



MPUMALANGA PROVINCE SWIMMING CHILD PROTECTION POLICY

1. PURPOSE OF POLICY

This policy has been developed to ensure that there are guidelines and measures to protect Mpumalanga Province Swimming (**MPS**) Members, as well as aquatic participants, from any form of abuse. The MPS Child Protection Policy is in general an amended version of the Swimming South Africa Child Protection Policy.

MPS is committed to ensuring that the sport is safe and accessible to all.

1.1 The purpose of this policy is to:

- 1.1.1 Protect any child participating in aquatics from harm.
- 1.1.2 To ensure that all children regardless of gender, racial origin, religious belief, sexual identity and any disability have a right to enjoy a sport free from all forms of abuse or sexual exploitation
- 1.1.3 MPS maintains confidentiality in all cases involving child protection in line with current legislation
- 1.1.4 To ensure that members of MPS maintain a code of conduct and practice ensuring safety of children
- 1.1.5 Provide clear guidelines to follow in the event of any form of abuse
- 1.1.6 Ensure that the policy is accessible to all members
- 1.1.7 Provide an indication to all members of the nature and extent of child abuse.
- 1.1.8 Advise & protect adults from unknowingly acting in a manner which could be regarded as child abuse

1.2 The policy aims to protect those who are dependent on adults for their protection and well-being or who have a claim to such protection. This includes people who may be vulnerable to exploitation because of disability, economic dependence or socio-economic constraints.

2. THE CHILD

2.1 Child Abuse in Swimming

- 2.1.1 Children are naturally drawn to water from an early age. Many schools offer swimming as part of their curricular activities and extra-curricular activities. Swimming promotes a healthy life style across all age groups, although practiced in a life threatening medium (water). Swimming is therefore also a vital life skill.
- 2.1.2 MPS acknowledges risks emanating from the interaction between Child – Instructor – Coach – Teacher – Volunteer – Official.
- 2.1.3 Abuse cases have been reported worldwide and have thus prompted the need for stronger regulation around working with children.
- 2.1.4 Statistics show that abuse is often committed by someone that the child knows and trusts. It is therefore MPS's responsibility, as custodian of all aquatic disciplines in Mpumalanga, to safeguard the child, the child's parents/guardian and MPS members from experiencing any form of abuse.



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- 2.1.5 MPS and its members are responsible to report concerns of child abuse and at all times to act in a manner that keeps the child safe.

2.2 Definition of a Child

- 2.2.1 A child is defined as anyone under the age of eighteen (18). This applies to young people and vulnerable adults (people with disabilities).

- 2.2.2 Children have a right to:

□ **Life.**

To have their basic needs such as food and shelter met.

□ **Protection.**

To have love and care that protects them from hurt.

□ **Development.**

To have education and care so that they grow up to be the best they can be.

□ **Participation.**

To share in decisions and responsibilities that go with being a member of a family and community and caring nation.

2.3 Rights of a Child

- 2.3.1 The rights of a child as stated in Section 28 of the Bill of Rights, as contained in the Constitution of the Republic of South Africa:

- 2.3.2 Every child has the right:

- 2.3.2.1 To a name and nationality from birth;

- 2.3.2.2 To family care or parental care, or to appropriate alternative care when removed from the family environment;

- 2.3.2.3 To basic nutrition, shelter, basic health care services and social services;

- 2.3.2.4 To be protected from maltreatment, neglect, abuse or degradation;

- 2.3.2.5 To be required or permitted to perform work or provide services that:

- Are not inappropriate for a person of that child's age;
- Does not place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

- 2.3.2.6 Not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 & 13, the child may be detained only for the shortest appropriate period of time, and has the right to be:

- Kept separately from detained persons over the age of 18 years;
- Treated in a manner, and kept in conditions, that take account of the child's age.

- 2.3.2.7 To have a legal practitioner assigned to the child by the state, and at the state's expenses, in civil proceedings the child, if substantial justice would otherwise result; and



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2.3.2.8 Not to be used directly in armed conflict, and to be protected in times of armed conflict

2.3.3 A Child's best interest is of paramount importance in every matter concerning the child.

2.4 Types of Abuse

2.4.1 Child abuse is any form of physical, emotional, sexual mistreatment or lack of care that results in actual or potential harm to the child's physical, psychological or emotional health, development, dignity or well-being in the context of a relationship of responsibility, trust or power.

