



SAFEGUARDING POLICY

Policy & Procedures for Safeguarding Aquatic Participants from Harassment, Abuse and Poor Practice

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1. MPUMALANGA PROVINCE SWIMMING SAFEGUARDING POLICY STATEMENT

1.1 Introduction

- 1.1.1. Safeguarding is the responsibility of organisations to make sure their staff, volunteers, operations and programmes do no harm to children or vulnerable adults, or expose them to harassment, abuse or exploitation. It is, however, increasingly becoming best practice to think about how we safeguard everyone in our organisations at all times, including protecting staff and volunteers from inappropriate behaviour such as bullying and harassment.
- 1.1.2. Everyone connected to the sport of aquatics should know how to keep children and adults safe. They should have appropriate learning opportunities to develop and maintain the necessary attitudes, skills and knowledge to do this. Partners, associates and other organisations that contribute to business operations should have standards. The communities you work with should understand your commitments to safeguarding and what to do if concerns arise.
- 1.1.3. Mpumalanga Province Swimming is committed to safeguarding and protecting all who participate in the sport of aquatics from harassment and abuse and ensuring that all participants are treated with respect and dignity.
- 1.1.4. Everyone has the right to participate in aquatics and in an environment free from non- accidental harm irrespective of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or athletic ability.
- 1.1.5. Mpumalanga Province Swimming recognises that the welfare of all who take part is aquatics regardless of their role is important and thus put the safety and well-being of all participants at the centre of everything we do.
- 1.1.6. Mpumalanga Province Swimming recognizes that whilst any participant can be subjected to harassment and abuse, certain groups may be more vulnerable to harassment and abuse including but not limited to:
 - Children
 - Young Adults
 - People with a Mental and/or a Physical Disability
 - Competitive Athletes
 - Women
 - Elderly Persons, and
 - Other Vulnerable Adults
- 1.1.7. Mpumalanga Province Swimming is committed to implementing procedures to safeguard and protect all participants in aquatics including procedures to address the risks associated with specific vulnerable groups.
- 1.1.8. Mpumalanga Province Swimming recognises that the prevention of harassment, abuse in sport requires a systematic and coordinated approach both nationally and internationally. This includes working with the South African statutory authorities, the South African Sports Confederation and Olympic Committee (SASCOC) and with FINA to safeguard participants in the sport of aquatics.



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- 1.1.9. Mpumalanga Province Swimming recognises that the effectiveness of safeguarding is dependent on ensuring athletes and other participants are involved, engaged, and receive appropriate training and support.

1.2 Background

- 1.2.1 The Constitution of the Republic of South Africa (1996) includes a Bill of Right, which is the cornerstone of democracy in South Africa. It enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom. The Bill of Rights states that you cannot unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The Bill of Rights recognises that everyone has inherent dignity and the right to have his or her dignity respected and protected. That everyone has the right to be free from all forms of violence from either public or private sources; not to be treated or punished in a cruel, inhuman or degrading way, and that everyone has the right to bodily and psychological integrity, which includes the right to security and control over their body.
- 1.2.2 South Africa ratified the United Nations Convention on the Rights of the Child on 16 June 1995. The rights of the child are included in the Bill of Rights of the Constitution of the Republic of South Africa (1996). The Bill of Rights states, "A child's best interests are of paramount importance in every matter concerning the child." Included in the rights of the child is to be protected from maltreatment, neglect, abuse or degradation.
- 1.2.3 Mpumalanga Province Swimming is the recognised national sports federation for the sport and recreational activities of aquatics in South Africa as defined in the National Sport and Recreation Act, 1998 (Act No.110 of 1998) as amended. Mpumalanga Province Swimming is recognised by the South African Government as the only authority for the administration and control of the sport or recreational activity of aquatics in the republic and is recognised as the sole governing body of aquatics in the Republic in terms of the constitution of the SASCOC.
- 1.2.4 Mpumalanga Province Swimming recognises its responsibility for safety in the sport of aquatics as set out in the National Sport and Recreation Act, 1998 (Act No.110 of 1998) as amended, clause 6.1, which reads "National Sports Federations must assume full responsibility for safety issues within their sport and recreation disciplines".
- 1.2.5 Clause 2.4.6 of the SASCOC Constitution 2015 requires member Organisations "to take action against any form of discrimination and violence in sport".
- 1.2.6 The Children's Act 38 of 2005 as amended requires a person who has no parental responsibilities and rights in respect of a child but who voluntarily cares for the child either indefinitely, temporarily or partially, including a care-giver who otherwise has no parental responsibilities and rights in respect of a child, must, whilst the child is in that person's care-
- a) Safeguard the child's health, well- being and development; and



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b) Protect the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation, and any other physical, emotional or mental harm or hazards.

- 1.2.7 Forms of harassment and abuse take place worldwide in all cultures in addition, environments. Evidence of recent and non-recent incidents of harassment and abuse indicate it occurs at all levels of sport.
- 1.2.8 Although any participant in sport can experience harassment or abuse, sport-based research confirms that athletes are particularly at risk and some groups are more vulnerable than others are. This includes elite athletes and athletes with a disability, especially if they are children or young adults.
- 1.2.9 The risk of harassment and abuse increases when there is a lack of protective measures in place that may mean that those who could be motivated to harass or abuse can do so without restrictions.
- 1.2.10 Harassment and abuse can have significant long-term negative impact on athlete participation and performance as well as general health and well-being, particularly if the athlete has not been able to disclose their experiences or access support.
- 1.2.11 All sports organisations have an important leadership role in embedding a no-tolerance approach towards all forms of harassment and abuse. The International Olympic Committee (IOC) Consensus Statement: Harassment and Abuse in Sport (2016) highlights that “It is incumbent upon all stakeholders in sport both to adopt general principles for safe sport and to implement and monitor policies and procedures for safe sport, which state that: all athletes have a right to be treated with respect, protected from non-accidental violence ”.
- 1.2.12 In addition, the IOC Basic Universal Principles of Good Governance encompass safeguarding and makes it compulsory for organisations that belong to the Olympic movement to adopt these principles, implement relevant measures and monitor compliance.
- 1.2.13 Mpumalanga Province Swimming is committed to the principles of safe sport and good governance and has developed policy for the prevention of harassment and abuse within aquatics.

1.3 Definitions

The following definitions are used in these policies and procedures:

- 1.3.1 Harassment** is defined as the unwanted nature of the action, which could include attention or the provision of items. It is for any given individual to determine what they consider acceptable and what they regard as offensive.



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- 1.3.2 The Protection from Harassment Act 2010, defines harassment as directly or indirectly engaging in conduct that the respondent knows or ought to know
- a) Causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably:
- (i) Following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
 - (ii) Engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
 - (iii) Sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or
- b) Amounts to sexual harassment of the complainant or a related person.
- 1.3.3 **Sexual harassment** means any unwanted and unwelcome conduct of a sexual nature, whether verbal, non- verbal or physical. Sexual harassment can take the form of sexual abuse.
- 1.3.4 **Abuse** can be expressed in four forms which may occur in combination or in isolation:
- Psychological abuse;
 - Physical abuse;
 - Sexual abuse;
 - Neglect.
- 1.3.5 **Psychological abuse** means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilising, or any other treatment, which may diminish the sense of identity, dignity, and self-worth.
- 1.3.6 **Physical abuse** means any deliberate and unwelcome act – such as for example punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such acts can also consist of forced or inappropriate physical activity (e.g., age-, or physique- inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.
- 1.3.7 **Sexual abuse** means any conduct of a sexual nature, whether non- contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given.
- 1.3.8 **Neglect** means the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.
- 1.3.9 **Harassment and abuse** can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age disability, socio-economic status and athletic ability. It can include a one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited and coercive. Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.



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- 1.3.10 Regulated activity** within the context of this policy is defined as regular contact with children, young adults, persons with a mental disability or other adults who may be vulnerable to harassment and abuse. Being an employee (staff or volunteer) of Mpumalanga Province Swimming or its affiliated members and clubs does not imply involvement in regulated activity in itself. It is only when the staff member or volunteer has close contact with children, young adults, adults with a mental disability, or other vulnerable adults that they fall within the scope of regulated activity.
- 1.3.11 Regular contact** is defined as more than once per month.
- 1.3.12 Children** are defined as young persons under 18 years of age and are protected under the United Nations Convention on the Rights of the Child, which has been adopted by 197 nations.
- 1.3.13 Young Adults** are young persons over 18 years of age transitioning from childhood to adulthood. With limited life experience, they may not have developed resilience and may be more at risk of exploitation, harm or abuse.
- 1.3.14 Person with a Mental Disability** can be a child under 18 years of age or an adult over 18 years of age who is, or may be, in need of services by reason of mental disability.
- 1.3.15 Vulnerable Adult** is any person aged 18 or over who is, or may be, in need of services by reason of disability, age or illness, and who is, or may be, unable to take care of him or herself, or is a person over 18 years of age who is unable to protect him or herself against significant harassment, abuse or exploitation related to their athletic ability, race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth. In the context of South Africa where there are high levels of gender-based violence, some women may be considered vulnerable. Other groups who may be vulnerable in a South African context include the LGBTQIAP+ community, marginalised gender identities, refugees and people living with HIV/AIDS.
- 1.3.16 Swim schools and Aquatic Clubs** means any organisation providing Aquatic activity in South Africa including but not limited to an association of members, a commercial entity, a registered non-profit organisation, company or trust.

1.4 Purpose

- 1.4.1** The purpose of the Mpumalanga Province Swimming Safeguarding Policy is to ensure that athletes and others taking part in aquatics can do so without fear of harassment or abuse. The key objectives of the policy are to:
- Ensure everyone in aquatics understands that all forms of harassment and abuse are unacceptable and will not be tolerated.
 - Enable anyone who has witnessed or experienced harassment or abuse within aquatics to report the incident without fear of victimisation or retaliation.



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- Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in aquatics, irrespective of whether they arise at local, national or international level.
- Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising.

1.5 Scope

- 1.5.1 The Mpumalanga Province Swimming Safeguarding Policy applies to all athletes members of the athlete entourage including but not limited to coaches, trainers, chaperones, judges, agents, medical personnel and any individuals acting on behalf of Mpumalanga Province Swimming such as directors, officials, administrators, members, and service providers whether employed, contracted or voluntary (herein referred to as a “participants”).
- 1.5.2 The Mpumalanga Province Swimming Safeguarding Policy applies specifically to any incidents of harassment and abuse that occur during or connected to participation in any aquatic activities or connected to any activities where the participant is representing SSA.
- 1.5.3 Where a participant is under a contract of employment with Mpumalanga Province Swimming and an incident of harassment or abuse occurs relating to their employed role, the employment procedures will apply. However, where a participant is sanctioned under employment procedures, this can be addressed under these procedures to the extent that it affects the participant’s suitability to continue to participate outside of their employment relationship.
- 1.5.4 Mpumalanga Province Swimming will implement safeguards aimed at protecting participants from harassment and abuse irrespective of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or athletic ability.
- 1.5.5 Mpumalanga Province Swimming recognizes that in all matters concerning the care, protection and well-being of a child the standard that the child's best interest is of paramount importance, must be applied. Children are defined as young persons under 18 years of age and are protected under the United Nations Convention on the Rights of the Child and the Constitution of South Africa. Mpumalanga Province Swimming will implement safeguards specifically aimed at protecting all children participating in aquatics.
- 1.5.6 Any incidents of harassment or abuse that are perpetrated against a child must be report to the relevant Child Protection Authorities (South African Police Service (SAPS), Department of Social Development, Registered Child Protection Agency) in accordance with the Children's Act 38 of 2005 as amended and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 as amended.



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- 1.5.7 Mpumalanga Province Swimming recognises that children and adults may participate in aquatic activities, who are, or may be, in need of services by reason of mental or other disability, age or illness, and who are, or may be, unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation. Mpumalanga Province Swimming will implement safeguards specifically aimed at safeguarding children and adults participating in aquatics and aquatic sport recreational activities.
- 1.5.8 Any incidents of harassment or abuse that are perpetrated against a child or adult with a mental disability must be reported to the relevant authorities.
- 1.5.9 The Mpumalanga Province Swimming policy and procedures are applicable to all levels of the sport and provides a framework for those involved in aquatics to meet their duty of care towards all who participate in the sport regardless of whether they are a competitive or recreational athlete, staff, volunteers, spectators or service providers. The policy is mandatory for all Mpumalanga Province swimming staff, members and volunteers. Any individual or organisation that is providing a service to Mpumalanga Province Swimming must also demonstrate that they comply with these standards. Anyone who manages or has overall responsibility for a swim school and club or organisation must support their Safeguarding Officer to fulfil their role and ensure their organisation is fully compliant with this policy. All Mpumalanga Province Swimming members should also read and comply with the policy.

1.6 Roles & Responsibilities

- 1.6.1 Mpumalanga Province Swimming accepts the responsibility to Implement safeguarding arrangements and procedures to protect all participants from harassment and abuse and will:
 - Provide effective leadership to promote and implement our safeguarding policy and embed a no-tolerance approach to harassment and abuse;
 - Identify a competent person(s) to assess and respond to safeguarding concerns;
 - Develop and implement codes of conduct which establish behaviours and boundaries by which all participants, no matter how senior, are held to account;
 - Ensure all participants understand and abide by the Safeguarding policy, procedures and codes of conduct;
 - Ensure all participants understand and comply with the policy, procedures and code of conduct when representing at Mpumalanga Province Swimming events;
 - Ensure all participants are provided with appropriate information and training to recognise, identify and respond to signs of harassment and abuse;
 - Share information with relevant stakeholders, including the South African Police Service, Child and Adult Protection Services, SASCOC and the affiliates;



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- Respond to all incidents or concerns, and provide appropriate support to the individual(s) involved, including the person who reported the concern;
- Ensure that confidential, detailed and accurate records of all concerns are maintained and securely stored;
- Ensure robust safeguarding arrangements and procedures are in place, including adequate background checks to prevent unsuitable individuals from being appointed to a position of authority;
- Ensure all members and their affiliated swim schools and clubs have effective arrangements in place to protect participants from harassment and abuse within the club environment; and
- Ensure all participants representing an affiliated swim school/club at any Mpumalanga Province Swimming endorsed event understand and comply with the policy, procedures and codes of conduct.

