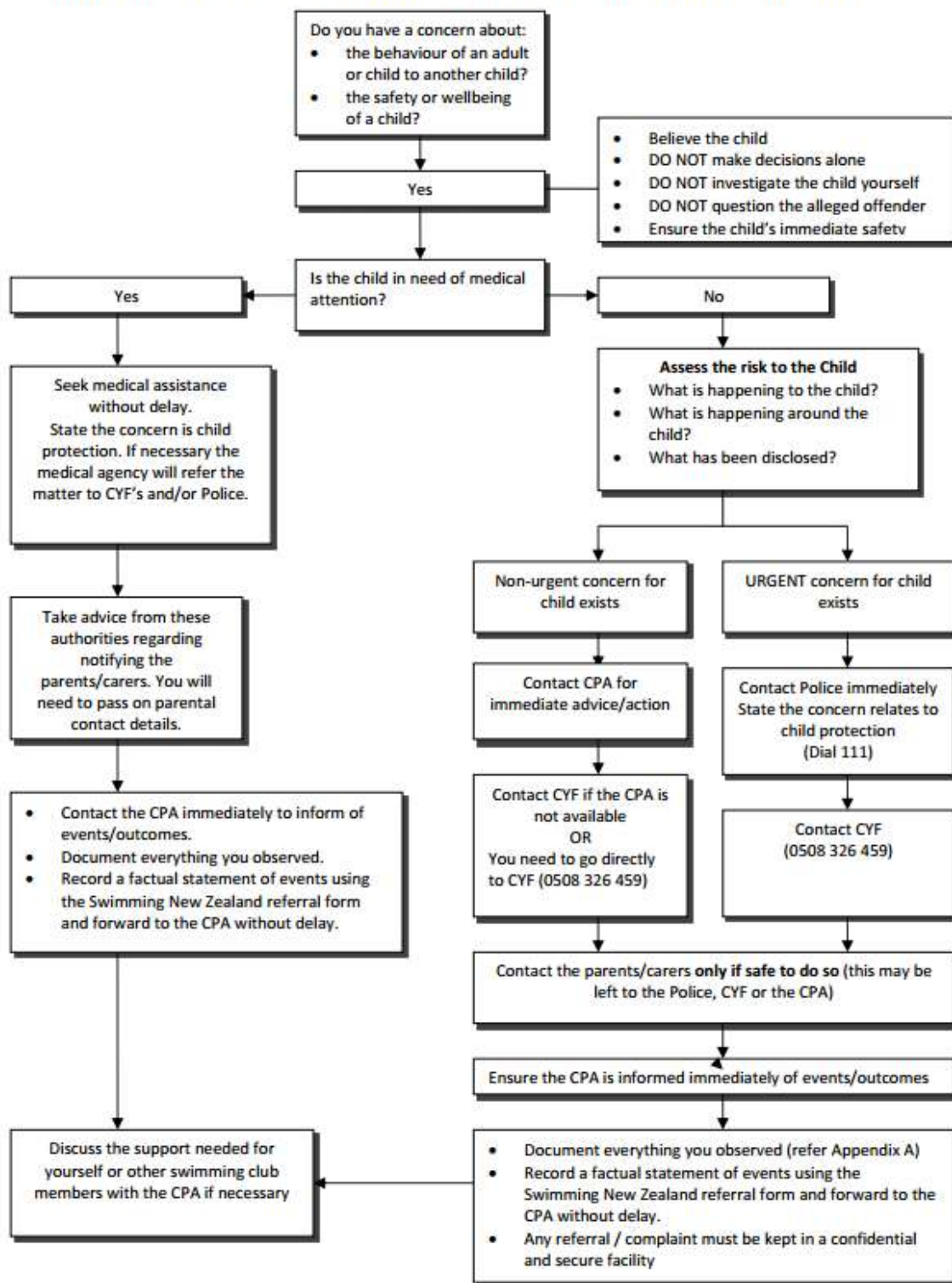
In the event that a complainant has knowingly made a complaint which is malicious, the matter may be dealt with as a disciplinary matter under the Swimming Waikato Disputes and Disciplinary Policy

