



**HILLARYS YACHT CLUB (HYC)
MEMBER PROTECTION POLICY**
(As adapted from Australian Sailing Version 9 October 2016)

VERSION 1
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Preface

HYC is committed to the health, safety and general well being of all the participants involved with the sport or recreational activity. Equally together with Australian Sailing and its State Associations are committed to the goals of equity and diversity. We aim to provide an environment for the sailing and boating community that fosters fairness, equity, and respect for social and cultural diversity, and that is free from unlawful discrimination, harassment and vilification.

This Member Protection Policy seeks to foster a culture that values and responds to the HYC community's rich diversity, and ensure that all members are aware of their rights and responsibilities. It aims to provide these in strong acknowledgement of the predominantly volunteer nature of the sailing community.

HYC is committed to creating a safe, fair and inclusive recreational sporting environment. Our club: -

- Seeks to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values
- Will not tolerate inappropriate or unlawful behaviour in our organisation
- Policy sets out codes of behaviour with which everyone associated with the organisation is expected to abide
- Advises disciplinary action will be taken against individuals if there is a breach of the policy.

PART A: MEMBER PROTECTION POLICY

1. Introduction

HYC acknowledges and adopts that:

- Australian Sailing is the national governing body for sailing and power boating, as recreation and in competition.
- Australian Sailing is a federation formed by the eight states and territory Member Yachting Associations (State Associations). Through this network, more than 370 affiliated clubs, 280 national and state class associations, 150 training centres and 60,000 individual members are serviced.
- Australian Sailing aims to develop the sport at all levels through effective governance, recruitment and servicing of members, management of training, promotion of sailing, raising community awareness, supporting the development of sailors, boating participants, coaches and officials, selection of national teams, nomination of Olympic and Paralympic teams and coordination of events.
- Australian Sailing's values are to:
 - Be professional in approach and management.
 - Strive for excellence and innovation.
 - Make decisions based on the best interests of the Federation.
 - Strive for open, effective and timely communication.
 - Value commercial partners.
 - Respond to the stakeholders needs.
 - Work as a team.

2. Purpose of this policy

This Member Protection Policy ("policy") aims to assist HYC to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport/recreational activity. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport/recreational activity is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport/recreational activity. As part of this commitment, the policy allows HYC to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the HYC Executive and Management Committee and has been incorporated into our policies and procedures. The policy commences on 30 January 2018 and will operate until replaced.

The current policies and their attachments can be obtained from the HYC website <http://hillarysyachtclub.com.au> or the Australian Sailing website at: <http://www.sailing.org.au/about-us/policy-documents/>

HYC acknowledges that this policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs.

3. Who is bound by this policy?

This policy should apply to as many persons as possible who are involved with the activities of HYC **whether they are in a paid or unpaid/voluntary capacity:**

- 3.1 Persons appointed or elected to boards, committees and sub-committees;
- 3.2 Employees of HYC (where current workplace policies do not cover the subject areas),
- 3.3 Support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others appointed or selected to national and state level teams and squads;
- 3.4 National and state level coaches and assistant coaches;
- 3.5 National and state level participants;
- 3.6 Accredited instructors and assistant instructors;
- 3.7 Race officials and other officials involved in the regulation of the sport;

- 3.8 Members, including life members of HYC;
- 3.9 Participants, coaches, officials, volunteers and other personnel participating in events, activities including camps and training sessions, held or sanctioned by HYC; and
- 3.10 Any other person to whom the policy may apply 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.

This policy will continue to apply to a person even after he or she has stopped their association or employment with HYC, if disciplinary action against that person has begun.

4. Organisational responsibilities

HYC will:

- 4.1 Adopt, implement and comply with this policy
- 4.2 Ensure that this policy is enforceable
- 4.3 Publish, distribute and promote this policy and the consequences of any breaches of the Policy
- 4.4 Promote and model appropriate standards of behaviour at all times
- 4.5 Deal with any complaints made under this policy in an appropriate manner
- 4.6 Deal with any breaches of this policy in an appropriate manner
- 4.7 Recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour [e.g. Member Protection Information Officers]
- 4.10 Monitor and review this policy at least annually.

5. Individual responsibilities

Individuals bound by this policy must:

- 5.1 make themselves aware of the contents of this policy;
- 5.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
- 5.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour: and,
- 5.6 comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position statements

6.1 Child protection

HYC is committed to the safety and well being of all children and young people who participate in our sport /recreational activity or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

6.1.1 Identify and analyse risk of harm

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.1.2 Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport/recreational activity, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks is conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

6.1.4 Support, train, supervise and enhance performance

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport/recreational activity.