1.7 Provincial Affiliates, Districts Roles & Responsibilities

- 1.7.1 The responsibility to lead the implementation of this policy is shared with the Provincial Affiliates of the federation, who shall:
- adopt the Mpumalanga Province Swimming Safeguarding Policy and Procedures
 - ensure all affiliated swim schools/clubs have adopted the Mpumalanga Province Swimming Safeguarding Policy and Procedures;
 - ensure all swim schools/clubs in their jurisdiction have a Safeguarding Officer and Safeguarding Policy in place;
 - ensure that all events conducted under their jurisdiction have a Safeguarding Officer in place that a risk assessment has taken place and that safeguarding measures have been implemented.

1.8 Affiliated Swim Schools/Club Roles & Responsibilities

- 1.8.1 All Mpumalanga Province Swimming swim schools/clubs who provide Services to children and adults have a common law duty of care to take such steps that are reasonable to ensure the safety and welfare of both children and adults.
- 1.8.2 The safety and welfare of children and adults should be a priority for all aquatic swim schools/clubs.
- 1.8.3 The Mpumalanga Province Swimming Safeguarding policy and procedures set out the minimum standards that aquatics clubs should apply. Mpumalanga Province Swimming will provide support and guidance to swim schools/ clubs to help them meet their responsibilities.
- 1.8.4 All Mpumalanga Province Swimming swim schools/clubs must ensure that:
- the overall responsibility for safeguarding sits at the most senior level of their swim school/club;
 - there is at least one suitably trained and competent Safeguarding Officer designated within the swim school/club to take the lead role in dealing with safeguarding issues.



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The responsibilities of the individual should include:

- Promoting the safety and welfare of children and adults;
- Promoting the importance of safeguarding;
- Ensuring that children are listened to and are involved in decision making;
- Ensuring that everyone understands their roles and responsibilities in respect of safeguarding;
- Responding to safeguarding and poor practice concerns;
- Liaising with Mpumalanga Province Swimming and local Statutory Authorities;
- Working with other organisations as required;
- Acting as the designated person for criminal records checks;
- The Club Safeguarding Officer must have completed Mpumalanga Province Swimming approved Safeguarding awareness training;
- The Club Safeguarding Officer has undertaken a criminal record check, Child Protection Register Check and Sexual Offences Register Check as required by law.
- All staff and volunteers, who are working with children or adults receive appropriate training, updated every three years, and have access to advice on child protection, safeguarding and promoting the welfare of children through the Swim school/Club Safeguarding Officer;
- All children and their parents, are aware of behaviour that is not acceptable and how they can help to keep themselves safe;
- They support Whistle Blowing and take steps to ensure members, their parents/carers, and others, feel able to raise concerns without fear of negative repercussions;
- Confidentiality is maintained in relation to concerns and referrals in addition, information is only shared on a genuine 'need to know' basis in line with confidentiality and information sharing guidance.
- That they comply with the federations guidance on Safe Recruitment to prevent unsuitable people from obtaining, or remaining in, positions of trust or responsibility;
- They comply with all applicable supplementary policy and guidance and accept responsibility for identifying and responding to any deficiencies or weaknesses in its arrangements for safeguarding and promoting welfare of children and adults;
- They work in partnership with Mpumalanga Province Swimming to ensure poor practice is addressed and any required remedial action is taken.

1.9 Participant Roles & Responsibilities

- 1.9.1 All participants must comply with Mpumalanga Province Swimming's Safeguarding policy, procedures and codes of conduct and specifically not engage in, allow, condone, or ignore incidents of harassment and abuse and be supportive of other participants who report concerns.



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- 1.9.2 Any participant who has reason to believe that another participant has or is experiencing harassment and abuse connected to their role in the sport has a duty to report it to the federation.
- 1.9.3 Failure to comply with the policy and procedures will be investigated and may ultimately result in disciplinary action against the individuals concerned.

1.10 Monitoring & Review

- 1.10.1 The Mpumalanga Province Swimming Safeguarding policy will be reviewed annually to ensure it continues to meet our responsibilities as a national federation and to reflect any relevant changes in the environment in which we operate and any significant incidents in the sport.

1.11 Reporting Concerns

- 1.11.1 The following procedures apply to any incidents, concerns, allegations or disclosures of harassment and abuse brought to the attention of the federation (herein referred to as “complaints”).
- 1.11.2 If a complaint of harassment or abuse is perpetrated by or against a child or an adult, any action taken must be in accordance with the federations safeguarding policy and procedures.
- 1.11.3 Where the alleged perpetrator is under the jurisdiction of another National federation, the matter will be reported by the federation to the relevant NF or National Olympic Committee.
- 1.11.4 Any participant who has reported that an incident of harassment or abuse involved a person or persons belonging to another organization or unconnected to the sport will be provided with support from Sports Voice.

Reporting

- 1.11.5 Anyone can report an incident of harassment or abuse. Mechanisms for receiving the information are as follows:
 - In writing using the Mpumalanga Province Swimming template form;
 - By phone or email to a National, Provincial, Club or Event Safeguarding Officer(s);
 - In person to a National, Provincial, Club, or Event Safeguarding Officer(s).
 - Through Sports Voice either through the Website, email, App or WhatsApp line.

Whistleblowing

- 1.11.6 Although incidents can be reported directly by the affected individual, the term “whistle blowing” is used to describe a complaint relating to the conduct of an individual made by someone other than the affected person.
- 1.11.7 Mpumalanga Province Swimming recognises that some individuals may be fearful of the consequences of making a complaint under these procedures, particularly where the perpetrator is in a position of authority. In these circumstances, where possible, the identity of the whistle blower will remain confidential.



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- 1.11.8 Any person who makes a complaint in good faith must not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes a complaint that is false, vexatious, retaliatory, or frivolous.

Assessment of Complaints

- 1.11.9 Any complaints pursuant to this policy received by the District/Province will be referred to the Mpumalanga Province Swimming National Safeguarding Officer(s) who is the first point of contact for complaints and concerns under this procedure.
- 1.11.10 The Mpumalanga Province Swimming's Safeguarding Officer(s) will make an initial assessment of the complaint to determine the nature of the concern and whether the matter relates to a participant under Mpumalanga Province Swimming's jurisdiction.
- 1.11.11 If the complaint is believed to be a criminal offence, the Safeguarding Officer(s) will refer the matter to the Police and other relevant authorities and/or regulatory bodies immediately.
- 1.11.12 If the complaint is not considered to be a matter for the police, the Safeguarding Officer(s) should:
- Refer the complaint to an independent investigation organisation;
 - Refer the matter to the Mpumalanga Province Swimming Case Management Group;
- 1.11.13 The Mpumalanga Province Swimming's Case Management Group will consider the complaint and should determine to:
- Proceed with an internal investigation;
 - Resolve the matter informally;
 - Dismiss the complaint as unfounded or as insufficiently serious to require any action by the federation.
- 1.11.14 The Mpumalanga Province Swimming's Safeguarding Officer(s) will assess whether any of the affected parties require support and arrange for support to be provided where deemed appropriate.

Interim Measures

- 1.11.15 Mpumalanga Province Swimming may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances applies:
- The participant is believed to present a significant risk to other participants;
 - The reputation of the sport is at risk; and/or
 - The participants ongoing presence may hinder investigations.

Investigation

- 1.11.16 In most cases, Mpumalanga Province Swimming will delay internal investigations until the outcome of a criminal proceedings is known. Once a matter has been referred from the police, the objective will be to conclude any investigations in a timely manner.



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- 1.11.17 Where an internal investigation is required, Mpumalanga Province Swimming shall instruct an independent investigator to carry out the investigation, in accordance with these procedures and to an appropriate timeline agreed by the federation's National Safeguarding Officer(s).
- 1.11.18 Where relevant, the investigator may request information from the police and any other relevant organizations.
- 1.11.19 The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses.
- 1.11.20 The investigator shall prepare a report and include all relevant evidence for consideration by the Mpumalanga Province Swimming Case Management Group who may determine that:
 - The matter is referred to an Independent Disciplinary Hearing for consideration;
 - Further investigations are instigated;
 - A risk assessment is completed;
 - Instructions, advice or guidance is provided to the relevant parties; and/or
 - No further action is taken.

1.12 Disciplinary & Appeals

- 1.12.1 Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the federations Code of Ethics and Disciplinary Procedure.
- 1.12.2 The standard of proof for such proceedings is the civil standard of balance of probabilities. Consequently, Mpumalanga Province Swimming may seek to take disciplinary action irrespective of the outcome of any criminal proceedings.
- 1.12.3 Mpumalanga Province Swimming will provide appropriate support and guidance to ensure all participants understand the disciplinary and appeal procedure, especially if children are involved.
- 1.12.4 Where a disciplinary matter involves a Child or a Person with a Mental Disability, the federation's Safeguarding Officer(s), Investigator(s) and Independent Disciplinary or Appeals Panels must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.
- 1.12.5 Where a disciplinary matter involves a Child or a Person with a Mental Disability, the Chairman of the Independent Disciplinary or the Appeal Panel shall decide if the Panel should include at least one member who is suitably trained at dealing with Children or Persons with a Mental Disability.
- 1.12.6 Any interviews of a Child or a Person with a Mental Disability shall only be conducted by suitably trained and experienced persons nominated by the federation.
- 1.12.7 Written permission should be obtained from any parent / carer of a Child or a Person with a Mental Disability where such person is asked to provide evidence and / or attend a hearing. Where a Child or a Person with a Mental Disability is asked to attend a hearing, they shall be afforded the opportunity to do so



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accompanied by any parent / carer and the Independent Disciplinary or Appeals Panel shall make sure that the Child or a Person with a Mental Disability fully understands the process-taking place. In exceptional circumstances, where written permission is not obtained from a parent / carer, assessment should be made of the ability of the Child or a Person with a Mental Disability to understand and make their own decisions.

- 1.12.8 In all proceedings involving a Child or a Person with a Mental Disability, the Investigator(s) or Chair of the Independent Disciplinary or Appeals Panel may vary the standard directions set out in this policy and in order to take into account the needs of a Child or Person with a Mental Disability. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.
- 1.12.9 For the avoidance of doubt, the refusal of the Parent, Carer, Child or Person with a Mental Disability to co-operate shall not preclude Mpumalanga Province Swimming from taking disciplinary action against the Child or Person with a Mental Disability in accordance with the federations Safeguarding Policy & Procedures.

1.13 Sanctions

- 1.13.1 Where the allegation is a criminal act the alleged perpetrator shall be suspended from the sport immediately pending the outcome of the criminal and then independent investigation. Where it is determined that harassment or abuse has been committed, the Independent Disciplinary Panel who dealt with the matter shall impose an appropriate sanction upon the participant.
- 1.13.2 The Independent Disciplinary Panel may consider, singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances the following:
- Written or verbal apology;
 - Formal warning;
 - Fine;
 - Risk assessment;
 - Training and/or supervision;
 - Temporary suspension;
 - Termination of membership, licence, agreement or contract; or
 - Any other sanction that the Independent Disciplinary Panel considers appropriate in the circumstances.
- 1.13.3 Anyone who have been found to have harassed or abused another participant will have the right to appeal against the decision. Appeals must be made in writing to the federation's Safeguarding Officer(s) within twenty-one (21) days of receipt of notice of the decision of the Independent Disciplinary Panel.



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1.14 Non-Recent Incidents

- 1.14.1 Serious allegations of sexual abuse may be made some time after the event. Where a non-recent allegation is made, the federations National Safeguarding Officer(s) should:
- Clarify whether there is a current risk to participants; and
 - Advise the individual of their right to make a formal complaint to the Police.
- 1.14.2 This policy does not apply any specific limitations periods for sexual abuse and any serious allegation of non-recent abuse will be treated in accordance with these procedures.

1.15 Criminal Convictions & Findings of Fact

- 1.15.1 Mpumalanga Province Swimming shall establish that an incident of harassment and abuse has occurred where:
- A Mpumalanga Province Swimming participant is convicted of a criminal offence; or
 - The federation or any other organization affiliated to the federation or another recognized regulatory body has determined that an allegation(s) of harassment or abuse against a member or participant is/are proven.
- 1.15.2 The Independent Disciplinary Panel having considered any representations made by the participant and any other affected parties may determine that it is appropriate to impose a sanction relating to aquatic activities.
- 1.15.3 The Independent Disciplinary Panel may apply the Swimming South Africa's sanction to some or all aquatic activities or determine its own sanction(s). Any sanction imposed by the federation shall be subject to a right of appeal in accordance with the federations Code of Ethics and Disciplinary Procedures.

1.16 Retention of Records

- 1.16.1 Any information relating to complaints of harassment or abuse will be stored securely and be compliant with the requirements of the Protection of Personal Information Act.
- 1.16.2 Any information about poor practice or complaints about harassment and abuse that may indicate that a participant in a position of trust is unsuitable to work or volunteer in the sport will be retained for as long as the participant remains active in the sport or for 10 years, whichever is longer, even if it were not possible at the time that the information was first reported to instigate any formal proceeding.
- 1.16.3 Any other records relating to other complaints will be retained for a period of 3 years unless a similar complaint arises within that period.
- 1.16.4 Any records relating to disciplinary action taken by Swimming South Africa should be retained in accordance with the retention periods set out in the federations Code of Ethics and Disciplinary Procedure.