2.4.2 What Constitutes as abuse:

2.4.2.1 Physical abuse

It is defined as severe and repeated injury inflicted on children. Physical abuse occurs where a parent (or somebody else caring for the child) physically hurts, injures or kills a child.

2.4.2.2 Sexual abuse

This is sexual exploitation of a child or young person. It includes direct or indirect sexual exploitation of children by involving them (or threatening to involve them) in sexual activities. Any act(s) which results in the exploitation of a child, whether with their consent or not for the purpose of sexual or erotic gratification. This may be by adults or other young persons who are intellectually, emotionally, physically or sexually more mature than the child victim.

Types of Sexual Abuse:

a) Molestation

This is the penetration of the anus or vagina by fingers, objects or penis, touching breasts or buttocks, genital and anal fondling, masturbation, oral sex OR encouraging a child to perform such acts on the perpetrator.

b) Non-physical sexual abuse

This includes such as exhibitionism (to expose your private parts to children), voyeurism (spy on people when they undress or bath etc.), suggestive behaviors or comments, exposure to pornographic material.



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c) Rape

Consists of a male/female having unlawful and intentional sexual intercourse with a female/male without his/her consent. Intercourse with a girl under the age of 16 years is statutory rape even if she has consented.

d) Incest

This refers to sexual relations within the family, which is forbidden by law.

e) Commercial Sexual Exploitation

This means the procurement of a child to perform a sexual act for a financial or other reward.

2.4.2.3 Neglect

Neglect is the failure by those responsible for the child to meet his or her basic, physical, emotional, intellectual and social needs.

This may take the form of:

- ☐ Neglect as a form of abuse, where those responsible for the child fail to meet his or her essential needs despite having the means to do so.
- ☐ Circumstantial neglect where those concerned lack the necessary material, practical or intellectual resources to meet the needs of the child.
- ☐ Nutritional deficiency disease can be described as a condition caused by the lack, and absence of incorrect food and nourishment intake.

2.4.2.4 Emotional abuse

Is the actual or likely adverse effect on the emotional or behavioral development of a child caused by repeatedly rejecting and humiliating them or denying their worth and rights as human beings.

- a) **Emotional Abuse** is persistent or severe psychological ill treatment. The child is denied normal human respect and a sense of personal dignity from his/her care giver (parent/guardian).
- b) **Emotional Neglect** is the deprivation suffered by children when their parents do not provide opportunities for producing feelings of being loved, wanted, secure and worthy, which results in the inability to form healthy object relations. The child can express this abuse in a variety of ways such as anxiety, withdrawal, aggression, depression or delayed development.

2.4.2.5 Kidnapping and Abduction

Kidnapping a child is the unlawful and intentional removing or stealing of a child without permission or consent of his/her rightful parent or institution.



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Abduction can be seen as the removal or retention of a child where there is a breach of rights of custody attributed to a person or institution.

2.4.2.6 Child Labour

Child labour is:

- ☐ Work that deprives the holding of his/her childhood and dignity.
- ☐ Hinders the child's access to educational attainment, and
- ☐ Is performed under conditions that are hazardous to the child's health and development.

2.5 Indications of Abuse

It is important to have the ability to recognize when a minor/child is being abused. Below are some indicators to look out for when abuse is suspected:

2.5.1 Physical Abuse

- ☐ Unexplained injuries – bruises, cuts, burns, fractures.
- ☐ Bite marks
- ☐ Various injuries over a period of time.
- ☐ Head injuries on babies and pre-school children, which cannot be satisfactorily explained.
- ☐ Injuries are inappropriate for child's age and level of development.
- ☐ Inappropriate clothing to cover the body.

2.5.2 Sexual Abuse

- ☐ Pain or unusual itching of genitals or in anal area.
- ☐ Pain when urinating.
- ☐ Torn, stained or blood-stained underwear.
- ☐ Pregnancy.
- ☐ Excessive Masturbation.
- ☐ Injuries to genitals or anal area e.g. bruise swelling or infection.
- ☐ Sexually transmitted diseases.
- ☐ Difficulty in sitting or walking.
- ☐ Regular urinary infection.



