



**Wrestling SA Incorporated**

**MEMBER PROTECTION POLICY**

**VERSION ONE**

**DATE: 28/03/2013**

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# WRESTLING SA Incorporated

## PART A: SOUTH AUSTRALIAN MEMBER PROTECTION POLICY

### 1. Purpose of this policy

This policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's rights to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport within South Australia of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

This policy has been endorsed by the current management committee of Wrestling SA Inc.

This policy starts on 28/03/2013 and will operate until replaced. Copies of this policy and its attachments may be obtained from the Secretary of Wrestling SA, our website at [www.wrestlingsa.com.au](http://www.wrestlingsa.com.au) and from all member clubs as well as from the "myrecsport" website.

This policy has been written so that member clubs may adopt it as their policy.

### 2. Who this policy applies to.

This policy applies to the people who are operating in the following roles, whether paid or voluntary, within the Wrestling SA community both at Club and State level.

- 2.1 Persons appointed or elected to boards, committees and sub-committees
- 2.2 Employees of Wrestling SA or any member clubs
- 2.3 Members of the Wrestling SA and any member club Executive.
- 2.4 Support personnel appointed or elected to Wrestling SA teams and squads (eg. managers, drivers and trainers etc.)
- 2.5 Wrestling SA coaches and assistant coaches
- 2.6 Wrestling SA athletes
- 2.7 Wrestling SA referees, and other officials involved in the regulation of the sport
- 2.8 Members, including life members
- 2.9 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Wrestling SA
- 2.10 Any other person including spectators, parents/guardians/carers and sponsors who attend competitions and are bound by Wrestling Australia competition rules

Member clubs are required to adopt and implement this policy and to provide proof to Wrestling SA of the approval by the club management committee in accordance with its constitution.

### **3. Responsibilities of the Organisation**

Wrestling SA and member clubs must:

- 3.1 Adopt, implement and comply with this policy
- 3.2 Make any amendments to their Constitution, Rules or Policies as necessary to allow this policy to be enforceable
- 3.3 Publish, distribute and promote this policy and the consequences of breaches
- 3.4 Promote and model appropriate standards of behaviour at all times
- 3.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 3.6 Apply this policy consistently
- 3.7 Recognise and enforce any penalty imposed under this policy
- 3.8 Ensure that this policy is available or accessible to the persons and clubs to whom this policy applies.
- 3.9 Use appropriately trained people to receive and manage complaints and allegations (eg. Member Protection Information Officer)
- 3.10 Monitor and review this policy at least annually

### **4. Individual Responsibilities**

Individuals bound by this policy are responsible for:

- 4.1 Making themselves aware of the policy and complying with its standards of behaviour
- 4.2 Complying with our screening requirements and any State Working with Children checks
- 4.3 Placing the safety and welfare of children above other considerations
- 4.4 Being accountable for their behaviour
- 4.5 Following the procedures attached to this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour
- 4.5 Complying with any decisions and/or disciplinary measures imposed under this policy

## **5 Position Statements**

### **5.1 Child Protection**

Wrestling SA is committed to the safety and wellbeing of all children and young people accessing our service. We support their rights and will act without hesitation to ensure a child safe environment is maintained at all times. We will support our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants and continue to take measures to protect the safety and welfare of children participating in the sport of wrestling.

We aim to do this by:

#### 5.1.1 Identifying and Analysing Risk of Harm

Wrestling SA will continue to review and develop child protection practices and strategies that are required within current legislation and within Wrestling Australia Incorporated guidelines in order to minimise the risk of harm to children within the wrestling community.

#### 5.1.2 Codes of conduct for Adults and Children

Wrestling SA will ensure that our codes of conduct address the following:

- Standards of conduct needed when dealing and interacting with children
- Appropriate behaviour between children
- Professional boundaries
- Ethical behaviour and
- Unacceptable behaviour

#### 5.1.3 Suitability of Employees and Volunteers

Wrestling SA will obtain criminal history reports for employees and volunteers working with children, where a report or assessment is required by the Child Protection Act 1993 Section 8B, and this information will be dealt with in accordance with the standards developed by the Chief Executive, Department for Families and Communities.

#### 5.1.4 Support, Train, Supervise and Enhance Performance

Wrestling SA will support, train and supervise members as necessary in order to enhance their performance therefore maintaining a child safe environment.

#### 5.1.5 Empower and Promote the Participation of Children In Decision-Making and Service Development

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

#### 5.1.6 Report and Respond Appropriately to Suspected Abuse and Neglect

Wrestling SA will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

Wrestling SA 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.

In addition to their obligation as a mandated notifier, 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 the complaints procedure outlined in article 6 of this policy. This will explain what to do about the behaviour and how Wrestling SA will deal with the problem.