Keeping the Family/Whanau Informed and Involved

When it comes to the child's family/whānau, although the parent or caregiver of the child will usually be informed of child protection concerns, there may be times when those with parental responsibility may not be initially informed. This may happen in circumstances when:

- the parent or caregiver is the alleged offender
- it is possible that the child may be intimidated into silence
- there is a strong likelihood that evidence will be destroyed
- the child does not want their parent or caregiver involved and they are of an age when they are competent to make that decision

GUIDELINES FOR RESPONDING TO CHILD PROTECTION CONCERNS



10. COMPLAINTS PROCEDURES

Complaints

The lowest level at which a matter can be dealt with should always be preferred. Therefore, if a complaint or issue of concern is related to behaviour or an incident that occurred at club, regional or national level, then this should be reported to and handled in the following manner:

- In the first instance, the relevant club;
- If not resolved at club level, then the relevant regional association; and
- If not resolved at regional level, the national body in accordance with the Swimming Waikato Constitution or other relevant policies or guidelines

A complaint or issue of concern is constituted when submitted in writing. Complaints submitted in writing should preferably follow the form in Appendix A. It is recognised that when complaints are of a highly sensitive nature, it may be required to preserve the anonymity of the complainant.

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature or is escalated to and/or dealt with at the national level, the original must be forwarded to your Club or Regional Association (whatever level the complaint was made).

Swimming New Zealand has a Disputes & Disciplinary Policy which may be used ONLY if the dispute cannot be resolved at club or regional level. This policy is a resource used as a last resort when issues cannot be resolved at either club or regional level. Every effort must be made to persist in resolving your complaints at club, or if needed, regional level BEFORE referring to the Disputes & Disciplinary Policy. If you cannot provide evidence that you have persistently attempted to resolve your concerns at club and/or regional level, you will be directed back to either of these levels as deemed appropriate.

Only matters that relate to or occur at the national level and the most serious cases from club and regional level are dealt with under the Disputes & Disciplinary Policy – see the policy for when it applies.

Disputes should be resolved at the lowest level practicable. However, a club or region should consider whether it should advise its region, in the case of a club, or Swimming Waikato, in the case of a region, of the dispute to they can provide any advice they may have and be prepared for any media or other enquiries they receive.

All referrals under the Disputes & Disciplinary Policy will be dealt with promptly, seriously, sensitively and confidentially.

If the concern or safety of children is involved in a proposed complaint, either as the perpetrator or victim, please refer to Child Protection (8.1) in this Membership Protection Policy for the appropriate follow up and management.

With any allegation against Swimming Waikato staff, it is important that NO internal investigation is to be undertaken, and NO evidence is to be gathered, that might prejudice an official Police or Oranga Tamariki investigation. Only once any Police and/or Oranga Tamariki investigations have concluded can any internal disciplinary investigations be undertaken, subject of course to internal disciplinary procedures - as will be expected to be found in the Swimming Waikato Disputes and Disciplinary Policy.

11. SAFE RECRUITMENT

Child abuse is illegal and all complaints to the Police and/or Oranga Tamariki result in an investigation which can result in criminal charges.

New Zealand is currently making significant changes in order to improve the safeguarding of children through legislation and policy. Standard screening and vetting procedures to safeguard children from those who wish to access children through sport should be seen as best practice.

11.1. Screening and Vetting Requirements

Child abusers often seek to work with children. Robust and consistent screening and vetting will help you assess whether people are suitable to work with children. As the new legislation comes into effect, screening and vetting processes will become mandatory for government funded contractors working with children. Therefore, this is not just a Swimming Waikato requirement; it may be a legal requirement.