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2. MPUMALANGA PROVINCE SWIMMING'S SAFE RECRUITMENT OF STAFF & VOLUNTEERS

The following policies and procedures are aimed at ensuring all reasonable steps are taken during the recruitment of staff and volunteers to prevent unsuitable individuals from working in aquatics.

2.1 Introduction

- 2.1.1. Mpumalanga Province Swimming and its affiliated organisations and swim Schools/club ensure all reasonable steps are taken during recruitment to prevent unsuitable individuals from working with children, young people, persons with a mental and/or physical disability and other vulnerable adults.
- 2.1.2. All individuals involved in aquatic activities who will have significant access to children, young people, persons with a mental and/or physical disability and other vulnerable adults must be vetted to establish whether they have any criminal convictions or other past behaviour that suggests they are unsuitable to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults or may present a risk to them. This applies equally to paid staff and volunteers.
- 2.1.3. All applications for roles in the sport that involve "regular contact" with children, young people, persons with a mental and/or physical disability and other vulnerable adults should be carefully considered and scrutinised, regardless of whether the application is for voluntary or paid work with the level of checking completed appropriate to the role being applied for.
- 2.1.4. All existing and new volunteers and employees working in roles that involves "regular contact" with children, young people, persons with a mental and/or physical disability and other vulnerable adults; or where they hold a position of trust; or existing staff or volunteers who change their role to work with these vulnerable groups, are required to complete a vetting process.
- 2.1.5. The federations Safe Recruitment policy and procedures apply to anyone, whether recruited to a voluntary or paid role who is going to have significant access to children, young people, persons with a mental and/or physical disability or other vulnerable adults or have access to their personal data.
- 2.1.6. Although the vast majority of staff and volunteers that work in aquatics are committed, dedicated people who are motivated to work within the sport for commendable reasons, it is vital that all reasonable steps are taken to ensure that any unsuitable people or people who may cause harm to children, young people, persons with a mental and/or physical disability and other vulnerable adults are prevented from working with them.



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- 2.1.7. The Mpumalanga Province Swimming Safe Recruitment policy and procedures aims to safeguard all participants in aquatics from harassment, abuse or exposure to poor practice. Swimming South Africa recognises that the majority of participants in aquatics are children and that the sport also offers programmes and activities for children and adults with a mental disability. Swimming South Africa and its affiliated organisations and clubs have a statutory duty to vet staff and volunteers who have regular contact with children and/or persons with a mental disability.
- 2.1.8. Mpumalanga Province Swimming also considers that persons prohibited from working with children or persons with a mental disability may also not be suitable to work with young people and other vulnerable adults.

The Children's Act

- 2.1.9 The CHILDREN'S ACT 38 OF 2005 as amended makes provisions for a National Child Protection Register and states that no person whose name appears in Part B of the Register may manage or operate, or participate or assist in managing or operating, a school, club or association providing services to children. A person who fails to disclose the fact that their name is entered in Part B of the Register is guilty of misconduct and the person's services may be terminated as a result of non-disclosure.
- 2.1.10 No person managing or operating or who participates or assists in managing or operating an institution providing welfare services to children, including a child and youth care centre, a partial care facility, a shelter or drop-in centre or a school may allow a person whose name appears in Part B of the Register to work with or have access to children at the centre, facility, shelter or school, either as an employee, volunteer or in any other capacity.
- 2.1.11 All staff and volunteers in Mpumalanga Province Swimming who have Regular contact with children must declare whether or not their name appears in Part B of the National Child Protection Register.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act

- 2.1.12 The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended makes provision for a National Register for Sexual Offenders and places responsibilities on employers and employees in respect of the act.
- 2.1.13 The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 defines an employer as set out in the act as including any person, organisation, institution, club, sports club, association or body who or which, as the case may be-
- (i) employs employees who, in any manner and during the course of their employment, will be placed in a position of authority, supervision or care of a child or a person who is mentally disabled or working with or will gain access to a child or a person who is mentally disabled or places where children or persons who are mentally disabled are present or congregate;



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- (ii) owns, manages, operates, has any business or economic interest in or is in any manner responsible for, or participates or assists in the management or operation of any entity or business concern or trade relating to the supervision over or care of a child or a person who is mentally disabled or working with or who gains access to a child or a person who is mentally disabled or places where children or persons who are mentally disabled are present or congregate.
- 2.1.14 Mpumalanga Province Swimming and its affiliates, swim schools/clubs Are employers as defined in the CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended by virtue of the programmes and activities they deliver which include programmes and activities for children and persons with a mental disabled.
- 2.1.15 The CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended, defines employees as
 - (a) any person who applies to work for or works for an employer, and who receives, or is entitled to receive, any remuneration, reward, favour or benefit; or
 - (b) any person, other than a person contemplated in (a), who in any manner applies to assist or assists in carrying on or conducting the business of an employer, whether or not he or she is entitled to receive any remuneration, reward, favour or benefit.
- 2.1.16 All staff and volunteers of Mpumalanga Province Swimming and its affiliated Members, swim schools/clubs with regular contact with children and persons with a mental disability are employees as defined in the CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 as amended.
- 2.1.17 Mpumalanga Province Swimming and its affiliated members, swim school/ clubs cannot employ a person whose name appears on the on the National Register for Sexual Offenders if there is any likelihood they will come into contact with children or persons who are mentally disabled as a consequence of their duties. Failure to check employees against the register and not employ someone on the register is a criminal offence and is liable on conviction to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment.
- 2.1.18 Mpumalanga Province Swimming and its affiliated members swim schools/ clubs as employers defined in the act are required to apply to the Registrar of the National Register for Sexual Offenders for a prescribed certificate, stating whether or not the particulars of an employee as defined by the act are recorded in the Register. All employees (staff and volunteers) of Mpumalanga Province Swimming or one of its affiliated members, swim schools/clubs that may come into contact with children or persons who are mentally disabled must be checked against the National Register for Sexual Offenders. Such vetting against the register must be done for all future employees and retrospectively for existing employees.



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- 2.1.19 Employees are required by the act to inform their employers if they have been convicted of a sexual offence against a child or a person who is mentally disabled, or is alleged to have committed a sexual offence against a child or a person who is mentally disabled and who has been dealt with in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977, irrespective of whether or not such offence was committed or allegedly committed during the course of his or her employment, must without delay disclose such conviction or finding to his or her employer. They must also disclose any conviction or finding when applying for a role within the organisation. Failing to disclose is a criminal offence liable on conviction to a fine or to imprisonment not exceeding seven years or to both a fine and such imprisonment.
- 2.1.20 Mpumalanga Province Swimming and its affiliated members, swim schools/Clubs are not a recognised organisation for the purpose of accessing the National Child Protection Register and the onus is on the employee to declare if they named on the register. Where the federation and its affiliated members, swim schools/clubs suspect an employee may have made a false declaration with regard to their name not appearing on the National Child Protection Register they will report the matter to the SAPS or Social Services for them to investigate.
- 2.1.21 Although Mpumalanga Province Swimming and its affiliated members, swim schools/clubs are required to apply to the Registrar of the National Register for Sexual Offenders for a prescribed certificate, stating whether or not the particulars of an employee as defined by the act are recorded in the Register, the Registrar has indicated in writing that the issuing of clearance certificates and verifying of individuals for any purpose is not yet operational. The onus is therefore on the employee to declare if they are named on the register. In addition to obtaining a SAPS clearance certificate, employees must also disclose to their employers (on affidavit) that they have never been convicted of a sexual offence against a child or a mentally disabled person. This affidavit must be placed in the employee's file to be utilised at a future date once the Register becomes fully operational. Where Mpumalanga Province Swimming and its affiliated members, swim schools/clubs suspect an employee may have made a false declaration with regard to their name not appearing on the National Register of Sexual Offenders they will report the matter to the SAPS or Social Services for them to investigate.

2.2 Minimum Standards

- 2.2.1 The Mpumalanga Province Swimming minimum standards for the vetting of applicants for roles in the sport to be undertaken during the recruitment process for new applicants and retrospectively for all existing employees (staff and volunteers) in order to prevent unsuitable individuals from working with children, young people, persons with a mental; disability and other vulnerable adults are:
- 2.2.2 That all potential and existing employees (staff and volunteers) must submit a police clearance certificate.



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- 2.2.3 That all potential and existing employees (staff and volunteers) must also disclose to their employers (on affidavit) that they have never been convicted of a sexual offence against a child or a mentally disabled person and that their name does not appear in Part B of the National Child Protection Register as a person deemed unsuitable to work with children.
- 2.2.4 That all potential and existing employees (staff and volunteers) must provide the names of two referees who must provide a reference using the Mpumalanga Province Swimming's employee reference form.
- 2.2.5 Mpumalanga Province Swimming and its affiliated members, swim schools/Clubs must implement the minimum standards to check the suitability of individuals from working with children, young people, persons with a mental; disability and other vulnerable adults. Any concerns raised as to the suitability of an individual to work with children, young people, persons with a mental; disability and other vulnerable adults during the vetting of employees (staff and volunteers) must be investigated before a decision is made to appoint a new employee (staff or volunteer); or to continue to employ an existing employee (staff or volunteer).
- 2.2.6 If a concern has arisen during the vetting of existing employees (staff or volunteers) regarding their suitability to work with children, young people, persons with a mental and/or physical disability and other vulnerable adults, Mpumalanga Province Swimming or its affiliated members, swim schools/club may suspend the employee (staff² and volunteer) from all or some of their duties whilst an investigation is conducted.
- 2.2.7 As people who want to abuse children, young people, persons with a mental and/or physical disability and other vulnerable adults may seek out various avenues to gain access to children, young people, persons with a mental and/or physical disability and other vulnerable adults, it is important that the minimum standards for vetting are followed at all times, even where there is only one applicant for a position.

One-Off Volunteers

- 2.2.8 All employees whether staff and volunteers of Mpumalanga Province Swimming Its affiliated members, swim schools/clubs will be required to complete the federations vetting procedures. The only current exception to this is in the case of one-off volunteers who will only have supervised contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults for a limited period of time. Examples would be:
- Parents or other volunteers helping out at a club fundraiser or event.
 - Young people attending the club for a work experience less than once per month.
- 2.2.9 Where one-off volunteering leads to regular contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults, the minimum standards for vetting employees must be fully applied.



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Parents

2.2.10 It is inappropriate to require parents, guardian or carer to undertake the federation's vetting procedures where their only role is to care for their own child or where they are responsible for an adult who requires support and care. However, in the event that the individual in question wishes to take on a role within the organisation or club that will bring responsibility for other children, young people, persons with a mental disability or other vulnerable adults the full vetting procedures must be applied.

2.3 Additional Recruitment Measures

2.3.1 The following additional measures may be implemented when interviewing for a role in the federation. It is the responsibility of Mpumalanga Province Swimming to check the suitability of staff or volunteers to work with children, young people, persons with a mental and/or physical disability or other vulnerable adults:

- Considering the person's qualifications and experience for the role;
- Identifying a timeline of previous roles in federation
- other sports, and any other role that involved working directly with children, young people, persons with a mental disability or other vulnerable adults;
- Assessing attitudes and commitment to safeguarding;
- Assessing their previous experience of working with children both inside and outside of the federation;
- Giving the applicant a scenario of a safeguarding nature such as child not being collected after a training session and ask what they do in that circumstance;
- Asking the applicant if they have ever been refused work that involved contact with children, young people, persons with a mental and/or physical disability or other vulnerable adults or anything that the organisation or club should know that could affect their suitability to work with children, young people, persons with a mental and/or physical disability or other vulnerable adults.

2.3.2 In line with best practice, Mpumalanga Province Swimming recommends that the minimum standards for the vetting of applicants for roles in the sport in order to prevent unsuitable individuals from working with children, young people, persons with a mental and/or physical disability and other vulnerable adults are renewed every year.



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3. MPUMALANGA PROVINCE SWIMMINGS SAFEGUARDING POLICY & PROCEDURES

The following policies and procedures are aimed at creating a safe environment for participants in the sport of aquatics to take part in the sport free from harassment and abuse.

3.1 Duty of Care

- 3.1.1 All swim schools/clubs and organisations providing aquatic activities have a responsibility for the safety and welfare of athletes, coaches, volunteers, officials, visitors and others. This responsibility applies to all aquatic members and affiliated clubs, regardless of their size or structure. There is a legal responsibility to ensure that participants are protected from harm whilst taking part in aquatics. This is legally termed as the 'duty of care' and is of paramount importance when dealing with children or adults with a mental disability.
- 3.1.2 In order to fulfil their 'duty of care' the Mpumalanga Province Swimming Members, affiliated swim schools/clubs providing aquatic activities must:
 - Take steps to keep participants safe from harassment or abuse and ensure the welfare of all participants;
 - Ensure that venues, apparatus and equipment for aquatic activities are safe;
 - Ensure the development of athletes is pursued through appropriate physical and psychological preparation and progressive skill development;
 - Ensure the development of athletes is pursued through appropriate physical and psychological preparation and progressive skill development;
 - Put in place suitable first aid support and emergency procedures;
 - Exercise reasonable care at all times.
- 3.1.3 Mpumalanga Province Swimming affiliated members, swim schools/clubs providing aquatic activities must ensure that safeguarding policies and procedures are in place and implemented as part of their duty of care. All Mpumalanga Province Swimming affiliated members, swim schools/clubs must abide by the federations Safeguarding Policies & Procedures and swim schools/clubs are required to submit a copy of their Safeguarding Policy to the registration personnel as part of the annual registration process.
- 3.1.4 When working with children and vulnerable adults, a person who carries out a supervisory role takes on certain responsibilities while the child or vulnerable adults are in their care. This may include:
 - Holding a responsibility for the wellbeing of athletes during training;
 - Being responsible for the safe dispersal of children or vulnerable adults after training;
 - Providing first aid;
 - Providing/consenting to emergency medical treatment;
 - Undertaking a supervisory role or being a chaperone;
 - Acting as a team manager.