## **5.2 Taking Images of Children**

Wrestling SA and its member clubs acknowledge 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.

Wrestling SA requires that all associations advise all children's parent/guardian that images will be taken for the purposes of training and promotion of the sport of wrestling and that permission will be obtained when joining member clubs and also prior to any competitions in accordance with Wrestling Australia guidelines.

Individuals who wish to take images of a child that is not their own should, wherever possible, obtain permission from the other parent/guardian and ensure that he/she knows the way the image will be used.

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

If Wrestling SA or member clubs use an image of a child it will avoid naming or disclosing any information about the child that will identify him/her unless the parent/guardian has specifically consented to this detail being released.

Only appropriate images of a child in which that child is suitably clothed and that are relevant to the sport of wrestling will be used.

## **5.3 Anti-Discrimination and Harassment**

Wrestling SA and its member clubs oppose 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 it is face to face, indirectly or via communication technologies such as phones, mobile phones and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics, 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 article 6 of this policy. This will explain what to do about

the behaviour and how Wrestling SA and its member clubs will deal with the problem.

#### **5.4 Sexual Relationships**

Wrestling SA and its member clubs take the view that intimate relationships (whether or not of a sexual nature) between coaches and athletes, while not necessarily constituting harassment, can have harmful effects on the athlete, on other athletes and on the sport's public image. Such relationships may be perceived as exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status, influence and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that an athlete attempts an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The coach or athlete may wish to approach Wrestling SA's or member club's MPIO or other designated person if they feel harassed. The complaints procedure is outlined in article 6 of this policy.

#### **5.5 Pregnancy**

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

Pregnant women should be aware that their own health and wellbeing and that of their unborn child should be of utmost importance in their decision making about the way they participate in our sport.

Wrestling SA recommends that pregnant women wanting to participate in wrestling consult their medical advisers, making themselves aware of the facts about pregnancy in sport and participating in a contact sport such as wrestling and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer or produce a medical certificate of fitness to wrestle if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

#### **5.6 Gender Identity**

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes a person who 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.

Wrestling SA and its member clubs recognise that the exclusion of transgender people from participation in sporting events has significant implications on their

health, well-being and involvement in community life. In general we will facilitate transgender persons participating in our sport with the gender with which they identify.

However, wrestling SA and its member clubs recognise there is debate over whether a male to female transgender person obtains any physical advantage over other female participants.

If issues of performance advantage arise we will defer firstly to Wrestling Australia which is aware of and has guidelines in accordance with International Olympic Committee criteria.

Drug testing procedures and prohibitions 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. Complaints Procedures**

Wrestling SA and its member clubs will adhere to their constitutions when dealing with any complaints regarding members, volunteers or employees or relatives who have allegedly:

- Breached, failed, refuse or neglected to comply with the provisions of our constitutions, the regulations, Wrestling Australia's constitution or regulations or any resolution or determination of the board or duly authorised committees: or
- Acted in a manner unbecoming, or prejudicial to the purposes and interests of the association or club or Wrestling Australia or the sport of wrestling; or
- Brought the club, association, wrestling or Wrestling Australia into disrepute.

Disciplinary proceedings could be commenced against the member based on the constitution.

Any person may report a complaint. Such complaint should be reported to the MPIO.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred. Only the most serious cases will be referred to Wrestling Australia, unless the matter that has arisen relates to the national level.

A complaint can be dealt with informally or formally as agreed upon by the complainant and the MPIO unless it is considered by the MPIO that the matter would be better dealt with formally and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are based on our constitution.

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

## **6.2 Vexatious Complaints and Victimisation**

Wrestling SA and its member clubs aim for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to Wrestling SA management committee for appropriate action which may include disciplinary action against the complainant.

Wrestling SA and its member clubs will take all necessary steps to ensure that people involved in making a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

## **6.3 Mediation**

Wrestling SA and its member clubs aim to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between 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 MPIO will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not to negotiate on behalf of the complainant and/or the respondent.

## **6.4 Tribunals**

If a tribunal is needed it will be convened using members of the committee of Wrestling SA or its member club (with possibly the State MPIO chairing this committee) whichever is relevant to the complaint as allowed for in our constitutions.

The process of tribunal and appeal is allowed for in our constitutions.

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

## **7. 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:

- Breaching Codes of Behaviour
- Bringing the sport of wrestling into disrepute

- Failing to follow policies and procedures for the protection, safety and welfare of children
- Breaching any clause of this policy in relation to behaviour towards others
- Making a complaint they knew to be untrue, vexatious, malicious or improper
- Failing to comply with any penalty imposed as a result of a breach of this policy or
- Failing to comply with a direction given to an individual or organisation during the discipline process.

## **8. 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 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, this Policy and the rules of Wrestling Australia Inc.