Before making any appointment, Swimming Waikato will complete a robust safety checking process to ascertain the suitability and safety of an employee or volunteer to work with children. All appointments made by Swimming Waikato will follow the requirements of the Swimming Waikato Employment Policy

The following outlines the Screening and Vetting processes for paid or unpaid employment of coaches, technical officials and the appointment of team managers for away meets. Swimming Waikato, Regional Associations and Member Clubs are required to:

- Carry out an Identity Verification – this is where proof is required for people to verify who they say they are, including previous identities;
- Check a person's referees (verbal or written) about his/her suitability for the role;
- If there is any uncertainty as to suitability arising from the checking, check with the Member Protection Advisor if the person is suitable to work with children (they will only be allowed to provide a 'yes' or 'no' as they are bound by Privacy Laws in regards to discussing further detail);
- Obtain a signed consent form from the applicant for a check of Justice records.
- Undertake the check of Justice records;
- Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person doesn't agree to a records check after explaining why it is a requirement of our policy. If unsatisfied, do not appoint them;
- This information should be updated and reassessed every three years;
- Protect the privacy of the person who is checked and maintain confidentiality of any information obtained through the checking process; and
- Return all information or paperwork to the person if they are not appointed.

Those who have conviction(s) for child sex offences or violent crimes against children are not permitted to work with children affiliated to Swimming Waikato.

Note: Clubs may be required to provide written assurances to Swimming Waikato that they have carried out the Screening and Vetting processes for those acting as coaches or team managers at away meets conducted by Clubs or Swimming Waikato.

12. TRAINING

Swimming Waikato ensures that everyone in the organisation has adequate and appropriate information and training about child abuse in order to protect children and to recognise and respond when children are at risk. Anyone who is to have contact in the course of their work with children will be given appropriate training covering basic awareness of child protection

12.1 Indicators of Abuse

The indicators for child abuse and neglect fall into three general categories:

| | |
|--------------------------------|---|
| Physical indicators: | Injuries to a child that occur in a pattern or occur frequently. These injuries range from bruises to broken bones to burns or unusual lacerations and are often unexplained or inconsistent with the explanation given |
| Behavioural indicators: | The child's actions, attitudes, and emotions can indicate the possibility of abuse or neglect. Behavioural indicators alone are much less reliable than physical indicators, as a child's behaviour may be the result of a variety of other problems or conditions. |

When observing changes in behaviour, look for the frequency and pattern of the new behaviour, as well as a child's age and stage of development. For example, it is normal for younger children to be wary of adults, as they may have been taught not to talk to strangers. Look for a combination of physical and behavioural indicators.

Caregiver indicators:

Caregivers who abuse, neglect or exploit children are either unable or unwilling to provide care and protection in an appropriate way. Those who are unable to provide care and protection may be physically unable due to their own medical or health condition. They may be overly stressed, tired, or working under the influence of drugs or alcohol which limits their abilities. Caregivers who are unwilling to provide children with the appropriate level of care and protection are more aware that what they are doing is wrong but continue to act in that way. These caregivers may not view the child as someone who has feelings and emotions and often have the need to control others or have displaced aggression towards weaker persons.

The indicators alone do not prove child abuse or neglect. Likewise, the absence of indicators does not exclude the possibility that abuse is occurring. If you have any concerns about the wellbeing of a child, seek advice from the Swimming New Zealand Member Protection Advisor or Oranga Tamariki.

Emotional Abuse Indicators

- Physical Indicators:
 - Bed wetting or bed soiling with no medical cause
 - Frequent psychosomatic complaints (e.g. headaches, nausea, abdominal pains)
 - Non-organic failure to thrive
 - Pale, emaciated
 - Prolonged vomiting and/or diarrhoea
 - Malnutrition
 - Dressed differently to other children in the family
- Behavioural Indicators:
 - Severe developmental lags with obvious physical cause
 - Depression, anxiety, withdrawal or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Running away from home, avoiding attendance at school/sport practice
 - Nightmares, poor sleeping patterns
 - Anti-social behaviours
 - Lack of self esteem
 - Obsessive behaviours
 - Eating disorders
- Caregiver Indicators:
 - Labels the child as inferior or publicly humiliates the child (e.g. name calling)
 - Treats the child differently from siblings or peers in ways that suggest dislike for the child
 - Actively refuses to help the child
 - Constantly threatens the child with physical harm or death
 - Locks the child in a closet or room for extended periods of time
 - Teaches or reinforces criminal behaviour
 - Withholds physical and verbal affection
 - Keeps the child at home in role of servant or surrogate parent

