

## Corporate Policy

**Name:** Child Protection Policy

**Number:** POL-028.A

**Issue Date:** 19<sup>th</sup> March 2019

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### Aim

This Child Protection Policy has been developed in line with Lifeguarding Services Australia's Integrated Quality and Risk Management Systems.

Before commencement of employment or engagement with Lifeguarding Services Australia, or as soon as practicable thereafter, all Staff Members shall ensure that they read, understand and complete the LSA Induction and Child Protection Training Manuals.

All staff are required to attend Regular In-House training programs to which, any changes to this policy or any related internal procedures or external Legislations or Regulations are to be discussed.

This Policy is intended to:

- a) Guide staff, on how to behave with patrons under the age of 18 years old.
- b) Clarify the parameters of appropriate and inappropriate conduct for staff of Lifeguarding Services Australia in order to create a safe and supportive environment for patrons in accordance with Lifeguarding Services Australia's mission and values and the Councils and Communities we are committed to.
- c) Model a contemporary workplace at Lifeguarding Services Australia that is collaborative, consultative, and lawfully compliant in relation to the changing child protection practice.

The Policy is underpinned by relevant legislation and industrial instruments (see Legislation below).

In the event of any conflict between this Policy and the legislation, the provisions of legislation take precedence.

### Scope

This Policy applies to all persons engaged to work in, or to provide services to, the Lifeguarding Services Australia and its clients.

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## Related Code and Policies

The policies and codes which are to be read in conjunction with this Policy are:

- a) IMS Manual
- b) IMS Policy
- c) Occupational Health, Safety and Wellbeing Policy
- d) Continuous Improvement Policy
- e) Risk Management Policy
- f) Misconduct Policy
- g) Bullying and Sexual Harassment Policy
- h) Risk Assessment for Public Interaction with Swimming Locations
- i) Risk Assessment for Child Protection at Public Pools

## Legislation

Child protection legislation has been enacted by every state and territory of Australia. This legislation sets out legal and regulatory requirements around the interaction with public, the care of children, and the reporting of conduct of concern. The principal legislation is set out in the Schedule.

## Definitions

In this Policy:

1. Lifeguarding Services Australia (LSA) refers to:
  - i) Any service provided by the Lifeguarding Services Australia Group, including but not limited to LSA Venues, LSA Swimming, LSA Fitness, LSA Training.
2. A Child refers to:
  - i) a Child or Children which in this Code means persons under the age of 16 years,
  - ii) a Young Person or Persons which in this Code means persons between the ages of 16 and 18, and
  - iii) any Student of the School under the age of 18 years.

Child Protection Contact Person means the person who has been nominated to manage child protection issues within Lifeguarding Services Australia as detailed in Child Protection Contact Person below.

3. Parent or Parents refers to a child's biological parents, adoptive parents, legal guardians and/or caregivers.
4. Reportable Conduct refers to conduct as described in Part 4 of the *Children's Guardian Act 2019* (NSW).
5. Staff Member or Members refers to:
  - i) All paid employees whether employed on a permanent, temporary or casual basis, and
  - ii) All persons who have been engaged to work within Lifeguarding Services Australia's operations or who have face to face contact with Children in any place and on any basis, including consultants, or staff from Councils to which Lifeguarding Services Australia are contracted to operate their venues.

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## Mission and Values in Relation to Children

Lifeguarding Services Australia seeks to create a safe and caring environment where the highest standards of ethical conduct in relation to the care, support, and welfare of children are entrusted to it.

### Forms and Possible Signs of Abuse - What is abuse?

There are 4 types of child abuse:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

**Physical abuse** is when a child has suffered, or it at risk of suffering, trauma or injury, caused by a parent, caregiver or other person, that is non-accidental. It involves the intentional use of physical force that results in harm of the child or young person's health, survival, development or dignity.

Examples of physical abuse are:

- Hitting
- Beating
- Kicking
- Shaking
- Biting
- Strangling
- Scalding
- Burning
- Poisoning
- Suffocating

Possible Indicators of physical abuse include:

Physical	Behavioural
Bruises in unlikely places	Covering up injuries
Fractured bones or dislocated joint or sprains	Fear of adults
Burns and scalds	Unable to explain injury
Laceration and welts	Being aggressive towards others
Bites or black eyes	Avoiding physical contact
	Withdrawing from friend and family

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**Sexual abuse** is when a person involves a child in sexual activity by using their authority or taking advantage of their trust. It is any act that exposes a child or young person to sexual processes where the child does not fully understand, is unable to give informed consent to, is not developmentally prepared and are contrary to acceptable community standards. This can include bribing or threats to make them participate.