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2.5.3 Emotional Abuse

- ☐ This often accompanies physical abuse and sexual abuse.
- ☐ Habits – thumb sucking, biting, head banging or rocking
- ☐ Bed wetting, for which there is no physical cause
- ☐ Feeding problems
- ☐ Unusual fearful
- ☐ Hyperactivity
- ☐ Withdrawal
- ☐ Anti-social behavior such as destructiveness, cruelty, stealing
- ☐ Expecting to fail, not succeed
- ☐ Lack of emotional and intellectual development
- ☐ Learning disabilities

2.5.4 Neglect

- ☐ Consistent hunger
- ☐ Inappropriate dress for season or weather
- ☐ Consistent lack of supervision
- ☐ Unattended physical problems or medical needs
- ☐ Poor hygiene
- ☐ Very little body fat in relation to build
- ☐ Constant vomiting and/or diarrhea
- ☐ Developmental milestones not within normal age ranges
- ☐ The child does not grow and/or loses a lot of weight

These are only a few indicators of a child being abused. There can be many other suspicious signs that must not be ignored. It is important to report abuse to MPS and/or local authorities, even if it is only a suspicion.

3. ROLES & RESPONSIBILITIES

There are various key role-players in identifying and stopping the abuse of children e.g. educators, doctors, nurses, social workers, SAPS, etc.

For the purpose of this document we have identified the following key role-players:

3.1 Mpumalanga Province Swimming – Provincial Swimming Federation

As the governing body of Swimming recognized by World Aquatics, SRSA & SASCOC, Swimming South Africa (SSA) will work to ensure the safety of all its members and those participating in the sport under the auspices of SSA. MPS is an affiliate member of SSA and represents the delegated authority for all aquatic disciplines in Mpumalanga, which includes competitive swimming, schools swimming, Learn to Swim, recreational swimming, officiating, education & training.



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- ☐ We will assume responsibility for the awareness of the MPS Child Protection Policy and the MPS Constitution, but will rely on our membership and parents to continue the awareness around child protection.
- ☐ We will take necessary action against those who have failed to adhere to the MPS Child Protection Policy in accordance with the South African Laws and the MPS Constitution.
- ☐ We will ensure policy and regulation of coaches, swim instructors, teachers and volunteers registering as subject professionals or assistants by requesting Police Clearance upon annual registration.
- ☐ We reserve the right to protect minors, their parents/guardians from further scrutiny or embarrassment, in the event of an incident occurring.
- ☐ We reserve the right to confidentiality of all matters concerning infringement of the MPS Constitution and MPS Child Protection Policy.
- ☐ We reserve the right to notify necessary authorities upon suspicion of any Child Abuse.
- ☐ We reserve the right to investigate any misconduct on behalf of the minor or registered member.
- ☐ We reserve the right to report any matter under investigation to Swimming South Africa, being the national federation.
- ☐ We reserve the right to suspend any member under investigation, depending the nature and extent of the reported misconduct and/or reserve the right to impose any sanction deemed appropriate upon completion of any investigation and/or disciplinary process, as provided for in the MPS Constitution.

3.2 Swimming South Africa Affiliates and Associate Members

Registered districts, Clubs, Learn to Swim Schools, Schools, Members and Associate Members must abide by the MPS Constitution, abide and enforce the organization's Policies and Procedures and safe guard the interest of children at all times.

The role and responsibility of registered districts, Clubs, Learn to Swim Schools, Schools, Members and Associate Members are to protect the child, ensure confidentiality and inform MPS of any misconduct without delay.

3.3 Members of Mpumalanga Province Swimming

We refer to members as anyone who is registered or associated with MPS. It is the responsibility of all MPS Members to ensure that Swimming is a safe and accessible sport. It is therefore imperative that members ensure that children are protected from harm.

Role of Members:

- ☐ To abide by MPS's code of conduct.
- ☐ To acknowledge and know the MPS Child Protection Policy.
- ☐ To report all incidents or suspicion of misconduct or abuse to MPS or directly to SSA. *(See Form A attached hereto)*
- ☐ To treat any incident or suspected incident of misconduct or child abuse with strict confidence to ensure the rights, interest and integrity of the child is not negatively affected.



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3.4 Parents / General Public

Parents, Guardians, Family members, Parents of other children and Care Givers probably play the most important role as they are more likely to have access to the child than anyone else and can therefore recognize abuse earlier than a stranger. However, even strangers have the responsibility to report any abuse or suspicion of abuse even if they are not familiar with the child.

These role-players have the following responsibilities:

- ☐ Report the abuse or suspicion of abuse to:

Tier 1:

The club chairperson/secretary or swim centre which the child and/or accused is a member of.

Tier 2:

The District chairperson/secretary of the district in which the child and/or accused is a member.

Tier 3:

MPS or the affiliate which the child or accused is a member of.

Tier 4:

Swimming South Africa National Office in Johannesburg.