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3.2 Safeguarding Officers

- 3.2.1 Although everyone in Mpumalanga Province Swimming has a duty of care to safeguard participants, an important strategy in safeguarding in sport is the designation of an individual who is responsible for safeguarding and promoting the welfare of participants in the sport. The federation, its Provincial and District associations and affiliated swim schools/clubs as well as all any event sanctioned by Mpumalanga Province Swimming or its structures are required to appoint a competent person as their Safeguarding Officer.
- 3.2.2 Mpumalanga Province Swimming will appoint a competent person(s) As safeguarding officer(s) at a national level.
- 3.2.3 Each of the Provincial Associations will appoint a competent person(s) as safeguarding officer(s) at a Provincial level.
- 3.2.4 Each of the District Associations will appoint a competent person(s) as safeguarding officer(s) at a Provincial level.
- 3.2.5 All Mpumalanga Province Swimming affiliated swim schools/clubs must appoint A competent person(s) as their safeguarding officer.
- 3.2.6 All events registered through Mpumalanga Province Swimming must appoint a competent person(s) as the safeguarding officer(s) for the event.
- 3.2.7 Safeguarding Officers are responsible for:
 - Responding to harassment, abuse and poor practice concerns;
 - Providing support and advice on the implementation of procedures that safeguard and promote the welfare of participants.
- 3.2.8 In order to avoid any potential conflicts of interest in respect of a club safeguarding officer, the role must not be taken on by a key member of the club coaching team or member of his/her immediate family, however an individual who has a more limited involvement in coaching can take on the role in the event that there is no other acceptable alternative.
- 3.2.9 In order to avoid any potential conflicts of interest with regard to an event safeguarding officer, the role must not be taken on by a key member of event organising team or member of his/her immediate family.
- 3.2.10 All Safeguarding Officers are required to undertake training on safeguarding participants in sports prior to their appointment and to attend annual updates.

3.3 Guidance for Aquatics Coaches

- 3.3.1 Mpumalanga Province Swimming instructors and coaches should always Maintain high standard of practice as athletes of all ages look to them for guidance and hold them as role models. SSA instructors/coaches have a duty of care for the athletes they are teaching/coaching; and should always follow good practice guidance to ensure that the athletes they teach/coach are safeguarded, and the instructors/coaches are protecting themselves from any allegations.
- 3.3.2 Good practice includes:
 - Endorsing aquatics as a fun and enjoyable sport and promoting fair play;
 - Treating all athletes with respect and dignity and giving similar attention and time to all athletes regardless of their background or level of ability;



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- Keeping teaching/coaching qualifications up to date and operating within the level of their teaching/coaching qualification;
- Acting as a role model for athletes, for example not smoking or drinking around the athletes and being mindful of your behaviour at club training sessions, events or social gatherings;
- Not condoning rule violations or the use of prohibited substances;
- Ensuring that training sessions are appropriate for the age and stage of development, both physical and emotional, and experience of the athletes they are teaching/coaching;
- Ensuring training and competition schedules are based on the needs and interests of the athlete, not those of parents, coaches, clubs, sponsors, or National, Provincial or District Associations;
- Ensuring that the athletes wellbeing is paramount and recognising that performance comes after this;
- Enabling young people to assist in making decisions which relate to them;
- Maintain a safe and appropriate relationship with athletes; it is not appropriate to have an intimate relationship with a child or young person;
- Not tolerating any form of bullying or aggression in the sport;
- Understanding the athletes, you teach/coach and not pushing them too hard and against their will and ability level.
- Providing feedback to athletes in a constructive and positive manner.

Poor practice

- 3.3.3 Instructors Coaches who demonstrate poor practice open themselves up to a greater risk of allegations being made against them.
- 3.3.4 The following are some examples of poor practice that should be avoided by instructors/coaches and other staff and volunteers:
- Never be alone with a child or vulnerable adult including:
 - (i) Taking them to and from training or an event;
 - (ii) Taking them to your home or in your car, where you will be alone with them
 - (iii) Sharing a room with them.
 - Never allow any form of inappropriate behaviour or language.
 - Never be involved in, or allow, behaviour which causes athletes emotional distress.
 - Never spend excessive amounts of time alone with one child or vulnerable adult away from the others.
 - Never engage in rough, physical or sexually provocative games.
 - Never share a room with a child or a vulnerable adult. Adults should never share a room with children, young or vulnerable adults. It is Unacceptable that any number of children and adults share a common sleeping area.
 - Never allow or engage in any form of inappropriate touching.
 - Never allow athlete (children or adult) to use inappropriate language unchallenged.



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- Never make sexually suggestive comments to an athlete (child or adult).
- Never reduce an athlete (child or adult) to tears as a form of discipline or control.
- Never allow allegations made by a child or adult to go unchallenged, unrecorded or not acted upon.
- Never do things of a personal nature for children or vulnerable adults that they can do for themselves.
- Never invite or allow children or vulnerable adults to stay with you at your home. If cases arise where situations are unavoidable, they should only occur with the full knowledge and consent of the person in charge, and in the case of a child with signed parental consent.
- If any of the following incidents should occur, you should report them immediately to the club or district safeguarding officer(s), or another colleague, make a written note of the event and inform parents of the incident (using an incident report form):
 - (i) If you accidentally hurt an athlete.
 - (ii) If a child or vulnerable adult seems distressed in any manner, whilst in your care.
 - (iii) If a child or vulnerable adult appears to be sexually aroused by your actions.
 - (iv) If a child or vulnerable adult misunderstands or misinterprets something you have done.

Manual / Physical support

- 3.3.5 Supporting and shaping the athlete is an essential part of teaching/coaching aquatics in that it helps the athlete to understand shapes, movement patterns and complex skills, but also reduces the risk of injury due to a fall or error in performance. Detailed guidance on appropriate supporting techniques is provided as part of the Mpumalanga Province Swimming Coach Education programme.
- 3.3.6 All exercises that require physical touch should only be used with express consent from the athlete involved.
- 3.3.7 The key points on safe spotting and manual support are:
 - The instructor/coach must ensure that support is only used when necessary and “over-handling” is avoided;
 - The instructor/coach must always be alert to the possibility of performance errors or anxiety, which may increase the risk of injury;
 - Supporting techniques must not inhibit performance;
 - Physical contact should not be invasive of sensitive areas of the body, i.e. genital areas, buttocks or breasts.



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- 3.3.8 Infrequent non-intentional physical contact can arise out of error on the athlete or instructors/coach's part. Such situations should not be ignored and need to be acknowledged through an apology to the athlete and reported to the Swim school/Club Safeguarding Officer or head coach and parents. A written report should be made of any significant incident, which is to be reported to Mpumalanga Province Swimming.
- 3.3.9 It is also good practice to explain and provide some written guidance, perhaps as part of an induction pack, to new members and parents that some physical contact will be required but those only appropriate, non-invasive techniques should be used. If an athlete or parent has any concerns, they should be raised with the Swim school/Club Safeguarding Officer.

Flexibility/stretching exercises

- 3.3.10 There are a range of techniques and types of exercise for extending flexibility that involve the application of force. These techniques can also lead to the person applying the force coming into close proximity with the athlete and having prolonged contact with areas of the athlete's body.
- 3.3.11 Instructors/Coaches must follow the following guidelines:
- Use slow, progressive and prolonged stretching exercises, within the "discomfort zone", rather than what might be considered to be excessive force;
 - Avoid exercises that place the instructors/coaches and athletes body in "close proximity" and might be seen as unnecessary by the less-informed parent or observer;
 - Be sensitive to how the exercise might be perceived by the parents and children;
 - Consider holding a parents' forum to explain the flexibility training techniques, so that the parent is more aware and therefore less likely to misinterpret the techniques being used.

Relationships with athletes and position of trust

- 3.3.12 Mpumalanga Province Swimming instructors/coaches must ensure that their relationship with any athlete under 18 years of age is professional and appropriate. It must be recognised that the relationship between instructors/coaches and athletes is important for developing athletes' potential and self-esteem, and also in establishing trusting relationships with a responsible adult, which has been identified multiple times as being critical in children divulging disclosures.
- 3.3.13 Instructors/Coaches can easily influence the athletes in their care and the resulting power of a professional relationship cannot be overstated. It is the responsibility of the instructor/coach to ensure that they do not abuse their position of trust.



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- 3.3.14 Sexual relationships with children under 16 years of age are illegal. In addition, as such will lead to disciplinary action as well as being referred to the SAPS/Social Services for investigation.
- 3.3.15 A sexual relationship between a person with authority over a young person and a child aged 16 or 17 years is not considered appropriate by the federation. While it may not constitute a criminal offence, instructors/coaches and others in positions of authority and trust in relation to athletes, aged 16 and 17 years must not engage in sexual relationships with them while that unequal power relationship exists.

Adults in positions of trust in dual roles

- 3.3.16 Some aquatic instructors/coaches hold relevant professional accreditations that would enable them to fulfil a range of support roles within the sport. Common examples include instructors/coaches who are also trained as physiotherapists, nutritionists and masseurs.
- 3.3.17 Mpumalanga Province Swimming members who wish to make use of their professional qualifications within the sport must first ensure the person being treated is completely clear about the capacity in which they are acting. The adult in the position of trust is ultimately responsible for maintaining appropriate professional boundaries and ensuring that there is a clear separation between their coaching/teaching role and any other activities they undertake.
- 3.3.18 Mpumalanga Province Swimming strongly recommends that anyone providing an additional support service within the sport does not treat children that they teach/coach without parental supervision.

The rule of two

- 3.3.19 Mpumalanga Province Swimming recommends that in order to safeguard children and adults that at least two responsible unrelated adults are always present during training avoiding situations where a responsible person is alone with a child or vulnerable adult. At least one of the two responsible adults should be the same gender as the athlete(s).
- 3.3.20 There may be occasions especially where the athlete is training at a high performance level where one-to-one coaching may be appropriate. Aquatic coaches should only conduct such sessions when there is another responsible adult present or in the case of a child where a parent is present.



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3.4 Club Guidance

Safeguarding policy

- 3.4.1 All members and affiliated swim schools/clubs must have in place a safeguarding policy as a requirement for affiliation to the federation.
- 3.4.2 The safeguarding policy and information on safeguarding must be communicated to all athletes, parents or carers, staff and volunteers at the club. All athletes, parents or carers, staff and volunteers must be made aware of the procedures for reporting concerns.
- 3.4.3 Mpumalanga Province Swimming, its Provincial and District Associations and affiliated swim schools/clubs and organisations' must address the following environmental factors:
 - Provide an open training environment where instructors/coaches and athletes can be observed during training at all times especially by other employees and parents/carers;
 - Ensure there is a clear policy for use of changing rooms and toilets;
 - Maintain apparatus, equipment and other club property;
 - Make a provision for first aid facilities;
 - Compliance with the Protection of Personal Information Act in respect of storage of personal and sensitive information.

Safeguarding officer(s)

- 3.4.4 All Mpumalanga Province Swimming affiliated swim schools/clubs must appoint a competent person(s) as their Safeguarding Officer(s). The swim school/club safeguarding officer(s) must be registered with the federation and must complete an approved Safeguarding Training for aquatics swim school/club.

Swim School/Club registration

- 3.4.5 All Mpumalanga Province Swimming affiliated swim schools/clubs must maintain Accurate records of participants in their activities including:
 - Name and address;
 - Date of birth;
 - Parent/Carer information;
 - Emergency contacts;
 - Medical details - allergies, existing conditions, including any specific actions to take;
 - Information on any disability or special needs;
 - First language;
 - Medical consent;
 - Indemnity forms;
 - Consent for participation in aquatics;
 - Consent for photography and filming or option to object;
 - Information required for the purposes of the Department of Sport and Recreation's annual transformation survey.



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- 3.4.6 Mpumalanga Province Swimming swim schools/clubs should ensure that this Information is collected at the earliest opportunity to enable any necessary risk assessments based on medical information and/or disability to be completed prior to participation.
- 3.4.7 Parental/Guardian consent forms should always be sought prior to participation of a child in aquatic activity at the swim school/club.
- 3.4.8 The Protection of Public Information Act 2013 requires swim schools/club to conduct themselves in a responsible manner when collecting, processing, storing and sharing personal information and holds them accountable should they abuse or compromise the personal information collected in any way. Clubs need to explain clearly how the personal information being collected will be used and why and with whom it may be shared.
- 3.4.9 Mpumalanga Province Swimming affiliated swim schools/clubs who publish Images of children must comply with the guidance on photography and use of imagery included in this document.

