



# adelaide swords club

## **MEMBER PROTECTION POLICY**

**August 2013**

---

<b>CONTENTS</b>	<b>PAGE</b>
<b>POLICY</b>	
1. Introduction	3
2. Purpose of Our Policy	3
3. Who Our Policy Applies To	3
4. Extent of Our Policy	3
5. Club Responsibilities	3
6. Individual Responsibilities	3
7. Protection of Children	
7.1 Child Protection	4
7.2 Supervision	5
7.3 Transportation	5
7.4 Taking Images of Children	5
8. Anti-Harassment, Discrimination and Bullying	5
9. Inclusive Practices	
9.1 People with a Disability	6
9.2 People from Diverse Cultures	6
9.3 Sexual & Gender Identity	6
9.4 Pregnancy	6
10. Responding to Complaints	
10.1 Complaints	6
10.2 Complaint Handling Process	6
10.3 Disciplinary Measures	7
10.4 Appeals	7
<b>Attachment 1: Working With Children Check Requirements</b>	
1.1 Member Protection Declaration	8
1.2 Working with Children Check Requirements	9
<b>Attachment 2: Reporting Forms</b>	
1.1 Complaints form	13

## MEMBER PROTECTION POLICY

---

### 1. Introduction

The aims of the Adelaide Swords Club are:

- To promote and encourage members to carry on the sport of fencing;
- To promote the sport of fencing throughout the general community;
- To hold fencing competitions;
- To encourage and support participation of its members at all levels of competition in the sport of Fencing including State and/or National and/or International Fencing representation;
- To affiliate with and represent the interests of the members of the association with Fencing South Australia Incorporated and/or other appropriate sporting bodies

### 2. Purpose of Our Policy

The main objective of our Member Protection Policy (policy) is to maintain responsible behaviour and the making of informed decisions by participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

### 3. Who Our Policy Applies To

Our policy applies to everyone involved in the club including committee members, administrators, coaches, officials (umpires/referees/judges), players, parents and spectators.

### 4. Extent of Our Policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs at practice, in the club rooms, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

### 5. Club Responsibilities

We will:

- implement and comply with our policy;
- promote our policy to everyone involved in our club;
- promote and model appropriate standards of behaviour at all times;
- respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to Fencing SA.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that our state or national body request to be referred to them.

### 6. Individual Responsibilities

Everyone associated with our club must:

- comply with the standards of behaviour outlined in our policy;
- treat others with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour;
- follow the guidelines 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.

## **7. Protection of Children**

### **7.1 Child Protection**

Adelaide Swords Club 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.

Adelaide Swords Club acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Adelaide Swords Club aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

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

Adelaide Swords Club 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 person.

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

Adelaide Swords Club 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(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour.

#### **7.1.3: Choose Suitable Employees and Volunteers**

Adelaide Swords Club 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.

Adelaide Swords Club will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, Adelaide Swords Club will ensure that the criminal history information is dealt with in accordance with relevant state requirements.

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

Adelaide Swords Club 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.

#### **7.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development**

Adelaide Swords Club will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

### **7.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect**

Adelaide Swords Club will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

Adelaide Swords Club will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to any legal obligation, 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 part 10 of this policy. This will explain what to do about the behaviour and how the Adelaide Swords Club will deal with the problem.

### **7.2 Supervision**

Members under the age of 10 must be supervised at all times by a responsible adult. Our club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 10 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

Parents must turn up on time to collect their child for reasons of courtesy and safety. If it appears a member will be left alone at the end of a training session with just one child, they will ask another member to stay until the child is collected.

### **7.3 Transportation**

Parents/guardians are responsible for transporting their children to and from club activities (e.g. practice and games). Where our club makes arrangements for the transportation of children (e.g. for away or over night trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and appropriate safety measures are available (e.g. fitted working seatbelts).

### **7.4 Taking Images of Children**

Images of children can be used inappropriately or illegally. The club requires that members, 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 the club 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.

## **8. Anti-harassment, Discrimination and Bullying**

Our club 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 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 are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

Our club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the club (see Part 10 Responding to Complaints).

## **9. Inclusive practices**

Our club is welcoming and we will seek to include members from all areas of our community.

### **9.1 People with a disability**

Where possible we will include people with a disability in our teams and club. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

### **9.2 People from diverse cultures**

We will support and respect people from diverse cultures and religions to participate in our club and where possible will accommodate requests for flexibility (e.g. modifications to uniforms).

### **9.3 Sexual & Gender Identity**

All people, regardless of their sexuality, are welcome at our club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

### **9.4 Pregnancy**

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

## **10. Responding to Complaints**

### **10.1 Complaints**

Our club takes all complaints about on and off-field behaviour seriously. Our club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- all complaints will be taken seriously;
- both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- irrelevant matters will not be taken into account;
- decisions will be unbiased and fair; and
- any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to Fencing SA.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club will need to report the behaviour to the police and/or relevant government authority.

