

# **Member Protection Policy**

**Version Five**



**PONY CLUB**  
WESTERN AUSTRALIA

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## PREFACE

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The Pony Club Western Australia Inc. (Pony Club WA) is committed to creating a safe, fair and inclusive sporting environment.

Pony Club WA seeks to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values.

This policy sets out codes of behaviour with which everyone associated with Pony Club WA is expected to abide.

Inappropriate or unlawful behaviour will not be tolerated by Pony Club WA. Disciplinary action will be taken against individuals if there is a breach of this policy.



Deborah Spencer  
Chairperson

28 June 2017

## REVIEW HISTORY

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Version	Date Approved	Review Date	Content reviewed/purpose
One	2003	2003	
Two	2006	2006	
Three	2009	2009	
Four	2013	2013	
Five	28 June 2017	June 2020	Updated to align with new Complaints, Disputes and Discipline Policies

# **PART A: MEMBER PROTECTION POLICY**

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## **1. INTRODUCTION**

The vision of Pony Club Western Australia Inc. (Pony Club WA) is to be known as the leading youth equestrian association in Western Australia. Our mission is to:

- promote the highest ideals of sportsmanship, citizenship and loyalty and to create strength of character, self-discipline, health and well-being in the young people that participate in our activities;
- work with our member clubs to provide instruction in riding and horsemanship and educate our members to look after and take proper care of animals; and
- encourage young people to ride and participate in all kinds of sport connected with ponies, horses and riding.

## **2. PURPOSE**

This Member Protection Policy aims to assist Pony Club WA uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. 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 is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

This policy describes the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows Pony Club WA 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 Pony Club WA Board and takes effect from 28 June 2017 and will operate until replaced. This policy is supported by Member Protection Policies that have been adopted and implemented by our Member Clubs.

This policy can be obtained from our website at [www.pcawa.com](http://www.pcawa.com).

## **3. WHO IS BOUND BY THIS POLICY**

This policy applies to the following people who are involved with the activities of Pony Club WA at a state, zone or club level, whether they are in a paid or unpaid/voluntary capacity:

- a) members, including Individual Members, Member Clubs and Life Members of Pony Club WA;
- b) riders, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Pony Club WA;
- c) any other person including parents/guardians and spectators accompanying riders or teams;
- d) Pony Club WA Board directors;
- e) persons appointed or elected to state committees, panels or task forces, and zone or club committees and sub committees;
- f) support personnel appointed or elected to state, zone and club teams and squads (e.g. managers, chaperones and/or coaches);

- g) employees of Pony Club WA; and
- h) associated organisations.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Pony Club WA, if disciplinary action against that person has commenced whilst he or she was associated with or employed by Pony Club WA.

## **4. ORGANISATIONAL RESPONSIBILITIES**

Pony Club WA and Member Clubs must:

- a) adopt, implement and comply with this policy;
- b) ensure that this policy is enforceable;
- c) publish, distribute and promote this policy and the consequences of any breaches of the policy;
- d) promote and model appropriate standards of behaviour at all times;
- e) deal with any complaints made under this policy in an appropriate manner;
- f) deal with any breaches of this policy in an appropriate manner;
- g) recognise and enforce any penalty imposed under this policy;
- h) ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- i) use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour; and
- j) monitor and review this policy as required.

## **5. INDIVIDUAL RESPONSIBILITIES**

Individuals bound by this policy must:

- a) make themselves aware of the contents of this policy;
- b) 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;
- c) consent to the screening requirements as set out in Part C of this policy;
- d) be accountable for their behaviour; and
- e) comply with any decisions and/or disciplinary measures imposed under this policy.

## **6. POSITION STATEMENTS**

### **6.1 Child Protection**

Pony Club WA is committed to the safety and well-being of all children and young people who participate in our sport 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 conduct**

We will develop and promote codes of conduct that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour (refer to Part B: Codes of Conduct).

#### **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 are 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 Part C: Employment Screening / Working with Children Check Requirements).

#### **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.

#### **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.

#### **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 (see Appendix 1: Procedure for Handling Allegations of Child Abuse).

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

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 lodge a complaint (refer to Part D: Member Protection Complaints).

