



# THE TORNADOES OF SOUTH DORSET

## CHILD PROTECTION POLICY

### 1. Introduction

- 1.1 The purpose of this policy is to set out the procedures that need to take place when there are concerns relating to Child Protection. This policy is in accordance with the policy of the Amateur Swimming Association (ASA) Child Protection Procedures. ASA Law dictates that compliance with this procedure is mandatory and is a condition of affiliation. The policy seeks to safe guard children in the care of The Tornadoes of South Dorset (TTSD), (the Club) from harm, neglect and to promote their welfare. This policy is linked to the ASA Wavepower 2009/11 document which can be found at [www.swimming.org/asa/clubs-and-members/wavepower](http://www.swimming.org/asa/clubs-and-members/wavepower) .
- 1.2 This document is complementary to and should be used in conjunction with the TTSD Disciplinary and Grievance Procedures, TTSD Code of Conduct, Equality and Diversity, Transport Policies and ASA Code of Ethics, Rules & Laws –specifically Law 305, and The Children Act 1989. See **Appendix A** – Extracts of ASA Law.

### 2. Policy Statements

- 2.1 All Coaches, Teachers, Lane Coaches, Poolside Assistants and Club Members (collectively known as Club Personnel) and Parents whose role within the TTSD brings them into contact with children have a responsibility to safeguard children, to protect and promote their welfare and are obliged to follow this policy.
- 2.2 The Club recognises the need to work with parents, carers and their families in promoting an open non judgemental environment.
- 2.3 The Club recognises the importance of listening to children and ensuring their views are taken into consideration.
- 2.4 The Clubs' Child Protection Policy will be regularly reviewed to take into consideration changes in Statute Law and ASA Law.
- 2.5 In order to effectively safeguard children the Club will work in partnership and collaboration with the ASA, Social Services, the Police and voluntary organisations.
- 2.6 The Club has identified three Club Officials of male and female sex who will offer support and advice to the Club on Child Protection matters. **See Appendix B**
- 2.7 All Club Coaches, Teachers, Lane Coaches and Poolside Assistants will be checked through the Criminal Records Bureau and will not have unsupervised access to children, unless Criminal Record Bureau cleared. An Enhanced Disclosure will be obtained and rechecked every 3 years.
- 2.8 **Photography and publication of children's pictures or names may not be carried out without the permission of the parent or legal guardian. All parents/guardians will be asked to consent to their children being photographed for press publications. The names of those who do not consent will be held by the Clubs' Child Welfare representative.**

### **3. Current Legislation**

The Children Act applies to all persons under the age of 18 years.

- 3.1 Procedures established by the ASA Child Protection must be followed by all associates of the Club where there is actual or suspected harm to a child.
- 3.2 Where a child is suffering from or is likely to suffer from harm the Club has a duty to make enquiries as to whether any further action is required to safeguard and to promote a child's well being and establish the wishes of the child (Children Act, 1989, Section 61).
- 3.3 Harm is defined as ill treatment (including sexual abuse and forms of ill treatment which are not physical or the impairment of their physical, mental health, emotional social and behavioural development. Abuse may be Physical, Emotional, Sexual or Neglect.
- 3.4 The Club is expected to refer its' concerns to other agencies such as Social Services or the Police and to cooperate with their investigations.

### **4. What to do if you have a concern about a child**

- 4.1 Any Club Member may express a concern about a child and should be alert to the possibility of abuse and neglect.
- 4.2 Any concerns should initially be reported to any of the Clubs' designated Child Welfare Officers (Appendix B) as soon as possible and in any case within 3 -5 days of the incident occurring.
- 4.3 No Club Member should act in isolation.
- 4.4 The Club Welfare Officer will investigate the concern with another Committee Member who may also be a Child Welfare Officer. The investigation will take place in accordance with the ASA Protocols for Child Protection Investigations/Extracts of ASA Law (**Appendix A**).
- 4.5 The Club Welfare Officer will inform the Club Chairman if, as a result of their investigation, they believe there is a case to answer.
- 4.6 The Club will inform the ASA Child Protection Team and seek their advice early.

