



HAPPY VALLEY FOOTBALL CLUB

MEMBER PROTECTION POLICY

Introduction

Happy Valley Football Club (the Club, or HVFC herein) is committed to providing an environment that is safe for children, free from harassment, discrimination and abuse and promotes respectful and positive behaviour and values.

This policy provides a code of behaviour forming the basis of responsible, appropriate and ethical conduct which everyone must abide by. The Happy Valley Football Club is committed to ensuring that everyone associated with the Happy Valley Football Club complies with the policy. This policy outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. It also covers the care and protection of children participating in the Club's activities. The policy applies to everyone involved in the Club including committee members, administrators, coaches, officials, volunteers, players, parents and spectators.

Club Responsibilities

The Club will:

- make any necessary amendments to our Constitution, bylaws or other policies to enable this policy to be enforceable
- implement and ensure compliance with the policy
- provide access to the policy to all involved with the Club
- respond to breaches or complaints made promptly, fairly, and confidentially and where necessary, refer serious breaches to the Southern Football League
- review this policy every 12 months

Individual Responsibilities

Everyone associated with the Club must:

- comply with the standards of behaviour outlined in our policy;
- treat others with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour;
- follow the guidelines 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.

Protection of Children

1 Child Protection

HVFC is committed to the safety and wellbeing of all children and young people accessing our services. 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. The Club acknowledges that members and volunteers provide a valuable

contribution to the positive experiences of children involved in AFL and aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

1.1 Identify and Analyse Risk of Harm

Develop and implement a risk management strategy 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.

1.2 Develop Codes of Conduct for Adults and Children

Ensure Codes of Conduct that specify standards of conduct and care when interacting with children. The Code of Conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour.

1.3 Choose Suitable Employees and Volunteers

Ensure all reasonable steps are taken to engage the most suitable and appropriate people to work with children. This may be achieved using a range of screening measures to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

1.4 Support, Train, Supervise and Enhance Performance

Ensure that volunteers and employees who work with children have ongoing supervision, support and training, so that performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

1.5 Promote the Participation of Children in Decision-Making

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

1.6 Report and Respond Appropriately to Suspected Abuse and Neglect

Ensure that volunteers and employees are able to identify and respond to children at risk of harm. HVFC will make all volunteers and employees aware of their responsibilities under the Children's Protection Act 1993 if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

If any person feels another person or bound by this policy is acting inappropriately towards a child or is breaching the Codes of Conduct, they may make a complaint by following the complaints process as outlined within this policy.

2 Supervision

Members under the age of 18 must be supervised at all times by a responsible adult. The Club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 18 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

3 Transportation

Parents/guardians are responsible for transporting their children to and from Club activities (e.g. practice and games). Where the Club makes arrangements for the transportation of children (e.g. for away or overnight trips), the Club will ensure vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and appropriate safety measures are available (e.g. fitted working seatbelts).

4 Taking Images of Children

HVFC acknowledges that in South Australia under the Summary Offences Act 1953, a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally. The Club requires that members, 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. The Club also requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras inside changing areas, showers and toilets.

Where the Club uses an image of a child it will avoid identifying the child or, wherever possible, avoid using both the first name and surname. It will not display personal information such as residential address, email address or telephone numbers. The Club 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.

Anti-harassment, Discrimination and Bullying

The Club 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 face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

HVFC takes all claims of harassment, discrimination, bullying and cyber bullying seriously and encourages anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the Club.

Inclusive practices

The Club is welcoming, and we will seek to include members from all areas of our community.

1 People with a disability

Where possible we will include people with a disability in our teams and Club and make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

2 People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in our Club and where possible, will accommodate requests for flexibility (e.g. modifications to uniforms).

3 Sexual & Gender Identity

All people, regardless of their sexuality or gender, are welcome at our Club. We strive to provide a safe environment for participation and will act on any homophobic behaviour.

4 Pregnancy

Pregnant women should hold their own health and wellbeing, and that of their unborn children, of utmost importance in their decision making about the way they participate in our sport. HVFC recommends pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

5 Girls playing in boys' teams

The Club will support girls playing in boys' teams up until the age of 12 years (when federal sex discrimination law says if differences in strength, stamina and physique are relevant, then single sex competition is required).