Examples of sexual abuse are:

- Fondling of genitals
- Exposing a child to pornography
- Having sex with a child, including oral sex
- Making sexual comments to a child

Possible indicators of sexual abuse include:

Physical	Behavioural
Pain or bleeding in the anal or genital areas	Overly sexual behaviour or advanced sexual knowledge
Bruises, injury, soreness or bite marks to breasts, buttocks, or lower abdomen	Changes in behaviour such as increased fear, anxiety, or aggression
Difficulty walking or sitting	Self-destructive behaviour
Unexplained pain in genital area	Withdrawn behaviour
Abdominal pain and headaches	Regression in development such as urinating in clothes

**Emotional abuse** refers to a parent or guardian's inappropriate verbal or physical acts towards a child or young person and a pattern of failure over time to provide adequate non-physical nurturing and emotional availability. Emotional abuse occurs when an adult harms a child by repetitively treating and speaking to a child in ways that damage their ability to feel and express feelings.

Possible indicators of emotional abuse include:

Physical	Behavioural
Speech disorders	Overly complaint or passive behaviour
Delays in emotional or mental development	High levels of anxiety or depression
Delays in physical development	Lack of trust in adults
Bed-wetting beyond the usual age	Excessively shy or withdrawn behaviour
Lethargy or fatigue	Extreme attention seeking behaviour
Injuries sustained from self-harm	Low self-esteem and confidence
Unhealthy coping strategies such as sucking or biting	Drug or alcohol abuse

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**Neglect** is failure of a parent/carer to provide a child with basic needs for their growth and development including food, clothing, shelter, and medical care. Neglectful behaviours can be an act of omission or undertaken by wilful choice. Neglect can occur across different areas of a child's life including physical, emotional, educational, medical, nutritional, and environmental. Indicators of neglect include:

Physical	Behavioural
Low weight for the child or young person's age	Indiscriminately seeking out adult affection
Poor standards of hygiene	Stealing food
Lack of suitable clothing for weather conditions	Being constantly tired
Untreated physical problems	Being frequently late or absent
Poor complexion	Withdrawn behaviour
A child or young person being frequently left unsupervised	Frequent illness, minor infection or sores

**Grooming** is when a person engages with predatory behaviour towards a child or young person to prepare them for sexual activity. It refers to deliberate action taken with the aim to befriend and establish a personal connection with a child. It can include attempting to create a relationship or emotional connection with a child or young person.

### Grooming Strategies

- Giving a child gifts or special attention, while excluding other children
- Spending inappropriate one-on-one time with a child or young person
- Actively isolating children and young people from others
- Violating personal boundaries in the context of intimate care, such as toileting and changing clothes
- Insisting on physical affection with a child such as hugging, kissing, tickling even when a child does not appear to want it
- Communicating with a child or young person through unauthorised channels such as social media

### The Child Safe Standards

In NSW, the Child Safe Standards are regulated under the *Children's Guardian Amendment (Child Safe Scheme) Act 2021* (commencing 1 February 2022). The Act requires child-related organisations to comply with the 10 Child Safe Standards.

The Child Safe Standards are outlined below.

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved

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4. Equity is upheld, and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

### **Criminal Offences and Obligations**

All LSA staff members should be aware of the following criminal offences relating to child protection.

#### **Failure to Protect**

The Failure to Protect offence requires **all adults** engaged in child-related work to ensure that the children and young people under the care of the organisation are protected from risks of harm and abuse. It is an offence if an adult:

- Knows that another adult working in the organisation poses a serious risk of abusing a child
- Has the power to reduce or remove the risk
- Negligently fails to reduce or remove the risk.

In NSW, the offence is regulated under the *Crimes Act 1900* (NSW) s 43B. In QLD, the offence is regulated under the *Criminal Code Act 1899* (QLD) s 229BB.

#### **Failure to Report**

The Failure to Report offence requires **all adults** within child-related organisations to make a report to Police, if they have knowledge that a child abuse offence has been committed against a child or young person.

In NSW, the offence is regulated under the *Crimes Act 1900* (NSW) s 316A. In QLD, the offence is regulated under the *Criminal Code Act 1899* (QLD) s 229BC.

#### **Duty Of Care**

All Staff Members have a duty to take reasonable care for the safety and welfare of Children in their care. That duty is to consider and take all reasonable action to protect Children from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required of a Staff Member must take into consideration various factors, such as a Child's maturity and ability.