Inclusion of parents, guardians or carers

- 3.4.10 Parents, guardians and carers should be welcomed at district affiliated swim schools/clubs to observe training sessions that their child or an adult they are providing support and care for are participating. The presence of responsible adults observing training sessions helps create a safer environment.
- 3.4.11 Clubs should in the case of new or potential members, encourage them to view a session and remain with their child or vulnerable adult until the child or vulnerable adult is happy to be left on their own.
- 3.4.12 Swim schools/Clubs should provide a suitable area for parents, guardians and carers to view training sessions. Where there is not a purpose-built viewing area, swim schools/clubs should designate a small area of the venue for viewing. This will need to be carefully managed and there may need to be limits on the number of spectators that can be safely accommodated. It may be appropriate for parents, guardians, carers and other spectators to sign in and out of the viewing area.
- 3.4.13 The use of CCTV from a designated room or area may be used to allow parents, guardians and carers to view what is going on during training without taking up space in the training venue. Where CCTV is used to record images the storage of data may be subject to compliance with the Protection of Personal Information Act 2013 and the use of CCTV cameras in public spaces may be subject to municipal byelaws.
- 3.4.14 The federation does not permit the livestreaming of training sessions due concerns regarding the security and management of such images of children.
- 3.4.15 Swim schools/ Clubs should facilitate viewing of training sessions by parents, guardians and carers and may not restrict their ability to observe such sessions by:
 - Obscuring windows;
 - Refusing reasonable requests to view;
 - Asking parents, guardians or carers to leave without due cause;
 - Justifying the prohibition of viewing on spurious health and safety grounds.



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- 3.4.16 The inclusion of parents, guardians and carers in creating an open training environment is much more than providing them with a viewing area. It involves creating a culture of openness between the swim school/club and parents, guardians or carers. This can include:
- Regular written and oral communication with parents, guardians or carers;
 - Providing regular feedback on a child or person with a mental disability's progress;
 - Opportunities to discuss the child or person with a mental disability's progress and training regime;
 - Opportunity to raise concerns and receive feedback on the outcome;
 - Encouraging parents, guardians and carers to become involved in the club;
 - Inviting parents, guardians and carers to attend welfare briefings prior to an away event;
 - Encouraging parents, guardians and carers to attend events or keep in close contact with their child or adult requiring care;
 - Setting up parents, guardians and carers forums;
 - Appointing a Parent Liaison Officer who is responsible for communication, information and encouraging involvement.

Changing room policy

- 3.4.17 Mpumalanga Province Swimming affiliated members, swim schools/ and clubs have a duty of care to safeguard children and vulnerable adults during sessions, including the wellbeing of children and vulnerable adults in changing rooms.
- 3.4.18 Mpumalanga Province Swimming affiliated members, swim schools/clubs must have in place a policy, or rules, relating to the use of changing facilities. Where the swim school/club is operating at a public facility the policy for changing rooms should be developed together with the facility owner.
- 3.4.19 Separate changing facilities, or times, should be provided for males and females except where there are village style changing is being operated at the facility and no one should enter changing rooms whilst these are being used by members of the opposite sex;
- 3.4.20 Separate changing facilities should be provided for adults and children; adults should not be permitted to get changed in the same room at the same time as children;
- 3.4.21 Mobile phones must not be used in changing rooms;
- 3.4.22 Any concerns or incidents occurring in a changing facility must be reported without delay. Athletes, parents, coaches, volunteers attending the swim school/club should know how to report such concerns.
- 3.4.23 Where swim schools/clubs are unable to provide safe changing rooms all members should be advised to arrive wearing their training attire under their clothes.



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Changing room guidance for parents

- 3.4.24 It is not recommended that supervision is provided within changing rooms as this places both the adult and children at risk of harm or allegation. Instead swim schools/clubs may wish to place an official outside of the doors to the changing room, which enables children to call for assistance if required.
- 3.4.25 Additionally, parents should specifically be advised around:
- The type of changing facilities at the venue – for example, are they village changing or separate for males and females.
 - Whether changing facilities will be accessible by members of the public using the facilities as well as swim school/club members, and if members over 18 years of age will be accessing them at the same time as members under 18 years of age.
 - Avoiding being in the changing rooms whilst the athletes are changing unless their child required additional assistance. In these circumstances the parent/carer must be the same gender as the child unless there is access to a family changing room or the venue has village changing facilities.

Supervision and support

- 3.4.26 Where children, persons with a mental and/or physical disability, young people or other vulnerable adults are participating in aquatic activity there must always be a minimum of two responsible adults present. This ensures there is supervision in the event of an accident or incident that requires one of the adults to leave the group to accompany an athlete.
- 3.4.27 Individuals assigned supervisory roles should be clear of their responsibilities.
- 3.4.28 The ratio of those being supervised to those undertaking supervision roles should be based on a risk assessment, which takes into consideration the age of the athletes, the needs of the athletes, the type of activity and where the activity is taking place.
- 3.4.29 Mpumalanga Province Swimming recommends a minimum ratio of one adult to Six athletes for activity during swim school/club session.
- 3.4.30 Where events are external to the regular swim school/club training venue the federation recommends a minimum ratio of one adult to ten athletes is required and there must always be a minimum of two responsible adults present. For athletes aged under-eight years this ratio must be increased. This ensures there is supervision in the event of an accident or incident that requires one of the adults to leave the group to accompany a child.
- 3.4.31 The federation does not impose restrictions on adults training alongside children, but swim schools/clubs have a responsibility to ensure they consider the differences in the athletes needs based not only on age but also experience and each individuals stage of development. Where swim schools/clubs have adults training with children, then they have the responsibility to create a safe environment for all its participants including putting safeguards in place to protect all participants.



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- 3.4.32 There may be circumstances where some athletes will need help with personal and intimate care such as going to the toilet, changing and washing. This need is most likely to arise for pre-school children or some athletes with mental or physical disabilities.
- 3.4.35 The federation recommends that swim schools/clubs require parents of children aged 3-4 years to remain nearby during aquatic activity and contactable in case their child becomes distressed or requires assistance. Parents of children under three years of age and of children who require assistance to use the toilet must remain with their child.

Children and adults with disabilities

- 3.4.36 Some children and adults with disabilities, as a result of their need for practical assistance in daily living may be more vulnerable to abuse and the risk may be greater where there are a number of carers. This may increase the likelihood of exposure to abusive behaviour and make it more difficult to set and maintain physical boundaries. It can be difficult, particularly for children and adults with a mental disability, to differentiate between different roles if carried out by the same person. This may lead to confusion and additional vulnerability.
- 3.4.37 Taking account of the above factors and the safeguarding concerns that can arise from instructors/coaches and others putting themselves in a position where they are alone with a child or vulnerable adult, Mpumalanga Province Swimming views this as unacceptable the routine provision of personal care by instructors/coaches. Mpumalanga Province Swimming requires all intimate care to be carried out by someone other than the instructor/coach (except when the instructor/coach is also the parent) whose sole role in relation to the child or adult is to address their care needs.
- 3.4.38 In order to provide adequate support to athletes, Swimming South Africa advocates that either a professional carer or the athlete's parent or guardian should carry out the role of "carer."
- 3.4.39 Although it is acknowledged that some disabled children or adults who take part in events that require an overnight stay may require overnight support, Mpumalanga Province Swimming considers that it is not acceptable for aquatic instructors/coaches, or other members in responsible positions, to share a room with an unrelated athlete in order to provide overnight support.
- 3.4.40 Mpumalanga Province Swimming suggests that overnight support should be Provided by the athlete's parents, guardians or full time or part time carers.
- 3.4.41 It is the responsibility of every Mpumalanga Province Swimming affiliated Members, swim schools/clubs to consider the needs of children and adults with mental or physical disabilities; making reasonable adjustments to help provide for the inclusion of any child or adult who wishes to participate in the sport.
- 3.4.42 All Mpumalanga Province Swimming affiliated members, swim schools/clubs should work with parents, guardians and carers to ensure support is in place for those children and adults with disabilities who require assistance can access aquatic activity.



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Late collection of children

- 3.4.43 Occasionally parents/carers may become delayed or unable to collect children from training sessions.
- 3.4.44 When new junior members join the swim school/club their parents Should be advised who to contact if they will be delayed in collecting their child and advise them of the action to be taken, for example they would need to advise if another swim school/club member could take their child home. It is important that emergency contact details are collected for all junior members. If you are unable to contact their primary contact, emergency contact details are essential.
- 3.4.45 Swim school/Club officers must never leave a child under 16 years of age alone, and they must have written parental permission to leave athletes over 16 years of age on their own. It is recognised that some parents will allow their child to travel to and from training sessions on their own, or with swim school/club mates, and in these situations the parent would be required to notify the swim school/club of this. Swim schools/Clubs should have a collection policy to ensure two instructors/coaches/ volunteers stay with uncollected children.
- 3.4.46 Swim school/club instructors/coaches and officers should avoid:
- Asking the child to wait alone with them or being left alone with any child who has not been collected;
 - Taking any child home or to another location;
 - Allowing the child to leave with another swim school/club member without permission.

Missing child guidance

- 3.4.47 In the unfortunate incident that a child goes missing during a swim school/club activities or at events, it is important to remember that most children are found within a few minutes of their disappearance. Mpumalanga Province Swimming provides the following guidance in relation to the actions that should be taken in this occurrence:
- Ensure any other young people you are responsible for are appropriately looked after while the search is being completed for the missing child.
 - Organise all available adults to fully search specified areas, particularly obvious areas of danger.
 - If the child cannot be found after a good search of the immediate surroundings, contact the child's parents to advise them of the concern and reassure them that everything is being done to locate the child.
 - Ensure that the area in which the child has gone missing is fully searched, including changing rooms, toilets, public and private areas.
 - Ensure that there is a single point of contact for all individuals searching to report back to. This individual should record all of the events that have occurred as well as creating a physical description of the young person to include approximate height, build, hair and eye colour in addition to what they were last seen wearing, where and when they were last seen.



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- If the young person has not been found within 20 minutes the SAPS should be informed, even if the search has not been fully completed.
- Once you have contacted the SAPS, they will advise if further action is required before their involvement. If the SAPS act upon your report, follow their guidance and requests for progressing the search.
- As soon as the young person is located be sure to communicate this to all individuals involved in the search.

Including children in decision making

- 3.4.48 The South African Government ratified in 1995 the UN Convention on the Rights of the Child. South Africa has enshrined children's rights in the Constitution (Act 108 of 1996), the supreme law of the country that was designed to respect, protect, promote and fulfil the rights of all people in the country.
- 3.4.49 One of the four core principles of the UN Convention on the Rights of the Child is the need to show respect for the views of the child. Article 12 of the Convention states: 'children have a right to an opinion and for it to be listened to and be taken seriously'.
- 3.4.50 Clubs should ensure that children have an opportunity to be consulted and, where appropriate, be involved in decisions that relate to their involvement in the sport, as well as within the specific area of safeguarding policy and procedures.
- 3.4.51 Key principles when involving children:
- The extent that a child can be involved in decision making will depend on their age and level of maturity and understanding;
 - Children and young people's involvement and opinions must be acknowledged and appreciated;
 - Children should be treated honestly. Their expectations need to be managed and boundaries that may limit their involvement explained;
 - Children should be provided with timely feedback about how their involvement has shaped or influenced a policy or approach;
 - All children should be given the opportunity to be involved irrespective of race, religion, culture, disability, age, ethnic origin, language or the area in which they live;
 - Children should always be provided with age appropriate information to help them understand;
 - Information for children should be clear and accessible and in appropriate language and style of communication;
 - Children and young people should be supported to enable them to make a positive and effective contribution, e.g. by the Safeguarding Officer.



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3.4.52 Some ideas on involving children and young people include:

- Establishing a youth forum to seek the views of children in the club;
- Identifying a young person's representative to communicate the views in formal settings such as Club Committee Meetings;
- Involving children in helping develop literature, posters and website, information on child safeguarding issues;
- Carrying out questionnaire based surveys to seek views and comments from children;
- Holding meetings with children when considering changes to policies and gather their views.

Managing communication

3.4.53 All swim schools/clubs should have a communication policy that Covers the use of communication devices and the manner in which instructors/coaches, staff, volunteers can communicate with children and vulnerable adults.

3.4.54 The following key points should be included:

- Cell phones should be turned off in the gym except in the case where a phone is used as a swim school/club contact number or for emergencies.
- Adult members should not communicate with athletes under the age of 18 years by text message, social media, internet chat rooms/networking sites or e-mail.
- All communication by the above methods should be through the parent.
- Subject to parental consent, instructors/coaches can communicate with young people over the age of sixteen years either by group e-mails/texts or by copying correspondence to either the Club Safeguarding Officer or a senior official, as well as the parent(s).
- Instructors/Coaches should limit communications to training related issues.
- In the event of an athlete showing an instructor/coach a text message, image or email that is considered to be inappropriate for a child to have, the instructor/coach must inform the Safeguarding Officer.

3.4.55 As technology has developed, the internet and its range of services can increasingly be accessed through various devices including cell phones, computers and game consoles. Although the internet has many positive uses, it provides a platform for the distribution of images of child abuse. In addition, networking sites and chat-rooms have increasingly been used by people for the purpose of 'grooming' children and young people for abuse, and by children as a means of bullying.

Communicating with children and vulnerable adults

3.4.56 It is important that swim school/club officers communicate appropriately with children and vulnerable adults in the swim school/club, be that in person, by phone, in writing, text, online, or any other form of communication.



