

SWIMMING AUSTRALIA

Safe Sport Framework

29 July 2016

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Part 1 – Introduction - Safe Sport Framework

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1. Part 1 – Introduction - Safe Sport Framework

1.1 Introduction

Swimming is part of Australia's DNA. Whether people swim for competitive, recreational, health and wellbeing or leisure purposes, swimming benefits many Australians. We want swimming to be fun, enjoyable and safe for all.

Unfortunately, like many other sports and activities in society, the misconduct of one individual can negatively impact the welfare, health and safety of Members and Participants. Misconduct has the potential to result in profound psychological and/or physical damage to Members and/or Participants – whether they are adults or, in particular, Children or Young People. These risks must be minimised to every extent possible.

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

1.2 Our Safe Sport Framework

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

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

- (a) Part 1: Introduction – our Safe Sport Framework and Safe Sport Commitment;
- (b) Part 2: Our Child Protection Commitment Statement;
- (c) Part 3: Our Codes of Conduct (including in relation to Children or Young People); and
- (d) Part 4: Our Safe Sport Complaint Procedures.

Swimming Australia and its Clubs will promote and monitor this Safe Sport Framework to the fullest extent possible and with the assistance of our Members. Swimming Australia recognises that the responsibility for safeguarding Children or Young People in our Sport lies with all those involved in the Sport and is not the sole responsibility of any one person at club, regional, State or national level.

1.3 Who is bound by the Safe Sport Framework?

The Safe Sport Framework binds everyone who is involved in our Sport.

The Safe Sport Framework applies from its date of commencement as outlined on page 1 (**Commencement Date**).

Where a member protection complaint is lodged prior to the Commencement Date, that complaint must be dealt with under the relevant existing policies and processes of Swimming Australia.

Any child or member welfare complaint lodged on or after the Commencement Date, whether it involves conduct that is alleged to have occurred either before or after the Commencement Date, must be dealt with under this Safe Sport Framework.

1.4 Our Safe Sport Commitment

Swimming Australia and its Clubs strive to:

- provide a safe environment for everyone involved in our Sport;
- take an inclusive approach in its activities; and
- ensure the safety and wellbeing of Children or Young People in particular.

In delivering on our commitment to the health, safety and wellbeing of all, Swimming Australia and its Clubs take seriously their positive obligation to educate and inform everyone involved in our Sport of each person's responsibilities to:

- protect and look after each other;
- protect and look after Children or Young People, from Child Abuse and Grooming; and
- create and maintain a child-safe culture and a culture of inclusion and safety that is understood, endorsed and put into action by all.

This is our "Safe Sport Commitment".

1.5 Breaches of our Safe Sport Framework

We encourage everyone in our swimming community to comply with our Safe Sport Framework. We require compliance with this Framework by Swimming Australia, Clubs, Members, parents/guardians of Members who are Children or Young People, employees, administrators, coaches and technical officials.

Failure to comply with this Safe Sport Framework may be considered a breach of the Safe Sport Framework and result in disciplinary action in accordance with section **Error! Reference source not found.**

1.6 Whistle blower statement

A whistle blower is defined in the Oxford Dictionary as a person who informs on a person or organisation regarded as engaging in an unlawful or immoral activity.

For the purposes of this Safe Sport Framework, "unlawful or immoral activity" includes any breach or suspected breach of the Safe Sport Framework, and a "whistle blower" is (subject to this section 1.6) a Complainant filing a Complaint under this Safe Sport Framework.

Swimming Australia and its Clubs are committed to protecting and respecting the rights of a person who reports a complaint or suspected breach of this Safe Sport Framework in good faith. Swimming Australia and its Clubs will not tolerate any retaliatory action or threats of retaliatory action against any person or organisation who has made or who is believed to have made a report or a complaint of a suspected breach of this Safe Sport Framework. For example the Complainant must not be disadvantaged or victimised by having made the report or complaint by:

- dismissal;
- demotion;
- any form of Harassment;
- Discrimination;
- current or future bias; or
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a report being made under this Safe Sport Framework will be treated as serious misconduct, and a breach of the Safe Sport Framework, and may result in disciplinary action.

Where it is shown that a Complainant has knowingly made a false report or Complaint, then that conduct itself will be considered a serious matter and that Complainant may be subject to disciplinary action where the complained-about matters the Complainant knows, or is in a position to know, have no substance.

1.7 Member Protection Information Officers

MPIOs are persons appointed by Swimming Australia or its Clubs as a contact point in relation to this Safe Sport Framework.

Swimming Australia and its Clubs will administer the ongoing appointment of MPIOs to ensure Members, Participants and others within our Sport have available to them a person who is familiar with the processes within this Safe Sport Framework.