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This duty of care owed to Children by all Staff Members applies during all operations conducted by LSA where a Child is under the supervision of a Staff Member.

The risk associated with any operation needs to be assessed and managed by Staff Members before the operation is undertaken. A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or if there is the potential to cause significant harm to a Child.

All Staff Members also have a duty to not neglect the welfare of Children. Neglect includes either an action or inaction by a person who has care responsibilities towards a Child which may include:

- Supervisory neglect (failure to adequately supervise a Child),
- Carer neglect (grossly inadequate care of a Child),
- Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a Child), and/or
- Reckless acts or failure to act (including a gross breach of professional standards that may result in harm to a Child).

In relation to this duty of care all Staff Members must participate in training opportunities as proposed to them by LSA in order to maintain and update their understanding of child protection law and practice and LSA's policies and procedures in relation to the care of children.

### **Working with Children Check - NSW**

The Office of the Children's Guardian is responsible for employment screening for child related employment.

A Working With Children Check is a prerequisite for anyone in child-related work in NSW. The new Check covers more people, is more comprehensive and provides better protection for children than the previous model. It is also more consistent with other state and territory Checks.

A Working With Children Check includes a national police check and review of findings of reportable workplace misconduct involving children. The result is either a clearance or a bar.

If the outcome is a clearance, the Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subject to ongoing monitoring and relevant new records could lead to a bar and the clearance being revoked.

Before engaging a new, paid, child-related worker, an employer must ensure the worker has a clearance to work with children, or a completed Check application in progress. Existing workers and volunteers should be verified online as they are phased in to the new Check.

The only way to accurately determine a person's clearance status is by verifying their Working With Children Check online; paper evidence of a clearance should not be accepted.

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The QHSE Manager will require from each new employee their WWCC number, along with their surname and date of birth for online verification. LSA will not accept paper or email evidence as proof of clearance.

All employees will sign the Misconduct Policy.

Copies of employee documents are kept by the QHSE Manager.

### Employer Responsibilities:

- Report to the Office of the Children's Guardian any findings of misconduct involving children. According to the Act, an employee is the subject of such a finding if the person engaged in the following conduct:
  - sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or
  - any serious physical assault of a child.
- Advise any person subject of a misconduct finding that the Office of the Children's Guardian has been notified of a finding of misconduct involving children.
- Register online with the new Working With Children Check
- Verify every new paid employee online before hiring them. If the outcome of online verification is 'cleared' or 'application in progress' the worker may begin working with children immediately. Cleared applicants may use their Working With Children Check for any child-related work in NSW for five years. They are also subject to ongoing monitoring for relevant new records which may lead to the clearance being revoked before it is expired (i.e. barred from working with children).
- Barred applicants must not engage in any child-related work (paid or unpaid). It is an offence for them to do so and penalties apply. It is also an offence to hire a barred worker for child-related work, paid or unpaid.
- Verify current paid workers (new and current) online as they are phased in to the new Check.
- Ensure their own Working With Children Check is verified online by an appropriate person in the organisation (employers cannot self-verify)
- Remove any barred or unauthorised person from child-related work. A worker for child-related work (paid or unpaid) cannot be employed if the outcome of their online verification is:
  - barred
  - interim barred
  - not found

If LSA receives advice that a current employee has become barred (or has an interim bar) that person must be immediately removed from child-related work. It doesn't matter whether they are paid or unpaid; supervised or unsupervised. LSA's only options are:

- dismiss the worker
- suspend them from child-related work pending the outcome of an appeal
- transfer them to a non child-related role within the business (although there is no legal obligation to find an alternative position for a barred worker).

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## Exemptions

There are specified exemptions from the Working With Children Check under Part 4, Section 20 of the *Child Protection (Working With Children) Regulation 2013*. People covered by these exemptions are not required to have a Working With Children Check:

- Administrative, clerical or maintenance work, or other ancillary work, that does not ordinarily involve contact with children for extended periods.
- Work for a period of no more than five days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present.
- Informal domestic arrangements not carried out on a professional or commercial basis.
- Work with close relatives of the worker (not including work as a foster carer or other authorised carer of children in statutory and supported out-of-home care).
- Volunteering by a parent or close relative:
  - of a child in activities for the child’s school, early education service or other educational institution; except where the work is part of a formal mentoring program or involves intimate personal care of children with a disability
  - with a team, program or other activity in which the child usually participates or is a team member; except where the work is part of a formal mentoring program or involves personal care of children with a disability.
- A visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults.
- Work by an interstate visitor:
  - in a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days
  - who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year.
- NSW Police or Australian Federal Police officers in their capacity as police officers.
- People under the age of 18.