6.1.5: Empower and promote the participation of children

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport/recreational activity.

6.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to us. (Refer to the attachments in Part D of this policy.)

6.1.7: Supervision

During club sanctioned events or training sessions, participants under the age of 12 must be supervised at all times by a responsible adult. HYC will provide a level of supervision adequate and relative to the participants' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a participant under the age of 12 is unsupervised, they should assume responsibility for the participant'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.

6.1.8: Transportation

Parents/guardians are responsible for transporting their children to and from club activities (e.g. training and competition). Where HYC make arrangements for the transportation of children (e.g. for away or overnight trips), 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) shall be conducted.

6.2 Taking images of children

There is a risk that images of children may be used inappropriately or illegally. HYC require 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. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets, which we control or are used in connection with our sport/recreational activity.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport/recreational activity and we will ensure that they are suitably clothed in a manner that promotes participation in the sport/recreational activity. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

6.3 Anti-discrimination and harassment

HYC are committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

6.3.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

6.3.3 Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms [see clause 10].

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with HYC Management. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4 Intimate relationships

Coaches, officials and volunteers are required to conduct themselves in a professional and appropriate manner in all interactions with participants. In particular, they must ensure that they treat participants in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

If a consensual intimate relationship does exist or develop between an adult participant and a coach, official or volunteer, the parties are to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach, official or volunteer has with the participant and/or other participants.

If a coach, official or volunteer involved in an intimate relationship with an adult participant is unsure of the appropriateness of the relationship they are encouraged to seek advice from the Member Protection Information Officer to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult participant is inappropriate or unprofessional HYC Management may take action to maintain a safe environment for all our participants and to avoid bringing HYC into disrepute.

6.5 Pregnancy

HYC are committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport/recreational activity. We will not tolerate any discrimination or harassment against pregnant women.

HYC will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport/recreational activity, and we will 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 child, is of utmost importance in their decision-making about the extent they choose to participate in our sport/recreational activity.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport/recreational activity and ensure that they make informed decisions about their participation in our sport/recreational activity. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with HYC Management.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport/recreational activity whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6 Gender identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person’s gender identity may be an identity other than male or female. Some terms used to describe a person’s gender identity include trans, transgender and gender diverse.

6.6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

HYC, are committed to providing a safe, fair and inclusive sporting/recreational activity environment where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

6.6.2 Participation in sport/recreational activity

HYC encourages all people to participate in club events and activities irrespective of their gender identity, their health wellbeing and involvement in community life. We are committed to supporting participation in our club on the basis of the gender with which a person identifies,

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport/recreational activity are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

HYC together with Australian Sailing and its State Associations are aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position, we have taken.

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.

6.6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

HYC are committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 Responsible service and consumption of alcohol

HYC are committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

In general, our policy is that:

- alcohol consumed at events involving children and young people under the age of 18 shall only take place in the designated licensed area of HYC;
- alcohol-free social events be provided for young people;
- food and low-alcohol and non-alcoholic drinks be available at events we hold;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options are promoted as part of any event we hold or endorse where alcohol is served.

6.8 Smoke-free environment

HYC are committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport/recreational activity, both on and off the water.

6.9 Bullying

HYC are committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our club.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person; spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying, which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. HYC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an official, crewmate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.10 Social networking

HYC acknowledge the enormous value of social networking to promote our sport/recreational activity and celebrate the achievements and success of the people involved in our sport/recreational activity.

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.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the club in a positive way.

7. Complaints procedures

7.1 Handling complaints

HYC aim to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported to a Member Protection Information Officer. These can be found by contacting the HYC office or the Commodore.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore if a complaint relates to behaviour or an incident that occurred at the:

- Club level or involves people operating at the club or class level, then the complaint should be reported to and handled by HYC in the first instance.
- Where a complaint occurs and isn't able to be handled by HYC, is considered a serious case, the matter occurred at a national event, or for any other reason, then the matter can be referred to Australian Sailing.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Member Protection Information Officer should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Improper complaints and victimisation

HYC aim to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Member Protection Information Officer considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the HYC Executive Committee for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

We aim to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 Member Protection Information Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Attachment D2.

