



Duty of Care

THE DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE SWIMMING TEACHERS' ASSOCIATION

- Code of Ethics and Professional Conduct
- Safeguarding & Protecting Children Procedures
- Articles of Association

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Code of Ethics and Professional Conduct

1. Safety

- 1.1. The paramount consideration of all members at all time is safety.
- Safety of pupils.
 - Safety of clients.
 - Safety of the general public.
 - Safety of the member.
- 1.2. Members must ensure that all reasonable steps are taken to provide a safe environment and all activities are in accordance with the appropriate regulations, or best practice if there are no regulations, and be appropriate for the age, experience and ability of the participants.

2. General

- 2.1. Members must respect the rights, dignity and worth of every person and treat everyone accordingly at all times.
- 2.2. Members must abide by the Equal Opportunities Policy of the Association; the Swimming Teachers' Association will not condone or permit harassment or discrimination on the grounds of sex, race, colour, nationality, national or ethnic origin, marital status, sexual orientation, age, disability, political or religious belief.
- 2.3. Child abuse is a criminal act, which will not be tolerated by the Association. Members should be fully aware of the child protection procedures set out on pages 3 to 7.
- 2.4. Members, when acting in a professional capacity, must display the highest standards of behaviour and appearance and must adhere to all STA policies.
- 2.5. Members inevitably gather a great deal of personal information about pupils in the course of a working relationship. Member and pupils must reach agreement as to what is regarded as confidential information, i.e. not divulged to a third party without the express approval of the pupil. Confidentiality does not preclude the disclosure of information where the Member is in an alleged breach of this Code of Ethics.
- 2.6. Advertising by members in respect of qualifications or services shall be accurate and professionally restrained and shall not display affiliation with an organisation that falsely implies sponsorship or accreditation by that organisation.
- 2.7. Members should refrain from public criticism of fellow Members, differences of opinion should be dealt with on a personal basis and more serious disputes should be referred to the STA.
- 2.8. Members should regularly seek ways of increasing their professional development and self-awareness, should welcome evaluation of their work by colleagues and be able to account to pupils, employers and colleagues for their actions.
- 2.9. Members should only act within their qualification.
- 2.10. Members should ensure that they have adequate Public Liability insurance. Fully paid up members are insured by the Association provided that they act within their qualification; if a member acts outside their qualification they may not be covered for insurance.
- 2.11. All members who work with children or vulnerable adults must obtain a DBS clearance. Many employers provide clearance as part of the employment process. If you are not DBS checked by your employer the STA can

provide a DBS clearance; subject to DBS regulations and payment of the relevant fee.

- 2.12. All members who employ staff to work with children or vulnerable adults must obtain a DBS clearance for their staff.
- ❖ In 2.11 and 2.12 DBS means **Disclosure and Barring Service** in England & Wales, **Disclosure Scotland** in Scotland and **Data Protection Unit** in Northern Ireland; see page 6 for contact details.

3. Swimming and Lifeguard/First Aid Teachers

When acting as teachers of swimming, lifeguarding or first aid:

- 3.1. Members must place the well being and safety of the pupils/ candidates within the class/ course above the development of performance. They should follow all guidelines laid down by the governing bodies, Leisure Centres, Local Authorities or such other bodies who control swimming lessons/ courses.
- 3.2. Members must develop an appropriate working relationship with their pupils/ candidates, based on mutual trust and respect.
- 3.3. Members must encourage and guide their pupils/ candidates throughout each lesson/ course.
- 3.4. Members, who teach swimming, lifeguarding or first aid must hold a recognised teaching qualification.
- 3.5. Members must ensure that the activities they direct are appropriate for the age, maturity, experience and ability of the pupils/ candidates.
- 3.6. Members should at the outset, clarify with pupils/ candidates (and where appropriate with their guardians), exactly what format the lessons/ course will take and what is expected of the pupil/ candidate. They should also clarify what fees, if any, are payable.
- 3.7. Members should co-operate fully with others involved in the lessons/ course (e.g. Pool Management, other teachers) in the best interests of the pupil/ candidate.
- 3.8. Members who run training courses under the auspices of the Association must comply with the appropriate rules and regulations of the Association.
- 3.9. Members who receive fees or other monies from candidates or pupils must keep proper accounts. Any fees collected that are due to the Association must be paid over promptly.

