



# RAMBLER NETBALL CLUB

## MEMBER PROTECTION POLICY

### Commitment

Rambler Netball Club (RNC) seek to provide a safe, fair and inclusive environment for everyone involved in netball and will abide by all Netball Australia and Netball SA policies. RNC is committed to ensuring the safety; welfare and well-being of children are maintained at all times.

### Purpose

This Member Protection Policy applies to behaviour occurring both within and outside the course of RNC, business activities, events and includes social networks (i.e. Twitter, Face book etc.), when the behaviour involves individuals associated with RNC and negatively affects relationships within the sport environment.

This Policy informs all RNC members and prospective members, responsible for netball activities, and particularly those involving members under 18 years of age, about minimizing risk exposure of all members. Coaches, officials, trainers and management personnel, have a responsibility to provide safeguards dedicated to the well-being of other members.

RNC aims to promote a safe environment to children and to assist members and service providers to recognize, report and prevent child abuse RNC is committed to the education & sharing of information to those involved with junior netball on matters of Child abuse & child protection.

### What we will do

Rambler Netball Club (RNC) expects all members & supporters to abide by the Netball Australia Member Protection Policy and to uphold the principles and values of the RNC Member Protection Policy and RNC Behaviour Policy.

The Netball Australia Member Protection policy can be found by the following link:

[https://netball.com.au/sites/default/files/2019-07/Member-Protection-Policy-and-Attachments\\_FINAL-APRIL-2017.pdf](https://netball.com.au/sites/default/files/2019-07/Member-Protection-Policy-and-Attachments_FINAL-APRIL-2017.pdf)

- Any person involved in the instruction, leadership, management and/or coaching of any member(s) under the age of 18 years will be asked to undergo screening procedures. Full details are included in the RNC By-laws (10) WORKING WITH CHILDREN CHECKS with details on how to obtain a working with children check at <http://www.RNC.sa.netball.com.au/content.aspx?file=39372|37756s>
- Coaches & officials who are under 18 years of age and are involved in junior teams shall complete the Member Protection Declaration (Appendix 4) & have it signed by a parent or guardian and passed to the Child Safe Officer/ Member Protection Officer.
- RNC will deal with allegations involving abuse, suspected abuse of children promptly, sensitively and in accordance with procedures in this policy and Netball Australia Member Protection Policy.
- Should a situation arise not covered by this policy the Netball Australia Member Protection policy will be followed.

The RNC Member Protection Policy & Netball Australia Member Protection Policy applies to all members, committee members, sub-committees, volunteers, independent contractors, parents, guardians, spectators and sponsors of RNC or any other person that is a member or affiliated to Netball Australia.

### **Disciplinary Action**

1. Disciplinary action will be taken by RNC against anyone who is found to be in breach of this Member Protection Policy.
2. Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of abuse, discrimination or sexual harassment.
3. The discipline will depend upon the severity of the case, and may involve an apology, counselling, suspension, dismissal or any other forms of action deemed appropriate.
4. In all instances, child abuse matters will have to be referred to the police, a family services authority or Netball SA.

### **Confidentiality**

Management and officers responsible for implementing this Member Protection Policy will keep confidential the names and details related to abuse, discrimination and/or harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

### **Complaint Procedures**

RNC and Netball SA have developed appropriate complaint procedures to deal with any complaints about breaches of this Member Protection Policy promptly, seriously, sensitively and confidentially. For reference please see Appendix 1 and Appendix 2.

### **Responsibilities**

RNC and Netball SA are responsible for taking all reasonable steps to prevent harassment and inappropriate behaviour and ensuring its position is widely known through all levels of the organisation's activities.

Netball SA has the following procedures in place to handle harassment and inappropriate behaviour complaints.

These procedures include:

- Trained Member Protection Officers are available through the Office to provide information and support.
- Trained Member Protection Mediators are available through the Office to mediate/conciliate grievances.
- Complaints are treated in an impartial, sensitive, fair, timely and confidential manner
- Sexual harassment reporting is encouraged, regardless of who the offender might be
- Appropriate training is provided to those who manage and implement the policy
- Widespread awareness and understanding of sexual harassment is provided
- The policy and procedures are monitored and reviewed regularly

### **Images of Children**

- RNC requires clubs to obtain written permission from parents or guardians before any image of a child can be taken at RNC organized events.
- Parents/guardians must be provided with information re the use of the image & assured that no personal information will be revealed.
- Full details are included in RNC Policy – Photography Policy

## APPENDIX 1 - Procedures for handling allegations of discrimination and harassment

### Resolving a Complaint

1. RNC undertake to deal with any complaints brought to us concerning a breach of this Member Protection Policy sensitively, promptly and respecting the privacy rights to individuals concerned.
2. Complaints regarding Codes of Conduct can be handled through a variety of mechanisms. RNC recognises that, as a highly sensitive and complex matter, sexual harassment is best dealt with informally through discussion between the parties or with some assistance from an independent third party, so as to minimise its damaging and disruptive effects. An informal resolution is not always possible, and it may be necessary to resort to formal procedures to resolve the complaint.