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Mobile phone and online guidance

- 3.4.57 The development and use of cell phones has grown exponentially and communicating by text, email and instant messaging has become the norm. The intention of this guidance is to provide swim school/club officers and those in positions of trust with a better understanding of best practice in this area.
- 3.4.58 Instructors/Coaches and swim school/club officers should only hold contact details of children and persons with a mental disability, if they have written permission from parents/carers.
- 3.4.59 Communication to children and persons with a mental disability should always be copied into a parent/carer and should be relevant to the athlete's participation in aquatics.
- 3.4.60 Instead of holding the contact details for children and persons with a mental disability, instructors/coaches and swim school/club officers could hold the contact details of the parents/carers of children or persons with a mental disability and ask them to pass on any relevant information to the athlete.
- 3.4.61 In certain situations, it may be necessary for the instructors/coach or a Swim school/club official to have a child or persons with a mental disability contact number, for example if away on a training camp. In these situations, the parent/carer of the children or persons with a mental disability concerned should be advised in what type of situations the details will be used and they would need to provide permission for this. Immediately following these circumstances, the contact details should be deleted.
- 3.4.62 It may be required for the swim school/club to contact groups of children or vulnerable adults, for example training groups, in these cases it should be considered as to whether a secure page on the swim school/club website could be developed and accessible to relevant individuals only. This could be accessed by the parents/carers in addition to the athletes themselves as no direct contact would be occurring.
- 3.4.63 If sensitive data is held, then devices (e.g., mobile phones, laptops) should have appropriate security (e.g., passwords).
- 3.4.64 Additional guidance for instructors/coaches includes:
 - Avoiding taking calls, texting, or being distracting by your phone, during training sessions. If answering a call is unavoidable it is imperative that there is another individual who can supervise the session during this time.
 - If using the camera function, the instructor/coach should have the permission of the young person's parents/carers and should follow the guidelines for photography and videography.
 - If the coach enters the changing facilities for any reason the camera function of their phone should not be used under any circumstances.
 - Photographs of young people under 18 years of age should only be published if the permission of their parents/carers has been given.
 - If a photo is published, the young person's details such as their full name, location of the photograph or any details that would enable them to be found should not be included.



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- If you are shown a message or image that is considered inappropriate for a young person to have, you should inform the Swim school/Club Safeguarding Officer as soon as possible.
- 3.4.65 Mpumalanga Province Swimming recognises that a number of young people will become instructors/coaches after being members in of a swim school/ club, and as a result will still be friends with a number of other young swim school/club members, some of whom may be 16 or 17 years of age. It is plausible that they will have their contact details and frequently communicate with them already. As a result, Mpumalanga Province Swimming accepts that it would not be appropriate to expect young instructors/coaches to be removed from their friendship groups and so in these cases the federation suggests:
- That any pre-existing friendships are maintained and the instructor/coach would not have to remove contact details.
 - If this is the case, then the instructor/coach should inform the swim school/club Safeguarding Officer and the head coach.
 - Following this advisory, the head instructor/coach should make every effort to ensure that the instructor/coach is not the primary coach for their friendship group unless unavoidable.

Social media guidance

Social media websites such as Twitter, Facebook and Instagram are fully integrated into daily life and as such the operation of many swim schools/clubs providing a convenient outlet to communicate with both current and potential members. Alongside the positive aspects of these sites there are the inherent dangers and consequences including cyber bullying, grooming, identity theft, and viewing unsuitable content.

- 3.4.66 As these sites are accessible to junior members as well as senior members, swim schools/clubs must ensure that all posted messages have suitable content and format to avoid miscommunication of their meanings.
- 3.4.67 The swim school/club will need to consider:
- What content is uploaded onto social media – photos, blogs, videos etc.;
 - How to manage who can access what information;
 - How content will be presented;
 - If there will be sanctions for the abuse of the club's social media.
- 3.4.68 There are a number of good practice points that swim schools/clubs Should follow when setting up and maintaining their social media sites including:
- Fully integrating procedures relating to the reporting of potentially abusive or illegal content/activity to ensure that these are in line with the federations procedures;
 - Understanding acceptable and unacceptable online behaviour and ensuring that this is communicated to all users. It should be clearly outlined to users who to contact if they have concerns, along with how they can be contacted.
 - Ensure that all swim schools/club officers, instructors/coaches and athletes understand the importance of protecting their privacy online and that they understand the risks of posting and sharing content which could damage both theirs and the club's reputation.



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- Ensuring that the email address used to register the account/page is suitable, including the swim school/club as the domain name. This will reduce the risk of fake accounts being set up, improving the security for both the individual monitoring the account/page as well as the user accessing it. This should include how the access details for the account/page will be kept secure to ensure the threat of hacking and misuse is reduced.
- How the account/page will be set up and managed:
 - (i) As a page not a personal profile, this will enable updates to be shown in member's news feeds, the promotion of training or events and the page will appear in searches which could attract new members;
 - (ii) Developed as a working group, ensuring that the swim school/club Safeguarding Officer is consulted as appropriate;
 - (iii) Including the option for comments to be reviewed before being posted to ensure they are appropriate;
 - (iv) Ensuring that permissions are granted if photographs are used, especially of athletes under 18 years of age;
 - (v) Gaining permission of swim school/club officers for their contact details to be published;
 - (vi) Will the individual monitoring the account/page receive training before completing the role;
 - (vii) How the privacy and security settings will be appropriately set to ensure that content is appropriate for all individuals who could be accessing the page/account;
 - (viii) The ability to block individuals who should not have access or post offensive or inappropriate material;
 - (ix) Including a profanity filter where possible;
 - (x) Including contact details for the swim school/club and appropriate swim school/club officers as this will enable users to verify the account/page, as well as knowing who to contact with any queries.
 - (xi) Think before you post anything on to the page/account – do they fit with the clubs current policies and guidance and Do you have permission for any photographs or videos?

Social Media Guidance for Instructors/Coaches and Swim School/Club Officers

3.4.69 Mpumalanga Province Swimming makes the following recommendations for individuals who are in a position of trust and have responsibility for children and vulnerable adults within swim school/clubs:

- Any contact with children or vulnerable adults through social media, should be relevant to their participation, and should be with the consent of parents/carers.



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- If a young person requests to add you as a friend on social media you should decline if you:
 - (i) Use your social media account for personal purposes and there is a chance your account may include photos or content that would be inappropriate or deemed unprofessional for a child or young person to view or read, or that would make you look unprofessional;
 - (ii) Are in contact with the child through their swim school/club, and the child's parents/carers have not given permission for the contact.
- Never use social media to attack Mpumalanga Province Swimming, its Provincial or District Associations, affiliated swim school/clubs or the members of the federation, its Provincial or District Associations, or affiliated swim schools/clubs or the sport.
- Ensure that the use of any photographs or videos is in line with the Federation's photography guidance.

Travel Guidelines

- 3.4.70 Mpumalanga Province Swimming, members and affiliated swim schools/clubs Duty of care to safeguard athletes, which includes having the appropriate levels of supervision in place if athletes are taken to events or camps.
- 3.4.71 If Mpumalanga Province Swimming, a member or an affiliated swim school/club take athletes away overnight, or over multiple nights, they will be responsible for the safeguarding and wellbeing of the athletes as soon as they have received the athlete from their parent/carer and will remain responsible until the athlete is handed back to their parent/carer.
- 3.4.72 Mpumalanga Province Swimming would expect the following people be included in away trips:
- A Safeguarding Officer – this could be a club safeguarding officer or a competent person appointed to the role for the event or camp only.
 - Head Coach
 - Chaperone(s)
- 3.4.73 The roles of the Safeguarding Officer and Chaperone(s) are outlined below.

Safeguarding Officer

- 3.4.74 The safeguarding officer appointed for a specific trip may not necessarily be the same one as appointed by the district or a club but they should ideally have completed the SSA training for Safeguarding Officers.
- 3.4.75 The safeguarding officer for this role should:
- Ensure that all individuals on the trip know that they are the safeguarding officer for the duration and that they should be informed of any safeguarding or welfare concerns.
 - Hold the contact details for all athlete's parents/carers in the event
 - that they will be needed during the trip.
 - Hold the medical information for all athletes to ensure that they are accessible if needed during the trip.



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- Manage any concerns raised on the trip, with others as deemed appropriate, and complete any resulting tasks following the trip.
- In the instance of any ongoing concerns, refer them to the District or Swim school/Club Safeguarding Officer(s) if a different person.

Chaperones

- 3.4.76 The role of the chaperones is to provide loco parentis supervision of the athletes on the trip, assist with the maintenance of their general care and wellbeing and to assist the Safeguarding Officer if and when required.
- 3.4.77 Individuals who operate in this role should:
- Not be undertaking an instructors/coaching role during the away trip.
 - Have been vetted in line with the Mpumalanga Province Swimming's Safe Recruitment Policy.
 - Have attended some form of safeguarding training.
 - Have their role fully explained and the associated expectations outlined to them before commencing the role.
 - Meet with other trip leaders in advance of the trip to ensure that all roles and responsibilities are confirmed across the group.
 - Be provided with a list of athletes they will be responsible for along with any pertinent information they may require, for example specific medical information or any additional assistance they may require.
- 3.4.78 If the group is fairly small, it's possible that a chaperone could also act as the Safeguarding Officer for the trip. It is recommended that a ratio of 1 chaperone to 10 athletes is maintained and if there are male and female athletes there should be at least one male and one female chaperone. It is important that there are enough chaperones to effectively manage any situations that occur and maintain the wellbeing of the athletes during these times.
- 3.4.79 In advance of any trips the chaperones should:
- Meet with the athletes they will be responsible for during the trip, and their parents;
 - Be provided with the details of the trip including:
 - (i) any booking details;
 - (ii) athlete and team leader room allocations;
 - (iii) the location of their room in relation to the athletes;
 - (iv) details of any transportation being provided;
 - (v) any guidance that athletes have been provided with.
 - (vi) Provide a signed copy of the relevant code of conduct and be provided with a copy of the athlete's code of conduct.
 - (vii) Identify the nearest medical facilities.
- 3.4.80 During the trip, chaperones should:
- Have a room on the same floor as the athletes and ideally as close as possible, so athletes can easily contact them;
 - Provide their room number to the athletes they are responsible for in addition, advise them they should only use this information in emergency situations;



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- Check all athlete's rooms on arrival to ensure they are secure;
- Check if unsuitable channels can be accessed on the television in the room and if so request for these to be blocked;
- Check that the in room telephone is operational;
- Accompany any athlete that they are responsible for should they require medical attention, ensuring that they take any medical records or information with them.

Planning the Trip

3.4.81 Before the trip commences the following tasks should be completed in addition, agreed by the team leading it:

- Consider the risks of any overnight accommodation, either in person or by liaising with hotel staff, for example not having the exclusive use of the venue.
- Allocate rooms based upon age and gender, considering parent in addition, athlete requests where possible. Under 18's should not share a room with an over 18-year old even if they are of the same gender. If this has to happen (for budget reasons) that this is discussed and agreed upfront and parental approval documented. It potentially exposes an adult as well as a child and is a situation that should be avoided.
- Ideally all athletes should be on the same floor, with club officers' rooms at either end.
- Ensure that guidelines are in place for the use of any in room telephones and televisions.
- How club officer contact details, and the guidance for using these, will be provided to athletes and their parents/carers.
- The development of an emergency plan and contingency plan in the event of illness or injury.
- Circulate travel and behavioural policies to all athletes and parents prior to the trip.
- Distributing and collating all required forms to and from parents/carers.

Emergency Plan

3.4.82 In the unfortunate occurrence of an incident the emergency plan will become vital in managing it and ensuring that the situation does not worsen. The emergency plan should detail:

- The nature of the emergency and the person is involved.
- The action to be taken to maintain the wellbeing of the athletes in addition, manage the current situation
- Confirming any injuries and providing medical assistance if required;
- Nominating which member(s) of the team leading the trip would accompany the individual requiring medical attention;
- Ensuring that there will be adequate supervision for the remainder of the athletes while the situation is being rectified.



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- Where required, who will notify the Police of the incident;
- Who will be responsible for contacting the parents/carers of the athlete(s) involved;
- When and who should contact the National Safeguarding Officer;
- Who will create a written record of the incident?

3.5 Photography, Video & Use of Images

- 3.5.1 Taking photographs or videoing people in public places in South Africa is legal, whereas consent needs to be given to photograph or video people in a private place. Reproducing and selling photographs of people is legal for editorial and limited fair use commercial purposes. Civil law requires the consent of any identifiable persons for advertorial and promotional purposes.
- 3.5.2 The sport of aquatics can benefit from the use of images of participants to promote and celebrate activities, events and competitions. Parents and children generally welcome opportunities to celebrate or publicise their involvement and achievements in the sport through photographs and video recordings. Aquatic instructors/coaches also find it helpful to use photographs or videos as a tool to support an athlete's skills development.
- 3.5.3 The guidelines contained in this section have been developed with the aim of increasing the safety and well-being of children, persons with a mental and/or physical disability, young and vulnerable adults and for the avoidance of the following potential sources of harassment or abuse:
- Using, adapting or modifying images for the purpose of harassing alternatively, abusing participants in the sport or to identify person's in-order to harass or abuse them;
 - Using images for child abuse purposes, or adapting and modifying them for this purpose;
 - The potential identification of a child from their personal information and the possible grooming which could occur as a result;
 - The potential identification of children that have been recognised as being at risk for reasons including:
 - (i) Having been removed from their family for their own safety;
 - (ii) Restrictions on parental access following the separation of parents;
 - (iii) Being a witness in legal proceedings.
- 3.5.4 Mpumalanga Province Swimming recognises that photos and videos On websites and social media, and in posters, the press or other publications, can be posing direct and indirect risks to children, persons with a mental disability, young people and vulnerable adults. Children in particular may be subjected to grooming, harassment, abuse and bullying because of an image recorded on any device.
- 3.5.5 The following policy and procedures are aimed at safeguarding children and adults participating in aquatics from risks associated with the posting of images captured through any device. Mpumalanga Province Swimming provincial & district associations and affiliated clubs.