### **8.1 Individual**

If a finding is made that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- 8.1.1 A verbal and/or hand written apology;
- 8.1.2 A written warning;
- 8.1.3 A direction to attend counselling to address behaviour;
- 8.1.4 A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the club, Wrestling SA or Wrestling Australia;
- 8.1.5 A demotion or transfer to another location, role or activity;
- 8.1.6 A suspension of membership or participation or engagement in a role or activity;
- 8.1.7 Termination of membership, appointment or engagement;
- 8.1.8 In the case of a coach or official, deregistering the accreditation of the coach or official for a period of time or permanently;
- 8.1.9 A fine;
- 8.1.10 Any other form of discipline as considered appropriate.

### **8.2 Organisation**

If a finding is made that a member club has breached this Member Protection Policy, one or more of the following disciplines may be imposed:

- 8.2.1 A written warning;
- 8.2.2 A fine;

- 8.2.3 A cessation of any rights, privileges and benefits to that club from Wrestling SA for a specified period;
- 8.2.4 A cessation of any funding from the state from and to a specified date;
- 8.2.5 No sanctions of events held by that club;
- 8.2.6 A suspension or termination of membership of Wrestling SA in accordance with our constitution and rules; and/or
- 8.2.7 Any other form of discipline that Wrestling SA or Wrestling Australia Inc considers to be reasonable and appropriate.

### **8.3 Factors to Consider**

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

- 8.3.1 Nature and seriousness of the breach;
- 8.3.2 Consequences of the breach
- 8.3.3 If the behaviour should have been known to be a breach
- 8.3.4 Level of contrition
- 8.3.5 The effect of the proposed disciplinary measures;
- 8.3.6 If there had been relevant prior warnings or disciplinary action;
- 8.3.7 Ability to enforce the discipline;
- 8.3.8 Any other mitigating circumstances.

## **PART B**

This policy replaces any previous member protection policy and will be part of the Safer Club Program Folder that has been previously established in consultation with Wrestling Australia and is in place in clubs throughout Australia.

Included in this programme are Codes of Conduct for:

1. Players
2. Parents
3. Teachers/Instructors
4. Coaches
5. Administrators
6. Officials and
7. Spectators

New policies that have been established that are now to be part of this programme are:

1. Hot Weather Policy
2. Match Fixing Policy

It is compulsory as part of this policy that all coaches, team officials and member protection information officers for Wrestling SA and its member clubs complete the appropriate Play by the Rules online training and that each member protection information officer keeps a copy of the certificate obtained for each person along with a list of names and dates.

## PART C

Legislation requires that:

1. From 1<sup>st</sup> January 2013 – 30<sup>th</sup> June 2013 – New and existing volunteers working with children aged less than 12 years or under must have a criminal history assessment and
2. From 1<sup>st</sup> July 2013 – 31<sup>st</sup> December 2013 – New and existing volunteers working with children aged 17 years or under must have a criminal history assessment.
3. Wrestling SA and its member clubs will ensure that this assessment will be completed by requiring all concerned to have a National Police Check and present a National Police Certificate that is less than 3 years old and a 100 point check.  
(100 point check to include one primary document such as birth certificate or passport or citizenship certificate plus a secondary document such as a driver's licence, employee id card, Centrelink card or student id card)

Wrestling SA has a VOAN which enables all volunteers to have a free check every 3 years.

Positions involved in Wrestling SA and its member clubs that require a police check are:

- All committee Members
  - Member Protection Officers
  - Coaches
  - Public Officer
  - First Aid Officer
  - Any person working closely with children
4. No person shall be considered suitable if she or he 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, eg. Criminal neglect
  5. If there is any potentially unsuitable offence listed then the management committee of Wrestling SA or the member club will meet to determine whether the individual is appropriate for the role that they will play in the organisation.  
To ensure fairness in this instance the matter may be referred to the Wrestling Australia Board for further determination.
  6. Any member will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate if to his or her detriment before a determination is made.
  7. Wrestling SA and its member clubs will hold and store copies of all police checks in a secure manner once the originals have been sighted and retain appropriate records to demonstrate their compliance with legal requirements.

Criminal history information will only be retained for the purpose of decision making regarding an individual's suitability. No criminal history information will be retained for more than 3 months.

Wrestling SA and its member clubs will retain the following information regarding their decision:

- That a criminal history report was obtained
- How the criminal history information affected the decision-making process
- Statutory declarations where applicable.

This will become the criminal history record or register.

**PART D**

Forms attached:

1. National Police Certificate Assessment Form
2. Criminal History Register.

**PART E**

Review History of this Policy

VERSION	DATE REVIEWED	DATE ENDORSED	CONTENT REVIEWED/PURPOSE
1	MAY-2016	JUN-2016	No significant changes made – typographical error corrections only.