- Has unrealistic expectations of child
- Involves child in adult issues such as separation or disputes over child's care
- Exposes child to situations of arguing and violence in the home

Neglect Indicators

- Physical Indicators:
 - Dressed inappropriately for the season or the weather
 - Often extremely dirty and unwashed
 - Severe nappy rash or other persistent skin disorders
 - Inadequately supervised or left unattended frequently or for long periods
 - May be left in the care of an inappropriate adult
 - Does not receive adequate medical or dental care
 - Malnourished - this can be both underweight and overweight
 - Lacks adequate shelter
 - Non-organic failure to thrive
- Behavioural Indicators:
 - Severe developmental lags without an obvious physical cause
 - Lack of attachment to parents/caregivers
 - Indiscriminate attachment to other adults
 - Poor school attendance and performance
 - Demanding of affection and attention
 - Engages in risk taking behaviour such as drug and alcohol abuse
 - May steal food
 - Poor social skills
 - No understanding of basic hygiene
- Caregiver Indicators:
 - Puts own need ahead of child's
 - Fails to provide child's basic needs
 - Demonstrates little or no interest in child's life - does not attend school activities, social events
 - Leaves the child alone or inappropriately supervised
 - Drug and alcohol use
 - Depression

Physical Abuse Indicators

- Physical Indicators:
 - Bruises, welts, cuts and abrasions
 - Burns - small circular burns, immersion burns, rope burns etc
 - Fractures and dislocations - skull, facial bones, spinal fractures etc
 - Multiple fractures at different stages of healing
 - Fractures in very young children
 -
- Behavioural Indicators:
 - Inconsistent or vague explanations regarding injuries
 - Wary of adults or a particular person
 - Vacant stare or frozen watchfulness
 - Cringing or flinching if touched unexpectedly
 - May be extremely compliant and eager to please

- Dresses inappropriately to hide bruising or injuries
 - Runs away from home or is afraid to go home
 - May regress (e.g. bedwetting)
 - May indicate general sadness
 - Could have vision or hearing delay
 - Is violent to other children or animals
- Caregiver Indicators:
 - Inconsistent or vague explanations regarding injuries
 - May appear unconcerned about child's wellbeing
 - May state the child is prone to injuries or lies about how they occur
 - Delays in seeking medical attention
 - May take the child to multiple medical appointments and seek medical treatment without an obvious need

Sexual Abuse Indicators

- Physical Indicators:
 - Unusual or excessive itching or pain in the genital or anal area
 - Torn, stained or bloody underclothing
 - Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
 - Blood in urine or stools
 - Sexually transmitted infections
 - Pregnancy
 - Discomfort in sitting or fidgeting as unable to sit comfortably
- Behavioural Indicators:
 - Age-inappropriate sexual play or language
 - Bizarre, sophisticated or unusual sexual knowledge
 - Refuses to go home, or to a specific person's home, for no apparent reason
 - Fear of a certain person
 - Depression, anxiety, withdrawal or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Dresses inappropriately to hide bruising or injuries
 - Eating disorders
 - Compulsive behaviours
 -
- Caregiver Indicators:
 - May be unusually over-protective of the child
 - Accuses the child of being sexually provocative
 - Misuses alcohol or drugs
 - Invades the child's privacy (e.g. during dressing, in the bathroom)
 - May favour the victim over other children

Family Violence Indicators

- Indicators in the Child:
 - Physical injuries consistent with the indicators of physical abuse
 - Absenteeism from school
 - Bullying or aggressive behaviour
 - Complaints of headaches or stomach aches with no apparent medical reason
 - Talking or describing violent behaviours

- Indicators in the Victim:
 - Physical Injuries including: bruising to chest and abdomen, injuries during pregnancy
 - Depression and/or anxiety
 - Inconsistent explanations for injuries
 - Fearful
 - Submissive
- Indicators in the Offender:
 - Isolates and controls partner and children
 - Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
 - Minimises and denies own behaviour, or blames victim for the perpetrators own behaviour

13. DEFINITIONS

“Athlete” means any person who regardless of age or gender, takes part in swimming training or competition.

