

# MEMBER PROTECTION POLICY



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## REVIEW HISTORY OF SOUTH AUSTRALIAN LITTLE ATHLETICS MEMBER PROTECTION POLICY

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>One</i>	<i>July 2015</i>	<i>July 2015</i>	<ul style="list-style-type: none"><li>• This new Policy reviews and updates existing Member Protection Policy</li><li>• This Policy now replaces the following policies:<ul style="list-style-type: none"><li>○ Anti-Discrimination Policy</li><li>○ Code of Behaviour Policy</li><li>○ Complaints and Grievance Policy</li><li>○ Social Media Policy</li><li>○ Smoke Free Policy</li><li>○ Drug and Alcohol Policy</li></ul></li></ul>

### **PREFACE**

- The South Australian Little Athletics Association (SALAA) is strong in its commitment to a coordinated a comprehensive approach to promote the protection of children and adults. In accordance with the South Australian State Government principals for child protection and intervention, SALAA aims to promote a safe environment for all children and adults and to recognise and notify suspected child abuse and neglect.
- The South Australian Little Athletics Association is committed to provide an environment safe for children that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.
- This policy provides a code of behaviour forming the basis of appropriate and ethical conduct which everyone must abide by.
- The South Australian Little Athletics Association is committed in ensuring that everyone associated with the organisation complies with the policy.

Signature of CEO

Signed on behalf of Board of The South Australian Little Athletics Association

Date

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## SOUTH AUSTRALIAN LITTLE ATHLETICS ASSOCIATION

### PART A: SOUTH AUSTRALIAN LITTLE ATHLETICS ASSOCIATION MEMBER PROTECTION

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#### 1. Introduction

The Association aims to encourage, promote, advance and administer the Sport, throughout South Australia and to encourage the development of athletes of all abilities by promoting positive attitudes and a healthy lifestyle through family and community involvements in athletic activities, both as a social and recreational activity and as athletic competition.

#### 2. Purpose of this policy

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the South Australian Little Athletics Association will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Board of South Australian Little Athletics Association and has been incorporated into our By-Laws. The policy starts on 5 August 2015 and will operate until replaced. Copies of the current policy and its attachments are on the South Australian Little Athletics Website.

#### 3. Who this Policy Applies To

This policy applies to the following people involved in Little Athletics at a State Level and affiliated Centres and Clubs, whether they are in a paid or unpaid/voluntary capacity

- Persons appointed or elected to boards, committees and sub-committees;
- Employees of South Australian Little Athletics Association;
- Members of the South Australian Little Athletics Association Executive;
- Support personnel appointed or elected to state teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- State coaches and assistant coaches;
- State representative athletes;
- State referees, umpires and other officials involved in the regulation of the sport;
- Members, including life members of the South Australian Little Athletics Association
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by South Australian Little Athletics Association
- Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy];

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Member associations are required to adopt and implement this policy and to provide proof to the South Australian Little Athletics Association of the approval of the policy by the relevant board in accordance with its constitution

This policy will continue to apply to a person, even after they have stopped their association or employment with South Australian Little Athletics Association, if disciplinary action against that person has commenced.

## 4. Responsibilities of the Organisation

The State Association and affiliated Centres and Clubs must:

- Adopt, implement and comply with this policy;
- Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- Publish, distribute and promote this policy and the consequences of breaches;
- Promote and model appropriate standards of behaviour at all times;
- Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- Apply this policy consistently;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- Use appropriately trained people to receive and manage complaints and allegations e.g. Member Protection Information Officers (MPIOs);
- Monitor and review this policy at least annually.

## 5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour;
- Complying with screening requirements and any state/territory working with children checks;
- Placing the safety and welfare of children above other considerations;
- Being accountable for their behaviour;
- Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- Complying with any decisions and/or disciplinary measures imposed under this policy.

## 6. POSITION STATEMENTS

### 6.1 Child Protection

South Australian Little Athletics Association is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

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South Australian Little Athletics Association acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. South Australian Little Athletics Association will take measures to protect the safety and welfare of children participating in our sport by<sup>1</sup>:

## **Identify and Analyse Risk of Harm**

South Australian Little Athletics Association will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

## **Develop a clear and accessible Child Safe Policy**

South Australian Little Athletics Association has a member protection Policy that outlines its commitment to promoting children's well being and safeguarding them from harm. This policy will be readily available to all members and those to whom it applies.