### **6.2 Taking Images of Children**

There is a risk that images of children may be used inappropriately or illegally. Pony Club WA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian

before taking an image of a child that is not their own. 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.

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 and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our Member Clubs do likewise.

Photographers acting in a professional capacity at Pony Club WA events must be approved as per our Visual Images Policy (available on our website [www.pcawa.com](http://www.pcawa.com)).

### **6.3 Anti-Discrimination and Harassment**

Pony Club WA is 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 and gender. 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.

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 us and may make a complaint, and in some circumstances, they may also be able to make a complaint to an external organisation (refer Part D: Member Protection Complaints).

## **6.4 Intimate relationships**

Pony Club WA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

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

Pony Club WA takes the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport’s public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete’s approach and explain to the athlete why such a relationship is not appropriate.

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

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete’s performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and

- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer, Complaints Officer or other official 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 athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer. Our complaints procedure is outlined in Part D: Member Protection Complaints.

## **6.5 Pregnancy**

Pony Club WA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

Pony Club WA 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, 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.

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

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport 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 Part D: Member Protection Complaints).

## **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 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).

Pony Club WA is committed to providing a safe, fair and inclusive sporting environment all 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 Part D: Member Protection Complaints).

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**

Pony Club WA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport 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 are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

For Olympic Sports only, Pony Club WA is 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).

Pony Club WA is 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**

Pony Club WA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that Member Clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- 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 be promoted as part of any event we hold or endorse where alcohol is served.

Please refer to our Health Policy for more information (available on our website [www.pcawa.com](http://www.pcawa.com)).

## **6.8 Smoke-Free Environment**

Pony Club WA is 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, both on and off the field.

Please refer to our Health Policy for more information (available on our website [www.pcawa.com](http://www.pcawa.com)).

## **6.9 Bullying**

Pony Club WA is 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 sport.

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-bulling 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. Pony Club WA

will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an official, teammate, 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 complaint to the Member Club or Pony Club WA.

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 Part D: Member Protection Complaint).

## **6.10 Social Networking**

Pony Club WA acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

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.

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 sport in a positive way.

## **7. 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:

- a) breaching the codes of conduct (see Part B: Codes of Conduct);
- b) failing to follow Pony Club WA policies (including this policy) and our procedures for the protection, safety and well-being of children;
- c) discriminating against, harassing or bullying (including cyber-bullying) any person;
- d) victimising another person for making or supporting a complaint;
- e) engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- f) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- g) disclosing to any unauthorised person or organisation any Pony Club WA information that is of a private, confidential or privileged nature;
- h) making a complaint that they know to be untrue, vexatious, malicious or improper;
- i) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and

- j) failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 8. DISCIPLINARY MEASURES

Pony Club WA 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 consistently 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 constitution, this policy and/or the rules of the sport.

Please refer to our Discipline Policy for more information (available on our website [www.pcawa.com](http://www.pcawa.com)).

## 9. 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.

**Association** means Pony Club Western Australia Inc.

**Board** means the board of Directors of Pony Club WA.

**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; and
- 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 Officer** means the person appointed by the CEO to investigate a complaint.

**Constitution** means the constitution of Pony Club Western Australia Inc.

**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 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.

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

- holding a competitive sporting 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 sex and/or gender identity status from participation in a competitive sporting 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 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").

**Individual Member** means a registered, financial member of a Member Club or an individual who is otherwise recognised by Pony Club WA as an Individual Member in accordance with the Pony Club WA constitution.

**Member** means a member of Pony Club WA and includes each category of membership set out in the Pony Club WA constitution.

**Member Club** means a Pony Club which is affiliated with Pony Club WA as set out in the Pony Club WA constitution.

**Member Protection Information Officer** means a person appointed by Pony Club WA 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 details 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 Pony Club WA (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, 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:

- rape;

- 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; and
- publishing child pornography and indecent articles.

**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** 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** refers to a person’s deeply held internal and individual sense of gender.

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

**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, 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.

## **PART B: CODES OF CONDUCT**

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Pony Club WA promotes the following codes of conduct to all people involved in any way with the sport of pony club. These codes of conduct highlight the principles and values of Pony Club WA and our related policies.