4. Violations of the Code of Ethics and Professional Conduct

- 4.1. Allegations that a member has breached any of the articles of the Code of Ethics and Professional Conduct must be made in writing to the Chief Executive of the STA. The Board of Trustees will consider any such complaint in accordance with Articles of Association of the STA, (see pages 8 to 12) clauses 2.10 to 2.19. The powers contained under these clauses include suspension from and exclusion from membership of the STA.
- 4.2. Where the complainant alleges that a member may be in breach of the STA child protection policy the member **WILL BE** suspended from membership pending a full investigation.
- 4.3. A member found guilty under 4.2 will be permanently excluded from membership of the Association.

Safeguarding & Child Protection Processes

It is widely accepted that it is the responsibility of every adult to safeguard the well being of children. Child abuse can arouse strong emotions in those facing such a situation and it is important to understand these feelings and not allow them to interfere with your judgement about any action to take.

Abuse and poor practice can occur within many situations including the home, school and the sporting environment. Some individuals will actively seek employment or voluntary work with children in order to harm them. Everyone working in swimming either in a paid or voluntary capacity, together with those working in affiliated organisations has a role to play in safeguarding the welfare of children and promoting good practice

A swimming teacher, lifeguard, lifesaver, or volunteer may have regular contact with children and be a very important link in identifying cases where a child may be at risk or in need. When establishing guidelines concerning the protection of children it is important to recognise that the organisation has both a moral and legal duty of care to ensure that when it is given responsibility for children it provides them with the highest possible standard of care.

The Swimming Teachers' Association recognises that they have a responsibility to:

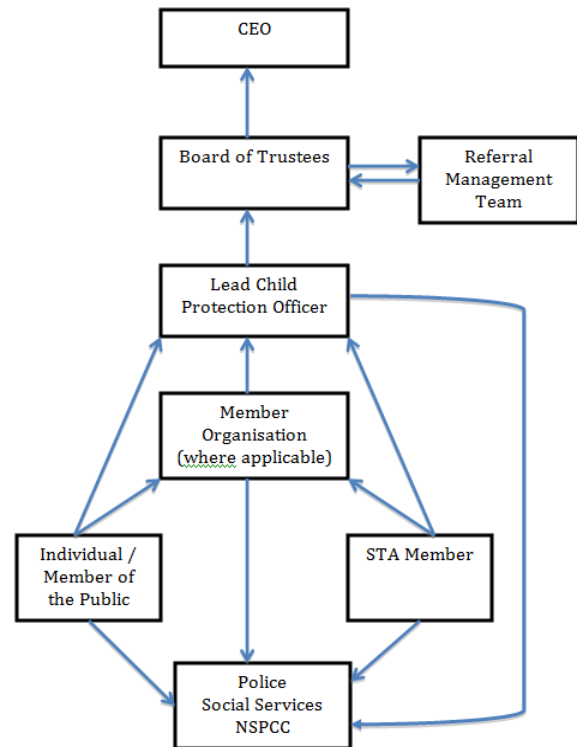
- Safeguard and promote the interests and well-being of children with whom it is working;
- Take all reasonable practical steps to protect them from harm, discrimination, or degrading treatment;
- Respect their rights, wishes and feelings.

Child protection procedures can:

- Offer safeguards to the children with whom we work, and to our members of staff, volunteers and those in affiliated organisations; a
- Help to maintain the professionalism and the standards of practice that are associated with the members of the STA.

We recognise that any procedure is only as effective as the ability and skill of those who operate it. We are committed to:

- Proper recruitment policies;
- The provision of support and appropriate training;
- Clear processes for recognition and responding to concerns;
- Working together with parents/carers and other organisations to ensure that the needs and the welfare of children remain paramount.



Principles

- The child's welfare is paramount.
- All children whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse.
- All suspicions and allegations of abuse will be taken seriously; and responded to swiftly and appropriately.
- Anyone under the age of 17 years (Scotland under 16 years) should be considered as a child for the purposes of this document,

Working in partnership with children and their parents/carers is essential for the protection of the children.

The STA recognise the statutory responsibility of the social services department to ensure the welfare of children and is committed to working together with the local safeguarding children's board (LSCB) and to complying with its procedures.

