



MEMBER PROTECTION POLICY

VERSION 1.5 Dec 2021

Artistic Swimming WA's Vision

Artistic Swimming WA's vision is "To Make Artistic Swimming the Sport of Choice in WA"

Our mission is to make artistic swimming:

- ☆ Accessible
- ☆ Affordable
- ☆ Fun
- ☆ Well run, providing pathways for participation and competition

Policy Objective

The main objective of Artistic Swimming WA's Member Protection Policy is to maintain responsible behaviour and ensure informed decisions are made by members and other participants in Artistic Swimming WA (ASWA).

It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse.

Our policy informs everyone involved in our association of his or her legal and ethical rights and responsibilities and the standards of behaviour expected of them.

It also covers the care and protection of children participating in our association's activities.

We are also committed to fairness and due process in the application of this and all of ASWA's policies.

This policy should be read in association with ASWA's codes of conduct and policies on Behaviour, Coach Conduct, Spectator Behaviour, Social Media and Photography, Diversity and Inclusion, and Gambling and Betting.

Who is Covered

This policy applies to everyone involved in the activities of ASWA, whether they are in a paid or voluntary capacity including:

- board members, administrators and other association officials;
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- employees of ASWA;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- referees, umpires and other officials;
- athletes;
- members, including any life members;
- parents;
- spectators

What is Covered

This policy covers all matters directly and indirectly related to ASWA and its activities.

In particular, the policy governs unfair selection decisions and actions, and breaches of our code of behaviour whether that occurs at training sessions, in ASWA meeting rooms, at social events organised or sanctioned by ASWA, in competition, and on away and overnight trips.

It also covers private behaviour where that behaviour brings our association or sport into disrepute or if there is suspicion of harm towards a child or young person.

Artistic Swimming WA's Responsibilities

We will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate and timely manner;
- deal with any breaches of this policy in an appropriate and timely manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues* to our national body – Artistic Swimming Australia Inc.

**Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse)m.*

The Responsibilities of Individuals

Everyone associated with ASWA is expected to:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and State Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

The Protection of Children

ASWA is committed to the safety and wellbeing of children and young people who participate in our activities or use our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all members and participants.

ASWA acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

ASWA's policies promote a code of conduct and specify the standards of conduct and care we expect of adults when they deal and interact with children, particularly those in our care and to promote appropriate behaviour between children.

Choosing Suitable Employees and Volunteers

ASWA will ensure that it takes all reasonable steps to ensure that the most suitable and appropriate people are engaged to work with children, especially those in positions that involve regular unsupervised contact with children. This will include Working with Children Checks for employees and volunteers working with children.

If a criminal history report is obtained as part of the Working with Children Check, ASWA will ensure that the information is dealt with confidentially and in accordance with relevant legal requirements.

Report and Respond Appropriately to Suspected Abuse and Neglect

ASWA will ensure that employees and volunteers are aware of the expectation that they would make a report to police or other appropriate authorities if they suspect on reasonable grounds that a child has been, or is being, abused or neglected.

In addition, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy they may make an internal complaint.

Please refer to our complaints procedure in his policy (below).

Any person who believes a child is in immediate danger or in a life-threatening situation, should contact the police immediately.

Supervision

Children taking part in ASWA activities should be supervised at all times by a responsible adult.

All coaching sessions are to take place at pools where there is suitable pool and site management, pool safety policies and procedures in place and lifeguards on duty.

Parents of junior swimmers taking part in participation programs such as SynchroStART or Come and Tries should remain poolside for the duration of the session in order to maintain responsibility for the behaviour and safety of their child.

Clubs are to ensure that junior coaches (aged under 18) are provided with oversight by senior coaches or an appropriately qualified adult club member able to provide supervision, support and advice as necessary.

If a ASWA member finds an artistic swimmer taking part in unsupervised activities in the pool, they should immediately assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must always collect their children on time. If it appears a member will be left alone with just one child at the end of any activity, if possible, they should ask another member to stay until the child is collected.

Transport

Parents and or guardians are responsible for organising the transport of their children to and from association activities (e.g. training and games).

If parents and guardians are not available, they must accept responsibility for the arrangements for their children to get to and from training,

Responding to Complaints

ASWA takes all complaints about behaviour in and out of the pool seriously. Our association will handle complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person against whom the complaint is being made is given full details of what is being alleged against them and has the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

More serious complaints may be escalated to Artistic Swimming Australia Inc.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our association will report the behaviour to the police and/or relevant government authority.

Complaint Handling Process

When a complaint is received by our association, the person receiving the complaint (e.g. Chairperson, Board member) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- if appropriate and/or necessary inform the relevant government authorities and/or police; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity, bearing in mind laws around defamation; the identification of victims of abuse and minors.

Once the complainant decides on their preferred option for resolution, ASWA will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people who may have seen the behaviour);
- seeking advice from our State and/or national body (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to our national association; and/or
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to our national association and an investigation is conducted, ASWA will:

- co-operate fully with the investigation;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on our national association's recommendations.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

Disciplinary Sanctions

Our association may take disciplinary action against anyone found to have breached our policies or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents, by-laws and the rules of Artistic Swimming.

Possible sanctions that may be taken include:

- a direction that the individual makes verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any competitions, activities or events held or sanctioned by our association;
- suspension or termination of membership, participation or engagement in a role or activity;
- de-registration of accreditation for a period of time or permanently;
- a fine; or
- any other form of discipline that our association considers reasonable and appropriate.

Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by our association) to our national association.

Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.

Attachment 1.1: MEMBER PROTECTION DECLARATION

ASWA has a duty of care to all those associated with our association and to the individuals and organisations to whom this policy applies. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

.....

..... (address) born

...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence or related to doping.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or related to doping.
4. To my knowledge there is no other matter that ASWA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the Chairperson of ASWA immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the *State/Territory of*

.....

on/...../.....(date) Signature

.....

Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date:

Attachment 1.2: WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person’s suitability to work with children and young people.

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agency stated below.

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your association is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

Attachment 1.3 REPORTING REQUIREMENTS AND DOCUMENTS

RECORD OF COMPLAINT

Name of person receiving complaint	Date: / /	
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Complainant's contact details	Phone: Email:	
Complainant's role/status in Association	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Name of person complained about	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Person complained about role/status in Association	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		

<p>Description of alleged issue</p>	
<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p>• Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p>• Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p>• Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p>• Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p>• Other</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	

Follow-up action	
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Attachment 1.4 PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with ASWA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.

- If the allegation involves a person to whom this policy applies, then also report the allegation to the Chairperson or Vice Chairperson of ASWA so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The Chairperson or Vice Chairperson of ASWA will assess the immediate risks to the child and take interim steps to ensure the child’s safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of ASWA
- The Chairperson or Vice Chairperson of ASWA will consider what services may be most appropriate to support the child and his or her parent/s.
- The Chairperson or Vice Chairperson of ASWA will consider what support services may be appropriate for the alleged offender.
- The Chairperson or Vice Chairperson of ASWA will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by ASWA).
- ASWA will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in **this** Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in *Procedure for Handling Allegations of Child Abuse* have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		

Police contacted	Who: When: Advice provided:
Government agency contacted	Who: When: Advice provided:
Chairperson and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.