### **10.2 Complaint Handling Process**

When a complaint is received by our club, the person receiving the complaint (e.g. President, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the problem;
- ask what the complainant would like to happen;
- explain the different options available to help resolve the problem;
- take notes; and
- maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to Fencing SA
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to Fencing SA and an investigation is conducted, the club will:

- co-operate fully;
- ensure the complainant and respondent are not victimised;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on Fencing SA's recommendations.

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

### **10.3 Disciplinary Measures**

Our club will take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our 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;
- Be determined by our Constitution, By Laws and the rules of the game.

Possible measures that may be taken include:

- verbal and/or written apology;
- counselling to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club;
- suspension or termination of membership, participation or engagement in a role or activity;
- de-registration of accreditation for a period of time or permanently;
- a fine; or
- any other form of discipline that our club considers reasonable and appropriate.

### **10.4 Appeals**

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by our club to Fencing SA. Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/club.

---

## Attachment 1.1: MEMBER PROTECTION DECLARATION

---

Our club has a duty of care to all those associated with our club. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I ..... (name) of .....

..... (address) born ...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. To my knowledge there is no other matter that the club may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President of the club immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the *State/Territory of* .....

on ...../...../.....(date) Signature .....

---

### Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date: .....

## Attachment 1.2: WORKING WITH CHILDREN CHECK REQUIREMENTS



### Working With Children Checks

### South Australia

#### LEGISLATION

The *Children's Protection Act 1993* requires sport and recreation organisations who provide services 'wholly or partly' for children in South Australia to establish policies and procedures to safeguard and protect children.

This applies even if the organisation is not normally based in South Australia.

Recent changes to the *Children's Protection Act 1993* extend the steps organisations must take to help protect the children in their care.

This is a brief outline of the current changes and organisations will need to familiarise themselves with the relevant Information sheets from the Department for Communities and Social Inclusion as listed in this document.

#### Child Safe Environment Compliance Statement

From January 2011, organisations were required to:

- Lodge a Child Safe Environment Compliance Statement with the Department for Communities and Social Inclusion.

This is a once only requirement that existing recreation and sport organisations should have completed by 28 February 2011 and new organisations must undertake as soon as possible after they are formed or begin operating in South Australia.

Where an organisation finds they do not have a policy that is fully compliant they should still lodge a statement showing that the work is in progress, and lodge a second statement when it is completed.

A 'representative body' such as a state sport or recreation organisation may lodge a single compliance statement on behalf of their affiliated associations and clubs, therefore it is advisable that clubs check with their relevant state organisation prior to lodging a statement.

Lodging a statement can be completed on-line (<http://www.dfc.sa.gov.au/pub/Default.aspx?tabid=929>) or by forwarding the relevant documentation to the Department for Communities and Social Inclusion.

#### Police Checks/Criminal History Assessments

From January 2011 the existing requirement for recreation and sport organisations to assess all paid and voluntary positions and to 'prescribe' which positions require a

*suitability for working with children screening check* also changed.

Previously undertaking a police check as a part of the screening process was not mandated.

All paid or volunteer persons holding a 'prescribed position'\* will **now be** required to complete a 'criminal history assessment', to be conducted by the organisation, before they are engaged or appointed, which must include a criminal history check, unless an exemption applies.

This requirement is being phased in over a three year period.

For organisations providing sport or recreational services wholly or partly for children in South Australia this requirement will commence in year two, that is commencing 1 January 2012, and needs to be fully implemented as follows:

- All new and existing employees assessed by 30 June 2012;
- All new and existing volunteers working with children 7 and under assessed by 31 December 2012;
- All new and existing volunteers working with children 12 and under assessed by 30 June 2013;
- All new and existing volunteers working with children 17 and under assessed by 31 December 2013;

Organisations must determine if this requirement applies to them and if the exemptions\*\* apply to any positions or persons.

Criminal history assessments must be conducted in accordance with the guidelines set out by the Chief Executive for the Department for Communities and Social Inclusion.

### Information Sheets

The following information sheets may be accessed through the DCSI website (<http://www.dfc.sa.gov.au/pub/Default.aspx?tabid=927>)

- Information Sheet 1 – Child Safe Environments
- Information Sheet 3 – Child Safe Environment Compliance Statement
- Information Sheet 5 – Additional information for the sport and recreation sector
- Information sheet 10 - Phasing-in schedule
- Child Safe Environments: Standards for dealing with information obtained about the criminal history of people working with children
- Managing criminal history information of people working with children

### Definitions

\*\*"Prescribed" Position –

- All people who have regular contact with children or regularly work in close proximity to children and are not directly supervised;
- Manage or supervise such personnel;
- Have access to records relating to children that are prescribed by regulation (child protection services, education services, health services, disability services, court orders and proceedings).