Recognition of Abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. The STA acknowledges that their staff, whether in a paid or voluntary capacity, are not experts at such recognition. It therefore expects them to report any concern they may have about the welfare of a child immediately with the person in charge, as follows:
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It is the responsibility of these people to ensure that appropriate advice is obtained from the local Social Services department or the NSPCC. (Also see the section "Responding to Suspicions or Allegations of Child Abuse" on page 4, which details exactly what action to take.) If the person in charge is not available, or the concern is about the person in charge, the person in receipt of the information will contact the Social Services direct.

Indications that a child is being abused could include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries;
- An injury for which the explanation seems inconsistent;
- The child describes what appears to be an abusive act involving him/her;
- Someone else - a child or adult, expresses concern about the welfare of another child;
- Unexplained changes in behaviour - e.g. becoming very quiet, withdrawn, or displaying sudden outbursts of temper;
- Inappropriate sexual awareness;
- Engages in sexually explicit behaviour in games;
- Is distrustful of adults, particularly those with whom a close relationship will normally be expected;
- Has difficulty in making friends;
- Is prevented from socialising with other children;
- Displays variations in eating patterns including overeating or loss of appetite;
- Loses weight for no apparent reason;
- Becomes increasingly dirty or unkempt.

It must be recognised that the above list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place. **It is not the responsibility of those working in swimming to decide that child abuse is occurring, but it is their responsibility to act on any concerns.** (See section "Responding to Suspicions or Allegations of Child Abuse" on page 4).

Forms of Abuse

Physical Abuse

Where adults, or young people, physically hurt or injure children by hitting, shaking, squeezing, burning and biting or by giving children alcohol, inappropriate drugs or poison. Attempted suffocation or drowning also comes within this category.

In sports situations, physical abuse might occur when the nature and intensity of training disregard the capacity of the child's immature and growing body.

Sexual Abuse

Girls and boys are abused by adults, both male and female, and by other young people who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse, fondling. Showing children pornographic material is also a form of sexual abuse as may be the taking of inappropriate photographs of children.

Swimming or related activities, which might involve physical contact with children, could potentially create situations where sexual abuse may go unnoticed. Also the power of the coach over young athletes, if misused, may lead to abusive situations developing.

Emotional Abuse

Persistent lack of love and affection, where a child may be constantly shouted at, threatened or taunted which may make the child very nervous and withdrawn. Emotional abuse also occurs when there is constant overprotection, which prevents children from socialising.

Emotional abuse in sport might include situations where children are subjected to unrealistic pressure by the parent or coach, or bullied in order to consistently perform to high expectations.

Neglect

Where adults fail to meet a child's basic needs like food or warm clothing. Children might also be constantly left alone or unsupervised. Adults may also fail to, or refuse to, give

children love and affection; this could be seen to be emotional neglect.

Neglect in a sport situation could include a teacher or coach not ensuring children are safe, or exposing them to undue cold

Bullying

Although not a specific form of abuse, can take the form of any of the acknowledged abuse forms. Bullying can occur face to face or in a more subtle manner such as through electronic methods like text messaging and face book. Bullying can not only be physical, sexual or neglectful in nature but also emotionally damaging.

The Effects of Abuse

Abuse in all its forms can affect a child at any age. The effects can be so damaging, that if not treated, they may follow an individual into adulthood. For example, an adult who has been abused as a child may find it difficult, or impossible, to maintain a stable, trusting relationship; may become involved with drugs or prostitution; may attempt suicide, or may abuse a child in the future and find successful parenting difficult.

There have been a number of studies' which suggest children with disabilities are at increased risk of abuse through various factors such as stereo-typing, prejudice, discrimination, isolation, and a powerlessness to protect themselves, or to adequately communicate that abuse has occurred. Children from ethnic minorities, who may also be experiencing racial discrimination, may be doubly powerless.

Listening to the Child

If a child says or indicates that he or she is being abused, or information is obtained which gives concern that a child is being abused, the person receiving this information should:

- React calmly so as not to frighten the child;
- Tell the child they are not to blame and that it was right to tell someone;
- Take what the child says seriously, recognising the difficulties inherent in interpreting what is said by a child who is very young, has a speech disability and/or differences in language;
- Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said;
- Reassure the child, but do not make promises of confidentiality which might not be feasible in the light of subsequent developments;
- Make a full record of what had been said, heard and/or seen as soon as possible.