### **5. Documentation/Record Keeping**

- 5.1 It is essential that accurate and factual records are made clearly without opinion or emotion.
- 5.2 The names and addresses of those present should be recorded, including those who accompany a child and their relationship to the child.
- 5.3 All records should be signed with status included (e.g. Child Welfare), dated and timed.
- 5.4 An entry must be made within the Clubs' ASA Incident Book, held in the Club Office. The Club Chairman will immediately be informed and will manage any press enquiries.
- 5.5 Document clearly and accurately history, events, communications and reasons for decisions taken.
- 5.6 **It is vital that all conversations and written records are kept highly confidential so as not to prejudice any subsequent investigation by the ASA, Social Services or the Police.**
- 5.7 The Club may access the ASA Legal Department for help in the writing of statements.
- 5.8 Each page should have name, date and name of the report and author. See Appendix D

- 5.9** It may be a requirement to share information with other agencies and if requested you/the Club is/are required to comply. Any restrictions on disclosure may be contained within the Human Rights Act 1998 (Article 8) and the Data Protection Act 1998.
- 5.10** In all cases express consent (written or orally) should be sought to share information. Express consent is not required if you have reasonable grounds to believe that the person understands and accepts that information will be disclosed on a “strictly need to know basis”. Implied consent can be inferred from the circumstances in which information was given.
- 5.11** If consent is refused you need to decide if the circumstances justify disclosure, taking into account what is disclosed and to whom.
- 5.12** The law recognises that disclosure of confidential information without consent or a court order may be justified in the public interest to prevent harm to others.
- 5.13** Only an adult, young person who is Gillick/Fraser competent or a person with parental responsibility can consent to information being shared.
- 5.14** Where information is shared without consent it must be documented as to who made the decision to share information, what advice was sought, why it was shared, with whom and what was shared without consent and whether the person was aware of sharing of information without consent.

## **6.0 Support for those involved in Child Protection**

- 6.1** It can be difficult to contemplate that carers may harm a child. Indeed it may cause feelings of anger and it is important to discuss these issues with personnel who are experienced in Child Protection matters.
- 6.2** The Clubs’ Child Welfare Officers may be able to help
- 6.3** The Club can make contact with the Social Services or Police Child Protection Units for advice and support.
- 6.4** Following an incident or allegation relating to Child Protection a debrief session should take place, facilitated by either the Clubs’ Child Welfare Officer or personnel from Social Services or the Police.

## **7.0 Allegations against TTSD Club personnel**

- 7.1** Club Personnel shall mean as defined in 2.1.
- 7.2** Any allegation made shall be investigated promptly, and in any case within 3 – 5 days of the incident occurring, by the Clubs’ Child Welfare Officer initially. The Club Chairman will immediately be informed of any allegation or incident.
- 7.3** Where a criminal act may have been committed the matter should be referred to the Police immediately.
- 7.4** Where ASA Law has been breached then the matter should be referred to the ASA Child Protection Investigation Team for advice.
- 7.5** The Club may use its’ Grievance and Disciplinary Policies and Procedures when managing such allegations.
- 7.6** Section 5 of this policy should be followed when recording and documenting any allegations or incidents.
- 7.7** Where it is suspected that there is an issue of Professional Conduct the matter may also be referred to the British Swimming Coaches and Teachers Association (BSTCA).
- 7.8** The Club Chairman will manage any press enquiries.

## **8.0 Child Protection Training**

- 8.1 All Child Welfare Officers for the Club will undertake Child Protection Training approved and funded by the Club.
- 8.2 The Child Welfare Officers for the Club will periodically review this policy and amend in accordance with changes in Statute Law and ASA Law.
- 8.3 Child Protection is everyone's responsibility.
- 8.4 As part of a rolling programme, all Coaches, Teachers and Poolside helpers will be required to complete a Child Safeguarding and Protection Course.

## **Local Club Issues and Frequently Asked Questions**

### **1/ Collecting children after swimming training.**

Parents are responsible for ensuring supervision of their child when not on poolside and the timely and safe collection of their children after training, in accordance with the Clubs' Code of Conduct. If alternative arrangements are in place the Coach/Teacher should be informed **prior to the session start.**

### **2/ Photography and Video**

Club and ASA Policy state publication of pictures or names should not be taken or publicised without the consent of a parent or legal guardian. There may not be any personal details attached to any article in the domain of the press or on the Clubs' website without the consent of the parent or lead guardian.

At any galas that the Club may host, including internal Club Championships, if individuals wish to use photography, their details – including names and addresses must be recorded in the Club Photography Record Book. They will be issued with an “authorised photographer” sticker for the duration of that event only.

ASA guidelines for official photography is “head and neck” only or in full length tracksuits without name, school, or place of residence. Swimmers need their “moment of glory” but the Club has a responsibility to ensure the safety of their swimmers.