7.4 Tribunals & Protocol Committee

In accordance with the HYC Constitution a Protocol Committee may be convened to hear a proceeding:

- Referred to the Protocol Committee by the HYC Management Committee.
- Referred to it by Australian Sailing; for an alleged breach of this policy.

The HYC Protocol Committee is outlined the HYC Constitution at Clause 5.18 under Discipline-Protocol Committee.

Our appeals process is outlined in Attachment D4. The HYC appeal process is outlined under Clause 5.18.8 of the Constitution.

8. What is a breach of this policy?

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

- 8.1 breaching the Codes of Behaviour (see Part B of this policy);
- 8.2 bringing HYC into disrepute, or acting in a manner likely to bring HYC into disrepute;
- 8.3 failing to follow HYC policies (including this policy) and our procedures for the protection, safety and wellbeing of children;
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 8.5 victimising another person for making or supporting a complaint;
- 8.6 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport/recreational activity;
- 8.8 disclosing to any unauthorised person or organisation any HYC information that is of a private, confidential or privileged nature;
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary Measures

HYC may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

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

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Protocol Committee that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- 9.1.1 a direction that the individual make a verbal and/or written apology;
- 9.1.2 a written warning;
- 9.1.3 a direction that the individual attend counselling to address their behaviour;
- 9.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by HYC, Australian Sailing and it's State Associations;
- 9.1.5 a demotion or transfer of the individual to another location, role or activity;
- 9.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 termination of the individual's membership, appointment or engagement;
- 9.1.8 a recommendation that HYC terminate the individual's membership, appointment or engagement;
- 9.1.9 in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 a fine;
- 9.1.11 any other form of discipline that HYC considers appropriate.

9.2 Organisation

If a finding is made that an Affiliated Club or Class Association has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Australian Sailing Board.

- 9.2.1 a written warning;
- 9.2.2 a fine;
- 9.2.3 a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 a direction that any funding granted or given to it by Australian Sailing or the relevant State Association cease from a specified date;
- 9.2.5 a direction that Australian Sailing and/or its State Associations cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 a recommendation to the Australian Sailing Board that its membership of the peak body be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 any other form of discipline that Australian Sailing considers reasonable and appropriate.

9.3 Factors to consider

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

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

10. Dictionary of terms

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. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means those clubs that are directly affiliated as a club to a State Association.

Affiliated class means those classes, which are directly affiliated as a class to a State Association. National class associations can also affiliate directly to Australian Sailing.

Child means a person who is under the age of 18.

Child abuse involves conduct, which puts a child at risk of harm and may include:

physical abuse, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.

sexual abuse, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.

neglect, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

Complaint means a complaint made under clause [7] of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person/s appointed under this policy to investigate a complaint.

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

In Western Australia, it is against the law to discriminate against someone because of:

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent
- convictions political beliefs or activities
- religion, religious beliefs or activities national extraction or social origin lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity, defence service personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting/recreational activities, such as:

- holding a competitive sport/recreational activity for a specific age or age group (e.g. only those who are under the age of 15 years);

- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting/recreational activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and 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/recreational activity.

Harassment is any type of unwelcome behaviour, which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

Public acts of racial hatred, 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 that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

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

Member means a person affiliated to HYC, by virtue of their membership, in accordance with the HYC Constitution.

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Procedural fairness requires that:

- the respondent knows the full detail of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

Policy, means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires).

Sexual harassment means unwelcome behaviour of a sexual nature, which could reasonably be expected to make a person feel, humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

Sexual offence means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- Sexual penetration without consent
- indecent assault
- sexual assault
- assault with intent to commit sexual acts incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution

possession of child pornography
publishing child pornography and indecent articles.

Transgender 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, and intersex or as being of indeterminate sex.

Victimisation means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public, which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

NOTE: Additional obligations may apply under relevant/applicable state or territory anti-discrimination laws.



PART B: CODES OF BEHAVIOUR

Note: Codes of Behaviour are generally not binding on non-members such as parent/guardians and spectators unless they have signed the codes or other form/document agreeing to be bound by the codes and the member protection policy

We seek to provide a safe, fair and inclusive environment for everyone involved in our club and in our events.

To achieve this, we require certain standards of behaviour by members, volunteers, participants, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport/recreational activity.
- To display respect and courtesy towards everyone involved in our sport/recreational activity and prevent discrimination and harassment.
- To prioritise the safety and well being of children and young people involved in our sport/recreational activity.
- To encourage and support opportunities for participation in all aspects of our sport/recreational activity.

