

STATE MEMBER PROTECTION POLICY

Please Note: The State Member Protection Policy is produced as a State document and indicates a minimum standard.

1. INTRODUCTION

Member Protection is a term now widely used in the sports industry to mean practices and procedures that protect an organisation's persons from harassment, discrimination, vilification, abuse and other forms of inappropriate behaviour.

RDAQ must meet legislative requirements (such as anti-discrimination and child protection laws), identify the potential for any incidents relating to harassment and abuse of our members, and develop strategies to reduce the likelihood or severity of its occurrence.

The safety and wellbeing of every member of RDAQ is integral to the future of the organisation. RDAQ is committed to practices and procedures that create safe, welcoming and enjoyable environments.

RDAQ is committed to adopting best practice management strategies which improve the quality of service delivery and ensure the health, safety and wellbeing of all those who are involved in our programs.

The Member Protection Policy is embedded in the operational policies of RDAQ and includes sub-policies of:

- A. Protection of children (clause 6)
- B. Anti-Harassment, Discrimination and Bullying (clause 6)
- C. Pregnancy in Sport (clause 6.5)
- D. Use of Social Media (clause 6.10)
- E. Responding to Complaints (clause 7)
- F. Codes of Behaviour (Attachment A)
- G. Working with Children Check Requirements (Attachment B)
- H. Complaints Handling procedures (Attachment C)

2. PURPOSE

This RDAQ Member Protection Policy ("policy") will work towards maintaining ethical and informed decision-making and responsible behaviours within our activities. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in RDA activities of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our activities. As part of this commitment, RDA Queensland will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by State Board and has been incorporated into the policy framework of the RDAQ Operations Manual. The policy starts on 30 March 2015 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the RDAQ website at www.rda.org.au or on request from the RDA Queensland's Office by phoning (07)3888 1472

The rights, responsibilities and requirements for people involved in RDA activities may vary in different centres. For information in your centre please refer to the member protection policies of the relevant Centre or RDAQ

3. WHO THIS POLICY APPLIES TO

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

- Persons appointed or elected to boards, committee and sub-committees
- Employees and volunteers
- Members of the State Executive
- Support personnel (eg teachers, therapists, doctors, team managers, psychologists, masseurs etc)
- Coaches and assistant coaches
- Volunteers
- Athletes (riders, drivers, vaulters, clients)
- Judges, stewards and other officials involved in the regulation of sporting activities
- Personnel participating in events and activities, including camps and training sessions, held or sanctioned by RDAQ
- Members, including life members
- Affiliated RDAQ Centres and associated organisations/individuals (eg schools, farriers)
- Peak Associations and the State Body
- Any other person or organisation that is a member of, or affiliated to RDAQ Inc
- Parents, guardians, spectators and sponsors to the full extent that it is practicable.

Centre Member Associations are required to adopt and implement this policy and to provide proof to RDAQ of the approval of the policy via the relevant Delegate in accordance with its constitution. Member associations must also undertake to ensure that affiliated RDAQ Centres and individual Members are bound by this policy and are made aware of this policy and what it says.

This policy will continue to apply to a person, even after they have stopped their association or employment with RDAQ, if disciplinary action against that person has commenced.

4. ORGANISATIONAL RESPONSIBILITY

The State Body and Member Associations must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 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 the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations e.g. Member Protection Information Officers (MPIOs);
- 4.10 Monitor and review this policy at least annually

5. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any state/territory Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. POSITION STATEMENTS

6.1 Child Protection

RDAQ is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants

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

6.1.1: Identify and Analyse Risk of Harm

RDAQ will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

6.1.2: Develop Codes of Conduct for Adults and Children

RDAQ will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part H)

6.1.3: Choose Suitable Employees and Volunteers

RDAQ will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

RDAQ, through Centre Associations will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, RDAQ will ensure that the criminal history information is dealt with in accordance with relevant state requirements. (See Part G)

6.1.4: Support, Train, Supervise and Enhance Performance

RDAQ will ensure that policies are in place to ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

6.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development

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

6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect

RDAQ, through its Centre Associations, will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

RDAQ, through its Centre Associations, will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code's of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how RDAQ will deal with the problem.

