

CHILD PROTECTION PROTOCOL

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Swimming Bay of Plenty
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CHILD PROTECTION PROTOCOL

INTRODUCTION

Swimming Bay of Plenty (SBOP) works closely with and has responsibility for athletes, many of whom are children (defined as under 18 years of age). SBOP abhors the abuse of all people, but especially of its members in general and children in particular in all its forms, be it expressed as neglect, bullying by peers or adults, verbal, emotional, physical or sexual abuse. SBOP and its affiliated clubs have a responsibility to ensure that appropriate policies and procedures are established to safeguard all children and its members from any threat of or form of abuse while participating in any aspect of our sport. All children, able bodied or disabled have the right to protection.

SBOP sees the role of sport as being important in developing physical skills, self-esteem and the ability to be a team player, as well as offering the opportunity to achieve individual success.

Purpose of a Child Protection Protocol (CPP)

The purpose of this protocol is to provide clubs, coaches, administrators, officials, volunteers and parents with good practice information about child protection in swimming.

The responsibility for safeguarding athletes, children and young people is with all adults who play a role in their lives. This refers to all who work, directly and indirectly, with children including those responsible for the administration and coordinating of the swimming club and its activities.

Athletes, children and young people have a fundamental right to participate in sport that is safe and protects them from potential or actual injury, abuse and other harm.

Ensuring a child's safety involves minimising or eliminating activities and actions that are more likely to cause harm. This includes protecting them from: injury; bullying; all forms of abuse, age-inappropriate training regimes and unsafe equipment/and or facilities. SBOP has the authority to discipline adults who adopt age-inappropriate coaching practices or training regimes towards athletes registered in the Bay of Plenty region.

SBOP aims to foster an environment within the sport that ensures the safety and wellbeing of all members. An awareness of the CPP guidelines amongst all involved with children and young people in swimming also assists in reducing risk to swimming clubs/organisations, coaches, volunteers and parents.

Knowledge of this protocol amongst the wider swimming community may also safeguard adults involved with children and young people in swimming by preventing the possibility of false accusations. There is acknowledgement in striking a balance between doing too little to protect children/young people and opening them to abuse, or doing too much and creating a prescriptive approach, as recognised by Brackenridge, Pitchford, Russell and Nutt.¹

The welfare of children, our athletes and members is and always must be, paramount.

DEFINITIONS OF ABUSE

Child abuse means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.² SBOP considers this definition and examples below applicable to all its members.

Physical Abuse

Physical abuse is any act that results in inflicted injury to a child or young person. Injuries caused through abuse/neglect are known as non-accidental injury (NAI). It may include, but is not restricted to:

- Shaking
- Hitting, kicking
- Throwing
- Burning
- Training methods which are inappropriate for the age and physiological development of the child/athlete for example, weight training. Any strength training should be used with

¹ 2007, p. 200

² Section 2, *Children and Young Persons Amendment Act*, 1994

extreme caution as weight training can be extremely harmful if not conducted appropriately.

Sexual Abuse

Sexual abuse is any act or acts that result in the sexual exploitation of a child or young person, whether consensual or not. It may be perpetrated by an adult, older child or similar aged child. It may include, but is not restricted to:

- Non-contact abuse
 - Exhibitionism
 - Suggestive behaviours or comments
- Contact abuse
 - Touching breasts, genital areas or any inappropriate physical contact
 - Exposing children to any obscene or inappropriate material or images

Adults should at all times establish and maintain appropriate professional boundaries in their relationships with athletes. The relationship that a coach has with athletes is similar to that of a teacher/student relationship within an educational environment.

Emotional/psychological Abuse

Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a child or young person. It may include, but is not restricted to:

- Rejection or isolation
- Inappropriate or continued criticism, threats, humiliation or accusations of the child or young person
- Exposing children to, or involvement in anti-social or illegal activities
- Bullying actions such as sarcasm, persistent teasing, tormenting

Neglect

Neglect is any act or omission that results in impaired psychological functioning, injury and/or development of a child or young person. It may include, but is not restricted to:

- Failing to provide medical care when necessary
- Neglectful supervision – failure to provide developmentally appropriate supervision of the child or young person, leading to increased risk of harm
- Abandonment – leaving a child or young person in a situation without arranging necessary care for them and with no intention of returning

N.B. *The above definitions of physical, sexual, emotional/psychological abuse and neglect are from the Children's Commissioner, 2004.*

Principles

Sport New Zealand require organisations that run programmes for children/young people to have a Child Protection Policy and/or an appropriate Code of Conduct that outlines the requirements, practices and procedures for ensuring the safety of children and young people in their care.

