INTRODUCTION
The Department for Child Protection and Family Support (the Department) is committed to placing children in the Chief Executive Officer’s (CEO's) care in a safe living environment.

Drowning is the leading cause of preventable death and injury in children under five years of age in Australia, particularly in home swimming pools. The Royal Life Saving National Drowning Report 2014 outlines that in almost all cases of drowning of young children in Australia, active supervision and adequate fencing were absent.

Foster carers and prospective carers should be made aware that, after private swimming pools, inflatable or portable pools and bathtubs are the most significant risks for young children drowning. Therefore, constant supervision is required for young children in or near a portable pool or bathtub, and these must be emptied immediately after use and put away from where they can be accessed by young children.

These practice guidelines apply to all approved foster carers and carer applicants, living in both urban and rural properties, including areas where the local government council does not require swimming pools or spas to be fenced.

PURPOSE
The guidelines provide Department staff with direction around safety standards for all children in care regarding swimming pools and other bodies of water in and around a foster carer or prospective carer’s home.

The guidelines are used to:
• inform foster carers and prospective carer applicants of the Department's expectations regarding the management of risk associated with swimming pools and other bodies of water;
• enable clear and consistent decision making in assessment (within existing relevant legislation) at the homes of foster carers and prospective carer applicants; and
• provide clear and consistent advice for foster carers and prospective carer applicants in respect to safety standards, including supervision around swimming pools and other bodies of water for children in care.

LEGISLATIVE FRAMEWORK
• All private swimming and spa pools (including inflatable and portable) that contain water more than 30 centimetres (12 inches) deep must have a compliant barrier (with a self-closing and self-latching gate) installed that restricts access to the pool and its immediate surrounds.
• A ‘barrier’ means a permanent fence at least 1.2 metres high, either continuous or with a self-closing gate, or a fixed rigid wire grid in fishponds and water features.
• The legislative framework that mandates this requirement in Western Australia (WA) comprises:
  o The Building Act 2011 (WA) (the Building Act);
  o The Building Regulations 2012 (WA) (the Regulations); and
  o Australian Standard AS 1926.1-1993 Part 1: Fencing for swimming pools (incorporating Amendment no.1 only).
• Responsibility for managing the compliance of barriers rests with local governments (as the permit authority). The Building Act requires local governments to inspect the barrier for compliance to the Regulations and Australian Standards. Generally, this is at least once every three or four years.

1 Referred throughout as ‘children in care’.
RESPONSIBILITIES OF FOSTER CARERS AND CARER APPLICANTS

• The foster carer or prospective carer is responsible for installing a barrier around a swimming pool or to any other bodies of water in and around the home, or erecting a barrier between a body of water and the home.

• If there are bodies of water such as dams or lakes on or near the property that cannot be fenced, there must be a safely fenced play area adjoining the home, for example a barrier between the body of water and the home.

GUIDELINE COMPLIANCE

• It is the responsibility of the Department officer assessing a foster care placement to sight and record the local government authority’s current pool compliance certificate.

• The Chair of the Foster Care Assessment Panel is responsible for confirming that foster carer applicants comply with these guidelines.

• District directors are responsible for confirming that prospective relative and significant other carers comply with these guidelines when sighting and approving Carer Competency 2 on Form 560 - Assessing Relatives and Significant Others as Carers.

• The Department officer carrying out the annual foster carer review must inspect the property to confirm that it meets the requirements set out in these guidelines.

• District directors are responsible for confirming that placement arrangements for children in care are not made with an existing foster carer where a body of water exists in or around the home, unless the property complies with these guidelines.

• If an approved foster carer is unable or unwilling to comply with the guidelines, the relevant Executive Director (Metropolitan and Country Services) must be advised in writing.

WATER SAFETY AWARENESS AND SUPERVISION

Child protection workers must discuss general water safety practices with foster carers and prospective carers. These include:

• never propping the pool gate open or leaving objects that could be climbed on near the fence;

• regularly checking the pool fence, gate (including locks) and surrounds to confirm the strength and integrity of the structure has not weakened over time or through exposure to the elements;

• swimming lessons and/or being familiar with water are not a substitute for adequate supervision;

• for a young child, supervision means being within arm’s reach of a suitable adult while the child is in or around water;

• an older child is not a suitable person to supervise a young child around water; and

• flotation devices on their own are not enough to ensure the safety of a child.

Basic water safety education must be considered as part of the child’s care plan.

WATER SAFETY RESOURCES

Department staff can refer to the following water safety resources for further information:

• Australian Water Safety Strategy 2012-15; and


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