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3.5.6 Mpumalanga Province Swimming recommends the following advice for Provincial and district associations and affiliated swim schools/clubs:

- Provincial & district associations and affiliated swim schools/clubs should have a policy in place covering the recording of images of athletes. The policy may include a ban on all the recording of images of athletes or the requirement for anyone recording images of athletes to first register with the provincial & district associations or swim schools/club. This policy to apply to everyone attending sessions including official photographers/videographers, athletes, instructors/coaches, parents, club officers, staff and spectators.
- Where the swim school/club conducts activities at a public venue, they should consult the operators of the facility regarding their policy covering the recording of images.
- The swim school/club policy should apply a ban on the recording of images of any form in changing rooms, toilets and first aid areas. The ban should include the use of smart phones, which can take photographs and record video, in changing rooms, toilets and first aid areas.
- If imagery of an athlete under 18 years of age is published or used by the member or affiliated swim school/club for any reason, the athlete's parents/carers should give consent.
- A athlete's parents/carers should have the opportunity to refuse their child being photographed. This should not exclude the child from any member or swim school/club activities.
- A photography consent form template is available from the Mpumalanga Province Swimming website.
- If the swim school/club is hosting an event, it should be made clear to all parents/carers if a designated photographer is going to be present and if so, they should be provided with the opportunity to confirm if their child is eligible to be included in photographs. It should also be made clear that there could be other parents/carers taking photographs during the event and in these cases, they will have submitted a registration form and have agreed to only photograph the child (ren) they are responsible for. It is worth remembering that while their child (ren) should be the main focus of any imagery there is the potential for other children to be in the background of these photographs.
- Care should be taken when using any images showing children or vulnerable adults on their website, social media or other publications.

3.5.7 Further considerations for capturing images include:

- Action shots should demonstrate the spirit of the sporting activity in addition, should not be taken if the athlete's sportswear is torn or displaced. Only use images of children or vulnerable adults in suitable dress or kit.
- Photographic or video images that appear ambiguous should be avoided as they can be used inappropriately and out of context by others (for example, images from some angles of athletes doing the splits);
- The photographs should focus on the action and, where possible, be a group shot as opposed to focussing on individuals.



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- Providing anyone who registers to take photographs either during club activities should be provided with clear guidance as to what images are acceptable to capture.
- If the images are being taken by a member or swim school/club, appointed photographer for the use of the swim school/club it should be agreed who will take charge of the images and manage their use.
- Recognise that Mpumalanga Province Swimming presents a higher risk for potential misuse than other sports, so images of these activities should:
 - (i) avoid showing the full face and body of a child or vulnerable adult – instead show children from the waist or shoulders up;
 - (ii) avoid images and camera angles that may be more prone to misinterpretation or misuse than others;
 - (iii) consider using models or illustrations if you are promoting an activity, rather than the children or vulnerable adults who are actually involved in it?
 - (iv) provide instructors/coaches who use images of athletes as part of their training with clear guidelines by which they are required to comply, including: use of the images, consents, and retention, safe storage and confidentiality.

3.5.8 Mpumalanga Province Swimming, provincial & district associations and affiliated Swim schools/clubs and events should apply a ban on photography of any form in changing rooms, toilets and first aid areas. Where they use another organisation's facilities should ask the facility owner to implement a ban on photography in these areas. The ban should apply to all participants, spectators, staff and volunteers. This includes the use of smart phones, which can take photographs and record video.

3.5.9 Mpumalanga Province Swimming affiliated swim schools/ clubs should warn Parents and spectators that there can be negative consequences to sharing images linked to information about their own or other people's children on social media (Facebook, Twitter) – and care should be taken about 'tagging'.

Recording of Images at Events

3.5.10 Event organisers should have in place a policy on recording images of athletes at their event. The policy may include a ban on all the recording of images of athletes or the requirement for anyone recording images of athletes to first register with the member or swim school/club. This policy must apply to everyone attending swim school/club sessions including official photographers/videographers, athletes, instructor/coaches, parents, club officers, staff and spectators. If the event is taking place in a public space, it may be difficult to enforce restrictions on the recording of images except in respect of the competition area.

3.5.11 There should be a ban on all recording of images in changing rooms, toilets and first aid areas. The use of smart phones, which can take photographs and record video, should be restricted in these areas.



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- 3.5.12 Although parental consent is not required for photography by the public, event organisers should make the photography policy clear to all participants and parents ahead of the event.
- 3.5.13 Event organisers should use event programmes, entry forms, information forms and signage to communicate the event's policy of the recording of images to all participants, officials, parents, spectators.
- 3.5.14 Where an event organiser requires anyone wishing to take photographs to register. Communicating this to the public is essential, together with establishing a straightforward process for doing so. Individuals will usually register via a basic form and receive a sticker or equivalent to indicate they have undergone the process. Staff, volunteers, participants, parents, spectators and the public need to be both informed about this process and encouraged to report anyone apparently taking photos without the necessary registration.
- 3.5.15 Any concerns regarding the recording of images at an event should be communicated to the event organiser or the event safeguarding officer(s).
- 3.5.16 If there are concerns or suspicions about potentially criminal behaviour this should include referral to SAPS.
- 3.5.17 Event organisers should appoint a safeguarding officer for events that cater for children or vulnerable adults. For swim schools/club events, this may be the club's safeguarding officer.
- 3.5.18 Where an official or professional photographer/videographer will be attending an event, the federation, members and affiliated swim school/clubs must:
- inform parents/carers and children/vulnerable adults that a photographer will be in attendance;
 - ensure parents/carers and children/vulnerable adults consent to both the taking and publication of films or photos – see the Mpumalanga Province Swimming recording of images consent form;
 - check the photographer's identity, the validity of their role, and the purpose and use of the images to be taken;
 - issue the photographer with identification, which must be worn at all times;
 - provide the photographer with a clear brief about what is considered appropriate in terms of image content and their behaviour;
 - clarify areas where all photography is prohibited (toilets, changing areas, first aid areas, and so on);
 - inform the photographer about how to identify – and avoid taking images of – children without the required parental consent for photography;
 - don't allow unsupervised access to children or one-to-one photo sessions at events;
 - don't allow photo sessions away from the event – for instance, at a child or vulnerable adult's home;
 - clarify issues about ownership of and access to all images, and for how long they will be retained and/or used.



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Guidance for video recording a child during training sessions

- 3.5.19 There should be a clear and valid reason as to why video recording a child during a training session would be necessary; a primary reason for this would be for athlete development and mastering a skill. If there were, a valid reason consent would need to be obtained from the athlete's parents/carers before video recording is completed and they should be offered the opportunity to sit with the child when the video is reviewed. Once the content has fulfilled its purpose, it should be deleted unless there is a valid reason for keeping the video recording.

Privacy considerations

- 3.5.20 Images or video recordings of children must be kept securely:
- hard copies of images should be kept in a locked drawer
 - electronic images should be in a protected folder with restricted access
 - images should not be stored on unencrypted portable equipment such as laptops, memory sticks or mobile phones
- 3.5.21 Avoid using any personal equipment to take photos and recordings of children – use only cameras or devices belonging to your organisation.
- 3.5.22 If you're storing and using photographs to identify children and adults for official purposes – such as identity cards – ensure you comply with the legal requirements for handling personal information (Protection of Personal Information Act).

Talented young athletes

- 3.5.23 As young athletes progress up the competitive ladder, their sporting success can lead to an increased public profile:
- elite-level events are more likely to take place in a public arena;
 - Mpumalanga Province Swimming, its members and affiliated swim schools/clubs and events will look to positively promote the sport;
 - elite young athletes who receive endorsements or sponsorship may welcome positive media coverage on a local, district, provincial or national level.
- 3.5.24 In these cases, some aspects of our guidance around the use of images and publishing identifying information are neither practical nor desirable.
- 3.5.25 Event organisers retain their duty of care to these athletes and a responsibility to safeguard them. They must ensure that children and their parents/carers consent to images being taken and what information will be published alongside them. It is important that good-practice guidance regarding supervision and the nature and use of images be applied.
- 3.5.26 In addition, athletes, their parents and media representatives need to be clear about appropriate arrangements and ground rules for interviews, and for filming and photo sessions. Sports organisations should help to manage these issues as part of their overall support of elite athletes. Use of CCTV at aquatics Clubs & Facilities



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3.5.27 If a swim school/club or facility intends to use a live video stream of activities for parents to spectate, which is displayed in public areas, facilities should make sure that:

- all customers are aware;
- images are not recorded;
- footage is shown without sound (reduces potential identification of individuals);
- any cameras provide wide-angle, general views of the gymnasium;
- there are arrangements in place to respond to any concerns about anyone watching the stream whose behaviour gives cause for concern.

4. RECOGNISING AND RESPONDING TO HARASSEMENT, ABUSE AND POOR PRACTICE.

The following policies and procedures are aimed at guiding participants in the sport of aquatics as to how to recognise and respond to harassment, abuse and poor practice.

4.1 Introduction

- 4.1.1 All who take part in aquatics should be able to recognise the signs and indicators of harassment and abuse and know how to respond to these signs. It is not the responsibility of individuals within aquatics to determine if harassment or abuse has, or is, occurring but they should report any concerns/ incidents to a safeguarding officer. It is not an individual's responsibility to approach the person they are worried about themselves.
- 4.1.2 Mpumalanga Province Swimming will appoint a National Safeguarding Officer/s who will lead on all safeguarding matters nationally and will be available to advise and support Safeguarding Officers appointed at provincial, district and swim school/club levels as well as for events.
- 4.1.3 Swim school/Club Safeguarding Officers need to be appropriately Trained and have an understanding of the different forms of harassment and abuse and their definitions. They act as a first point of contact for any person in the federation at a swim school/club level who has a concern about the welfare and protection of a child, person with a mental and/or physical disability, young adult or other vulnerable adult. They will assist the swim school/club in developing and promoting a safe and friendly environment and are responsible for disseminating safeguarding information to their clubs as needed.

4.2 Harassment, Abuse & Poor Practice

- 4.2.1 **Harassment** is defined by the unwanted nature of the action, which could include attention or the provision of items. It is for any given individual to determine what they consider acceptable and what they regard as offensive. In some situations, harassment can be considered a criminal offence and can lead to a restraining order or prosecution. The Protection from Harassment Act 2010, defines harassment as directly or indirectly engaging in conduct that the respondent knows or ought to know (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably:



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- following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
- engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
- sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or (b) amounts to sexual harassment of the complainant or a related person.

4.2.2 Sexual harassment means any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Sexual harassment can take the form of sexual abuse.

Harassment can take a variety of forms with the most common being:

Abuse

- Suggestive sexual comments;
- Homophobic comments, jokes, insults
- Racist insults/jokes;
- Verbal abuse;
- Unwelcome attention.

There are 4 categories of abuse: physical, psychological, sexual and neglect.

4.2.2.1 Physical abuse means any deliberate and unwelcome act – such as for example punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such acts can also consist of forced or inappropriate physical activity (e.g., age-, or physique- inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.

4.2.2.2 Psychological abuse means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilising, or any other treatment, which may diminish the sense of identity, dignity, and self-worth.

4.2.2.3 Sexual abuse means any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated, is not, or cannot be given.

4.2.2.4 Neglect means the failure of an instructor/coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.



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- 4.2.3 Different forms of abuse may constitute criminal activity in South Africa as defined in the Criminal Procedure Act 51 Of 1977 as amended; the Children's Act 38 OF 2005 as amended and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 Of 2007 as amended; and the Prevention and Combating of Trafficking in Persons Act 7 of 2013.
- 4.2.4 Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age disability, socio-economic status and athletic ability. It can include a one-off incident or a series of incidents. It may be in person or online.
- 4.2.5 Harassment may be deliberate, unsolicited and coercive.
- 4.2.6 Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

Poor practice

- 4.2.7 **Poor practice** is behaviour of an individual in a position of responsibility which falls below the organisation's required standard (typically as described in the Code of Conduct). Poor practice may not be immediately dangerous or intentionally harmful to a child or adult, but is likely to set a poor example.

Effects of harassment, abuse and poor practice

- 4.2.8 The impact of harassment on a child or adult can be profound and can result in the child or adult feeling unhappy, demoralised or undervalued. Harassment is often an ongoing form of abuse, which causes extreme distress by the repeated action, usually verbally.
- 4.2.9 Abuse, whether short-term or prolonged, can be extremely damaging to the child and may affect their relationships and trust in others both currently and in the future. In extreme cases children who have been abused have developed drug and alcohol dependencies, illegal tendencies and in some cases have gone on to abuse children themselves.
- 4.2.10 Poor practice is potentially damaging to the individual, the organisation and to children or adults who experience it. For example, teaching/coaching with alcohol on the breath, smoking, swearing in front of athletes, or not paying due care and attention to participants all constitute poor practice.
- 4.2.11 Poor practice can sometimes lead to, or create, an environment conducive to harassment or abuse. It may also lead to suspicions about the individual's motivation, even where no harm is intended. For example, if an instructor/coach is giving one child too much attention, regularly transports children in their car, or encourages physical contact with children without obvious justification.

Specific forms of abuse

- 4.2.12 Abuse may occur in different forms and settings including:
 - **Domestic abuse** – includes Intimate Partner Violence (IPV) or a child witnessing IPV.
 - **Sexual Exploitation** - where women, children and young adults are sexually exploited for money, power or status.



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- **Bullying and Cyberbullying** – which can occur anywhere, at home, at school, at the sports club, and online. Bullying usually takes place over a long period and can cause physical and emotional harm.
- **Grooming** - Children and young people can be groomed online or in the real world, by a stranger or by someone they know - a family member, friend or professional.
- **Trafficking** - where women or children are recruited, moved or transported and then exploited, forced to work or sold. They are often moved away from their homes and forced to work in the sex trade.
- **Hazing** - initiation ceremonies including rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group such as a sports team.
- **Financial Abuse** - misappropriation of financial resources or abusive use of financial control, in the context of a relationship where there is an expectation of trust. Adults at risk, women in unequal relationships and older persons can be at risk of financial abuse.