Photography shall be defined as any other device available that is capable of taking pictures or videos. Any device may not be used in the changing rooms.

### **3/ Behaviour in Changing Rooms**

Currently the Club shares changing rooms with members of the public who also use facilities at the Centre. When a swimmer during a training period leaves the pool area for example to go to the toilet, another child preferably should also be present in addition to an adult from the coaching team or from those parents viewing the training. This could be achieved by having planned toilet breaks so minimising risk.

Whilst children are changing, due to the shared nature with other users, it is acceptable for an adult from the Club to be present in the changing rooms to ensure the swimmers well being and that behaviour is appropriate towards each other.

Behaviour should be in accordance with the Clubs' Code of Conduct and Equality and Diversity Policies linked to the ASA Wavepower 2009/11 document.

### **4/ Should names be on kit**

The ASA guidance recommends that names should not be present on kit as per the ASA Legal Guidance and the Independent Child Protection Officer (ICPO). The Club recognises that parental choice can be exercised and parents may choose to have named kit.

### **5/ Responsibility during a training session**

The ASA view is that whilst training the swimmer remains under the responsibility and duty of care of the Coach/Teacher. The Coach/Teacher should be aware of swimmers leaving the pool and that if they fail to return after a reasonable time period, a check of the changing room should be made by 2 people. If an incident occurs in the changing room the Club is obligated to investigate. If this is not associated with the Club, the Pool Manager should be informed.

Any incidents should be recorded in the Clubs' ASA Incident Book held in the Club Office.

### **6/ Non collection of swimmers**

Swimmers should be collected on time in accordance with the Club Code of Conduct.

### **7/ Videoing in training sessions**

If a video is to be made, it must be justifiable e.g. to assist in stroke development and may only be made with **written parental consent**. Ideally parents should be present during the videoing and at post video viewing. Once used, the video must be destroyed.

### **8/ Duty of Care when away at Club Approved Galas or Club trips**

**The Club has a responsibility to ensure the safety and well being of all swimmers in their care when away on Official Club approved galas or trips.** The Club will always ensure there is a Club Official on poolside with the swimmers at an approved gala. The Club Official will adhere to the Clubs' Child Protection Policy when away. **All swimmers attending an away gala who are under the age of 9 are required by the Club to have a parent/guardian or nominated representative accompany them.**

Where a parent/guardian does not accompany a swimmer (over 9yrs of age) to a gala or on a trip, the parent/guardian accepts that the Club Official will act in the swimmers best interest in the case of accident/illness or injury. This may include seeking medical advice/attention and hospitalisation. The Club Official will inform the parent/guardian at the earliest opportunity if medical assistance or hospitalisation is required. **The priority will be initially to the care and safety of the swimmer.** Where possible the Club Official will aim to return the swimmer to the local area if medically fit.

Parents/Guardians will be required to sign a consent from accepting that the Club will act in the best interest of the swimmer when away on Club Trips or Approved Galas. **See Appendix C**

**References:**

Children's Act 1989  
Data Protection Act 1998  
Human Rights Act 1998  
ASA Child Protection website – Wavepower 2009/11  
Disability Discrimination Act 2005  
Equality Act 2006

“Gillick/Fraser” Competent is about determining whether a young person will receive treatment or not if and when a young person achieves understanding and intelligence to understand fully what is proposed. For example a 17yr old may not be sufficiently competent but a 14yr old may be deemed competent. A young person deemed Gillick competent by a Doctor can veto parental access to medical records held by a Doctor. Gillick/Fraser competency empowers a young person to make any decisions.  
See [www.estconnexions.co.uk](http://www.estconnexions.co.uk)

**Useful Telephone Numbers:**

Police Child Protection Unit: 01305 223449, out of hours 01202 223747  
Social Services Health & Care Protection: 01305 760139  
Kidscape: 020 730 3300  
NSPCC: 0808 800 5000  
Swimline: 0808 100 4001

Queries can be sent to the ASA at [legal@swimming.org](mailto:legal@swimming.org)

**Appendices:**

Appendix A: ASA Protocols for Child Protection Investigations/Extracts of ASA Law  
Appendix B: Names of Club Child Welfare Officers  
Appendix C: Consent form for Club Trips/Approved Galas  
Appendix D: Report/Statement Sheet

This policy is subject to regular review, paper copies may be out of date. Web site copy will be updated as necessary.

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