The MPIO provides impartial information about policy, process and procedures under this Safe Sport Framework to any person with a concern arising from an alleged

breach, or any person against whom there is an allegation of a breach of this Safe Sport Framework.

The MPIO provides support and procedural advice, but has no jurisdiction to either determine the method of addressing a Complaint, or make a decision or impose any disciplinary measure regarding a Complaint, under this Safe Sport Framework.

Any person wishing to contact a MPIO should contact their Club, Member Association or SAL, or visit the organisation's website, to ascertain their relevant MPIO's contact details.

1.8 Safe Sport Framework Definitions

These definitions apply throughout this Safe Sport Framework and any tools, resources and templates referred to in the Safe Sport Framework.

Term	Definition
Abuse	Abuse means Physical Abuse, Emotional or Psychological Abuse, Sexual Abuse, and abuse of power that has caused, is causing or is likely to cause Harm to a person's wellbeing or development, whether in person directly or as the result of a publication viewable by any other person by any means. Examples of Abuse include, but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
Appeals Tribunal	Appeals Tribunal means the panel created in accordance with this Framework to handle an appeal under this Framework.
Appellant	Appellant means the person or organisation who initiates an appeal
Athlete	Athlete means a swimmer - whether recreational or competitive - and who is an individual Member of a Club or Member Association, and therefore a Member of Swimming Australia Limited.
Attachment	Attachment means an attachment to this Policy
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons or groups of persons over another less powerful person or group of persons and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • <i>Verbal</i> (name calling, put downs, threats); • <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting); • <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or • <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions). <p>Bullying may have Harmed, is Harming or is likely to Harm or endanger a person or a Child or Young Person. For the avoidance of doubt, Bullying includes cyber Bullying, which can also have lasting and damaging consequences.</p>

Term	Definition
Case 1 Complaints	Case 1 Complaints are those Complaints that should be immediately escalated to Swimming Australia. Case 1 Complaints include: <ul style="list-style-type: none"> • Child Abuse; • Sexual Misconduct; and • Serious Criminal Conduct.
Case 2 Complaints	Case 2 Complaints are those State-related Complaints or inter-Club matters not involving Child Abuse or Serious Criminal Conduct.
Case 3 Complaints	Case 3 Complaints are those general Complaints related to adults in our Sport including Bullying, Harassment, dissatisfaction with Safe Sport Framework-related decisions or interactions not involving Child Abuse or Serious Criminal Conduct
CEO	CEO means the chief executive officer of Swimming Australia Limited, a Member Association or a Club, and includes the executive officer, general manager or other similar title. If the Member Association or Club has no executive officer (for example, for small Clubs or Districts) the CEO means the President of the organisation.
Child Abuse	Child Abuse is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.
Child Protection Concern	A Child Protection Concern includes: <ul style="list-style-type: none"> • disclosures of actual Harm, Abuse or Sexual Exploitation of a Child or Young Person; • the potential risk of Harm, Abuse or Sexual Exploitation of a Child or Young Person; and • breaches of the Codes of Conduct by staff or volunteers.
Child or Young Person / Children or Young People	A Child or Young Person is a person under the age of eighteen years and Children and Young People mean more than one Child or Young Person.
Clubs	Clubs means swimming clubs within Australia that are currently affiliated with a Member Association. Clubs must agree to adhere to the Swimming Australia Safe Sport Framework.
Codes of Conduct	The Codes of Conduct include the General Code of Conduct and the Code of Conduct for dealing with Children and Young People. The Codes of Conduct aim to identify and prevent behaviour that may be Harmful to Members, Participants, Children or Young People in our swimming communities. The Codes of Conduct outline what is, and what is not acceptable behaviour or practice when working with others or engaging with Children or Young People.
Complainant	A Complainant is the person or persons making a Complaint and includes a parent, guardian or adult representative of the Child or Young Person.

Term	Definition
Complaint	<p>Complaint means a complaint made to a Person in a Position of Authority in writing and may be a Case 1, 2 or 3 Complaint. Where possible, it should set out:</p> <ul style="list-style-type: none"> • the details or particulars of the complaint, including dates, times, persons, Clubs and Persons in Positions of Authority involved; • the Complainant(s)' wishes as to how they would like the complaint resolved; and • what outcome the Complainant is seeking.
Delegated Organisation	<p>Delegated Organisation means an organisation delegated by Swimming Australia Limited to handle a Case 1 Complaint, such as a Member Association.</p>
Discrimination	<p>Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.</p> <p>In Australia, it is against the law to discriminate against someone because of the following (including but not limited to):</p> <ul style="list-style-type: none"> • age • sex or gender • gender identity • intersex status • race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration • disability, mental and physical impairment • family/carer responsibilities, status as a parent or carer • marital status • pregnancy, potential pregnancy, breastfeeding • sexual orientation and gender identity • physical features • irrelevant medical record • irrelevant criminal record, spent convictions • political beliefs or activities • religion, religious beliefs or activities • national extraction or social origin • lawful sexual activity • profession, trade, occupation or calling • member of association or organisation of employees or employers, industrial activity, trade union activity • defence service • personal association with someone who has, or is assumed to have, any of the above characteristics <p>Examples of discrimination are available on the Play by the Rules website: www.playbytherules.net.au/legal-stuff/discrimination</p>