## Blue Card System - QLD

To work or volunteer with children in QLD, you may need a blue card. To require a QLD blue card, an individual’s work or activities must fall within one of 16 categories of regulated employment under the [Working with Children \(Risk Management and Screening\) Act 2000](#).

## Compliance and Enforcement

Organisations and businesses regulated by the blue card system need to understand and comply with their obligations under the [Working with Children \(Risk Management and Screening\) Act](#).

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Organisations must:

- Not start a person in child-regulated work without a valid card
- not start a person in child-regulated work without a valid card
- take reasonable steps to confirm the card holder’s identity
- link a card holder when they start with your organisation
- de-link a card holder when they leave your organisation
- maintain a register of the people engaged in your organisation
- develop and implement a child and youth risk management strategy

Organisations must tell Blue Card Services when there is a change in the organisation’s information.

### Exemptions

Some environments involving children do not require a blue card. These include:

- If you are a paid employee, volunteer or student and do not work for more than 7 days in a calendar year. Calendar year is from 1 January to 31 December
- You are a volunteer under 18 years of age
- If you are working alongside a person who is under 18 (e.g. if you supervise someone who is 17 years old)
- If you are involved in a club, team or group activity that has members under 18 years old
- If you are supervising a student while they do work experience, including school students

### Suspension or Cancellation of Blue Card

An applicant or card holder with a suspended or cancelled blue or exemption card, you must not apply for, start or continue child-related work. Whilst your card is suspended or if you have been issues with a negative notice, you are considered a restricted person.

### **Child-Focused Risk Management**

All Staff Members will ensure that they use child-focused risk management practices in all their activities in accordance with LSA’s Policies and Procedures.

In this regard all Staff Members must ensure that they comply with all legislative and policy obligations to maintain and update their child protection screening.

The QHSE Manager is experienced in Child Protection issues and under normal circumstances manages Mandatory Reporting in close consultation with the Chief Executive Officer.

The CEO and Child Protection Officer are both trained in Child Protection Investigation.

Lifeguarding Services Australia has an arrangement with Child Safeguard should advice or an external investigator be required for a reportable conduct or higher level child protection investigation.

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## Staff Code of Conduct

LSA ensures all aspects of our service, and our venues are always safe for all children. Our service has a moral and legal responsibility to ensure that the rights and best interests of the child are paramount.

LSA expects all Staff Members to be caring, compassionate adults who take an interest in the well-being of Children, and who set appropriate boundaries for worker-Child relations.

Staff Members must be aware that their interactions with Children are based on a trusting relationship arising from the nature of their role in the organisation, and that those relationships are open to scrutiny.

At all times, Staff Members must conduct themselves in a professional manner towards children, consistent with their appointed role.

A Staff Member must not act recklessly in this regard.

STAFF MUST	STAFF MUST NOT
Talk to children in a professional and supportive manner	Use abusive or offensive language
Treat children with respect	Act in ways which may cause a Child to reasonably fear that unjustified force will be used against them, even if this is not their intention
Listen and respect what children have to say	Single out a child in a humiliating manner
Ensure all children are being supervised by a parent/adult	Be alone with a child in an unsupervised way
Perform checks of obstructed areas of the venue	Take a child into areas that are not visible to other staff members
Ensure that any physical contact is appropriate to the situation	Engage in physical contact without consent
Use gentle handling when making stroke corrections or manipulations within swimming lessons	Perform acts that are of a personal nature with the child such as changing clothes and toileting
Keep hands visible above the water's surface when providing support	Touch the child or young person in areas of a sexual nature
Be cautious when using hands on correct whilst the child is still moving	Allow a child to smack or hit another student
Obtain consent from parents/guardians before taking any photos or videos of children	Engage in inappropriate physical contact/force with a Child including physical/corporal punishment of a child in the course of their role such as smacking or hitting a child as a form of discipline
Ensure adequate supervision of children in change rooms	Share personal information or photos of children without obtaining consent
Knock or announce oneself before entering change	Use photographic or videos in change rooms