ATTACHMENTS

Attachment B1: **General Code of Conduct**

Attachment B2: **Administrator (volunteer) Code of Conduct**

Attachment B3: **Coach and Instructors Code of Conduct**

Attachment B4: **Sailing/Boating Participant Code of Conduct**

Attachment B5: **Officials Code of Conduct**

Attachment B6: **Parent/Guardian Code of Conduct**

Attachment B7: **Spectator Code of Conduct**

Attachment B1: General Code of Conduct

HYC endorse the following code of conduct for members, volunteers, service providers and employees, particularly those responsible for activities involving members under the age of 18 years.

As an individual being classified as a member of HYC, possessing a valid membership number (see definition of Member), volunteer, a service provider, visitor and employee you should meet the following standard of conduct:

- *Respect the rights, dignity and worth of others.*
- *Be considerate and honest in all dealing with others.*
- *Be professional in, and accept responsibility for, your actions.*
- *Make a commitment to providing quality service.*
- *Be aware of, and maintain an uncompromising adherence to, HYC's constitution, standards, rules, regulations and policies.*
- *Operate within the rules of the sport/recreational activity including state, national and international guidelines that govern HYC.*
- *Do not use your involvement with HYC to promote your own beliefs, behaviours or practices where these are inconsistent with those of the Relevant Organisation.*
- *Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.*
- *Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.*

Refrain from any form of harassment of others.

- *Refrain from any behaviour that may bring HYC into disrepute.*

Provide a safe environment for the conduct of the activity.

- *Show concern and caution towards others who may be sick or injured.*
- *Be a positive role model.*
- *Understand the repercussions if you breach, or are aware of any breaches of, the Member Protection Policy.*



Attachment B2: Administrator (volunteer) Code of Conduct

Administrators/directors/officers/employees/contractors/volunteers shall:

Agree to abide by the Code of Conduct.

- *Be fair, considerate and honest in all dealing with others.*
- *Be professional in their actions, language, presentation, manners and punctuality in order to reflect high standards.*
- *Maintain confidentiality in regards to sensitive and/or commercial information.*
- *Resolve conflicts fairly and promptly through established procedures.*
- *Maintain strict impartiality in matters relating to the Member Protection Policy.*
- *Maintain a safe environment for others.*
- *Show concern and caution towards others.*
- *Be a positive role model for others.*

Attachment B3: Coach and Instructors Code of Conduct

Coaches and instructors educate participants in the fundamental techniques, skills and tactics of the various sections within HYC.

Accredited coaches and instructors are vital to quality development.

Coaches and instructors shall:

- *Agree to abide by the code of conduct.*
- *Become accredited and keep that accreditation up to date.*
- *Encourage enjoyment of participation should be for pleasure, winning is only part of the fun. Cater for varying levels of ability so that all sailors have a 'fair go' in both practice and competition. Provide equal encouragement to males and females to participate, acquire skills and develop confidence.*
- *Make opportunities available for exceptionally talented sailors or boating participants to develop their full potential.*
- *Prepare and conduct sessions based on sound coaching principles. Set realistic standards and objectives for juniors.*
- *Provide safe conditions.*
- *Insist that the required protective clothing is fitted and worn appropriately.*
- *Educate participants and in the case of juniors, the parents on health and safety in HYC activities.*
- *Abide by the World Anti-Doping Code and the Australian Sailing Anti-Doping Policy.*
- *Ensure that the consequences of inappropriate behaviour are clearly understood by sailors and boating participants, and in the case of juniors, the parents.*

Keep up to date with sailing and boating coaching development.

- *Operate within the rules and spirit of the sport/recreational activity and teach your sailors and boating participants to do the same.*
- *Never ridicule or yell at young participants for making a mistake or not coming first. Provide a good role model of sporting behaviour and respect the rights, dignity and worth of every participant regardless of their age, gender, ability, cultural background or religion.*



Attachment B4: HYC Participant Code of Conduct

Participants/competitors are expected to comply with the various rules of associations and governing bodies and include but not limited to such as the Racing Rules of Sailing, Recreational Fishing Rules, Diving and Boating rules and regulations.

As a participant and club member, you shall:

- *Be tolerant of other users of the waterways and surrounding environs.*
- *Never argue with an official.*
- *Control your temper.*
- *Verbal abuse of officials and sledging other participants, deliberately distracting or provoking an opponent are not acceptable or permitted behaviour.*
- *Not abuse other participants.*

Abide by the Australian Sailing Anti-Doping Policy.