Responding to Suspicions or Allegations of Child Abuse

It is not the responsibility of a member of the STA to take responsibility or to decide whether or not child abuse is taking place. There is however, a responsibility to report concerns so that appropriate agencies can then make inquiries and take any necessary action to protect the child.

Whilst the STA acknowledges the importance of the role of statutory agencies involved in children's welfare (social services, police, NSPCC), it appreciates that there may be some reluctance to report direct to these agencies, especially if the person reporting is unclear as to whether abuse has occurred. As a result of this, and in line with the STA's duty of care, the STA have a Lead Child Protection Officer (LCPO), who should be contacted at the earliest possible time after the event or allegation. The LCPO can then liaise directly with statutory agencies and assist the organisation that made the report."

The social services department has a statutory duty under the Children Act 1989 to ensure the welfare of a child. When a child protection referral is made its staff have a legal responsibility to investigate. This may involve talking to the child and family and gathering information from other people who know the child. Inquiries may be carried out jointly with the police.

What to do if there are concerns

1. There is always a commitment to work in partnership with parents or carers where there are concerns about their children. Therefore, in most situations, it would be important to talk to parents or carers to help clarify any initial concerns. For example, if a child seems withdrawn, they may have experienced bereavement in the family.
2. **However**, there are circumstances in which a child might be placed at even greater risk were such concerns to be shared, e.g. where a parent or carer may be responsible for the abuse or not able to respond to the situation appropriately.
3. In these situations, or where concerns still exist, any suspicion, allegation, or incident of abuse must be reported to the person in charge as soon as possible, and recorded. (See section "Recognition of Abuse" on page 3).
4. It is the responsibility of the person in charge to inform the social services department without delay. If a person in charge is not available, the person discovering or being informed of the abuse should immediately contact the social services department or the police. If you're not sure about what to do, you can call the STA Child Protection Officer on 07817 640 189 and/or

**NSPCC Child Protection Helpline
0808 800 5000 (24 hour service)**

Recording And Information

Information passed to the social services department or the police must be as helpful as possible, hence the necessity for making a detailed record. If you have access to the internet then you can download the Welfare Incident Form at www.sta.co.uk. If not then the information should contain the following:

- The nature of the allegation;
- A description of any visible bruising or other injuries;
- The child's account, if he or she can give them, of what has happened and how any bruising or other injuries occurred;
- Any times, dates, or other relevant information;
- A clear distinction between what is fact, opinion, or hearsay.
- Reporting the matter to the police or social services department should not however be delayed by attempts to obtain more information.
- Once an allegation or concern has been raised with the police, social services or the NSPCC then the concern must be passed on to the STA through the LCPO.
- Wherever possible, referrals telephoned to the social services department should be confirmed in writing within 24 hours. A record should also be made of the name and designation of the social services member of staff or police officer to whom the concerns were passed, together with the time and date of the call, in case any follow-up is needed.

Allegations of Abuse against Members of the STA

This would include anyone working with children in a paid or voluntary capacity. For example, volunteers in clubs, club helpers, tutors on training camps, lifeguards and swimming teachers.

Child abuse can and does occur outside the family setting. Although it is a sensitive and difficult issue, child abuse has occurred within institutions and may occur within other settings, for example, in sport or other social activities. Recent inquiries indicate that abuse, which takes place within a public setting, is rarely a one-off event. It is crucial that those involved in swimming are aware of this possibility and that all allegations are taken seriously and appropriate action taken.

The person in charge may be informed of situations where they are unsure about whether the allegation constitutes abuse or not, and are therefore unclear about what action to take. There may be circumstances where allegations are about poor practice rather than abuse but those responsible should always consult the STA CEO or LCPO and avoid discussions with colleagues as there is a need to protect human rights of all concerned, including the individual against who the allegation is made, and gain advice from social services, or the NSPCC where there is any doubt. This is because this may be just one of a series of other instances which together cause concern. It is acknowledged that feelings generated by the discovery that a member of staff or volunteer is, or may be abusing a child, will raise concerns among other staff or volunteers, including the difficulties inherent in reporting such matters. However, it is important that any concerns for the welfare of the child arising from abuse or harassment by a member of staff or volunteer should be reported immediately.