The protection and nurturing of children is the responsibility of adults. Children are never responsible for abuse/neglect inflicted on them by others, either from adults *or* other children.

PRACTICE GUIDELINES

Good practice amongst coaches, officials and volunteers means:

- The safety and wellbeing of children/young people must be paramount at all times.
- Athletes are treated with dignity and respect.
- Good practice is promoted to reduce the possibility of abusive situations.
- Always working in an open environment avoiding private or unobserved situations and encouraging open communication.
- Ensuring that at camps or 'away meets', adults (other than the child's parents/care givers) should never enter children's rooms or invite children/young people into their room.
- They refer and deal with concerns regarding safeguarding children/young people according to the steps within this protocol.
- Securing parental consent in writing to act in loco parentis, if the need arises to administer emergency first aid and/or other medical treatment.
- Ensuring any form of abuse directed at a child from others, whether this is from another child or adult, is challenged. Definitions of abuse are outlined within this protocol.
- Following the reporting process of abuse as outlined in this protocol.
- Where a coach believes it is necessary to touch an athlete in order to correct technique, is it important that they:
 - Consult with the parent/caregiver if present; and/or
 - Ensure the child is made aware of the purpose of the contact and gives consent.
 - Consider the appropriateness of the ways in which technique is corrected involving touch.
- Knowing and understanding the SBOP Child Protection Protocol.

All coaches, officials and volunteers must ensure they never:

- Take, or be in the presence of children/young people in secluded places where they will be alone, irrespective of gender

N.B. If a young person/athlete is distressed in a secluded area away from the view of others and requires assistance from an adult, there should always be two adults present when dealing with this

- Allow a child to travel under the club or association's care without an assigned chaperone of the same gender in attendance³
- Where there are mixed gender swimmers in a team at an event the Team Manager must be of a different gender to the coach³
- Share a room with a child other than their own
- Reduce a child/young person to tears as a form of control
- Deliberately do something to make someone feel diminished or embarrassed
- Use inappropriate language, or allow other children to use inappropriate language unchallenged (e.g. swearing, name calling/put downs, sarcasm, innuendo, sexualised connotations, culturally or racially offensive comments)
- Leave the pool venue before all swimmers have been collected or are continuing to be supervised by appropriate adults
- Cause a swimmer to lose self esteem by embarrassing, humiliating or undermining the individual
- Yell or shout at swimmers as a reprimand or in response to anger
- Abuse your position of power or trust with children or adults
- Engage in, or allow unchallenged any form of abuse as described in this protocol
- Make sexually suggestive comments or actions to, or in the vicinity of a child/young person, even in fun
- Engage in rough, physically or sexually provocative games

³ This provision is specific to Swimming Bay of Plenty

The behaviour of coaches has been identified as being influential in determining whether a child will continue participating in sport as they move into adolescence.⁴ While critical feedback from coaches has been associated with a fear of failure and performance anxiety,⁵ Petlichkoff (1993) found that the impact of over-competitive coaching behaviours on children related to feelings of low self-esteem and increased stress for children.

The relationship between coaches and club officials who hold a position of trust and responsibility with athletes, particularly, but not limited to those under the age of 18, must be professional and appropriate at all times. This relationship is also an important one. Not only does it develop a child or young person's swimming potential and self esteem but also allows them to develop an appropriate and trusting relationship with a responsible adult.

The power and influence a coach has in a professional relationship with a child/young person cannot be underestimated. Coaches have power beyond the pool. While coaching athletes you can teach respect, teamwork, tolerance and integrity. What coaches do and say can change the attitudes and damaging behaviours that contribute to any form of abuse. It is vital for all coaches as well as other volunteers, to recognise the responsibility they have and ensure they do not misuse their position of power and trust.

Privacy / Confidentiality

When disclosures of child abuse are made that fall in the remit of this Child Protection Protocol, those to whom disclosure is made are required in all circumstances to follow the procedures outlined. All those involved in dealing with issues of Child Protection are required to respect the provisions of confidentiality which relate to their responsibility. The Privacy Act 1993 and the Health Information Privacy Code (1994), authorises disclosure of information necessary to prevent or lessen serious and imminent harm to any individual (to the extent necessary) to statutory social workers or the Police.