### \*\*Exemptions

Organisations have the choice to apply or not apply any or all of these exemptions:

- A person volunteering in their children's activities;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services;

- A person who has regular contact with a child as part of an employment relationship (for example, a person working alongside a child or supervising an employee who is a child);
- A person who is a police officer or a registered teacher.

#### **What is a criminal history assessment?**

A criminal history assessment is a decision about whether a particular person is suitable to work with children. This decision is made on the basis of the person's criminal history (if any) and the assessed risk to children served by the organisation.

It should be noted that a National Police Certificate on its own does not constitute a criminal history assessment.

#### **Are there penalties for not obtaining a criminal history assessment?**

Penalties may apply for non-compliance once legislation is phased in.

Organisations may also be fined if they do not take reasonable steps to establish and maintain a child safe environment.

For further information, visit the [Department for Communities and Social Inclusion](#).

#### **What are the requirements for visitors from other states/territories?**

Organisations are not required to conduct criminal history assessments on persons accompanying children who are visiting South Australia for short-term sporting or recreational events of less than 10 days, provided those persons do not usually reside or work in South Australia. (See exemptions.) However, these persons may still have obligations under the *Children's Protection Act 1993* as mandatory notifiers. The host organisation should ensure that interstate workers are aware of and briefed on this obligation.

### **ACTION**

#### **WHERE CAN YOU OBTAIN A CRIMINAL HISTORY ASSESSMENT?**

- The Screening Unit of the Department for Communities and Social Inclusion offers a centralised, consistent and confidential approach to the screening and independent assessment of background information of people working with children: [www.dfc.sa.gov.au/pub/screening](http://www.dfc.sa.gov.au/pub/screening). Applications can be lodged through Australia Post agencies.
- A request for a National Police Certificate may be completed online through SAPOL. [www.police.sa.gov.au/sapol/services/information\\_requests/national\\_police\\_certificate.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp). For volunteers in sporting and recreation organisations this may be obtained at no charge through the State organisation (see below).

### **RELEVANT INFORMATION**

#### **Who has responsibility to apply?**

If an individual is asked to undertake a criminal history assessment, it is their responsibility to apply for a National Police Certificate.

The National Police Certificate belongs to the individual and not the organisation requesting it. The individual is responsible for presenting it to be sighted by the requesting organisation.

#### **How much does it cost?**

See SAPOL website for current costs:

[http://www.police.sa.gov.au/sapol/services/information\\_requests.jsp](http://www.police.sa.gov.au/sapol/services/information_requests.jsp)

#### **Who is responsible for payment?**

This depends on the policy of the organisation requesting the criminal history assessment. The organisation should advise you of the required procedure for obtaining the assessment.

#### **What does the National Police Certificate contain?**

- Name
- Alias/Previous Names
- Date of Birth

- Current Address
- Purpose of the Police check
- Charge(s)
- Court outcome of the matters heard including Court name, hearing date, any penalty or sentence imposed
- Pending Matters
- Outstanding Warrants

#### **Is there support for assessing criminal history information?**

Interpreting criminal history information to make an employment decision can be difficult and you may require guidance to determine whether the applicant can be employed/volunteer in a particular role. The Department for Communities and Social Inclusion has a comprehensive document - [Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children](#) – available on the website.

Alternatively the Department's Screening Unit can obtain and assess the criminal history report for your organisation. The branch is also able to provide advice on assessment guidelines.

For more information, contact the Screening Unit on 1300 321 592, email [screening@dfc.sa.gov.au](mailto:screening@dfc.sa.gov.au) or visit [www.dfc.sa.gov.au/pub/screening](http://www.dfc.sa.gov.au/pub/screening).

#### **How long is it valid for?**

Under the current legislation, criminal history assessments are valid for a period of three years.

#### **Is a criminal history assessment obtained for one organisation transferable to a different organisation?**

Organisations may at their discretion accept the following types of evidence which has been obtained within the last three years:

- Letters of clearance from South Australian Crim-Trac accredited agencies;
- National Police Certificates;
- Criminal history checks undertaken and clearances provided in other Australian jurisdictions i.e. the blue card (Qld) and Working with Children Checks (Vic, WA);
- Statutory declarations from individuals who have lived in countries other than Australia.

In accepting other evidence, there must be compatibility between the roles of the organisation (based on a risk assessment) and the criminal history reports obtained (i.e. is it a check to work with children).

For further information regarding the transferability of criminal history assessments see the [Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children](#).

#### **RESOURCES**

- South Australian Police (SAPOL) - [www.police.sa.gov.au/sapol/services/information\\_requests/national\\_police\\_certificate.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp)
- Department for Communities and Social Inclusion - [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)
- DCSI Screening Unit - [www.dfc.sa.gov.au/pub/screening](http://www.dfc.sa.gov.au/pub/screening)
- Office for Recreation and Sport – [www.recsport.sa.gov.au](http://www.recsport.sa.gov.au)



<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other .....</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	