

# Star Skills Swimming

Member Protection Policy



## 1. POLICY STATEMENT

1.1. Star Skills Swimming is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. Star Skills Swimming will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.

1.2. Star Skills Swimming is committed to ensuring that the safety, welfare, and wellbeing of children are always maintained during their participation in activities. Accordingly, any person involved in the instruction, management or teaching of any participant under the age of 18 years will be asked to produce a current working with children check.

## 2. POLICY APPLICATION

2.1. This Policy applies to all members of Star Skills Swimming employees, officers, administrators, volunteers, teachers, and participants.

2.2. This Policy applies to behaviour occurring both within and outside the course of Star Skills Swimming business, activities and events, when the behaviour involves participants and negatively affects relationships within Star Skills Swimming's sport and work environment.

## 3. POLICY COVERAGE

Discrimination and all forms of harassment are unlawful under Federal, State and Territory law. People engaging in such conduct can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, Star Skills Swimming has a legal responsibility to ensure that discrimination or harassment does not occur during any of Star Skills Swimming's activities. The law is always the minimum standard for behaviour within the Federation and therefore any criminal offence will be reported to the appropriate authorities.

### ***3.1. Discrimination***

3.1.1. It is unlawful to treat anyone unfairly based on various attributes or personal characteristics in key areas of public life.

3.1.2. A Member must not treat a person less favourably than another person based on an attribute such as race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment than someone else without that attribute in the same or similar circumstances.

3.1.3. Indirect discrimination is also unlawful. This means that a member cannot impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### **3.2. Harassment**

3.2.1. Harassment can take many forms but can generally be defined as unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading, or offensive.

3.2.2. Sexual harassment is behaviour that has a sexual element, which is unwelcome and could reasonably be expected, in the circumstances, in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

3.2.3. A member must not engage in any form of harassment, including:

- Written, verbal or physical abuse or threats.
- Unwelcome physical contact.
- The display of offensive materials.
- Promises or threats in return for sexual favours.
- Unwelcome sexual comments, jokes or propositions.
- Homophobic comments or behaviours; &
- Jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

### **3.3. Intimate Relations**

3.3.1. Star Skills Swimming takes the view that intimate sexual relationships between teachers and participants, while not necessarily constituting unlawful harassment, can have harmful effects on the individual participant involved, on other participants and teachers, and on the business' public image.

3.3.2. Because there is always a risk that the relative power of the teacher has been a factor in the development of such relationships, Star Skills Swimming takes the position that such relationships should be avoided by teachers working at all levels.

3.3.3. Should a sexual relationship develop between a participant and a teacher, Star Skills Swimming will investigate whether any action against the teacher is necessary. If Star Skills Swimming determines that the sexual relationship is inappropriate, action may be taken to terminate the teaching relationship with the participant. Action may include transfer of the coach or, if this is not feasible, a request for resignation or dismissal from employment.

3.3.4. If a participant attempts to initiate an intimate sexual relationship, the teacher must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

3.3.5. The law is always the minimum standard for behaviour within Star Skills Swimming and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.

### **3.4. Victimisation**

3.4.1. A participant must not subject any person to victimisation.

3.4.2. 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 his or her right to make a complaint or support another person in making a complaint against another person.

### **3.5. Child Protection**

3.5.1. Star Skills Swimming will not employ or engage a person (whether paid or unpaid) to teach or otherwise supervise a child under the age of 18 years without first:

- a) Requiring that person has a current working with children check.

## **4. ROLES AND RESPONSIBILITIES**

This section specifies the roles and responsibilities of all Members. In some cases, particular classes of Members have the additional roles and responsibilities that are also specified below.

#### ***4.1. All Teachers and Participants***

4.1.1. All persons involved with Star Skills Swimming must:

- a) Comply with this Policy;
- b) Make complaints about a breach of the Policy in accordance with Star Skills Swimming Complaints

*Handling Procedure;*

- a) *Submit to the Complaints Handling Procedure if an allegation is made against that person;*
- b) *Not make any frivolous or vexatious claim that another person is in breach of this Policy; &*
- c) *Conduct themselves in a proper manner so as not to bring that Star Skills Swimming into disrepute.*

#### ***4.2. Administrators***

4.2.1. Administrators must ensure that the organisation he or she is employed or engaged by:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services;
- b) Distributes, promotes and implements this Policy and Complaints Handling Procedure;
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and Implement this Policy; &
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

### **5. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION**

5.1. Star Skills Swimming has developed a Complaints Handling Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively, and confidentially. Star Skills Swimming recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

5.2. Disciplinary action will be taken by Star Skills Swimming against anyone who:

- a) Is found to be in breach of this Policy;
- b) Victimises or retaliates against a person who has complained of a breach of this Policy; &
- c) Is found to have made a frivolous or vexatious complaint.

5.3. The discipline will depend on the severity of the case and may involve any apology, counselling, suspension, dismissal, or other form of action.

### **6. CONFIDENTIALITY AND REPORTING**

6.1. Star Skills Swimming administration responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:

- a) Necessary as part of the disciplinary or corrective process; &
- b) Required by law.

### **7. COMPLAINT HANDLING PROCEDURE**

#### ***7.1. Procedural Steps***

7.1.1. Star Skills Swimming undertakes to deal with any complaints of a breach of the Member Protection Policy promptly, seriously, sensitively, and confidentially.

7.1.2. At any stage, it is the prerogative of the Complainant to proceed with, or dissolve, a complaint.

#### ***7.2. Discussion***

7.2.1. Should a complaint arise, Star Skills Swimming encourages the Complainant to consider the following options:

- a) Approach the person creating the problem and ask him or her to stop the behaviour;
- b) If the behaviour continues, or it is not possible to approach the person, contact either:
  - i. – Business manager;
  - ii. – The Club’s Member Protection Contact Officer

### ***7.3. Member Protection Grievance Officer***

7.4.1. The Member Protection Grievance Officer determines whether or not to investigate the complaint.

7.4.2. If the Member Protection Grievance Officer determines to investigate, the Officer:

- a) Informs the alleged wrongdoer;
- b) Interviews both parties separately;
- c) Keeps confidential records of the process;
- d) Attempts mediation to achieve resolution; &
- e) Follows up on the Complainant.

### ***7.4. External Resolution***

7.6.1. If the complaint is not resolved, the Complainant may make a written complaint to an external organisation for mediation or arbitration. This can be done with the support of the Member Protection Grievance Officer.

7.6.2. If the complaint is upheld, a remedy will be prescribed by that external organisation.