## **Develop Codes of Conduct for Adults and Children**

South Australian Little Athletics Association will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See attachment in Part B)

## **Choose Suitable Employees and Volunteers**

South Australian Little Athletics Association will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

South Australian Little Athletics Association will ensure that relevant history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.<sup>2</sup>

If a criminal history report is obtained as part of their screening process, the South Australian Little Athletics Association will ensure that the criminal history information is dealt with in

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<sup>1</sup> Child safe environments: Principles of good practice. DECD (2012)

<sup>2</sup> *Children's Protection Act 1993* Section 8B.

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accordance with the Standards developed by the Chief Executive, Department for Education and Child Development (DECD).<sup>3</sup>

## **Assessing relevant history information**

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for South Australian Little Athletics Association or its affiliated associations or Clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- any child abuse offence, for example criminal neglect.
- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).

In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences. None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions. Any such person will be asked to make further application to the DCSI Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant.

Where a person has been charged with an offence and the proceedings have not been finalised then they are not able to be involved with the Association or Centre until the charges/investigation has been determined or completed.

The decision of this process will be deemed to be final and binding on all parties.

## **Ensuring procedural fairness if a person has a criminal history**

### **Existing staff, members and volunteers:**

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

Prior to a decision being made, South Australian Little Athletics Association will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

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<sup>3</sup> *Child safe environment: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment DECD (2015)*

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Staff of South Australian Little Athletics Association, its affiliated associations or Clubs, members and volunteers may request:

- that the final assessment be referred to the DCSI Screening Unit (if it has not already been done). Which decision shall be final and binding.
- where this has already been done, to make an appeal under the process set out in Part D of this policy.
- To be advised of any other avenues of appeal (if applicable).

## **New staff, members and volunteers:**

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The South Australian Little Athletics Association will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

## **Records management**

South Australian Little Athletics Association will take specific actions to store and record information obtained through conducting a relevant history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

South Australian Little Athletics Association will retain the following information regarding their decision:

- That a criminal history report was obtained and the date the report was issued
- How the criminal history and other information obtained affected decision making processes
- Statutory declarations (where applicable)
- Date for reassessment

South Australian Little Athletics Association will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and relevant history assessment template (where applicable) will be used to record this information (see Part E).

## **Exemptions from the requirement to conduct relevant history assessments**

- A person who is appointed as a police officer or is a registered teacher provided that they are still employed in that profession at the time of the application. This employment is to be confirmed before they are exempt. (Police officers and teachers

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are already subject to comprehensive criminal history assessments as a prerequisite for employment)

## **Support, Train, Supervise and Enhance Performance**

South Australian Little Athletics Association will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

## **Empower and Promote the Participation of Children in Decision-Making and Service Development**

South Australian Little Athletics Association will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

## **Report and Respond Appropriately to Suspected Abuse and Neglect**

South Australian Little Athletics Association will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

South Australian Little Athletics Association will make all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* to make a report to the Child Abuse Report Line (CARL) 13 14 78 if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. Certain people are obligated to make a report and failure to do so may result in a penalty of up to \$10,000.

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment of this policy. This will explain what to do about the behaviour and how South Australian Little Athletics Association will deal with the problem.

## **Handling an allegation of child abuse**

A useful guideline for managing allegations of misconduct towards children is available at [http://ors.sa.gov.au/\\_data/assets/pdf\\_file/0006/153564/child\\_abuse\\_allegations\\_guidelines\\_050115.pdf](http://ors.sa.gov.au/_data/assets/pdf_file/0006/153564/child_abuse_allegations_guidelines_050115.pdf)

## **Process for dealing with members charged with, or under investigation for, a criminal offence**

This process sets out the procedure that South Australian Little Athletics Association] will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

## **Guiding Principle**

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm. The organisation must remember the mandatory reporting obligations for