The Children, Young Persons and their Families Act 1989 (CYF Act) also gives way to privacy under certain circumstances. These deal with the reporting of child abuse (Section 15) and protection of an

⁴ Keegan, Harwood, Spray & Lavalley, 2009

⁵ Smith, Smoll & Cumming, 2007

individual from proceedings (disciplinary, civil and criminal) when disclosing child abuse to either a Child, Youth and Family (CYF) social worker or the Police (Section 16).

SBOP encourages good communication with the SBOP Child Protection Advocate, CYF/police to keep children safe. Requests for information from agencies such CYF or the police should be referred directly to the SBOP Child Protection Advocate, who is responsible for ensuring such requests are dealt with promptly and appropriately. Upon their request, information can or must be released to a CYF social worker, police officer or care and protection coordinator (Section 66 CYF Act).

Release of information to others, outside of these categories, does not attract the same protection. Therefore, great care is needed when dealing with requests for information from third parties and any such request should always be discussed with the SBOP Child Protection Advocate.

(See Legal/Privacy Issues at end of protocol)

Handling Disclosures of Abuse

As a trusting adult, disclosures of abuse may be made to you by the victim or another person, such as a sibling or parent/caregiver. The following is a guide to handling disclosures:

- If a child/young person discloses abuse, listen. Tell them that no one deserves to be hurt and that it was not their fault
- Do not over-react. Let them know you're glad they told you
- **Ensure the child/young person's immediate safety.** Try not to alert the alleged abuser. Seek advice and support
- **Do not** ask investigative or leading questions (as this can contaminate evidence), but **assess safety** by asking open ended questions, such as "Who did this?", "When did this happen?", "Where did this happen?"
- Discuss confidentiality and its exclusions and that you will need to tell someone else
- Notify the SBOP Child Protection Advocate immediately regarding all concerns

Assessing Risk with Suspected/Actual Abuse or Disclosure of Abuse

Assessing risk falls into two main categories: non-urgent concern or child needing immediate safety. The following guides you as to what is non-urgent and urgent.

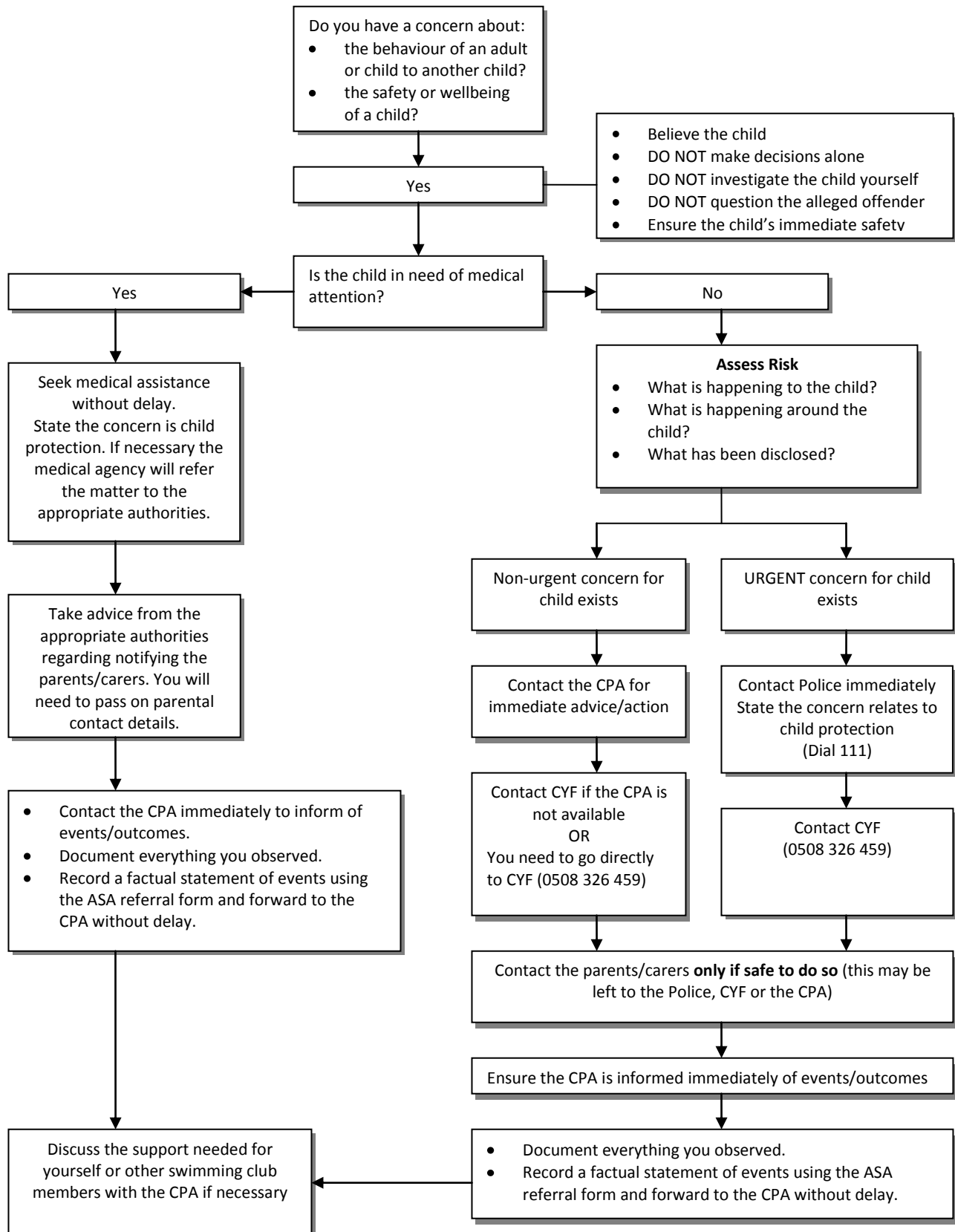
Non-urgent Child Protection Concerns exists