General or Emergency Tier:

SAPS, Child Protection Unit, Social Services or any other appropriate authority. It is however imperative that MPS receives immediate notice of the intent to report a case of child abuse to the authorities or a copy of the reported case without unnecessary delay.

- ☐ Protect the child by keeping the matter confidential.
- ☐ Avail yourself for further questioning or investigation if the need arises.
- ☐ You may follow up on the matter with MPS directly.

3.5 Other Sport Federations / Fitness & Health Organizations

It is vitally important that Sport Federations, Fitness & Health Organizations share information on policy & procedures, regulations and by-laws. MPS will therefore ensure that stakeholders receive access to the MPS Child Protection Policy and that this policy is available on the MPS Website.

MPS will continuously provide public awareness and clearances for members of MPS wanting to participate or practice in other provinces/affiliates. Only SSA can provide a clearance to a member wishing to participate or practice in other countries; subject to the support from MPS.

It is required of other federations and organizations to receive confirmation from MPS on the status of any of its members, which includes athletes (whether in good standing or not)



3.6 The Role of the SAPS / Child Protection Unit

The role of SAPS is to ensure the child's safety and to investigate the matter in accordance with the Law, namely:

- ☐ Take necessary statements from the child/minor and the person reporting the abuse.
- ☐ Make an appointment with the district surgeon.
- ☐ Contact social welfare.
- ☐ Arrest perpetrators or alleged perpetrators.
- ☐ Support the victim during the course of legal proceedings.
- ☐ Co-operate with the social worker dealing with the child/minor and the family who are victims of crime.

3.7 The Role of Medical Services

Medical services refer to the professional medical practitioner i.e. Doctors, Nurses and Psychologists.

Their role is to:

- ☐ Safeguard the child's physical health.
- ☐ Treat and document all injuries.
- ☐ Treat for pregnancy and sexually transmitted diseases.
- ☐ Collect samples for forensic evidence for a possible court case.
- ☐ Provide long-term medical care, including psychological.

3.8 South Africa Justice (Law)

The role of the Justice Department:

- ☐ Trial of the accused.
- ☐ Provide a child centered court for the child victim.
- ☐ Decision regarding sentencing of the perpetrator (criminal court, safety of the child)
- ☐ Consultation with and preparation of witnesses.
- ☐ Institute any steps or procedures required, including monitoring procedures, if a child is re-united with a parent(s) found guilty of child abuse and offered the opportunity to remedy their actions.

It is imperative to take cognizance of the fact that in terms of the Law, the state is the legal guardian of all children/minors and where circumstances require direct intervention to prevent child abuse, parental rights are deemed secondary to the rights of the state.



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4. GUIDANCE & ACTION STEPS

This section provides simple guidance and action steps to take in the event of misconduct. It is important that these are followed carefully.

Guidance

As a member, official, parent/guardian or general public, you should follow guidelines as outlines below:

- I. If the child or young person is in immediate danger or has been physically injured, ensure they are safe and contact the police or social services.
- II. If the child is not in immediate danger, but you have concerns, either:
 - a) Discuss the concerns with the club, centre or official who will advise you on the correct procedure for referring your concern appropriately; or
 - b) Contact MPS directly and advise the General Secretary or any member of the MPS Executive you feel comfortable with.

Action Steps

We have a responsibility to ensure the safety of children, therefore your concerns must be noted and the incident or suspicion of abuse must be kept confidential at all times.

Action steps to take if a child tells you they are being abused:

- I. Stay calm.
- II. Don't promise to keep it to yourself.
- III. Listen to what the child says and, please, take it seriously.
- IV. Only ask questions if you need to identify what the child is telling you – don't ask the child about explicit details.
- V. Make a detailed note of what the child is telling you, but please ensure confidentiality at all times.
- VI. Ensure that you protect the trust relationship with the child and never "judge" the child, cross examine the child or play down the incident(s) being reported by the child.
- VII. Always let the child feel important, safe and cared for.

Mpumalanga Province Swimming Office & Contact Details

Always consult your club or district to obtain correct contact detail of MPS or visit the MPS website for up to date contact details.



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5. MPS CODE OF CONDUCT / DISCIPLINARY MATTERS

5.1 MPS Code of Conduct

All members of MPS must abide by the Code of Ethics, General Code of Conduct and Coaches Code of Conduct attached hereto as Annexures A, B & C.

5.2 Disciplinary Matters

All disciplinary matters will be dealt with in accordance with the MPS Constitution, a copy of which can be obtained from MPS or the MPS Website.