Complaints

HVFC takes all complaints about on and off-field behaviour seriously. The Club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- all complaints will be taken seriously;
- both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of any complaint and have the opportunity to respond
- irrelevant matters will not be considered
- decisions will be unbiased and fair
- any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to the Member Protection Officer (MPO) of the Southern Football League. If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our Club will report the behaviour to the relevant authorities.

To make a complaint to the Club, please contact a member of the Executive to request a record of complaint form.

Complaint Handling Process

When a complaint is received by our club, the person receiving the complaint (e.g. President, Secretary or any Executive person) will:

- listen carefully and ask questions to understand the nature and extent of the problem
- ask what the complainant would like to happen

- explain the different options available to help resolve the problem
- take notes
- maintain confidentiality but not necessarily anonymity

Once the complainant decides on their preferred option for resolution, the Club will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation)
- gathering more information (e.g. from other people that may have seen the behaviour)
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. Office for Recreation and Sport or Play By The Rules.)
- referring the complaint to the Southern Football League; and/or
- referring the complainant to an external agency such as a community mediation centre, police or antidiscrimination agency.

In situations where a complaint is referred to the Southern Football League and an inquiry is conducted, the club will:

- co-operate fully
- ensure the complainant and respondent are not victimised
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on the Southern Football League recommendations.

At any stage of the process, a person can seek advice from or lodge a complaint with an antidiscrimination commission or other external agency.

Disciplinary Measures

The Club will take disciplinary action against anyone found to have breached a policy or by-law or made false and malicious allegations. Any disciplinary measure imposed must:

- Be fair and reasonable
- Be based on the evidence and information presented and the seriousness of the breach
- Be determined by the Constitution, Bylaws and the rules of the game
- Be agreed upon by all members of the Executive Committee

Possible measures that may be taken include:

- verbal and/or written apology
- counselling to address behaviour
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club
- suspension or termination of membership, participation or engagement in a role or activity
- de-registration of accreditation for a period of time or permanently;

- a fine; or
- any other form of discipline that our club considers reasonable and appropriate.

Members who are found to have breached a Club policy or by-law will be notified of the suspected breach by the Executive Committee and given an opportunity to provide evidence to prove otherwise. Where the Executive are not satisfied that the evidence given nullifies the suspected breach, they will collectively decide on an appropriate disciplinary measure.

Appeals

The complainant or respondent can lodge one appeal against decisions or disciplinary measures imposed by the Executive. This appeal is made to the Management Committee. The Management Committee will meet and vote to either uphold the decision of the Executive or decide on an alternative disciplinary measure. Where a decision cannot be unanimously agreed upon, it will be referred to the Southern Football League.

Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/Club.

Where the breach of policy results in reporting to the police or relevant authorities, no appeal will be allowed.

Reviewed October 2019

Next Review October 2020

Screening Requirements

Criminal History Assessment/Managing criminal history information of people working with children in South Australia. A criminal history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk to children who access services from the organisation.

The HVFC may conduct a criminal history assessment themselves or apply to a third party (such as the State Body or Screening Unit) for an assessment and letter of clearance. The HVFC undertakes to follow the standards issued by the Department for Families and Communities when conducting criminal history assessments. These Standards are outlined below.

1. Identifying affected positions

The HVFC will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organisation, and its affiliated associations.

As a first step, the HVFC has identified all individuals and positions within the organisation that involve working with children. These positions are:

- All coaches,

- Assistant coaches,
- Team managers,
- Trainers
- And or any other Match Day Official who fit one or more of the criteria as outlined.

2. Procedures

HVFC has set out the following policy and supporting procedures for obtaining criminal history reports.