- Injuries seem suspicious or are clearly the result of abuse
- Interaction between child and parent/caregiver seems angry/threatening/aggressive
- Disclosure of abuse
- Suspicion of abuse towards a child by any other person (i.e. coach, parent, older child etc.)

The Child is in need of Immediate Safety

- Child has been severely or sexually abused, or injured as a result of abuse (known, suspected or a disclosure of)
- There is immediate danger for the child or for other children, in or out of the home environment
- Your safety is compromised
- Child is home alone and there are safety concerns

RESPONDING TO CHILD PROTECTION CONCERNS



SBOP Referral Form to Child Protection Advocate

Date: _____ Club: _____

Section 1 – Details of child concerned

Name: _____ Gender: _____

Date of birth: _____ Age: _____

Disability/Special Needs: Yes/No

If yes, give detail:

Parents/Carers: _____

Address:

Phone Numbers: _____

Section 2 – Details of Referrer

Name: _____

Club: _____ Position in club: _____

Address: _____

Phone Numbers: _____

Section 3 – Details of adult/child against whom the allegation is made (if applicable)

Name: _____

Club: _____ Position in club: _____

Phone Numbers (if known): _____

Section 4 – The concern/incident

Date of incident: _____

Place of incident: _____

Did you observe the incident/concern: Yes/No

If no, give details of the person who did:

Name: _____

Club: _____ Position in club: _____

Contact details: _____

Details of concern (record accurately, including as many details such as time & place, if any injuries sustained). Continue on a separate sheet if necessary.

Child's account of what happened (please state what the child actually said 'word for word' or indicate if not their words). Continue on a separate sheet if necessary.

PHOTOGRAPHY AND VIDEO GUIDELINES

All those involved with children/young people in swimming must follow these guidelines on photography/video and use of photographic/video material. Any device that has the ability to take photographs or video is included in these guidelines, including the use of telescopic or zoom lenses.

As it is currently possible for photographs or video to be taken with mobile phone unknown to the subject, SBOP requires all clubs to advise its members to be vigilant in changing rooms and other areas of the pool and to report immediately to the CPA any concern arising from the photographic/video use of mobile phones.

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

General guidelines (parents, coaches, officials, volunteers)

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

In the interest of protection of your child, while SBOP recognizes parents/caregivers may want to take photographs/video of their child, spectators wishing to do this must be aware that:

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

The child/young person of the parent/caregiver wishing to record images must be the main subject in the images (photographs or video). No photos or videos are to be taken of other children as the main subject without appropriate consent in any context.

No images of other children should be uploaded onto any electronic device or website by any adult or other young person without the consent of both the parent/caregiver of the child/young person in the image and the person themselves. This includes but is not limited to social networking sites such as Facebook, Bebo, Twitter, etc.