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the organisation and/or individuals who form a suspicion that a child is or is at risk of being harmed. Child Abuse Report Line 13 14 78

## **Risk Assessment**

In the event that South Australian Little Athletics Association becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the CEO of South Australian Little Athletics Association in consultation with Member Protection Officer will immediately commence a risk assessment of the risk of harm to children and consider taking protective action. That member will be advised that a risk assessment is in progress and they will be immediately suspended from any activities with the association or center until that risk assessment has been completed. The member is to be advised of the outcome of that risk assessment in a timely manner

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under *Standard 5 of the Child Safe Environments*: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment;
- Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;
- Consider all matters on an individual basis and include an assessment of all relevant circumstances;
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;
- Not compromise any police investigations or evidence.

Where the outcome of the risk assessment is that protective action is necessary, the South Australian Little Athletics Association may:

- Control or supervise contact between the member and children
- Prevent contact between the member and children
- Remove the member from duties until the outcome of the investigation or charge is known;
- Take any other action that is necessary and reasonable in the circumstances.

## **Procedure**

- Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, South Australian Little Athletics Association will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.
- In the event that the member will not voluntarily remove themselves from activities until the outcome of the charge or investigation is known, the South Australian Little Athletics

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Association will put forward a resolution to the Board to suspend or temporarily remove the member.

- The outcome of the resolution will be recorded in the minutes and then implemented.
- The outcome recorded in the minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

## Guide to Protective Practices:

All South Australian Little Athletics Association Inc. staff whether paid, voluntary, permanent, or casual, officers and Centre Personnel are encouraged to adopt protective practices to maximise their protection from an act, or actions which may be misconstrued. The following is only a guide and Centre Personnel should initiate protective measures or a Centre with an enclosed ground may utilize a gate attendant:

- No athlete in the Tiny Tots to Under 10 years be permitted to leave the competition area without a parent/guardian
- Incorporate a 'buddy' system when athletes require to leave the competition area (e.g. to go to the toilet)
- Enforce the parent/guardian be present at the ground at all times, emphasizing during registration process the Association policy on Child Protection and that at no time is Little Athletics a babysitting service.
- In a situation when a parent/guardian of a child cannot attend the activity and this is an unusual circumstance if that child's parent/guardian arranges for their child to attend in the company of another trusted person (so another child's parent/guardian known to them) the child may participate. These occurrences should be infrequent. If a child's parent/guardian were to miss attendance for more than three consecutive weeks then the ongoing participation of that child would cease.
- One on one Coaching activities should be avoided, unless a Parent/Guardian or other athletes/officials are in the near vicinity
- Video viewing in one on one situation is totally banned
- When conducting camps with both boys and girls participating, it is important that adults of both genders accompany the group
- Encourage, don't pressure
- Be sensitive to an individual athlete's capacity for physical activity and protect them from any unwarranted pressure to participate
- Discipline and manage behaviour – do not abuse or exhibit insulting or aggressive behaviour
- Don't exaggerate or trivialize child abuse issues
- Do not let children involve you in excessive attention seeking behaviour that is overtly sexual or physical in nature.
- Do not put yourself in the position of being left alone in private with a child

## 6.2 Taking Images of Children

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South Australian Little Athletics Association acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

South Australian Little Athletics Association requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If South Australian Little Athletics Association uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, Clubs and centers to do likewise.

## **6.3 Social Networking**

South Australian Little Athletics Association acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking to share information related to our sport.

Our social media policy is attached to this document

The South Australian Little Athletics Association has the right to enforce this Policy at its discretion. A SALAA administrator may remove any posted messages that it considers to be in breach of this policy and will block repeat offenders.

SALAA may record any information posted to one of our social media channels (including, but not limited to, Facebook, Twitter and YouTube) and may use that information for the purpose of administering its social media channels and considering and/or addressing any comments made. No attempt will be made to further identify users of our social media channels except where authorised by law. The South Australian Little Athletics Association is not responsible for the privacy practices or content included on our social media channels or any linked websites.

## **6.4 Anti-Discrimination and Harassment**

South Australian Little Athletics Association opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular

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characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at clause 10, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in the attachment of this policy. This will explain what to do about the behaviour and how the South Australian Little Athletics Association will deal with the problem.