In competition, breaches of the Codes of Conduct, including the use of bad and/or abusive language, by competitor, parent, team manager, coach or official may entail disqualification of the individual competitor or team. At all other times, breaches of the Codes of Conduct by persons involved in the sport of pony club will follow disciplinary procedures as outlined in our Discipline Policy.

These Codes of Conduct can also be found in the Pony Club WA Handbook.

### **General Code of Conduct**

As a person involved in any way with the sport of pony club, the following standards of behaviour are expected.

#### **Fairness**

1. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
2. Encourage opportunities for participants to learn appropriate behaviours and skills.
3. Encourage participation in all aspects of the sport.
4. Be fair, considerate and honest in all dealing with others.

#### **Respect**

5. Treat each person as an individual.
6. Be a positive role model.
7. Display control, tolerance and courtesy to all involved with the sport.
8. Value the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

#### **Safety**

9. Ensure your actions contribute to a safe environment.
10. Ensure your actions contribute to a harassment free environment.
11. Do not tolerate violence or abusive behaviours.
12. Show concern and caution towards others who may be sick or injured.

#### **Responsibility**

13. Be aware of Pony Club WA's standards, rules and policies including, but not limited to, the Member Protection Policy.

14. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
15. Always make responsible choices and adopt appropriate behaviours with respect to alcohol and recreational, illicit and performance enhancing drugs.
16. Act with integrity and accept responsibility for your actions.
17. Make a commitment to providing quality service.
18. Understand your responsibility if you breach, or are aware of any breaches of these Codes of Conduct and other Pony Club WA rules, regulations and policies.
19. Be a positive role model.

## Rider

1. Abide by the General Code of Conduct.
2. Ride by the rules.
3. Never argue with an official. If you disagree, have your Team Manager approach the Official during a break or after the competition.
4. Control your temper. Verbal abuse of officials, sledging other competitors, deliberately distracting or provoking other competitors is not acceptable or permitted behaviours in any sport.
5. Work equally hard for yourself and/or for your team. Your team's performance will benefit; so will you.
6. Be a good sport. Applaud all good efforts whether they are by your team or other competitors. Treat all participants in your sport, as you would like to be treated. Do not interfere with, bully or take unfair advantage of another competitor.
7. Cooperate with your coach, teammates and other competitors. Without them there would be no competition.
8. Participate for your own enjoyment and benefit, not just to please parents and coaches.
9. Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

## Parent/Guardian

1. Abide by the General Code of Conduct.
2. Remember that children participate in sport for their enjoyment.
3. Encourage children to participate, do not force them.
4. Focus on the child's efforts and performance rather than winning or losing.
5. Encourage children always to play according to the rules and settle disagreements without resorting to hostility or violence.

6. Never ridicule or yell at a child for making a mistake or losing a competition.
7. Remember that children learn by best example. Appreciate good performances and skilful plays by all participants.
8. Support all efforts to remove verbal and physical abuse from sporting activities.
9. Respect officials' decisions and teach children to do likewise.
10. Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
11. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## **Spectator**

1. Abide by the General Code of Conduct.
2. Respect the decisions of officials and teach young people to do the same.
3. Never ridicule or scold a young rider for making a mistake. Positive comments are motivational.
4. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or riders.
5. Show respect for other competitors. Without them there would be no competition.
6. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass riders, coaches, officials or other spectators).
7. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## **Administrators**

1. Abide by the General Code of Conduct.
2. Involve your people in planning, leadership, evaluation and decision making relating to the activity.
3. Give all young people equal opportunities to participate.
4. Create pathways for young people to participate in sport not just as a competitor but also as a coach, official and administrator etc.
5. Ensure that rules, equipment, competition and training schedules are modified to suit the age, ability and maturity of young riders.
6. Provide quality supervision and instruction for riders.
7. Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.

8. Help instructors and officials highlight appropriate behaviour and skill development, and help improve the standard of instruction and officiating.
9. Ensure everyone involved in junior sport emphasises fair play, and not winning at all costs.
10. Where appropriate, make available a copy of the Codes of Conduct to spectators, officials, parents, instructors, riders and the media and encourage them to follow it. Remember you set an example. Your behaviour and comments should be positive and supportive.
11. Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
12. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background and religion.