6.2 Taking of Images of Children

Images of children can be used inappropriately or illegally. RDAQ requires riders, parents or guardians to complete a media consent form at the time of enrolment on the Member Declaration Form. RDAQ requires that individuals and Centres, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. If RDAQ uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname unless prior permission is requested. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. Where possible we will seek permission to use these images.

We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

We require our members and Centres to do likewise.

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6.3 Anti-Discrimination and Harassment

RDAQ opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 10], are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment [D1] of this policy. This will explain what to do about the behaviour and how RDAQ will deal with the problem.

6.4 Sexual Relationships

RDAQ takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship exist between an athlete and coach, RDAQ will determine whether any action is necessary. Relevant factors may include the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If the sexual relationship is deemed inappropriate, action may be taken to terminate the coaching relationship with the athlete involved. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

In either circumstance, any coach or athlete may wish to approach the RDAQ's MPIO or complaints officer or other designated person if they feel harassed. The RDAQ complaints procedure is outlined in Attachment [D1] of this policy.

6.5 Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our activities should be removed. We will not tolerate any discrimination or harassment against pregnant women

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in RDA activities. RDAQ recommends that pregnant women wanting to participate in our activities consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. Pregnant women will be asked to sign a disclaimer in the same manner that other participants with medical conditions are required to sign ones. We will not require women to undertake a pregnancy test.

The National Coaching and Safety sub-committee of RDA, determined that pregnancy for coaches is a risk management issue and coaches must inform their RDA centre management committee if they are pregnant. They should produce a letter from their doctor to say that in the doctor's opinion the person is fit to undertake the duties of a RDA coach, that the situation should be monitored and discussed as time goes on regarding a suitable time to take a break once the pregnancy becomes advanced.

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6.6 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour, which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [clause 10].

RDAQ recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general RDAA will facilitate transgender persons participating in RDAQ activities with the gender with which they identify.

RDAQ also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, RDAA will seek advice on the application of those laws in the particular circumstances.

RDAQ is aware that the International Olympic Committee (IOC) and Paralympic Committee has established criteria for selection and participation in the Olympic and Paralympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the criteria from the relevant governing body, which may differ from the position taken by RDAQ.

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.

6.7 Alcohol Policy

RDAQ recommends that affiliated Centres adhere to strict guidelines regarding the responsible consumption of alcohol. Generally, alcohol should not be available nor be consumed at RDAQ sporting activities at which children under 18 are participants in the activities. Responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded, including light alcohol and soft drinks always being available; wherever possible, food being available to be consumed when alcohol is available; transport policies, and Board/Committee Members being in attendance to ensure appropriate practices are followed. Guidance can be obtained from the "Alcohol Management Policy" available at <http://www.goodsports.com.au/goodsports/pages/sample-policies.html>.

6.8 Smoking Policy

The following policies should be applied to sporting and social events:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any of RDAQ state representative team, on and off the field.

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6.9 Cyber Bullying/Safety

Bullying and harassment in all forms is regarded by RDAQ as unacceptable in our organisation. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at an official, team-mate, coach, or organisation should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant Centre, State Office or direct to RDAQ Board.

6.10 Social Networking Websites Policy

RDAQ acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as Facebook, Twitter, and SMS. However, participants within RDAQ need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). RDAQ recommends the following cautions:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote RDA in a positive way.

7. COMPLAINTS PROCEDURES**7.1 Complaints**

RDAQ aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the Executive Officer of RDAQ

RDAQ prefers that such complaints should be reported at the lowest level at which a matter can be dealt with. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- centre level or involves people operating at the centre level, then the complaint should be reported to and handled by the relevant centre management committee in the first instance.