Work equally hard for yourself and/or your crew/team member. Your performance will benefit and so will you. Be a good sport. Applaud your opponents when they get one up on you.

Treat all participants as you like to be treated. Do not bully or try to take an unfair advantage of another competitor.

Cooperate with your fellow participants, who without them there would be no competition. Participate for your own enjoyment and benefit not just to please others.

Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.



Attachment B5: Officials Code of Conduct

Officials shall:

- *Place the safety and welfare of the participants above all else. Accept responsibility for their actions.*
- *Be impartial.*
- *Avoid anything that may lead to conflicts of interest.*
- *Be courteous, respectful and be open to discussion and interaction.*
- *Value the individual in sport/recreational activity.*
- *Seek continual self-improvement through study, performance appraisal and regular updating of competencies.*
- *Encourage inclusivity and access to all areas of officiating.*
- *Be a positive role model in behaviour and personal appearance.*



Attachment B6: Parent/Guardian Code of Conduct

Parents should:

- *Remember that children participate for their enjoyment, not yours. Encourage children to participate, not force them.*
- *Focus on the child's efforts and performance rather than winning or losing.*
- *Encourage children to participate according to the rules and to settle disagreements without resorting to hostility, violence or abuse.*
- *Never ridicule or yell at a child for making a mistake or losing a race.*
- *Remember that children learn best by example. Appreciate good performances and skills displayed by all participants.*
- *Support all efforts to eliminate verbal and physical abuse from sport/recreational activity.*
- *Respect officials' decisions and teach children to do likewise.*
- *Show appreciation of the efforts of volunteer coaches, officials, administrators and other helpers as without them there would be no sport/recreational activity for your children to participate in.*
- *Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.*



Attachment B7: Spectator Code of Conduct

Spectators should:

- *Applaud good performance and efforts from all participants and teams.*
- *Congratulate all participants on their performance regardless of the event's outcome.*
- *Respect the decisions of officials and teach young people to do the same.*
- *Never ridicule or scold a young participant for making a mistake. Positive comments are motivational.*
- *Condemn the use of violence in any form, whether it is by other spectators, coaches, officials, or participants.*
- *Show respect for your opponents. Without them there would be no event.*
- *Encourage participants to follow the rules and the officials' decisions.*
- *Do not use violence, harassment or abuse in any form (i.e. do not use foul language, sledge or harass sailors, coaches, officials or other spectators).*
- *Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.*

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

We are committed to providing a safe environment for children. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in Western Australia and the only exemptions are as follows:

Category	Exemptions Specific to the Category
<p>4. A coaching or private tuition service of any kind but not including an informal arrangement entered into for private or domestic purposes.</p> <p>12. A club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children but not including an informal arrangement entered into for private or domestic purposes.</p>	<ul style="list-style-type: none"> • Child volunteers. • Unpaid students on placement under 18. • Short-term visitors to WA. • Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates. • When the coaching or private tuition service is also carried out in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children (category 12), and the work is carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement. • A coaching or private tuition service provided to a class of two or more persons that is not provided primarily for children. • One-off national events and national tours

HYC will continually meet the requirements of the Western Australian Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

ATTACHMENTS

Attachment C1: Member Protection Declaration

Attachment C3: Working with Children Check requirements

Attachment C1:

MEMBER PROTECTION DECLARATION

HYC has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our Member Protection Policy that we check the background of each person who works, volunteers, coaches or has regular unsupervised contact with children and young 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. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that HYC may consider to constitute a risk to its members, employees, volunteers, participants or reputation by engaging me.
7. I will notify the Commodore or General Manager immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of

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

Consent of parent/guardian (on behalf 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 C2: WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport/recreational activity from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: www.playbytherules.net.au

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agency in Western Australia. Forms are available and can be processed through Australia Post.

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.



PART D: COMPLAINT HANDLING PROCEDURES

HYC will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with a formal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTACHMENTS

Attachment D1:	Complaints procedure
Attachment D2.	Mediation
Attachment D3.	Investigation procedure
Attachment D4.	Tribunal procedure

Attachment D1: COMPLAINTS PROCEDURE

HYC are committed to supporting people associated with our sport/recreational activity to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The names and contact details for our MPIOs can be obtained by contacting the HYC office.