Court cases have occurred due to the inappropriate use of photos and video images.

Official Photographers/video operators

Official event photographers wishing to take either photographs or video must seek accreditation with SBOP 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 these images for promotional purposes.

SBOP Affiliated Clubs

If you are wishing to take photographic or video images of your club swimmers to make your club known either externally or internally, the club must:

- seek written consent from both the parent/caregiver (if subject is under the age of 18) and the athlete
- state clearly the intended purpose/use of the images
- confirm whether you intend to publish the athletes name alongside the image
- securely store the photography or video and annotated with the date they were taken

LEGAL/PRIVACY ISSUES

Children, Young Persons and Their Families Act

Section 15 Reporting of ill treatment or neglect of child or young person

Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived may report the matter to a social worker or a member of the police.

Section 16 Protection of person reporting ill treatment or neglect of child or young person

No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of this Act of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.

Section 66 Government Departments may be required to supply information

- (1) Every Government Department, agent, or instrument of the Crown and every statutory body shall, when required, supply to every Care and Protection Co-ordinator, CYF social worker, or member of the police such information as it has in its possession relating to any child or young person where that information is required -
 - (a) For the purposes of determining whether that child or young person is in need of care or protection (other than on the ground specified in Section 14 (1)(e) of this Act): or
 - (b) For the purposes of proceedings under this part of this Act.

Privacy Act

Principle 11(f)(ii)

An agency may disclose personal information if that agency believes, on reasonable grounds that the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another individual.

Health Information Privacy Code

Rule 11 subsection 2(d)(ii)

An agency that holds health information must not disclose the information to a person or body or agency unless – the disclosure of that information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another individual.

Our recommendations

- All coaches and team managers (paid or unpaid) are vetted for their suitability to work with children/young people and must agree to a police check as part of the recruitment process.
- This check could be carried out by each club employing the services of the coach.
- Appointment of a Child Protection Advocate for SBOP.
- Suitable training needs to occur for the Child Protection Advocate to ensure they are equipped with the skills necessary for this role.
- Education of the protocol is essential. The Child Protection Advocate would run a Child Protection Protocol training module for all coaches. This would be a two hour module initially.
- The Child Protection Advocate would need to keep a register of all coaches that attend this training module.
- If SBOP wanted to ensure all coaches, both new and existing attended the training module, strategies to encourage attendance could include:
 - Attendance at the training module could be embedded in the contracts for new coaches if clubs chose to do this.
 - Setting a goal for all clubs to have a 90% sign-off on attendance at the module within the first two years of the Child Protection Protocol's inception.
 - Requiring a 90% sign-off on attendance at the module to allow hosting a swimming meet. A 90% sign-off would allow time for any new coaches that join a club to have some grace in attending the module.
- Occurrences of the training module offered to the wider swimming community such as volunteers, parents etc.

- Issuing of a 24 month poolside pass for coaches and when appropriate, managers. This pass would be issued upon completion of the CPP training module and provision of police clearance.
- Managers operating on a temporary basis will be required to obtain a one-off poolside pass from SBOP.

Next Steps

- SBOP Board approval of the Child Protection Protocol (CPP)
- Appointment of a Regional Child Protection Advocate (CPA) if approved by the SBOP Board
- Education, both initial and ongoing of CPP to:
 - SBOP staff
 - Club coaches, volunteers, parents, members
- Vetting of all existing coaches by way of police clearance at club expense. Evidence of current membership of NZSCAT is suitable evidence of a current police check.
- Clubs are responsible for ensuring that all new coaching appointments carry police clearance.
- Development of an SBOP Code of Conduct

Child Protection Advocate (CPA)

The CPA will be someone who:

- Has suitable experience working with children
- Demonstrate a proven history of considerate and robust decision making regarding highly sensitive and challenging scenarios
- Can provide two confidential references. These references must be confirmed through telephone contact

- Provide consent to undergo a police check
- Agree to undergo training for the role. WDHB are able to provide specific training for this person free of charge. They are willing to provide ongoing support for the person in the CPA role and assist this person with the training module required for coaches and other personnel.
- Is able to put processes in place whereby education of child protection within the swimming community is ongoing.
- Is able to maintain current knowledge with local and central government policy regarding Child Protection. This knowledge needs to continually inform the SBOP Child Protection Protocol