Term	Definition
	<p>Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:</p> <ul style="list-style-type: none"> • holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years); • excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and • not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.
<p>Emotional or Psychological Abuse</p>	<p>Emotional or Psychological Abuse occurs when a Child or Young Person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a Child or Young Person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to swimming, overtraining can constitute Emotional or Psychological Abuse where these behaviours continue to an extent that results or has the potential to result in significant damage to the Child or Young Person's physical, intellectual or emotional wellbeing and development, including any form of Harm. The issue of Emotional or Psychological Abuse must be considered within the context of resources reasonably available to the Child or Young Person through their family or carer network.</p>
<p>Grooming</p>	<p>Grooming is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child or Young Person with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Children or Young People. For some perpetrators, there will be a lengthy period of time before the Abuse begins. The Child or Young Person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child or Young Person in and Abuse them relatively quickly. Some abusers do not groom Children or Young People but Abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
<p>Harm</p>	<p>Harm to a person or a Child or Young Person is any detrimental effect of a significant nature to the person or Child or Young Person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • Physical, Psychological or Emotional Abuse or Neglect; • Sexual Abuse or Exploitation; • a single act, omission or circumstance; and

Term	Definition
	<ul style="list-style-type: none"> a series or combination of acts, omissions or circumstances.
Harassment	<p>Harassment means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause Harm to the person who is the subject of the Harassment. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes Bullying.</p> <p>Unlawful Harassment includes the above but is either sexual or targets a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under Discrimination).</p> <p>It does not matter whether the Harassment was intended: the focus is on the impact of the behaviour. As a guide, if someone finds behaviour or actions harassing, then it could be considered as Harassment. Harassment may be a single incident or repeated. It may be explicit, implicit, verbal or non-verbal and includes public acts of hatred.</p>
Hearing Tribunal	<p>Hearing Tribunal means the panel created in accordance with the “Child Welfare Policy General Information and Procedures” to hear a complaint under this Policy.</p>
Investigation Officer	<p>Investigation Officer refers to a Person in a Position of Authority that has been appointed by a Club, Member Association or Swimming Australia Limited to conduct initial investigations into a complaint.</p>
Investigator	<p>Investigator means the person appointed by an Involved Organisation to conduct an Independent Investigation in accordance with Step 10(a) (Case 1 Complaints) or Step 6(b) (Case 2 and 3 Complaints).</p>
Involved Organisation	<p>Involved Organisation means the relevant organisation to receive a Complaint and may be SAL, a Club, Member Association or Affiliate.</p>
Mediator	<p>Mediator means a person appointed to mediate a Complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.</p>
Member	<p>A Member is generally an individual who is registered as a financial (paid up) member of a Club. A Member can also include (but is not limited to) those classes of members used by Clubs such as “honorary member”, “life member” and so on.</p>
Member Associations	<p>Member Associations are the Australian State and Territory Swimming Associations, the Australian Swimming Coaches and Teachers Association and the Australian Swimmers Association. For those States and Territories that have Regional or District Associations, Member Associations include Regional or District Associations. Member Associations have agreed to follow and adhere to the Swimming Australia Safe Sport Framework in its entirety.</p>
Member Protection	<p>Member Protection Information Officer or MPIO means a person</p>