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rooms	
Ensure all activity and communication occurs within the scope of staff job role and responsibilities	Be in one-on-one situations with children without supervision by another staff member or the child's parent
Ensure all interactions with children and their families remain within context of the teacher and student relationship	Buy gifts for children without authorisation from a manager and without the knowledge of parents/guardians
Respect children's privacy when changing in a public area or change room	Share personal information with children
Always act in ways that promote the health, wellbeing and safety of children	Use change rooms while a child is present. If unavoidable, staff member should use a private stall
Be ethical, fair and honest in all dealings with children	Engage in any act that breaches the Child Protection Policy, including the Child Safe Code of Conduct
Be alert to risk indicators of child abuse and child grooming	Engage in any behaviour that puts children at risk
Comply with LSA's Child Protection Policy	Permit bullying to take place between children
	Behave in a manner which may cause psychological harm to a Child
	Correct or discipline a Child in excess of what is reasonable or appropriate for the situation.

## Reporting

Please refer to the flowchart *Child Protection Notification Flowchart* attached to this Policy.

Child protection laws require all Staff Members who are engaged in child-related work or who are otherwise not exempt to have completed a Working With Children Check/Blue Card (see Useful Resources below) and report certain matters of concern in relation to Children, including:

- a) Informing Lifeguarding Services Australia if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them,
- b) Reporting to Lifeguarding Services Australia any allegations or convictions of Reportable Conduct involving any Staff Member,
- c) Reporting to Lifeguarding Services Australia any information or concerns about inappropriate behaviour by any Staff Member that involves a Child,
- d) Maintaining confidentiality of all parties concerned.

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In any matter where a Staff Member is in doubt as to the requirements of confidentiality, they should seek the advice of the Child Protection Contact Person without discussing the matter with others. In any case where the serious concern involves actions or alleged neglect by the Child Protection Contact Person a Staff Member must take the matter of concern directly to a person in a higher position.

A Staff Member must not take detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. To do so may be regarded as serious misconduct and may result in disciplinary action.

### Complaints Handling

Any complaint made in relation to child safety and a staff member will be kept confidential. The individual who makes the complaint should not inform the person they have made the complaint about. This ensures the matter can be correctly investigated.

Management will investigate any breach of our Child Protection Policy in a fair and unbiased manner including:

- Discussing breach with concerned parties
- Advising the process of the investigation
- Hearing all sides of the events
- Documenting all relevant information
- Reaching an appropriate outcome based on the evidence

If the investigation has found that a staff member or volunteer is involved in any child-related incident, they will be immediately removed from the venue and their contract terminated.

When a child discloses with a staff member about abuse, our staff will:

- Ensure the child is safe
- Respect the child and take them seriously
- Allow the child to be part of the decision-making process where applicable
- Report any situation where they believe there is harm to the child

If a child or young person is involved with hurting another child, the child and their family will be asked to leave, depending on the seriousness of the incident, they may also have their membership revoked (if applicable) and may be banned from entering the venue.

If a parent is involved in any child-related incident at an LSA Venue, police and/or child protection services may be called to deal with the incident.

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## Record Keeping

A Staff Member:

- a) Has a responsibility to create and maintain appropriate records of their professional activities and decisions in the care and protection of Children, including contemporaneous (occurring at the same time) records of any disclosure, observations and discussions including any breach of this Policy,
- b) Must remain mindful of the need to retain such records securely and confidentially, and
- c) Must seek appropriate advice regarding the retention/destruction of such records.

## Recruitment, Selection and Screening

During recruitment, selection and screening of potential staff members, HR staff have the appropriate training and understanding of child safety procedures including the requirement that candidates over 18 years old provide a working with children check upon commencement of their contract.

LSA's recruitment process involves the following:

- Detailed position description provided to potential candidates
- Contact by phone and email of potential candidates to set up an interview
- Structured interview process which includes questions to assess the values, motives and attitudes of applicant's who will be working directly with children
- Stringent reference checks are completed on candidates to ensure they are suitable for the role including working with children check/blue card and police check if under 18 years old age (in NSW)
- If the role is being fulfilled through an agency or contractor, they understand our recruitment process to ensure all relevant qualifications and checks are made

## Reportable Conduct

The ***Children's Guardian Act 2019 (NSW)*** governs the functions and responsibilities of the Children's Guardian to administer the Reportable Conduct Scheme.

The Reportable Conduct Scheme monitors how certain organisations (that provide services to children) investigate and report on allegations of types of conduct made against their employees, volunteers, or contractors when they provide a service to children.

Under the Act, the Office of the Children's Guardian monitors any response to allegations of child related incidents. They can and may also monitor progress of investigations of the entity if they consider it in the interest of the public.