Only matters that relate to or occur at the national level and the most serious cases from centre and state level should be referred to the national body.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the EO RDAQ considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

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All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in Attachment D.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation

7.2 Improper Complaints & Victimisation

RDAQ aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process, the Complaints Manager, MPIO or EO RDAQ considers that a complainant has **knowingly** made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to the Tribunal Panel (convened by the RDAQ Board and EO) for appropriate action which may include disciplinary action against the complainant.

RDAQ will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

7.3 Mediation

RDAQ aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation 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 RDAQ will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are able to negotiate on behalf of the complainant and/or the respondent.

7.4 Tribunals

A Tribunal Panel may be convened to hear a formal complaint:

- Referred to it by EO RDAQ
- Referred to it or escalated by a state association][because of the serious nature of the complaint, or unable to be resolved at the state level, or the state policy directs it to be]; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachments.

A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in attachment.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. WHAT IS A BREACH OF THIS POLICY

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

- 8.1 Breaching the Codes of Behaviour (attachment B to this policy);
- 8.2 Bringing the sport and RDAQ into disrepute, or acting in a manner likely to bring RDAQ into disrepute,

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- 8.3 Failing to follow RDAQ policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 Victimising another person for reporting a complaint;
- 8.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 Disclosing to any unauthorised person or organisation any RDAQ information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **knew** 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; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. DISCIPLINARY MEASURES

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal 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 competitions, activities or events held or sanctioned by RDAQ;
- 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 RDAQ 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 the State Delegates in the relevant area considers appropriate.

9.2 Organisation

If a finding is made RDAQ or centre has breached its own or this state Member Protection Policy, one or more of the following forms of discipline may be imposed by the meeting of State/Centre Delegates.

- 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 RDAQ be suspended for a specified period;

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- 9.2.4 A direction that any funding granted or given to it by the state body or a peak association cease from a specified date;
- 9.2.5 A direction that RDAQ ceases to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to RDAQ that its membership of the State Association be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 9.2.7 Any other form of discipline that RDAQ considers to be reasonable and appropriate.

[note: ensure the above action can be taken / enforced under your constitution or disciplinary rules– delete any action that cannot be enforced]

9.3 Factors to consider

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

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10. DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated club means a centre affiliated with RDAQ Inc.

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

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

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

Complaint means a complaint made under clause 7.

Complainant means a person making a complaint.

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Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia includes:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

- **Age:** A centre refuses to allow an older person to coach a lesson simply because of age.
- **Breastfeeding:** A member of the centre who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A player is overlooked for competition selection because of a particular medical condition.
- **Family responsibilities:** An employer decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender rider is harassed when other team members refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A volunteer is deliberately excluded from RDAQ activities and social functions because she is single
- **Pregnancy:** A woman is dropped from coaching when she becomes pregnant.
- **Race:** An Italian official is not permitted to judge competition with a high proportion of Italian riders because of his race.
- **Sex:** Executive Committee member positions are only offered to male members.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under discrimination).

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

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

DELEGATION

Delegate	Authority
RDAQ and Centre Delegations	Ratify Policy and Procedure
All individuals and/or groups within the Organisation.	Comply with this policy Act in accordance with the RDAQ Value Statements and Codes of Conduct Report any incident of physical, sexual or emotional abuse.

STATUS

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Attachment A

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Codes of Behaviour

ATTACHMENTS:
(a) Volunteer Code of Practice
(b) Coaches Code of Ethics

CODE OF PRACTICE and RIGHTS GOVERNING VOLUNTEERS INVOLVED with RDAQ

To enhance volunteers' experience and comply with current legislation and duty of care RDAQ will:

- Acknowledge and respect the contributions of volunteers in RDA documentation and elsewhere as appropriate from time to time ;
- Interview and place volunteers in accordance with anti discrimination and equal opportunity legislation;
- Provide volunteers with orientation and training, including opportunities to develop their skills and experience;
- Provide volunteers with a healthy and safe workplace in accordance with current practice and legislation;
- Provide appropriate insurance coverage for volunteers;
- Define volunteer roles and develop clear job descriptions;
- Provide appropriate levels of support and management for volunteers;
- Make volunteers aware of and provide them with access to the RDAQ Volunteer Handbook and all documents relating to RDAQ volunteer policies;
- Provide volunteers with information on grievance, rights and responsibilities and disciplinary policies and procedures;
- Acknowledge the rights of volunteers;
- Will reimburse some out of pocket expenses incurred by volunteers on behalf of RDAQ providing prior approval has been given by the relevant RDAQ committee;
- Provide volunteers with accurate and truthful information about RDAQ;
- Have volunteers' confidential and personal information dealt with in accordance with the National Privacy Act 2001;
- Acknowledge that the relationship between RDAQ and volunteers is a reciprocal one;
- Acknowledge that volunteers are of equal status and deserve the same treatment as paid employees, and that RDAQ can expect the same standards of its volunteers as it expects of its paid employees;
- Ensure that volunteers only work in the area of their choice;

Riding for the Disabled Association of Australia Limited

Member Protection Policy

Attachment A

Version 3 – March 2015

Codes of Behaviour

COACH'S CODE OF ETHICS

<p>1. Respect the rights, dignity and worth of every human being</p>	<ul style="list-style-type: none"> • Within the context of the activity, treat everyone equally regardless of sex, disability, ethnic origin or religion
<p>2. Ensure the athlete's time spent with you is a positive experience</p>	<ul style="list-style-type: none"> • All athletes are deserving of equal attention and opportunities
<p>3. Treat each athlete as an individual</p>	<ul style="list-style-type: none"> • Respect the talent, developmental stage and goals of each athlete • Help each athlete reach their full potential
<p>4. Be fair, considerate and honest with athletes</p>	
<p>5. Be professional and accept responsibility for your actions</p>	<ul style="list-style-type: none"> • Display high standards in your language, manner, punctuality, preparation and presentation • Display control, respect, dignity and professionalism to all involved with the sport - this includes opponents, coaches, officials, administrators, the media, parents and spectators • Encourage your athletes to demonstrate the same qualities.
<p>6. Make a commitment to providing a quality service to your athletes</p>	<ul style="list-style-type: none"> • Maintain or improve your current NCAS accreditation • Seek continual improvement through performance appraisal and ongoing coach education • Provide a training program which is planned and sequential • Maintain appropriate records
<p>7. Operate within the rules and spirit of your sport</p>	<ul style="list-style-type: none"> • The guidelines of national and international bodies governing your sport should be followed. Please contact your sport for a copy of its rule book, constitution, by-laws, relevant policies, eg anti-doping policy, selection procedures, etc • Coaches should educate their athletes on drugs in sport issues in consultation with the Australian Sports Drug Agency (ASDA)
<p>8. Any physical contact with athletes should be:</p> <ul style="list-style-type: none"> • appropriate to the situation • necessary for the athlete's skill development* 	
<p>9. Refrain from any form of personal abuse towards your athletes*</p>	<ul style="list-style-type: none"> • This includes verbal, physical and emotional abuse • Be alert to any forms of abuse directed toward your athletes from other sources while they are in your care
<p>10. Refrain from any form of harassment towards your athletes*</p>	<ul style="list-style-type: none"> • This includes sexual and racial harassment, racial vilification and harassment on the grounds of disability • You should not only refrain from initiating a relationship with an athlete, but should also discourage any attempt by an athlete to initiate a sexual relationship with you, explaining the ethical basis of your refusal
<p>11. Provide a safe environment for training and competition</p>	<ul style="list-style-type: none"> • Ensure equipment and facilities meet safety standards • Ensure equipment, rules, training and the environment are appropriate for the age and ability of the athletes
<p>12. Show concern and caution toward sick and injured athletes</p>	<ul style="list-style-type: none"> • Provide a modified training program where appropriate • Allow further participation in training and competition only when appropriate • Encourage athletes to seek medical advice when required • Maintain the same interest and support toward sick and injured athletes
<p>13. Be a positive role model for your sport and athletes</p>	

* Please refer to the Harassment-free Sport guidelines available from the Australian Sports Commission for more information on harassment issues

Coaches should...

