



PONY CLUB AUSTRALIA INCORPORATED
MEMBER PROTECTION POLICY
PONY CLUBS & ASSOCIATIONS

VERSION 3
OCTOBER 2007

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REVIEW HISTORY OF PCA MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
One	2004/5		
Two	July 2006	November 2006	<ul style="list-style-type: none">• Harassment
Three	October 2007		<ul style="list-style-type: none">• Child Protection Policy

PREFACE

This policy has been developed by Pony Club Australia to help provide a quality and enjoyable experience for our members in a safe environment.

Pony Club Australia is committed to providing an environment safe for children, which is free from harassment and abuse for everyone, and promotes respectful and positive behavior and values.

Pony Club Australia is fully committed to and subscribes to the principles of The Essence of Australian Sport and this policy is an essential part of our proactive and preventative approach to tackling inappropriate behavior by riders, their families and spectators.

All members of the management committee of Pony Club Australia are fully committed to ensuring that everyone associated with our organization complies with these policies which are intended to ensure all members have a successful and enjoyable experience whilst taking part in Pony Club events throughout Australia.

.....

Date.....

Don Nixon

President

Pony Club Australia

PC Pony Club Australia Inc.

PART A: MEMBER PROTECTION

1. PCA's Core Values

Co-ordinating the activities of the Pony Club Associations of each State and Territory of Australia.

Affiliating with the British Horse Society, the Pony Club Inter Pacific Committee, the Pony Club International Mounted Games committee and any other organization, membership of which the Committee believes may advance the interests of the Pony Club movement in Australia.

Encouraging young people to ride and learn to enjoy all kinds of sport connected with horses and riding, to provide instruction in riding and horsemanship and to instil in young people the proper care of their animals.

Promoting the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self discipline and doing all such things as are incidental or conducive to the attainment of the above purposes.

2. Purpose of this policy

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy also reflects our support and implementation of the sport industry principles and values outlined in **The Essence of Australian Sport** – principles of fairness, respect, responsibility and safety.

The policy attachments provide 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, PCA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy will be endorsed by PCA at the November meeting and will be distributed to all member States and Territory. The policy starts on the 1st November 2007 and will operate until replaced when it is adopted at our management committee meeting. This policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the policy and its attachments can be obtained from our website

3. Who this Policy Applies To

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Referees, umpires and other officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and associated organisations;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to the PCA
- Parents, guardians, spectators and sponsors to the full extent that is possible

This policy will continue to apply to a person even after they have stopped their association or employment with PCA if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

4. Code Of Conduct

PCA requires every individual and organisation bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and PCA
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;

- 4.3 Always place the safety and welfare of children above other considerations;
- 4.4 Comply with PCA's constitution, rules and policies including this member protection policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

5. Organisational Responsibilities

The PCA, member states and territory and all affiliated clubs will then:

- 5.1 Adopt, implement and comply with this policy;
- 5.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 5.3 Promote appropriate standards of conduct at all times;
- 5.4 Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5 Apply this policy consistently without fear or favour;
- 5.6 Recognise and enforce any penalty imposed under this policy;
- 5.7 Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- 5.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations e.g. Member Protection Information Officers (MPIO) and display the names and contact details in a way that is readily accessible; and
- 5.9 Monitor and review this policy at least annually.

6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.2 Consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years]
- 6.3 Complying with all other requirements of this policy;
- 6.4 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 6.5 Understanding the possible consequences of breaching this policy.

7. Policy Position Statements

7.1 Child Protection Policy

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

PCA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of our juniors. PCA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in Part B of this policy);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (our complaints procedure is outlined in Part C of this policy); and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

PCA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and the MPIO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment C4 of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

7.2 Anti-Discrimination and Harassment Policy

PCA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

PCA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

PCA prohibits all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour, which could be regarded as harassment or discrimination, are provided in the Dictionary at clause 11.

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 attachment C3 of this policy. This will explain what to do about the behaviour and how PCA will deal with the problem.

7.3 Sexual Relationships Policy

PCA takes the view that intimate relationships (whether or not of a sexual nature) between coaches and players, while not necessarily constituting Harassment, can have harmful effects on the individual player involved, on other players and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The law is always the minimum standard for behaviour within PCA and therefore sex with a child is a criminal offence.

7.4 Pregnancy Policy

PCA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. PCA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour, which could be regarded as pregnancy discrimination or harassment, are provided in the Dictionary at clause 11.

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 attachment C3 of this policy. This will explain what to do about the behaviour and how PCA will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.

PCA will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all 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 in particular sporting activities.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.5 Gender Identity Policy

PCA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. PCA expects everyone who is bound by this policy to treat people who identify as transgender or transsexual 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 against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour, which could be regarded as transgender or transsexual discrimination or harassment, are provided in the Dictionary at clause 11.

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 attachment C3 of this policy. This will explain what to do about the behaviour and how the PCA will deal with the problem.

PCA recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general PCA will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

PCA 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, PCA will seek advice on the application of those laws in the particular circumstances.

PCA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual 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 PCA.

PCA notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. 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.

7.6 Other relevant policies

Other PCA relevant policies can be found at www.ponyclubaustralia.com.au

Some of the policies that contribute to the welfare of all those involved in our activities include

- Junior Sport Policy
- Risk Management Policy
- Anti-doping Policy
- Privacy Policy

8. Complaints Procedures

8.1 Complaints (C1)

PCA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the MPIO of PCA

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless MPIO of PCA considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C1 of this policy.

8.2 Vexatious Complaints & Victimisation

PCA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Management Committee for appropriate action which may include disciplinary action against the complainant.

PCA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3 Mediation (C2)

PCA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are able to negotiate on behalf of the complainant and/or respondent but it is preferred that legal professionals do not become involved and problems are sorted out between the individuals.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment C2 of this policy.

8.4 Tribunals (C5)

A hearings tribunal may be formed to hear a formal complaint that has been referred by the Management Committee or an alleged breach of the policy. Our tribunal hearings procedure and appeals process is outlined in the PCA Constitution

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

9. 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 have been found to have:

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct and Role-Specific Codes of Conduct;
- 9.3 Brought the sport PCA into disrepute;
- 9.4 Failed to follow PCA policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;

- 9.9 Disclosed to any unauthorised person or organisation any PCA information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, being suspended or having a person's appointment or employment terminated.

11. 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.

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 club means State and Territory organisations connected to PCA

Associate means a person aged 17 and under 26 years

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made to an affiliated club or member organisation

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers **Indirect Discrimination**. This is 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. 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;

Examples of Discrimination

Age: A club refuses to allow an older person to coach a team simply because of their age.

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior player is overlooked because of his/her mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he/she has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call his/her by his/her male/female name.

Homosexuality: An athlete is ostracised from his/her team after he/she tells a team mate that he/she is a homosexual/lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because he/she is single.

Pregnancy: A woman is dropped from her 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 does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or 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 or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this policy 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 12 years of age or over 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 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 against discrimination law to victimize a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracized by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred, which are reasonably likely in the circumstances 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 that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Junior means a person under the age of seventeen (17) years who is participating in an activity of the PCA.

Mediator means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member means any person who is an affiliated member of any affiliated club and State/Territory body

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

Member Protection Information Officer means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

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

Policy and **this policy** mean this Member Protection Policy.

Respondent means the person who is being complained about.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

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.

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 another person to make a complaint.

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.

Young People/person means people in the 13 – 18 year age group.