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### 'Relevant entity'

A relevant entity includes:

- Schools (government and non-government)
- Health Services
- Education and Care services
- Public authority
- Religious bodies

### 'Head of a relevant entity'

The 'head' of a relevant entity is the Chief Executive Officer (CEO). When the head of a relevant entity becomes aware of an allegation of reportable conduct or a reportable conviction, they must notify the Children's Guardian within seven days and conduct an investigation into the allegations.

The CEO is required to set up systems within the organisation to ensure that they are advised of any reportable allegations or convictions against their employees.

The CEO is the contact point for parents if they wish to report an allegation of reportable conduct against an employee. Any such allegation against the CEO will be reported to the QHSE Manager.

In the notification to the Children's Guardian, the CEO must include:

- details of the reportable conduct, allegation or conviction
- name, date of birth and WWCC number of the employee
- name and contact details of the relevant entity
- the nature of the relevant entity's initial risk assessment and risk management action
- advice as to whether or not they propose to take disciplinary or other action in relation to the employee, and the reasons for taking or not taking any action
- any written submissions made to them by the employee about what action should be taken against them.

Refer to *Children's Guardian Act 2019* Section 29 for further information.

### Reportable Conduct under the *Children's Guardian Act 2019*

Reportable allegation means an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not it occurred in the course of the employee's employment with the relevant entity.

A Reportable conviction means a conviction of an offence involving reportable conduct, whether or not the conduct occurred in the course of the employee's employment with the relevant entity.

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Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child
- Any assault, ill-treatment, or neglect of a child; or
- Any behaviour that causes psychological harm to a child
- An offence under section 43B or 316A of the *Crimes Act 1900*

Conduct that is not reportable conduct includes:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to age, maturity, health or other characteristics and to relevant codes of conduct or professional standard
- The use of physical force that, in all circumstances, is trivial or negligible, and the circumstances in which it was used have been investigated with the results of the investigation recorded in accordance with appropriate procedures
- Conduct of a class or kind exempted from being reportable conduct by the Children's Guardian under Section 30

NOTE: *Examples of conduct that would not constitute **reportable conduct** include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child; a Lifeguard raising his or her voice in order to attract attention or to restore order in the facility; and conduct that is established to be accidental.*

## Sexual Misconduct

Staff Members must not:

- a) Engage in any conduct with children that could be reasonably construed as crossing professional boundaries. Inappropriate and overly personal or intimate relationships with, conduct towards, or focus on a child or group of children would be considered as such. A single serious 'crossing of the boundaries' by a Staff Member, or persistent less serious breaches of professional conduct in this area, may constitute sexual misconduct, particularly if a Staff Member either knows, or ought to have known, that such behaviour was unacceptable.
- b) Engage in conduct that is reflective of grooming behaviour in relation to a child, their family or friends.
- c) Make sexually explicit comments or engage in other sexually overt behaviour towards, or in the presence of, a child.
- d) Have an intimate or romantic or sexual relationship with any child regardless of their age (it is irrelevant whether the relationship is consensual or non-consensual or condoned by parents).  
And/or
- e) Commit a criminal offence involving a sexual element that is committed against, with or in the presence of a Child or Children in any other circumstances.

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Where there are existing personal relationships between a Staff Member and a Child such as a family relationship or a close friendship, the Staff Member must behave in a transparent and prudent fashion, and be mindful of any perceived conflict of interest or purpose, ensuring that the Staff Member does not breach any law, this Policy, or any other relevant Organisation policy.

In circumstances where such personal relationships may appear to be questionable or inappropriate, or may appear to be in breach of any law, this Policy, or other relevant policy, the Staff Member must notify their supervisor of such relationships so that any potential or perceived conflict may be carefully managed.

Appropriate declarations must be made to Lifeguarding Services Australia as early as possible.

### **ICT and Social Media**

In relation to communicating with Children, Staff Members must comply with all relevant policies and procedures of the Organisation applicable to electronic information and communication technology (ICT) and social media.

Staff Members are prohibited from photographing or filming a child other than for purposes approved by Lifeguarding Services Australia. Secretly taking photographs or other images of children, retaining them for unjustifiable purposes, sending them to other persons or posting them online is strictly prohibited.

### **Alcohol, Drugs and Tobacco**

Staff Members must not purchase for, offer, supply, give or administer to a Child, including those over the age of 18, illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol, and/or tobacco.