- ◆ be treated with respect and openness
- ◆ have access to self-improvement opportunities
- ◆ be matched with a level of coaching appropriate to their level of competence

SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Please Note: Each State/Territory has individual regulations or requirements. Refer to the specific information under each state heading.

BACKGROUND

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria, Northern Territory and South Australian laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced. There is no current screening process or formal legislation, however, individual employers or sporting organisations may require police checks at their discretion.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of

National, State or local Member Protection Policies.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

Please note: Working with children check exemptions

In late 2012, new arrangements for national short term exemptions to Working With Children Checks will be introduced. These exemptions will apply to paid employees and volunteers who are required to cross state or territory borders for work related purposes. Exemptions for up to 30 days in any 12 month period will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

Attachment B1: SCREENING REQUIREMENTS

This attachment sets out the screening process for people in Riding for the Disabled Association of Queensland Inc (RDAQ) who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

RDAQ will, and also requires state associations and affiliated centres to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* (MPD) (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a state 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

Attachment B2: MEMBER PROTECTION DECLARATION (ACT & Tasmania)

Riding for the Disabled Association of Queensland (RDAQ) has a duty of care to all those associated with the sport at the state level and to the individuals and organisations to whom our State Member Protection Policy applies. As a requirement of our State Member Protection Policy, RDAQ must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of
..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence, theft or embezzlement.
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, theft or embezzlement.
4. I am not currently serving a sanction for an anti-doping rule violation under an 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 RDAQ may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the State Manager or National EO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of
on/...../.....(date) Signature

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

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

Name:.....

Signature:.....

Date:

The following information was updated in April 2009. It is subject to change at any time.

1. **QUEENSLAND**

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a “blue card.” Volunteers and paid employees employed in sporting organisations generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- www.ccy pg.qld.gov.au
- 1800 113 611

Riding for the Disabled Association of Queensland Inc

Member Protection Policy

Attachment C

Version 2 – March 2015

Complaints Handling Procedure

CONCILIATION/ GRIEVANCE

Please Note: The Complaints Handling Policy can be found in full under the RDAQ Operations Manual, Section One, Governance, Human Resources & Equal Opportunity.

POLICY

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, RDAQ may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that RDAQ is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

RDAQ takes complaints of any nature seriously and focuses on managing each case in a sensitive and supportive manner with the help of a Conciliation Officer (CO) and a step by step mediation procedure. To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures,

RDAQ will follow and implement the following procedures.

1. Complaints Procedure.
2. Mediation Procedure.
3. Investigation Procedure.
4. Investigation Procedure for allegations of child/vulnerable adult abuse.
5. Hearings and Appeals Tribunal Procedure.
6. Disciplinary Measures.

RDAQ will take every measure to ensure that the complainant has access to a trained and qualified CO who has no conflict of interest with the particular complaint.

INFORMAL APPROACHES

Step 1: Talk with the other person (where this is reasonable, safe and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Centre Management person

A list of Conciliation Officers (CO) is available from RDAQ or at www.rdaq.org.au. The CO will offer you guidance and support in the following circumstances if:

- the first step is not possible/reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

The CO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the CO, you may decide:

- there is no problem;
 - the problem is minor and you do not wish to take the matter forward;
 - to try and work out your own resolution (with or without a support person such as the CO) or
 - to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach

FORMAL APPROACHES

Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the State Manager of the State Association
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the CO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- 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 set out in these Procedures is completed.

Some complaints may be of a minor and/or purely personal nature having no connection to the activities of RDAQ. In these cases, the nominated CO or EO or RDAQ EO may determine that the complaint does not warrant a formal resolution procedure. This may result in a recommendation to:

- appoint a person to investigate the complaint
- refer the complaint to an informal or formal mediation session
- refer the complaint to a hearings tribunal
- refer the matter to the police or other appropriate authority
- implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CO, EO, or RDAQ EO will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled

- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal.

Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate)

- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the CO or RDAQ EO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the relevant Manager, Board or Tribunal Panel who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with the guidelines outlined in this procedure or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with RDAA policies and procedures.
- If the complaint is referred to the police or other appropriate authority, RDAQ will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by RDAQ unless otherwise stated in the relevant Attachment.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the State Manager, RDAA EO or CO reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in the RDAQ Appeals Policy.

Step 7: Documenting the resolution

The person managing the complaint will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from the State anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. CO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

Attachment C2: MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by RDAQ. The State RDAQ policy outlines the minimum standards that should be adhered to throughout the organisation, however policies may be developed by Centre Associations to reflect these guidelines as long as they meet state and national requirements.

1. If mediation is chosen, the State Association will arrange for a mediator in consultation with the complainant and the respondent(s).
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - a. Write to the State Manager or RDAQ EO request that the complaint be reconsidered in accordance with **Step 3**; or
 - b. Approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation;
 - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
 - d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

Attachment C3: INVESTIGATION PROCESS

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
 - 1.5 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); and/or
 - mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to the State Manager or RDAQ EO documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. CO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is included in the RDA Grievance Policy.

Attachment C4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in the State Office in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not challenge or undermine what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the State Manager of RDAQ or EO so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

- The State Manager or RDAQ EO will assess the risks and take interim action to ensure the child's/children's safety. Action RDAQ may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The State Manager or RDAQ EO will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The State Manager or RDAQ EO will address the support needs of the alleged offender.
- The State Manager or RDAQ EO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by RDAQ)

- Irrespective of the findings of the child protection and/or police inquiries, RDAA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be a panel convened by either the State Manager or RDAQ EO (dependant on the status and position of the person) and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in clause 9 of the policy will be followed.
- If disciplinary action is taken, RDAQ will advise and provide a report to the relevant government authority should this be required (e.g. the Qld Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

Hearings tribunals established by RDAQ or its respective affiliate will follow the following Tribunal Hearing Procedure as outlined in the RDAQ Operations Manual.

Tribunal Formation and Notification

- Step 1:** A Tribunal Panel will be constituted by the Directors of RDAA or State Executive (Board) in accordance with the By-Laws, to hear a complaint that has been referred to it by the CO or RDAA EO.
- Step 2:** The CO or RDAQ EO will organise for a Tribunal to be convened by notifying the Tribunal Panel member(s) that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CO or nominated officer and/or CO or RDAQ EO relating to the complaint/allegations.
- Step 3:** The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
- Step 4:** The minimum number of Tribunal Panel members required to constitute or be present throughout the Tribunal Hearing Process will be three (3) people, deemed by the Board to be appropriately skilled for this type of arbitration.
- (a)** The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
 - (b)** The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
 - (c)** If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing (ref clause 4 above) is still maintained, the discontinuing member will not be replaced.
 - (d)** If the minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson or the Board.

Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson or the Board believe it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the CO or RDAQ EO of the need to reschedule, and the CO or RDAQ EO will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.

- Step 5:** The CO or RDAQ EO will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
- that the person has a right to appear at the tribunal hearing to defend the complaint/allegation
 - details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately)
 - the date, time and venue of the tribunal hearing;
 - that they can make either verbal or written submissions to the Tribunal;
 - that they may arrange for witnesses to attend the Tribunal in support of their position;
 - an outline of any possible penalties that may be imposed if the complaint is found to be true
 - that legal representation will not be allowed. (Where the respondent is considered a minor or vulnerable adult, they must have a parent, guardian or support person present).

A copy of any information/documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the respondent. The respondent(s) will be allowed to participate in all RDAQ activities and events, pending the decision of the Tribunal, including any available appeal process, unless the State CO and CO or RDAQ EO believes it is warranted to exclude the respondent(s) from all or some RDAQ activities and events, after considering the nature of the complaint.