The STA would want to assure all staff and members that it would fully support and protect anyone who, in good faith, reports his or her concern that a colleague is, or may be, abusing a child.

Where there is a complaint of abuse against a member of staff, there may be three types of investigation:

1. A criminal investigation
2. A child protection investigation
3. A disciplinary or misconduct investigation

The results of the police and social services investigation may well influence the disciplinary investigation, but not necessarily.

- If, following consideration the allegation is clearly about poor practice then the STA will deal with this as a misconduct issue.
- Any suspicion that a child has been abused by a member will be reported to a person in charge who will take such steps as he or she considers necessary to ensure the safety of the child in question and any other child who may be at risk.
- The designated person will refer the allegation to the social services department who may involve the police.
- The parents or carers of the child will be contacted as soon as possible following advice from the social services department.
- The person in charge should also notify the Chief Executive and the LCPO of the STA.
- Every effort should be made to ensure that confidentiality is maintained for all concerned.
- If the person in charge is the subject of the suspicion/allegation and is a member of the STA, the report must be made to the STA LCPO who is then responsible for taking the action outlined above.
- Irrespective of the findings of the social services or police inquiries, the STA must assess all individual cases under the appropriate misconduct/disciplinary and welfare procedures, to decide whether a member should be reinstated and how this can be sensitively handled. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the

police. In such cases, the STA will reach a decision based upon the information that is available which could suggest that on a balance of probability it is more likely than not that the allegation is true. The welfare of children should always remain paramount.

- Consideration should be given to what support may be appropriate to children, parents and members of staff.

Allegations of Previous Abuse

Allegations of abuse may be made some period of time after the event. For example, by an adult who was abused as a child by a member of staff who is still currently working with children. Where such an allegation is made, the organisation should follow the procedures given above and report the matter to the social services department or the police. This is because other children, either within the sport or outside it, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse or a schedule 1 offence is automatically excluded from working with children.

Prevention

All children have a right to be safe and to be treated with dignity and respect.

Basic guidelines will help safeguard both children, staff, volunteers and the organisation concerned and reduce the risk of allegations being made. These are listed below.

Recruitment and Selecting Staff and Volunteers

Anyone may have the potential to abuse children in some way and it is important that all reasonable steps are taken to ensure that unsuitable people are prevented from working with children. It is essential the same procedure is used consistently whether staff be paid or unpaid in part-time or full-time occupation.

When undertaking pre-selection checks the following should be included:

- All volunteers and staff working for a club should complete an application form.
- Application forms should be designed to elicit information about an applicants past career (including any gaps), and to establish any criminal record.
- Consent should be obtained from applicants for police and social services checks.
- At least two references should be taken up, including at least one regarding previous work with children.
- Clubs and employers should have effective measures in place to ensure the confidentiality of information received in relation to applicants is treated with the strictest of confidence.
- All volunteers and employees should sign a Child Protection Protocol.
- All volunteers and employees should be checked with the following organisations who maintain information about individuals who are deemed unsuitable to work with children:

England & Wales: DBS 0870 9090811

Scotland: Disclosure Scotland 0870 6096006

Northern Ireland: Data Protection Unit 02890 650222

Policy and Procedure

To help prevent abuse of children the club or organisation should have a policy which ensures that children are protected and kept safe from harm. Everyone involved in the care of children should know what to do if there are concerns about abuse and where procedures are kept.

Training and Seminars

It should be recognised that checks are only part of the process to protect children from possible abuse by members

of staff. STA teachers are required to have completed a Safeguarding Children course, with the STA's course or an acceptable alternative as determined by STA. They should receive appropriate ongoing training and attend suitable seminars undertaken by experienced deliverers so that they are aware and sensitive to potentially abusive situations.

Supervision

Managers should be sensitive to any concerns about abuse or not adhering to good practice as set out below, and act on them at an early stage. They should also offer appropriate support to those who report concerns.

Complaints & Appeals

The Management Committee of all clubs will ensure that there is a well established complaints procedure in operation and that parents and their children have the relevant information that will allow easy access to this procedure.

Good Practice in the Care of Children

You can reduce situations for the abuse of children and help to protect staff and volunteers by promoting good practice. The following are more specific examples of care which should be taken when working within a swimming context.