### If a complaint about a Code of Conduct is made, these steps should be followed:

1. If the complaint is of a minor nature the complainant should ask the person to stop the behaviour (ensure accurate records of incidents, including time, date, place, witnesses etc., are documented)
2. If the behaviour continues, or is of a serious nature or if the complainant feels uncomfortable broaching the issue, the complainant should bring the matter to the attention of the Association President or the Member Protection Officer, or at club level, to the Child Safe Officer or Club President (the complainant should be asked to put the facts in writing.) **DO NOT SEND THE COMPLAINT BY EMAIL.** The President & the M.P.O (or child safe officer) then confer.
3. The complaint may be resolved informally, for example through discussion, with an apology and a commitment to stop the behaviour – ***no further action may be necessary at this stage***
4. If there is no resolution and the complainant would like to proceed, assistance may be sought from the RNC Executive committee who shall decide if the complaint can be handled by a neutral executive committee or Tribunal or needs to be referred to Netball SA. If RNC executive or the Tribunal decide to deal with the complaint the procedure is...
  - Arrange a specific mutually agreed time to....
  - Interview both parties separately, confidentially and impartially. Both parties must have a chance to state their case, give an explanation and put forward their defence. All parties must be heard, and relevant submissions considered
  - write confidential records of the complaint process unless disclosure is necessary for further processes
  - attempt mediation/conciliation between the parties
  - achieve resolution and follows up to make sure there is no repetition of the behaviour

### At any stage, it is the prerogative of the complainant to decide to proceed with or dissolve a complaint.

- If no resolution is achieved or in cases of a serious allegation or dispute, the Member Protection Officer refers the matter, including all records, to the CEO, Netball SA, for investigation and possible disciplinary action.
- If the complainant chooses not to pursue or to withdraw the complaint, RNC nevertheless has a legal responsibility to maintain a harassment-free environment. The RNC or Tribunal must therefore determine whether the alleged harassment is serious enough to warrant an investigation by Netball SA.

### Right to Appeal

Both parties to a complaint have the right to appeal the decision and recommendation of a panel if a matter of procedure, bias, or fairness is called into question. An appeals panel is made up of members other than those who formed the original review panel should handle formal appeals.

### External Action

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. The South Australian Equal Opportunities Commission is the authority responsible for receiving complaints of sexual harassment.

## **Record Keeping**

The Member Protection officer (& Child Safe Officer) are to keep records of all communications/ correspondence & minutes of follow up meetings.

- Records are to be kept, by the MPO (or Child Safe Officer), in a sealed envelope with the name of offender & date of complaint.
- Should the personnel change the records should be passed on.

## **APPENDIX 2 - Procedure for handling allegations of child abuse**

RNC participants should deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. Both at Association & Club level the matter should be referred directly to the Netball SA Member Protection Officer who has been appointed and trained to address harassment and abuse issues.

In most instances, the matter will then have to be referred to the police or a family services authority

### **Types of Allegations**

1. A member of a club or organisation may suspect abuse of a child on reasonable grounds when:
  - a child tells them they have been abused;
  - someone else tells them a child has been abused;
  - a child tells them they know someone who has been abused (often they are referring to themselves);
  - they observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse; or
  - They observe a member's abuse of another member.
  
2. A member of a club or Association may also receive allegations that:
  - I. a person in the organisation (for example, a coach) has abused a child player
  - II. a person in the organisation (for example, a club coach) has abused a child outside that organisation's jurisdiction (for example, a player she coaches at Assoc. level)
  - III. a person outside the organisation (for example, a teacher or family member) has abused a young member of the organisation.

These allegations may be made by the child, his or her parents, or another person involved in the organisation.

In the instance of allegations of types (i) and (ii) the member should follow the procedures listed below An allegation of type (iii) should, in all cases, be reported to the police or Family Services If the necessity arises, the member should take steps to prevent the abuse or similar incident occurring within the club or Association.

### **Procedures**

Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity. The initial response of the person to whom the child confides is crucial to the well-being of the child. It is important for the person receiving information to:

- listen to and believe what the child says;
- reassure the child that what has occurred is not the fault of the child;
- ensure the child is safe;
- be honest with the child and explain that other people may need to be told in order what is happening;
- ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse;
- obtain and document the following information;
- the child's name, age and address
  - the person's reason for suspecting abuse (that is, observation, injury or information
  - the person's assessment of danger posed to the child, including information relating to the alleged perpetrator
  - what arrangements, if any, exist for the immediate protection of the child and
  - what involvement, if any, other agencies have in dealing with the suspected incident;
- Make direct and confidential contact with the contact officer appointed to address member protection, harassment and abuse issues. Consult with the officer on how to proceed (for example, reporting to the relevant state authority) and how to make a confidential and factual written report; and
- Ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

ALL OFFICIALS, COACHES & TEAM MANAGERS WORKING WITH MINORS ARE NOW REQUIRED BY LAW TO REPORT ANY SUSPECTED CHILD ABUSE OR NEGLECT

The Association & clubs involved have the right to suspend or dismiss any person found guilty of child abuse.