South Australian Little Athletics Association encourages individuals to report (on a confidential basis) any harassment or discrimination which they observe against another person for consideration by the Association.

## 6.5 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [clause 10].

South Australian Little Athletics Association recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general South Australian Little Athletics Association will facilitate transgender persons participating in our sport with the gender with which they identify.

South Australian Little Athletics Association also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, South Australian Little Athletics Association will seek advice on the application of those laws in the particular circumstances.

South Australian Little Athletics Association is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Little Athletics Australia.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

## 6.6 Responsible Service and consumption of alcohol

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South Australian Little Athletics Association is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that affiliated Clubs and Centres follow strict guidelines regarding the service and consumption of alcohol.

## **6.7 Smoke-free environment**

The South Australian Little Athletics Association understands the harmful effects of smoking on health, fitness and performance in sport and that passive smoking is also hazardous to health. It is acknowledged that non-smokers should be protected from the involuntary inhalation of tobacco smoke.

Smoking shall not be permitted in any competition or spectator area during any SALAA competition at Association and Centre level.

Non-compliance with our policy will be handled by an explanation of the SALAA Smoke Free Policy to the person, including the identification of areas in which smoking is permitted. In the case of continued non-compliance with the policy, SALAA personnel will use their discretion as to the steps to be taken, which may include asking the person to leave the premises, event or function.

## **7. Complaints Procedures**

### **7.1 Complaints**

South Australian Little Athletics Association aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent).

If a complaint relates to behaviour or an incident, person or operation at a Little Athletics Centre or Club, then the complaint should be reported to and handled by the relevant Centre or Club in the first instance. If the complaint is unable to be satisfactorily resolved at Centre/Club level, the matter may be referred to the Association to be dealt with.

If the behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the CEO of South Australian Little Athletics Association

Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the CEO of South Australian Little Athletics Association considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

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All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in an attachment to this Policy.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

## 7.2 Vexatious Complaints & Victimisation

South Australian Little Athletics Association aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the CEO of South Australian Little Athletics Association considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the CEO of South Australian Little Athletics Association for appropriate action which may include disciplinary action against the complainant.

South Australian Little Athletics Association will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

## 7.3 Mediation

South Australian Little Athletics Association aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the CEO of South Australian Little Athletics Association will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are able to negotiate on behalf of the complainant and/or the respondent.

## 7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by CEO of South Australian Little Athletics Association
- Referred to it or escalated by a the state association because of the serious nature of the complaint, or unable to be resolved at the state level, or the state policy directs it to be;
- for an alleged breach of this policy.

## 8. What is a Breach of this policy?

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- Breaching the Codes of Behaviour (attached to this policy);
- Bringing the sport and/or the South Australian Little Athletics Association into disrepute, or acting in a manner likely to bring the sport and/or the South Australian Little Athletics Association into disrepute
- Failing to follow South Australian Little Athletics Association policies (including this policy) and procedures for the protection, safety and welfare of children;

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- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any South Australian Little Athletics Association information that is of a private, confidential or privileged nature;
- Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

## 9. Disciplinary Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our Constitution, this policy and/or Rules of the sport.

### 9.1 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- Consequences of the breach
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

## 10. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated member** means a Centre or Club that has applied to the Board for admission to membership as an affiliate member.

**Child** means a person who is under the age of 18 years

## **Child Abuse:**

**Physical Abuse** refers to allegations of physical harm caused to a child by another person. Some signs and symptoms may include unexplained

- Bruising
- Lacerations or welts
- Burns or scald
- Fractures, sprains or dislocations.

**Sexual Abuse** occurs when someone in a position of power to the child uses that power to involve the child in sexual activity. Some signs and symptoms may include:

- Age inappropriate behaviour and/or persistent sexual behaviour, promiscuity
- Marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal, self-destructive behaviour
- Allusions to problems at home, not wanting to return home
- Fear and loss of trust
- Physical symptoms including bruising or bleeding in the genital area.