Bullying

4.2.13 Bullying can be defined as repeated and deliberate actions or hurtful behaviour that is repeated over a period. The damage caused by bullying can frequently be underestimated and cause considerable distress to young people and could result in their health and development being affected.

4.2.13.1 Bullying can be:

- Physical: including pushing, kicking, hitting, pinching, and other forms of violence or threats.
- Verbal: name calling, sarcasm, spreading rumours, persistent teasing.
- Emotional: Excluding, tormenting, ridiculing, humiliating
- Racial: racial taunts, graffiti, gestures.
- Sexual: unwanted physical contact, homophobic taunts, abusive comments

4.2.13.2 Bullying can occur between:

- An adult and young person.
- A young person and another young person.
- A parent and their child.

With aquatics being competitive the opportunity for bullying may be increased. Examples within aquatics could include:

- An athlete being picked on for being a weaker competitor;
- Parents pushing their child too hard;
- A coach adopting a win at all costs attitude;
- Officials putting undue pressure on athletes.



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Grooming

- 4.2.14 Grooming** refers to an individual working to create an emotional connection with a child to gain their trust with the distinct purpose of sexual abuse or exploitation.
- 4.2.15 Grooming can be undertaken by both males and females and can occur both online and in the real world. It can be undertaken by an individual the child or young person knows or by a stranger.
- 4.2.16 Many children and young people will not understand that they have been groomed and that it constitutes abuse. Abusers may invest a lot of time and effort into gaining a child's, and possibly the rest of their families trust by:
- Offering advice and understanding
 - Buying gifts, such as equipment
 - Giving the child attention
 - Using their professional position or reputation
 - Taking them on trips, outings or holidays
- 4.3.17 Once they have established trust, groomers will exploit the relationship by isolating the child from friends or family and making the child feel dependent on them. They will use any means of power or control to make a child believe they have no choice but to do what they want. Abusers may introduce 'secrets' as a way to control or frighten the child. Sometimes they will blackmail the child, or make them feel ashamed or guilty, to stop them telling anyone about the abuse.

Trafficking

- 4.2.18 The Prevention and Combatting the Trafficking in Persons Act 2013 states that “any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of:
- a threat of harm;
 - the threat or use of force or other forms of coercion;
 - the abuse of vulnerability;
 - fraud;
 - deception;
 - abduction;
 - kidnapping;
 - the abuse of power;
 - the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
 - the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons.



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4.2.19 There have been cases of trafficking linked to sport in South Africa where children have been transported to illegitimate sports training camps and been subjected to child abuse and neglect.

4.3 Recognising Harassment, Abuse and Poor Practice

4.3.1 Safeguarding concerns may arise as a result of:

- A disclosure from a child, protected adult, athlete or other vulnerable adult;
- Direct or reported observation of possible abuse, neglect, suspicious behaviour or poor practice;
- Significant or multiple changes in behaviour in a child's or adult's behaviour, appearance, attitude or relationship;
- Reports from external agencies or individuals.

4.3.2 Children and vulnerable adults may not find it easy to disclose their concerns, and certain groups will find this more difficult for example, children from different racial groups may find it difficult to find people to tell. There may be language barriers, or children or adults may not be able to communicate due to a disability.

4.3.3 The majority of referrals will be made by adults who have concerns about a child or a vulnerable adult as identified by their behaviour or appearance.

4.3.4 It should not be assumed that abuse will be easy to identify as children and vulnerable adults can:

- Be bruised easily in everyday life while practicing, for example falling whilst practicing a routine;
- Be moody and unpredictable, especially during adolescence;
- Experience changes in behaviour because of external situations.

4.3.5 Indicators of abuse could include:

- Unexplained injuries such as burns, bruises or cuts which are on areas of the child's or an adult's body which are not normally prone to injury through playing.
- Inconsistent reasons for a physical injury.
- The child or vulnerable adult disclosing a concern which suggests an abusive act.
- Another person, such as a parent, instructor/coach or teammate, raising concerns about a child's or vulnerable adult's wellbeing.
- A child's inappropriate sexual awareness or engaging in sexually explicit behaviour.
- Fearing or displaying a lack of trust in adults.
- An excessive fear of making mistakes.
- Difficulties making friends, or being prevented from doing so or Socialising.
- A sudden weight loss or gain, or variations in eating patterns that may identify an eating disorder.



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- 4.3.6 While the above list contains a number of indicators this is not a complete list and there may be other signs that are observed. Further, if a child or vulnerable adult is exhibiting any one of the above it should not be considered proof that they are being abused, however if there are multiple signs being displayed there could be cause for concern.
- 4.3.7 It is important to remember it is not your responsibility to determine if abuse has occurred. Your responsibility is to report any concerns that you have.

Responding to Disclosure

- 4.3.8 If a child or adult indicates that they are being harmed, or information is received that gives rise to concern that a child or adult is being harmed, the person receiving the information should:
- Stay calm and ensure the child or adult is safe and feels safe;
 - Listen carefully to what is being said, allowing the child or adult to continue at their own pace; reflect the conversation back to the child or adult in their own words to ensure you have heard correctly.
 - Explain that it is likely that the information will have to be shared with others – do not promise to keep secrets;
 - Do not ask any further questions other than “is there anything else you would like to tell me?”;
 - Reassure the child or adult that they have done the right thing in sharing the information;
 - Show and tell the child or adult that what he/she says is being taken seriously and recognise any difficulties inherent in interpreting what they said;
 - Tell the child or adult what will be done next and with whom the information will be shared;
 - Record in writing what was said using the child or adult’s words as soon as possible. Record dates and times; any names mentioned; to whom the information was given; information should be noted as given as facts, hearsay or opinion; record should be signed and dated as a record.
- 4.3.9 If the child or adult indicates that they do not wish others to be informed about the allegations, carefully and tactfully explain the reasons why it may be in their best interests that the matter is referred to an appropriate person or department (SAPS, social services, sports organisation’s safeguarding officer).
- 4.3.10 Receiving a disclosure places great responsibility on the person to whom the disclosure is made. If there is any uncertainty in what actions to be taken, consult with an appropriate person or organisation (SAPS, social services, sports organisation’s safeguarding officer).
- 4.3.11 Actions to avoid:
- Dismissing the concern (irrespective of whether you believe what you are being told or not, you should always report the disclosure, untrue disclosures even when the person is anonymous are rare);
 - Panicking;



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- Allowing shock or distaste to show;
- Probing for more information than is offered;
- Making promises that cannot be kept such as promising not to tell anyone;
- Speculating or making assumptions;
- Approaching the person who is the subject of the allegation or suspicion (this may put the child or adult at risk or jeopardise a criminal investigation);
- Conduct a personal investigation of the case;
- Making negative comments about the accused person.

4.4 Reporting Concerns

- 4.4.1 Concerns may fall into two categories:
 - Where harm is happening in the context of aquatics
 - Where harm is happening towards someone connected with the sport of aquatics; but is occurring at home or in a context outside of the sport.
- 4.4.2 Concerns could be with regard to a:
 - Current Situation;
 - Past (Historical) Situation.
- 4.4.3 Concerns might be about:
 - Maltreatment (Harassment or Sexual, Physical, Emotional Abuse or Neglect);
 - Poor Practice;
 - Perceived Failure of an Organisation to Safeguard.
- 4.4.4 Anyone can report an incident of harassment or abuse. Mechanisms for receiving the information are as follows:
 - In writing using the Mpumalanga Province Swimming template form;
 - By phone or email to a National, Provincial Club or Event Safeguarding Officer(s);
 - In person to a National, Swim school/Club or Event safeguarding Officer(s).
 - Via an independent reporting authority such as Sports Voice.
- 4.4.5 Due to the need for confidentiality and to expedite safeguarding complaints in order to protect children and adults from harassment, abuse or poor practice, the federation's normal communication lines from Swim school/Club to District to Provincial Member to Mpumalanga Province Swimming are set aside. A Mpumalanga Province Swimming Swim school/Club or Event Safeguarding Officer should report safeguarding concerns directly to the federation's National Safeguarding Officer (s). This ensures that only those people that need to know to help protect a participant from harassment, abuse or poor practice are informed of the concern and that the concern can be dealt with expeditiously.
- 4.4.6 In situations where the child or adult is considered to be in immediate danger it will be necessary to notify the SAPS or social services.
- 4.4.7 In situations where there is no immediate danger your duty of care is to refer the concerns to the most appropriate person or organisation to take action. This maybe a Mpumalanga Province Swimming National, Swim school/Club or Event Safeguarding Officer.



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- 4.4.8 Reports of concern should be recorded using the Swimming South Africa Safeguarding Report Form.
- 4.4.9 The Mpumalanga Province Swimming Club or Event Safeguarding Officer will take responsibility for referring the complaint to:
 - Local SAPS where a crime is suspected of having taken place;
 - Local social services where a child or adult is suspected of being at risk and requiring support and protection;
 - The National Mpumalanga Province Swimming Safeguarding Officer(s).
- 4.4.10 Any complaints pursuant to this policy received by Swimming South Africa will be referred to the SSA National Safeguarding Officer(s) who is the first point of contact for complaints and concerns under this procedure.
- 4.4.11 The Mpumalanga Province Swimming National Safeguarding Officer(s) will make an initial assessment of the Complaint to determine the nature of the concern and whether the matter relates to a Participant under SSA's jurisdiction.
- 4.4.12 If the complaint is believed to be a criminal offence, the Mpumalanga Province Swimming Safeguarding Officer(s) will refer the matter to the Police and other relevant authorities and/or regulatory bodies immediately.
- 4.4.13 In most cases, the federation will delay internal investigations until the outcome of a criminal proceeding is known. Once a matter has been referred back from the police, the objective will be to conclude any investigations in a timely manner.
- 4.4.14 The Mpumalanga Province Swimming National Safeguarding Officer will take responsibility for referring the complaint to:
 - SAPS where a crime is suspected of having taken place;
 - Social services where a child or adult is suspected of being at risk in addition, requiring support and protection;
 - Case Management Group where unacceptable behaviour or poor practice is suspected of taking place in the context of aquatic activity.
- 4.4.15 Where an investigation is being conducted by SAPS or social services, will only take action in consultation with the statutory authorities. The federation has the right to suspend a person against whom allegations have been made pending the outcome of an investigation by the SAPS or social services or any resulting criminal proceedings.
- 4.4.16 Mpumalanga Province Swimming may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances applies:
 - The participant is believed to present a significant risk to other participants;
 - The reputation of the sport is at risk; and/or
 - The participant's ongoing presence may hinder investigations.
- 4.4.17 If the complaint is not considered to be a matter for the police, the National Safeguarding Officer(s) should:
 - Refer the complaint to another organisation if appropriate;
 - Refer the matter to the Mpumalanga Province Swimming Case Management Group.



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- 4.4.18 The Mpumalanga Province Swimming Case Management Group will consider the complaint and should determine whether to:
- Proceed with an internal investigation;
 - Resolve the matter informally;
 - Dismiss the complaint as unfounded or as insufficiently serious to require any action by Mpumalanga Province Swimming.
- 4.4.19 Where an internal investigation is required, the Swimming South Africa Case Management Group shall instruct an independent investigator to carry out the investigation in accordance with these procedures and to an appropriate timeline agreed by the Mpumalanga Province Swimming Case Management Group.
- 4.4.20 Where relevant, the investigator may request information from the police and any other relevant organizations.
- 4.4.21 The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses.
- 4.4.22 The investigator shall prepare a report and include all relevant evidence for consideration by the Mpumalanga Province Swimming Case Management group who may determine that:
- The matter is referred to an Independent Disciplinary Panel for consideration;
 - Further investigations are instigated;
 - A risk assessment is completed;
 - Instructions, advice or guidance is provided to the relevant parties; and/or
 - No further action is taken.
- 4.4.23 In a case of unacceptable behaviour or poor practice, where the Mpumalanga Province Swimming Case Management Group having considered the report of the investigating officer(s) deem there is a case to answer; Mpumalanga Province Swimming will implement the disciplinary process. This process consists of a disciplinary hearing and an appeals process. Disciplinary and appeals hearings shall be heard by an independent panel appointed by Mpumalanga Province Swimming or other appropriate body.
- 4.4.24 The Mpumalanga Province Swimming Safeguarding Officer(s) will assess whether any of the affected parties require support and arrange for support to be provided where deemed appropriate.

Confidentiality

- 4.4.25 Confidentiality is an important factor for the reporting, recording and processing of safeguarding concerns. The safeguarding concern should only be disclosed or discussed with those people within Mpumalanga Province Swimming, members and affiliated swim schools/clubs that need to know in order to manage the case and to safeguard the individual(s) from maltreatment.
- 4.4.26 Individuals receiving or having safeguarding concerns should avoid attempting to conduct enquiries into the concern. Our duty of care is to report the concerns to the appropriate person and/or organisation. This may be the SAPS, social services, or an appropriate Safeguarding Officer(s).



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Whistleblowing

- 4.4.27 Although incidents can be reported directly by the affected individual, the term “whistle blowing” is used to describe a complaint relating to the conduct of an individual made by someone other than the affected person.
- 4.4.28 Mpumalanga Province Swimming recognises that some individuals may be fearful of the consequences of making a complaint under these procedures, particularly where the perpetrator is in a position of authority. In these circumstances, where possible, the identity of the whistle blower will remain confidential.
- 4.4.29 Any person who makes a complaint in good faith must not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes a complaint that is false, vexatious, retaliatory or frivolous.