## Officials

1. Abide by the General Code of Conduct.
2. Compliment and encourage all participants.
3. Be consistent, objective and courteous when making decisions.
4. Condemn non-supportive behaviour and promote respect for all competitors.
5. Emphasise the spirit of the competition rather than the errors.
6. Encourage and promote rule changes that will make participation more enjoyable.
7. Be a good sport yourself. Actions speak louder than words.
8. Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
9. Remember you set an example. Your behaviour and comments should be positive and supportive.
10. Place the safety and welfare of the participants above all else.
11. Give all you people a 'fair go' regardless of their gender, ability, cultural background or religion.

## Coaches

1. Abide by the General Code of Conduct.
2. Abide by the NCAS Coaches Code of Ethics (refer to the Pony Club WA Handbook).

## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **WORKING WITH CHILDREN**

Pony Club WA is 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 (WWC Check) 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.

This policy and associated guidelines apply to all persons involved with Pony Club WA who are engaged in 'child-related work' with either Pony Club WA or a Member Club.

In this policy and associated guidelines, the definition of 'child-related work' is consistent with the definition in Section 6 of the *Working with Children (Criminal Record Checking) Act 2004* (the Act).

Persons engaged in 'child related work' in either Pony Club WA or a Member Club include:

- employees (paid and unpaid);
- volunteers (including students on placement);
- administrators; and
- other people carrying out child-related business (such as coaches, officials etc.).

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

### **REQUIREMENTS**

The Act requires that people who start or continue in child-related work have a WWC Check and provides for the administration and management of WWC Checks and their outcomes. A WWC Check is valid for 3 years, after which time the individual is responsible for obtaining a renewal.

A WWC Check is compulsory for all people in child-related work as defined in Section 6 of the Act unless an exemption applies. To see who is eligible for exemption please go to the Working with Children WA Website *Factsheet 2 Child Related Work and Exemptions*.

For the purpose of this policy, a volunteer is an individual who engages in child-related work for an employer, volunteer organisation or education provider for no financial reward or remuneration.

A person who receives payments that just covers the costs of carrying out their child-related work is considered to receive "no financial reward" and is considered to be a volunteer by the WWC Screening Unit.

No exemptions apply to overnight camps.

In order to apply for a WWC Check, the usual duties of a person's work must involve or be likely to involve contact with a child in connection with one of the 19 work categories specified in the Act. These can be found on the Working with Children WA Website *Factsheet 1 What Is Child Related Work?*

It is the responsibility of the individual who is in, or is likely to be in child-related work to be aware of their legal requirements under the Act. Please refer to the Working with Children WA website *Working with Children Card Holder Responsibilities*.

Paid employees must apply for a WWC Check upon commencement of child-related work.

Employees, volunteers and individuals engaged in relevant child-related work in Pony Club WA or Member Clubs who do not show proof that they have applied for a WWC Check may not be able to work or continue to work in Pony Club WA and Member Clubs.

Employees, volunteers and individuals engaged child-related work who are issued with a Negative Notice or an Interim Negative Notice by the WWC Screening Unit or withdraw their application for a WWC Check are deemed unsuitable to undertake work in Pony Club WA and Member Clubs.

Member Clubs must notify the CEO or Membership Officer of Pony Club WA immediately if a Negative Notice or an Interim Negative Notice is received in relation to any individual associated with Pony Club WA.

Any subsequent action taken by Pony Club WA will be documented, transparent, legally defensible and capable of review in accordance with the principles of natural justice. All information relating to WWC Checks and their outcomes will be dealt with in the strictest confidence and in accordance with relevant legislation and policies.

More information on responsibilities of engaging someone in child related work can be found on the *Working with Children WA website*.

## **RECORD KEEPING**

Pony Club WA and Member Clubs are required to keep records to demonstrate compliance with the Act.

Records should include:

- a list of all employees, volunteers and students identifying those engaged in child-related work with your organisation;
- WWC Check application numbers (where applicable), WWC Card numbers and expiry dates or record of exemptions that apply for all your employees, volunteers and students in child-related work;
- copies of WWC Cards for your all employees, volunteers and students who engage in child-related work;
- all notifications received from the WWC Screening Unit;
- copies of any WWC Card validations from the WWC Check website; and
- any Interim Negative Notice(s) or Negative Notice(s) issued and the action taken by your organisation.