**Emotional Abuse** refers to harm caused to the child by excessive or unreasonable demands as well as failing to provide the psychological nurturing necessary for development. Some signs and symptoms may include:

- Severe verbal abuse or threats of abuse
- Being physically or socially isolated as punishment
- Feelings of worthlessness about life and self
- Extreme attention seeking behaviour
- Behavioral disorders such as disruptiveness, bullying, aggressiveness

**Neglect** refers to the failure to provide the basic necessities of life including food, clothing, shelter, emotional security, medical care and adequate supervision of the child's growth and development. Some signs and symptoms may include:

- Poor standard of hygiene, inadequate clothing for the weather conditions.
- Malnutrition, complaints of hunger, hiding food.
- Untreated medical or dental problems
- Lack of appropriate supervision – either supervised or under supervised when engaging in certain activities
- Extreme longing for adult affection.



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**Complaint** means a formal expression of dissatisfaction with some aspect of the Association's services, policies and procedures whether justified or not. A complaint does not include a request for information or clarification of Association rules, policies, procedures or decisions.

**Complainant** means a person making a complaint.

**Complaint Handler/Manager** means a person appointed under this policy to investigate a Complaint

**Relevant History Assessment** is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the *Children's Protection Act 1993*.

**Criminal History Report** refer to definition of "police check"

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

- Age
- Disability
- Family/carer responsibilities
- Gender identity/transgender status
- Homosexuality and sexual orientation
- Irrelevant medical record
- Irrelevant criminal record
- Political belief/activity
- Pregnancy and breastfeeding
- Race
- Religious belief/activity
- Sex or gender
- Social origin
- Trade union membership/activity

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

## Examples of Discrimination

- **Age:** A Club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the Club who is breastfeeding a baby in the Club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of mild epilepsy.
- **Family responsibilities:** A Club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

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- **Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of Clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racism or racial discrimination which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts

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that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member** means a member of the South Australian Little Athletics Association.

**Member Protection Information Officer (MPIO)** means a person trained to advise a complainant of their options regarding a complaint under, or a breach of, this Policy.

**Minor Complaint** means a complaint dealing with a matter that can be explained or resolved by existing rules, policies and procedures.

**Natural justice (also referred to as procedural fairness)** means observing the following principles:

- people are entitled to be informed of allegations made against them
- all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
- during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
- decision-makers act fairly and impartially
- the penalties imposed must be fair.

**Offence that indicates a prima-facie risk of harm** has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

**Offence that potentially indicates unsuitability to work with children** has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

**Police check** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

**Prescribed Position** is set out under section 8B (8) of the South Australian Children's Protection Act 1993)

**Relevant criminal offence** means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

**Respondent** means the person who is being complained about.

**Risk assessment** in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*).

**Role-specific codes of conduct** means standards of conduct required of certain roles (e.g. coaches).

**Sexual harassment** is any unwelcome sexual attention. It can occur between men and women and people of the same sex. It can involve:

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- physical contact
- displays of sexually explicit or offensive material
- A coach giving an athlete a massage that involves unwanted sexual contact.
- A team official staring and leering at an athlete.
- A team manager asking players intrusive questions about sexual activity.
- A Club official 'wolf whistling' or making sexual gestures towards a team member.
- An athlete making repeated sexual invitations towards another team member when the person invited has refused similar invitations before.
- A Club publishing a sexist joke (or sexually explicit images) on its website.
- Team members conducting initiation ceremonies that involve unwelcome sexual or sexist behaviour.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**Social Networking** refers to any interactive website or technology that enables people to communicate and /or share content via the internet. This includes social networking websites such as Facebook and Twitter.

**This policy** means this Member Protection Policy.

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

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**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

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## RELEVANT HISTORY ASSESSMENT FOR WORKING WITH CHILDREN REQUIREMENTS

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A relevant history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any), other information obtained such as through a referee check and the assessed risk to children who access services from the organisation.

South Australian Little Athletics Association may conduct a relevant history assessment themselves or apply to a third party (such as the Department for Communities and Social Inclusion Screening Unit) for a Child related employment screening and letter of clearance.

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian Children's Protection Act 1993) are required to undergo a relevant history assessment once every three years unless an exemption applies.