Staff Members must not encourage or condone the use by a Child of illegal drugs, restricted substances, alcohol, and/or tobacco.

Staff Members must not consume illegal drugs, restricted substances, alcohol or tobacco on Lifeguarding Services Australia Managed Venues or Events premises or at any LSA-related activity where a Child is present.

### **School Child Protection Contact Person**

The nominated Child Protection Contact Person is the *Child Protection Officer* who may be contacted on (02) 9809 5008 or [sally.wall@lifeguarding.com.au](mailto:sally.wall@lifeguarding.com.au).

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## Consequences for Failure to Comply with this Policy

All Staff Members are required to be aware of and comply with this Policy.

There may be consequences for a breach thereof.

An alleged breach of this Policy may require:

- a) An internal report to be made,
- b) A referral to external authorities under relevant legislation, and/or
- c) An investigation to be conducted.

If a breach of this Policy is established this may result in disciplinary action being taken against any Staff Member.

In relation to a Staff Member who is an employee, such disciplinary action may result in termination of their employment.

In relation to a Staff Member who is a consultant, or staff from Councils to which Lifeguarding Services Australia are contracted to operate their venues, conduct that is assessed as being a breach of this Policy may lead to the termination of their engagement with Lifeguarding Services Australia.

## Further Information

Further information about the processes required under this Policy can be sought from the QHSE Manager.

## Useful Resources

<b>NEW SOUTH WALES</b>	
NSW Working with Children Check	<a href="http://www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check">www.kidsguardian.nsw.gov.au/Working-with- children/working-with-children-check</a>
NSW Department of Communities and Justice - Protecting Children	<a href="https://www.facs.nsw.gov.au/families/Protecting-kids">https://www.facs.nsw.gov.au/families/Protecting-kids</a>
NSW Department of Communities and Justice - Guide to making a child protection report	<a href="https://www.facs.nsw.gov.au/families/Protecting-kids">https://www.facs.nsw.gov.au/families/Protecting-kids</a>
NSW Ombudsman and Employment Related Child Protection	<a href="http://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection">http://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection</a>
Office of the Children's Guardian – reportable conduct scheme	<a href="https://www.ocg.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme">https://www.ocg.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme</a>
<b>QUEENSLAND</b>	
Blue Card System	<a href="https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/system/system-explained">https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/system/system-explained</a>
QLD Government – Failing to report or protect children from sexual crimes	<a href="https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children">https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children</a>

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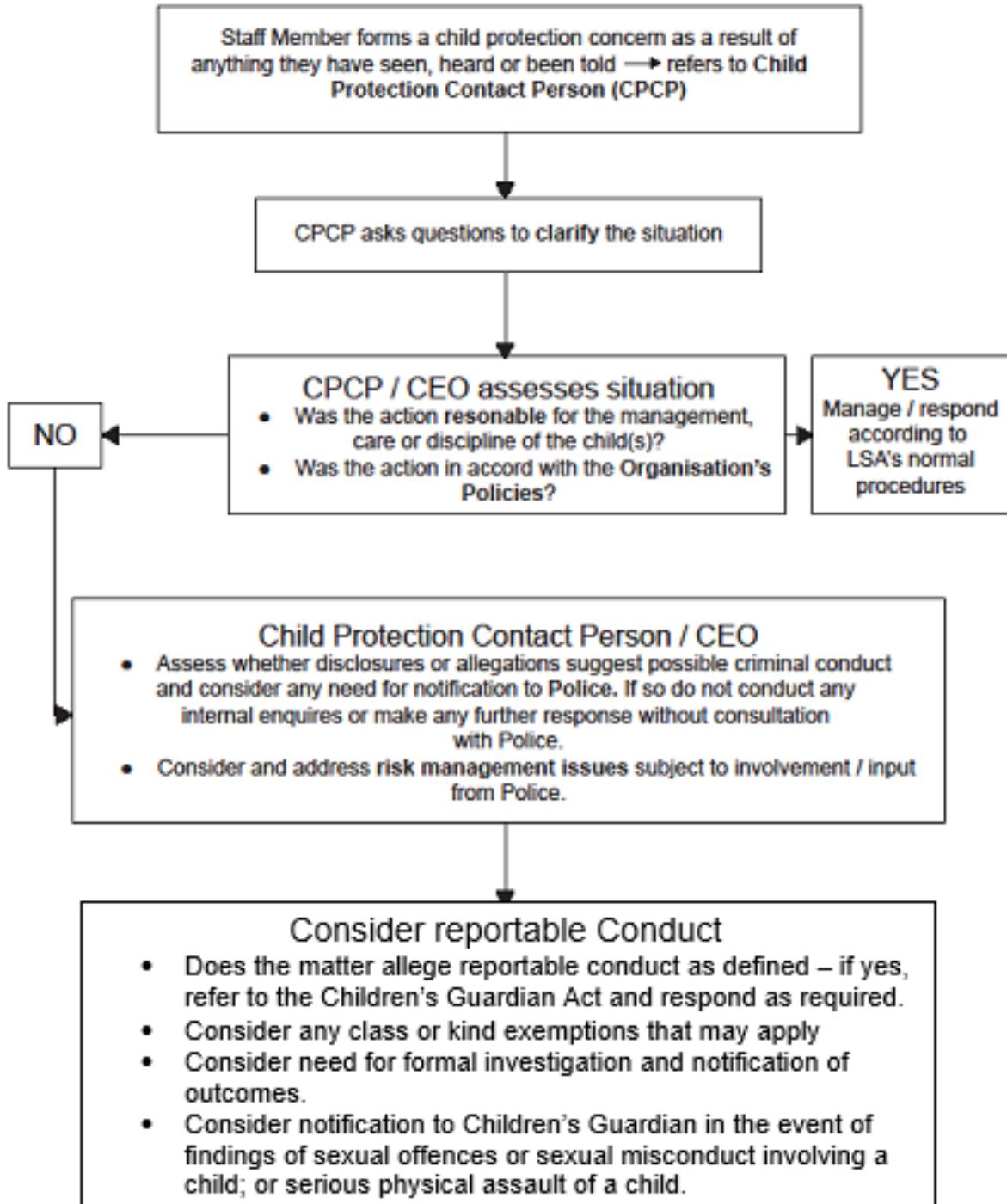
## Legislation Schedule