Obtaining a National Police Certificate (NPC)

1. Volunteers to obtain application form from the SA Police website.
2. The application must be completed online and then printed. This form cannot be saved.
3. Volunteers to go to a local police station or Justice of the Peace (JOP) with their NPC application form, photocopy of documents adding up to 100 points and the original documents to have their identity verified
4. Once identification has been verified by the police or JOP, the volunteer is to lodge the NPC application and their verified photocopied 100-point documentation with the Southern Football League's Authorised Officer who will include the VOAN details on the application
5. The Authorised Officer sends the application to The Records Release Unit, SA Police
6. The NPC will be returned to the volunteer. Due to privacy laws the NPC can only be returned to the applicant, and no third parties
7. Volunteer to submit their NPC to their member Club secretary, who will forward details to the Southern Football League's Authorised Officer, who may copy or keep a record with the permission of the volunteer
8. The Southern Football Leagues' Authorised Officer to return the NPC to the volunteer via their member Club

3. Existing Staff:

All staff holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police. The cost of obtaining this certificate will be covered by the HVFC. (A paid employee is not entitled to a free check using the organisations VOAN.) On receipt of the certificate the original document must be presented to the Club's Child Safety Officer. The document will be assessed and returned to the person as soon as practicable. The criminal history assessment will be repeated every three years or as requested by the Executive Committee.

4. New Staff:

All new staff selected to fill a prescribed position must obtain a National Police Certificate by making application to the South Australian Police. The cost of obtaining this certificate will be covered by the HVFC. (A paid employee is not entitled to a free check using the organisations VOAN.) On receipt of the certificate the original document must be presented to the Club's Child Safe Officer. Using a 100-point check, HVFC will establish the true identity of the applicant.

The document will be assessed and returned to the person as soon as practicable. The criminal history assessment will be repeated every three years or as requested by the Executive Committee.

5. Existing Members and Volunteers

All existing members and volunteers holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police. The cost of obtaining this certificate will be met by HVFC using the organisations VOAN. On receipt of the certificate the original document must be presented to your Club's Child Safety Officer. The document will be assessed and returned to the person as soon as practicable. The criminal history assessment will be repeated every three years or as requested by the Executive Committee.

6. New Members and Volunteers

All new members or volunteers selected to fill a prescribed position must obtain a National Police Certificate (or present a document that is less than three years old) by making application to the South Australian Police. The cost of obtaining this certificate will be met by HVFC using the organisations VOAN. On receipt of the certificate the original document must be presented to your Clubs Child Safe Officer. Using a 100-point check, HVFC will establish the true identity of the applicant. The document will be and returned to the person as soon as practicable. The criminal history assessment will be repeated every three years or as requested by the Executive Committee.

7. Accepting "other evidence"

The HVFC will, in lieu of undertaking a criminal history assessment as set out in 2.2, accept the following forms of evidence (obtained within the last three years) to assess a person's suitability to work with children:

1. A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
2. A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the DFC Screening Unit; Department of Education and Children's Services (DECS) or Catholic Education Office.
3. An interstate working with children check, from: New South Wales, Queensland, Victoria or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable HVFC to establish the true identity of the applicant. HVFC may also at its discretion seek a statutory declaration for any employee(s) or volunteer(s) who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

8. Assessing criminal history information

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

Offences that indicate a risk of harm

The HVFC believes the following categories of criminal convictions present a prima-facie risk of harm to children. No person will be considered suitable to be employed, contracted, hired,

retained, accepted as a volunteer, or allowed to undertake prescribed functions for the HVFC if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions. HVFC believes that there can be a presumption that there is a risk of harm to children, but further assessment is necessary before a decision to exclude a person can be made. These types of criminal offences include:

- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).
- In addition, other criminal offences may be relevant to specific, prescribed functions, including dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions. Any such person will be asked to make further application to the Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant. The decision of this process will be deemed to be final and binding on all parties.

9. Ensuring procedural fairness if a person has a criminal history

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish, before the assessment is conducted.

Prior to a decision being made, HVFC will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision. Staff (who are also members of HVFC), members and volunteers may request that the final assessment be referred to the Screening Unit (if it has not already been done). Any decision shall be final and binding. Existing employees who are not also members of HVFC may refer to the dispute resolution process set out by the relevant Enterprise Agreement or award for dispute resolution.

New applicants for employment, membership and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted. The HVFC will communicate to the applicant a decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision. There will be no appeal to this decision.

Records management

The HVFC will take specific actions to store and record information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

The HVFC will retain the following information regarding their decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

A criminal history assessment register will be used to record this information.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines the HVFC has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the HVFC or its affiliated associations which involves the care of children in overnight accommodation.

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

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