### Identifying affected positions

South Australian Little Athletics Association has identified that the following prescribed positions within the organisation and a person holding that position will require as a minimum a National Police Certificate (NPC).

- Officials
- Committee members of affiliated Clubs and Centre's

The Association has identified that the person holding the position of

- CEO
- Board Member
- Development Officers
- Coach at State level or coach at affiliated Centre's and Clubs.
- State Team Manager
- Chief Officials
- Centre or Club President

Must apply to the DSCI Screening Unit for a Child Related Employment screening and letter of clearance.

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## Procedures

South Australian Little Athletics Association has set out the following policy and supporting procedures for obtaining **criminal history from South Australia Police (SAPOL)**.

- A person holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
- Applicant is to complete the application form and produce the form with appropriate identification for a 100 point check at a Police Station.
- A police officer will complete verification and return the application to the applicant. There is NO fee for this.
- Forward this form to the office of South Australian Little Athletics who will insert the organisation's VOAN and forward to SAPOL.
- SAPOL will conduct appropriate checks and then post to the applicant direct.
- The explicit written consent of the person being checked is a precondition for the release of criminal history information.
- On receipt of the check the original document applicant to present to the nominated person at the Centre or Club and at State level to the MPIO
- The document will be assessed in accordance with this policy and returned to the person as soon as practicable.
- The relevant history assessment will be repeated every three years or as requested by the Board.

South Australian Little Athletics Association has set out the following policy and supporting procedures for obtaining **child related employment screening**.

- The person must complete and sign an informed consent form. The form is available at <http://www.dcsi.sa.gov.au/services/screening> or from Australia Post. Then forward with the appropriate fee to the Department for Communities and Social Inclusion Screening Unit.
- The cost of obtaining this check will be met by the person or the affiliated Centre or Club
- The Associations VOAN cannot be used for this check.
- If a person has already obtained a letter of assessment the original document may be presented to the nominated person at the Centre or Club and at State level to the MPIO to sight and record.
- If the applicant has nominated the Club or association in the application then the organisation receives and email which provides the assessment outcome. In this case the letter will not need to be sighted.
- The relevant history assessment will be repeated every three years or as requested by the Board.
- A refusal to complete/undergo the screening will preclude a person from being permitted to hold a prescribed position.

## Accepting “other evidence”

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South Australian Little Athletics Association will, in lieu of undertaking a relevant history screening check accept the following forms of evidence (obtained within the last three years) to assess a person's suitability to work with children.

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the DCSI Screening Unit; Teacher Registration Board or Catholic Education Office.

An interstate working with children check, from: Queensland, Victoria, NSW, NT or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable the South Australian Little Athletics Association to establish the true identity of the applicant.<sup>4</sup>

South Australian Little Athletics Association may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

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<sup>4</sup> A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver's Licence, employee identification card, Centrelink card or student identification card.



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## South Australian Little Athletics Association Relevant History Assessment Form

<b>Name of person</b>	
<b>Description of position that the person occupies or will occupy</b>	
<p><b>The person provided, or consented to providing, acceptable evidence relating to their criminal history</b></p> <p><i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i></p> <p>See Standards 1 – 4</p>	<p><i>Yes Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p><i>No A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
<b>Date evidence requested</b>	
<b>Date evidence received</b>	
<b>The police certificate or other evidence disclosed no convictions</b>	
<b>The police certificate or other evidence disclosed a conviction requiring further assessment</b>	
<p><b>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</b></p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>
<p><b>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</b></p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>

Name of Assessor (s): \_\_\_\_\_

Position/Title: \_\_\_\_\_

Signature: \_\_\_\_\_

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South Australian Little Athletics Association

## RELEVANT HISTORY ASSESSMENT REGISTER

Name	Position	Certificate Type Eg. Police Check, DCSI Screening	Police Certificate Reference Number (or other acceptable evidence)	Date of certificate or other evidence*	Date for renewal**

\* This date refers to the day that the National police record or other evidence was received and not the day the assessment was completed.

\*\* The date of renewal is a maximum of three years from the day National police record or other evidence was issued.