The MPIO will:

- ask how you would like your concern to be resolved and if you need support seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern,
- if appropriate inform the relevant government authorities and/or police, if required by law to do so where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint to a member of HYC Executive Committee
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, HYC Executive Committee Member will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **discipline/tribunal hearing**;
- to refer the matter to the **police or other appropriate authority**; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the HYC Executive Committee Member will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the HYC Executive Committee Member is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the HYC Commodore.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **Protocol hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

[Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by HYC unless otherwise stated.]

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the HYC Executive Committee reconsider the complaint in accordance with Step 3.

In accordance with the HYC Constitution rules you or the respondent(s) may also appeal a decision made at a protocol hearing. The grounds and process for appeals are set out in Attachment D4.

Step 7: Documenting the resolution

The HYC Executive Committee will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>

Serious incidents, such as assault or sexual assault, **MUST** be reported to the police.

Attachment D2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The HYC Executive Committee will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of HYC Executive Committee and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with HYC acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to HYC Commodore to request that HYC reconsider the complaint; and
 - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation may not be appropriate**, including:

- when the people involved have completely different versions of the incident; when one or both parties are unwilling to attempt mediation;
- when there is a real or perceived power imbalance between the people involved; matters that involve serious allegations.

Attachment D3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered.

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person/s.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his/her roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing;
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence; make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way);
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
 - **mischievous, vexatious or knowingly untrue**
 - provide a report to the HYC Commodore documenting the complaint, the investigation process, the evidence) and, if requested, any findings and recommendations.
3. We will provide a verbal summary report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation when deemed appropriate.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO or other person).



Attachment D4: PROTOCOL COMMITTEE PROCEDURES

HYC will follow the HYC Constitution under Clause 5.18 titled Discipline-Protocol Committee and includes the appeal process that must be followed.

5.18 Discipline - Protocol Committee

All processes and procedures are to be undertaken as outlined in the HYC constitution and as amended from time to time.



PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

HYC will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

ATTACHMENTS

- Attachment E1: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Handling an allegation of child abuse



Attachment E1: RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	Over 18	Under 18
Role/status	Administrator (volunteer) Sailing/boating participant Coach/Instructor or Assistant Employee (paid) Official	Parent Spectator Support Personnel Other
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds) Tick more than one box if necessary	Harassment or Sexual/sexist Sexuality Race Religion Pregnancy Other	Discrimination Selection dispute Personality clash Bullying Disability Child Abuse Coaching methods Verbal abuse Physical abuse Victimisation Unfair decision
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

This record and any notes must be kept confidential and secure. This form is to be given to the HYC Commodore or General Manager.



**Attachment E2:
RECORD OF FORMAL COMPLAINT**

Complainant's Name	Over 18 Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	Administrator (volunteer) Sailing/boating participant Coach/Instructor or Assistant Employee (paid) Official	Parent Spectator Support Personnel Other
Name of person complained about (respondent)	Over 18	Under 18
Respondent's role/position	Administrator (volunteer) Sailing/boating participant Coach/Instructor or Assistant Employee (paid) Official	Parent Spectator Support Personnel Other
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	Harassment or Sexual/sexist Sexuality Race Religion Pregnancy Other	Discrimination Selection dispute Personality clash Bullying Disability Child Abuse Coaching methods Verbal abuse Physical abuse Victimisation Unfair decision
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: Date/ /
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to the HYC Commodore or General Manager.

Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

HYC will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with HYC in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.

Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.

If the allegation involves a person to whom this policy applies, then also report the allegation to the HYC Commodore or General Manager so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

HYC Executive Committee will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of HYC.

The HYC Executive Committee will consider what services may be most appropriate to support the child and his or her parent/s.

The HYC Executive Committee will consider what support services may be appropriate for the alleged offender.

The HYC Executive Committee will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:

- a criminal investigation (conducted by the police)
- a child protection investigation (conducted by the relevant child protection agency)
- a disciplinary or misconduct inquiry/investigation (conducted by HYC).

HYC will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.

If disciplinary action is undertaken, we will follow the procedures set out in Clause 9 of our Member Protection Policy.

Where required we will provide the relevant government agency with a report of any disciplinary action we take.

Contact details for advice or to report an allegation of child abuse in Western Australia

Western Australia	
Western Australia Police Urgent Police assistance 000 Non-urgent police assistance Ph.: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph.: (08) 9222 2555 or 1800 622 258 A/H Crisis Care 9223 1111 or 1800199008

Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment E3 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport/recreational activity		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport/recreational activity	Administrator (volunteer) Participant/competitor Coach/Assistant Coach Employee (paid) Official	Parent Spectator Support Personnel Other
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.