<b>NEW SOUTH WALES</b>	
Children and Young Persons (Care and Protection) Act 1998 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157">https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157</a>
Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)	<a href="https://legislation.nsw.gov.au/view/pdf/asmade/act-2006-67">https://legislation.nsw.gov.au/view/pdf/asmade/act-2006-67</a>
Child Protection (Working with Children) Act 2012 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051">https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051</a>
Child Protection (Offenders Registration) Act 2000 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-042">https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-042</a>
Child Protection (Working with Children) Regulation 2013 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2013-0156">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2013-0156</a>
Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013 (NSW)	<a href="https://legislation.nsw.gov.au/view/pdf/asmade/sl-2013-676">https://legislation.nsw.gov.au/view/pdf/asmade/sl-2013-676</a>
Children's Guardian Act 2019 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025">https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025</a>
Children's Guardian Amendment (Child Safe Scheme) Bill 2021	<a href="https://legislation.nsw.gov.au/view/pdf/bill/5a6ede59-256f-4822-8f99-45a5234392c8">https://legislation.nsw.gov.au/view/pdf/bill/5a6ede59-256f-4822-8f99-45a5234392c8</a>
Crimes Act 1900 (NSW)	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040">https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040</a>
<b>QUEENSLAND</b>	
<i>Criminal Code Act 1899 (QLD)</i>	<a href="https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1899-009">https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1899-009</a>
<i>Working with Children (Risk Management and Screening) Act 2000 (QLD)</i>	<a href="https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-060">https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-060</a>
Working with Children (Risk Management and Screening) Regulation 2020.	<a href="https://www.legislation.qld.gov.au/view/html/asmade/sl-2020-0131">https://www.legislation.qld.gov.au/view/html/asmade/sl-2020-0131</a>
<b>COMMONWEALTH OF AUSTRALIA</b>	
Family Law Act 1975 (Cth)	<a href="https://www.legislation.gov.au/Details/C2019C00101">https://www.legislation.gov.au/Details/C2019C00101</a>
Australian Human Rights Commission Act 1986 (Cth)	<a href="https://www.legislation.gov.au/Details/C2017C00143">https://www.legislation.gov.au/Details/C2017C00143</a>
<b>UNITED NATIONS</b>	
Convention on the Rights of the Child	<a href="https://www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child">https://www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child</a>
Declaration of the Rights of the Child	<a href="http://www.un-documents.net/gdrc1924.htm">http://www.un-documents.net/gdrc1924.htm</a>

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# CHILD PROTECTION NOTIFICATION FLOWCHART

*Reporting procedures for employees pursuant to the Child Protection Policy of Lifeguarding Services Australia*



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