Should an accredited coach be dismissed from a position because he or she abused a child, the Association or club must inform the Australian Coaching Council who will decide if deregistration is necessary.

Where a matter has resulted in the suspension or dismissal of a person, the club involved must notify the Association who in turn must notify Netball SA. to prevent other clubs from engaging the services of the offender. Care should be taken with the way this information is communicated to ensure that any statements made are not defamatory.

## APPENDIX 3 - Definitions

### Discrimination

In South Australia it is unlawful to treat anyone unfairly on the basis of race, sex, sexuality, pregnancy, intellectual or physical impairment, age, or marital status, in key areas of public life.

Discrimination can be direct or indirect.

Direct discrimination is treating a person less favourably than another person on the basis of race, sex, age, marital status, sexuality, pregnancy and intellectual or physical impairment in the same or similar circumstances.

Indirect discrimination is imposing a requirement, condition or practice that is the same for everyone, but which has an *unequal or disproportionate* effect or result on particular groups. Unless this type of requirement is reasonable in all circumstances, it is likely to be indirect discrimination—even if there was never any intention to discriminate.

### Victimization

Victimization 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 right (under anti-discrimination laws) to make a complaint or support another person in making a complaint.

### Harassment

Harassment can be unwelcome verbal or written comments, conduct, or gestures directed toward one or more people; the harasser knows or should reasonably be expected to know that this behaviour is insulting, intimidating, humiliating, malicious, degrading or offensive.

Harassment is a form of unfair discrimination. It can be an offence under State and Federal anti-discrimination laws, and in some cases criminal law.

### Examples of harassment include:

- *written, verbal or physical abuse or threats*
- *unwelcome physical contact,*
- *the display of offensive materials,*
- *unwelcome sexual comments, jokes and propositions,*
- *homophobic comments and/or behaviours*
- *jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status, pregnancy*

Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, then the behaviour must stop.

Jokes and behaviours that are genuinely enjoyed and consented to by everyone present are not harassment. However, it is important to be aware that some people may silently tolerate behaviour they find offensive—especially if they hold a subordinate position relative to the group or individual engaging in the behaviour.

### Sexual Harassment

Sexual harassment is unwelcome sexual behaviour, which makes the victim feel offended, intimidated or humiliated—and it is reasonable in the circumstances to feel that way.

### Disability

Disability refers to the total or partial loss of any function or part of the body (for example, faulty vision, speech impediment or hearing loss); the malfunction of any part of the body; the malformation or disfigurement of any part of the body; the presence of an organism which may cause disease (for example, HIV, hepatitis); permanent or temporary loss or imperfect development of mental faculties (except where attributable to mental illness) resulting in reduced intellectual capacity; a disorder or malfunction that

results in a person learning differently from others; a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions of judgment or that results in disturbed behaviour. The term disability covers physical, intellectual and psychiatric conditions. The Equal Opportunity Act, 1984 (SA) uses the term impairment, which is defined to exclude mental illness.

### **Racial Discrimination**

The race of a person means the nationality, country or origin, colour or ancestry of the person or of any other person with whom he or she resides or associates.

Racial discrimination involves a distinction, exclusion, restriction or preference based on race which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

### **Sexuality**

Discrimination on the basis of sexuality means treating a person less favourably because of their heterosexuality, homosexuality, bisexuality or transsexuality.

### **Pregnancy**

Discriminating against a woman because she is pregnant is unlawful. Refer to the Netball SA Pregnancy Policy for more information.

### **Age Discrimination**

Age discrimination means treating a person unfairly because of their age.

Age discrimination often arises because of stereotypes and incorrect assumptions about people's abilities, based on how old or young they are. It can occur against people of any age and deny them the opportunity for full participation.

It is lawful to hold competitions for relevant age groups such as Under 16, Under 18, Under 21, 35 and over. However, it is unlawful to select officials or coaches for sporting activities on the basis of age alone, if that person can effectively undertake the task. For example, if a sport set a minimum age for coaching or officiating duties or for attending an accredited coaching course, it would have to demonstrate that the age limit is necessary because the position requires a certain level of maturity, experience in the sport or professional qualification that would not be held by someone under 16.

### **Intimate Relations**

Intimate sexual relationships between coaches and players—while not necessarily unlawful harassment—can have harmful effects on the player, on other players and coaches, and on the sport's public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence.

Because there is always a risk that the relative power of the coach is a factor in the development of such relationships, coaches working at all levels should avoid such relationships.

The law is always the minimum standard for behaviour; sex with a minor, for example, is a criminal offence.