- Step 6:** The CO or RDAQ EO will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:

- that the person has a right to appear at the tribunal hearing to support their complaint
- details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately)
- the date, time and venue of the tribunal hearing
- that they can make either verbal or written submissions to the Tribunal
- that they may arrange for witnesses to attend the Tribunal in support of their position
- that legal representation will not be allowed
- that where the respondent is considered a minor or vulnerable adult, they must have a parent, guardian or support person present.

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the complainant.

Step 7: If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CO or EO or RDAQ EO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing Procedure

Step 8: The following people will be allowed to attend the Tribunal Hearing.

- The Tribunal Panel members.
- The respondent(s).
- The complainant.
- Any witnesses called by the respondent.
- Any witnesses called by the complainant.
- Any parent / guardian or support person required to support the respondent or the complainant.

Step 9: The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.

Step 10: If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly

Step 11: If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.

Step 12: The Tribunal Chairperson will inform the CO and EO or RDAQ EO of the need to reschedule, and the CO or EO or RDAQ EO will organise for the Tribunal Hearing to be reconvened.

Step 13: The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.

Factors to be Consider by a Tribunal when Imposing Disciplinary Measures

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

- whether the individual is a member, volunteer, parent/relation, spectator, or engaged by RDAA on a professional basis
- the nature and seriousness of the behaviour or incidents
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant
- the individual concerned knew or should have known that the behaviour was a breach of the policy
- the level of contrition of the respondent(s)
- the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences
- there have been relevant prior warnings or disciplinary action
- there are any mitigating circumstances such that the respondent(s) should not be disciplined at all or not disciplined so seriously.

DELEGATION

Delegate	Authority
RDAQ Board and Centre Delegations	Ratify Policy and Procedure
CO or RDAQ EO, and Centre Managers	Work with and support the CO. Keep the relevant Board, Committee of Management informed of all significant developments. Act in accordance with this policy. Conciliation Officer - Manage all complaints in accordance with this policy. Keep the CO or RDAQ EO, and or Centre Manager informed of all complaints, grievances which can not be resolved.

STATUS

Updated March 2015

Riding for the Disabled Association of Queensland Inc

Member Protection Policy	Attachment E
Version 2 – March 2015	Reporting Documents/Forms

Riding for the Disabled Association of Queensland Inc
Complaint Registration Form (including grievances and disputes)

Section 1.

Complainant's details.			
Name:			
Address:			
Phone home:	Phone work:	Email:	
Summary of complaint (When, where, who, what happened?). <i>If insufficient space attach statement</i>			
Is it a (refer to Grievance Policy for clarification)	Complaint <input type="checkbox"/>	Grievance <input type="checkbox"/>	Dispute <input type="checkbox"/>
Was the complaint	Verbal <input type="checkbox"/>	Written <input type="checkbox"/>	
Resolution requested by complainant:			
Action:			
Outcome:			
Was complaint resolved immediately? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Complaint logged in Centre Complaints register? Yes <input type="checkbox"/> No <input type="checkbox"/>		Copy of complaint sent to State Office Yes <input type="checkbox"/> No <input type="checkbox"/>	

Centre Receiving Officer		NAME	
POSITION	CENTRE	DATE	
Signature			
Date acknowledgement sent to complainant (within 5 working days):			
Date/s complainant advised of progress (if applicable):			
Date complaint finalised (within 30 days if possible):			

This completes Section 1.

**Riding for the Disabled Association of Queensland Inc
Complaint Registration Form (including grievances and disputes)**

To be completed by reviewing officer (person other than receiving officer)

REVIEW NOTES (to be completed by receiving officer)		
Action taken:		
Outcome:		
Is the complaint resolved? Yes <input type="checkbox"/> No <input type="checkbox"/> (if NO refer to State Office)		
Centre Reviewing Officer	NAME	
POSITION	CENTRE	DATE
Signature		
Complaint referred to State Office for resolution? Yes <input type="checkbox"/> No <input type="checkbox"/>		

Outcome finalised? Yes No

- File one copy in Centre Complaint Register.
- Send one copy to State Office for State Complaints Register.
- Write letter of receipt and proposed course of action