- Always be publicly open when working with children. Avoid situations where a teacher/coach and individual swimmers are completely unobserved;
- Where any form of manual support is required, this should be provided openly and with the assent of the child and consent of the parent. The teacher should also be extremely careful as it is difficult to maintain hand positions when the child is constantly moving. The views of parents / guardians should always be carefully considered;
- Where possible parents / guardians should take on the responsibility for their children in the changing rooms. Where classes have to be supervised in the changing rooms always ensure that teachers/coaches work in pairs. Encourage an open environment, e.g. no secrets;
- Do not take children alone in a car on journeys, however short.

Where cases arise where it is unavoidable that these things do happen, they should only occur with the full knowledge and consent of someone in charge in the organisation, or the child's parents.

And you should never.

- Engage in rough, physical or sexually provocative games, including horseplay.
- Share a room with a child.
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language unchallenged.
- Make sexually suggestive comments to a child even in fun.
- Let allegations a child makes go unrecorded, or not acted upon.
- Do things of a personal nature that children can do for themselves.
- Have children stay at your home with you unsupervised.
- Spend excessive amounts of time alone with children away from others.
- Take children to your home where they will be alone with you.
- Take still or movie photographs of children without obtaining the guardians consent in writing.

It may be sometimes necessary for staff or volunteers to do things of a personal nature for children, particularly if they are young or are children with disabilities. These tasks should only be carried out with a full understanding and written consent of parents and of the children involved. There is a need to be responsive to a child's reactions and if a child is fully dependent upon you, talk with them about what you

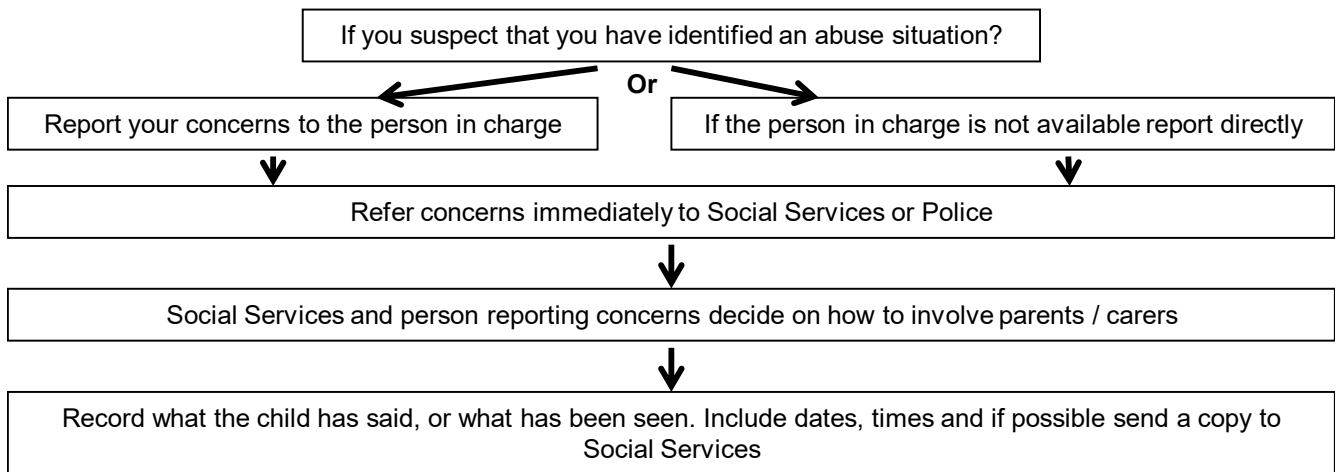
are doing and give them choices where possible. This is particularly so if you are involved in any dressing, or undressing of outer clothing, or where there is physical contact of lifting or assisting a child to carry out particular activities.

If during your care of a child you accidentally hurt them, the child seems distressed in any manner, appears to be

sexually aroused by your actions, or misunderstands or misinterprets something you have done, report any such incident as soon as possible to another colleague and make a brief written note of it. Parents or carers should be informed of the incident.

The STA acknowledge the help provided by NSPCC in producing these procedures.

What to do if you have concerns about child abuse



What to do if you have concerns about child abuse by a member of the STA