This information should:

- be stored securely;
- remain confidential; and
- be updated regularly.

## **DEFINITIONS**

For the purposes of this policy, the following definitions in the Act are relevant:

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

**Child related work** has a specific definition in the Act. “Work” is child-related if the usual duties of the work involve, or are likely to involve contact with a child in connection with at least one of the 19 categories of child-related work. For the purposes of the WWC legislation, volunteers under 18 years of age are exempt from the legislation and not in child-related work.

**Class 1 and Class 2** offences are those specifically listed in the WWC legislation.

**Contact** includes:

- a) any form of physical contact;
- b) any form of oral communication, whether face to face, by telephone or otherwise; and
- c) any form of electronic communication;

but does not include contact in the normal course of duties between an employer and an employee or between employees of the same employer.

An **Interim Negative Notice** is a notice that prohibits a person from undertaking child-related work in Western Australia before a final decision is made by the WWC Screening Unit. An Interim Negative Notice is issued when it is determined that the person poses a serious and immediate risk to children and effectively prohibits the person from doing child-related work while the assessment process is finalised.

A **Negative Notice** is a notice that prohibits a person from undertaking child-related work in Western Australia and is valid until its cancellation under the Act.

A **Working with Children Card** is issued to a person when their WWC Check has been successful. It is also referred to as an assessment notice.

A **Working with Children Check** is a compulsory national criminal record check for people who undertake child-related work in Western Australia.

## **SCREENING PROCEDURES**

The following screening procedures are used by Pony Club WA.

### **Members / Volunteers**

- Working with Children Checks as required.
- Volunteer National Police Check where applicable.

### **Coaches**

- References and background checks as required.
- Working with Children Checks as required.
- Volunteer National Police Check where applicable.

## **Officials**

- Working with Children Checks as required.
- Volunteer National Police Check where applicable.

## **State Committees**

- References and background checks.
- Working with Children Checks.

## **State Team Coaches/Managers**

- References & background checks.
- Working with Children Checks.
- Volunteer National Police Check where applicable.

## **Board**

- References and background checks.
- Working with Children Checks.
- Volunteer National Police Check where applicable.

## **Staff**

- References and background checks.
- Working with Children Checks.
- National Police Check where applicable.

## **PART D: MEMBER PROTECTION COMPLAINTS**

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Pony Club WA is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way. All complaints will be treated seriously.

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.

All complaints will be kept confidential as far as possible and will not be disclosed 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.

Pony Club WA 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. We also provide an appeals process for those matters (refer to our Disputes Policy).

If a complaint relates to behaviour or an incident that occurred at the club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Pony Club WA 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.

### **INFORMAL APPROACHES**

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

As a first step, you (the complainant) should try to sort out the problem with the person or people involved if you feel confident to do so.

#### **Step 2: Contact a Member Protection Information Officer**

We encourage you to talk to a 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 Pony Club WA MPIOs are available on the Pony Club WA website ([www.pcawa.com](http://www.pcawa.com)).

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 to help you address your concern, if appropriate;
- inform the relevant government authorities and/or police, if required by law to do so; and
- 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 in writing to the CEO or approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

Please refer to our Complaints Policy for more information about lodging a formal complaint (available on our website [www.pcawa.com](http://www.pcawa.com)).

## **RECORDS**

Pony Club WA 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.

## **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, should be reported to the police.

## **IMPROPER COMPLAINTS AND VICTIMISATION**

Pony Club WA aims 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 MPIO or CEO 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 Board for review and appropriate action, including possible disciplinary action against the complainant.

# **APPENDIX 1: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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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 [here](#).

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

All people working with Pony Club WA 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.

<b>Do</b>	<b>Don't</b>
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 CEO so that he or she can manage the situation.

## **Step 3: Protect the child and manage the situation**

The CEO 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 Pony Club WA.

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

The CEO will consider what support services may be appropriate for the alleged offender.

The CEO 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:

- i) a criminal investigation (conducted by the police)
- ii) a child protection investigation (conducted by the relevant child protection agency)
- iii) a disciplinary or misconduct inquiry/investigation (conducted by Pony Club WA).

Pony Club WA 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 our constitution or 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

Western Australia	
Western Australia Police  Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258