“Child” means any person under 18 years of age.

“Child Abuse” is the harming (whether physically, emotionally, sexually), ill treatment, abuse, neglect, or deprivation of any child.

“Emotional Abuse” is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a child.

“Family Violence” can take many forms and includes not only acts of physical violence, but also intimidating behaviour such as threatening to harm people, pets or property. Children are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

“Member” includes, but is not limited to, any person using, or engaged in, Swimming Waikato services.

“Member Club” refers to all clubs affiliated with Swimming Waikato

“Neglect” is any act or omission that results in impaired physical functioning, injury and/or development of a child.

“Oranga Tamariki - Ministry for Children” formally known as Child Youth and Family. Oranga Tamariki is a Government Ministry dedicated to supporting children in New Zealand whose wellbeing is at significant risk of harm now, or in the future.

“Physical Abuse” is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

“Sexual Abuse” is an act or acts that result in the sexual exploitation of a child, whether consensual or not. Sexual abuse can be committed by a relative, a trusted friend, an associate, or someone unknown to the child.

“Staff” refers to any person working at, or on behalf of, Swimming Waikato and includes, but is not limited to, persons engaged directly by Swimming Waikato, irrespective of whether they are paid or voluntary, or whether they are working on a full time, part time, casual, or temporary basis, as well as any persons contracted or invited to provide services to Swimming Waikato. *“Staff”* extends to include all Swimming Waikato committees, board members, affiliates, and parent helpers.

14. OTHER RELEVANT POLICIES

This policy has been written with the United Nations Convention on the Rights of the Child in mind and in accordance with the following policy and legislation:

- [Swimming Waikato Code of Conduct](#)
- [Swimming New Zealand's Dispute Policy and Disciplinary Policy](#)
- [Care of Children Act 2004](#)
- [Children's Act 2014](#)
- [Crimes Act 1961](#)
- [Domestic Violence Act 1995](#)
- [Employment Relations Act 2000](#)
- [Health and Safety Act 1956](#)
- [Health and Safety at Work Act 2015](#)
- [Human Rights Act 1993](#)
- [Oranga Tamariki Act 1989](#)
- [Privacy Act 1993](#)

Appendix A

RECORD OF COMPLAINT

| | | |
|--|--|---|
| Complainant's Name | <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 | Date Formal Complaint Received: / / |
| Complainant's Contact Details | Phone: Email: Regional Association: Club / Swim School: | |
| Child's Contact Details (If Applicable) | Name: Regional Association Club / Swim School / School | |
| Complainant's Role / Status | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official | |
| Name Of Person Complained About (Respondent) | Name: Regional Association: Club / Swim School: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 | |
| Respondent's Role / Status | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official | |
| Nature Of Notification | <input type="checkbox"/> Formal <input type="checkbox"/> Informal | |
| Nature Of Complaint (Category/Basis/Grounds) Can tick more than one box | <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Unfair decision <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other | |
| Date Of Alleged Incident | | |
| Location Of Alleged Incident | <input type="checkbox"/> Competition <input type="checkbox"/> Other <input type="checkbox"/> Training | |

| | |
|---|--|
| Description Of Alleged Incident. Facts As Stated By Complainant (Please use separate sheet if required) | |
| Witnesses | Name (1): Contact details: Name (2): Contact details: Name (3): Contact details: |
| Interim Action Taken (If Any) Of Attempted Informal Resolution, Or To Ensure Child's Safety | |
| Government Agency Contacted (if applicable) | Who: When: Advice Provided: |
| Complainant: | Name: Signature: / / |

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to your Club or Regional Association (whatever level the complaint was made).