Term	Definition
Information Officer or MPIO	appointed by Swimming Australia or its Clubs as a contact person regarding possible breaches of this Safe Sport Framework. The MPIO provides impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of this Safe Sport Framework.
Natural Justice (or procedural fairness)	<p>Natural Justice (or procedural fairness) is the principle that, when resolving a complaint:</p> <ul style="list-style-type: none"> • both the Complainant and the Respondent must know the full details of what is being said against them; • both the Complainant and the Respondent must be given full opportunity to respond to the allegations and raise any matters in their own defence; • all parties need to be heard and all relevant submissions considered; • irrelevant matters should not be taken into account; • no person may judge their own case; • the decision maker(s) must be unbiased, fair and just; and • the penalties imposed must not outweigh the breach of this Safe Sport Framework or offending behaviour.
Neglect	Neglect is the persistent failure or deliberate failure or denial to provide a Child or Young Person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child or Young Person's health and development is, or is likely to be, Harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect is to be referred to the relevant external authority in the jurisdiction in which it occurs.
Panel Member	Panel Member refers to either a Hearing Tribunal Panel or Appeals Tribunal Panel member under this Safe Sport Framework.
Participant	A Participant includes anyone who participates in a Swimming Australia or Club service, event, activity or program, including people who may not be a Member. A Participant may be provided the service or program for free, yet is still under the care of Persons in Positions of Authority whilst participating.
Person in a Position of Authority	A Person in a Position of Authority includes everyone who holds a position of authority in our Sport, whether paid or unpaid, and includes, but is not limited to, all Swimming Australia and Club staff, coaches, officials and volunteers. For the avoidance of doubt, a Person in a Position of Authority also includes Children or Young People who may hold a position of authority in our Sport over other Children or Young People.
Physical Abuse	Physical Abuse occurs when a person subjects a person or a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person or a Child or Young Person. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning,

Term	Definition
	harmful overtraining, and kicking.
Police Check	Police Check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
Policy	Policy means the Safe Sport Complaint Procedures and Attachments.
Provisional Action	Provisional Action is action that may be taken by Swimming Australia Limited or its Delegated Organisation in relation to Case 1 Complaints. Provisional Action is action taken against a Respondent of Case 1 Complaints where the alleged incident is serious enough to warrant such action being taken until the outcome(s) of the internal investigation, Independent Investigation or Hearing Tribunal is known. Provisional action may include, but is not limited to, suspension, restriction of duties or temporary re-deployment.
Regional or District Association	A Regional Swimming or District Association includes a governing body that is given powers at a local level for the advancement of our Sport in certain States or Territories. These Associations are required to comply with all applicable provisions of this Safe Sport Framework.
Respondent	Respondent means the person or organisation responding to the complaint up to the conclusion of a Hearing Tribunal. From the commencement of an Appeals Tribunal process, the Respondent means the person responding to the Appeal being initiated.
Safe Sport Complaints Procedures	The procedures dealing with complaints in relation to Child or Young Person and Member Welfare issues set out in Part 4 of this Safe Sport Framework.
Senior Person	The President, CEO, Secretary or designated delegate of Swimming Australia Limited, a Member Association or Club, as applicable.
Serious Criminal Conduct	Serious Criminal Conduct means any of the following: <ul style="list-style-type: none"> • Sexual Offences; • drug possession, use, sale or any other drug-related conduct; • assault causing serious injury; and • any criminal conduct deemed serious enough to warrant escalation to SAL by the Involved Organisation.
Sexual Abuse	Sexual Abuse occurs when an adult or person of authority (eg older, or younger but more physically or intellectually developed) involves a Child or Young Person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the Child or Young Person for their own benefit. It can include making sexual

Term	Definition
	<p>comments to a Child or Young Person, engaging Children or Young People to participate in sexual conversations over the internet or on social media, kissing, touching a Child or Young Person's genitals or breasts, oral sex or intercourse with a Child or Young Person. Encouraging a Child or Young Person to view pornographic magazines, websites and videos, or engaging Children or Young People to participate in sexual conversations over the internet is also considered Sexual Abuse.</p>
Sexual Exploitation	<p>Sexual Exploitation occurs when Children or Young People are forced or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of actual photos or videos whether or not published on the internet.</p>
Sexual Harassment	<p>Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a hostile environment.</p>
Sexual Misconduct	<p>Sexual Misconduct means any of the following:</p> <ul style="list-style-type: none"> • Sexual Offences; • Sexual Harassment; and • the use of technology or social media platforms with sexual connotation.
Sexual Offence	<p>Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to:</p> <ul style="list-style-type: none"> • rape; • indecent assault; • sexual assault; • assault with intent to have sexual intercourse; • incest; • sexual penetration of child under the age of 16; • indecent act with child under the age of 16; • sexual relationship with child under the age of 16; • sexual offences against people with impaired mental functioning; • abduction and detention; • procuring sexual penetration by threats of fraud; • procuring sexual penetration of a child under the age of 16; • bestiality; • soliciting acts of sexual penetration or indecent acts; • promoting or engaging in acts of Child or Young Person prostitution; • obtaining benefits from Child or Young Person prostitution; • possession of Child or Young Person pornography; and • publishing Child or Young Person pornography and indecent articles.

Term	Definition
Sport	The sport of swimming in Australia, whether recreational or competitive.
Swimming Australia Child Protection Commitment Statement	The Commitment Statement in Part 2 of this Safe Sport Framework that defines the principles and procedures that are implemented to ensure that Children or Young People who access a Swimming Australia or Club program, activity, event, service or facility are protected.
Swimming Australia Limited	The national governing body for swimming in Australia.