



The Pony club Association of New South Wales Incorporated

Pony Club Association NSW Child Protection and Intervention Policy and Guidelines

Pony Club Association NSW Zero Tolerance Policy and Guidelines

Approved July 2013

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## **Purpose of this policy**

The Pony Club Association acknowledges that the issue of child abuse is a complex problem that has an impact on all areas of society, including participation in sport and recreation activities.

The Wood Royal Commission into the NSW Police Service and changes to the Child Protection (Working with Children) Act 2012, led to increased community awareness of the significant number of child sexual assaults and incidents of abuse which occur. It also highlighted the need for community groups to develop and implement strategies to protect children from abusive situations.

Protecting children from abuse is a responsibility that we must all accept. Through the implementation of strategies that assist in preventing child abuse from occurring, Pony Club Association NSW has taken a pro-active role in relation to child protection and intervention. These strategies will help to foster a safe and positive environment for children and young people to participate in physical activities.

Information contained in this document will provide direction for staff, officials, coaches/instructors, volunteers, members and parents of children involved in Pony Club Association NSW and its zones and local clubs. Administrators, coaches/instructors, officials, members and volunteers may have a high level of contact with children in the sporting environment and play a major part in the successful operation of sporting activities.

Coaches/instructors and officials are often seen as role models. They have significant influence on the children they come into contact with and therefore have significant responsibilities.

Pony Club Association NSW expects that all administrators, coaches/instructors and officials whether paid or unpaid, who participate in organised events under the banner of this Organisation will commit to implementing risk management strategies developed by Pony Club Association NSW for child protection and intervention.

## **Policy Statement**

The Pony Club Association NSW is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by Pony Club Association NSW and its affiliated bodies. Pony Club Association NSW aims to promote a safe environment for all children and to assist all staff, officials, coaches/instructors, members and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

## **Objectives**

Pony Club Association NSW objectives are to:

1. Provide information to assist staff, coaches/instructors and volunteers in dealing with all forms of child abuse
2. Provide comprehensive guidelines relating to risk minimisation and reporting/ notification procedures provide direction to all staff, coaches/instructors and volunteers regarding their legal responsibilities under child protection legislation
3. Promote principles for child protection and intervention amongst staff, volunteers, coaches/instructors, members and parents of children participating in the organisation's programs and competitions.
4. Ensure that all staff and volunteers of Pony Club Association NSW are aware of their responsibilities arising from recent child protection legislation, in particular, the requirement under the Child Protection (W) Act 1998 and the Child Protection (Working with Children) Act 2012, to inform their employers if they have been convicted of a serious sex offence.

## Policy

The following policy and procedure will apply to all Pony Club Association NSW events including Club, Zone or State sanctioned events. This includes but is not limited to rally days, training days, camps, sleepovers, trail riders, competitions and Championships. It also includes National and International events whilst a representative of Pony Club Association NSW.

1. There will be a zero tolerance policy towards any inappropriate or abusive behaviour from team managers, coaches/instructors, officials or parent(s) volunteers and supporters towards judges, riders, scorers, other parents, pony club officials or members of the public.

Note: Under a zero tolerance policy no warning(s) will be given.

2. Any team manager, rider coach/instructor, official or parent who feels the necessity to:
  - Persistently or wilfully question or challenge the rulings of the Pony Club Association NSW judges and event officials.
  - Berate or abuse judges, officials, other parents or members of the public
  - Display any conduct which is inappropriate in a junior sporting environment

Will be disqualified from the event in question (if competing) and also be required to leave the area and the event.

This disqualification notification may be issued by the Technical Delegate or other officials representing Pony Club Association NSW at the event. Any person observing instances of the above behaviour should immediately report this behaviour to the Technical Delegate or an official representing the Pony Club Association NSW immediately.

No bearing will be given to any penalties or other sanctions imposed by judges and other officials on the rider in question on any decision to disqualify any team manager, official or parent under this policy.

No warnings will be given in the event of the above action becoming necessary and failure to heed the disqualification may also result in the rider's disqualification from the event in question.

In the event that a team official is disqualified during the course of any Championships, that official could be suspended for the remainder of the year. Any appeals against disqualification under this policy should immediately be directed to Pony Club Association NSW.

**Please note that any action taken under this policy and procedure is entirely separate to any action that may also be necessitated by law under the NSW Child Protection Legislation or Sport Rage.**

## Implementation of Legislation

In order to implement the child protection legislation Pony Club Association NSW will undertake to:

1. Promote a safe and supportive environment for all children and young people participating in activities which come under the umbrella of Pony Club Association NSW
2. Increase awareness and emphasise the importance of child protection issues in a sporting environment to all those involved with the activities of Pony Club Association NSW This includes administrators, coaches/instructors, officials, athletes, parents and their children.

## **Policy Review**

Pony Club Association NSW Child Protection and Intervention Policy and Guidelines will be reviewed regularly and updated in line with any legislative changes that have significant impact on the manner in which child protection and intervention issues are to be dealt with.

## **Unacceptable Behaviour**

### **What is unacceptable behaviour by adults towards children and young people in light of the NSW Child Protection Legislation?**

It is important that all adults involved in Pony Club appreciate the impact of the legislative requirements as they relate to the running of our sport. For several years now we have operated under a Code of Conduct and Codes of Behaviour.

The following definition is a very important concept to understand. It is no longer appropriate or acceptable for adults to exhibit any behaviour that places a child in harm.

### ***Definition of HARM (as contained in the Child Protection Legislation)***

***Harm: Where a child feels that any action is either physically, sexually or emotionally abusing or that an action places a child or young person in a position of neglect.***

## **Coach/Instructor - Rider Interaction**

Where the coach/instructor is an adult then they have to appreciate that the days when they could rant, rave, denigrate, swear and/or abuse or do things that places a child or young person in a position of harm are gone.

A coach/instructor places themselves in a position where they may be reported under the Child Protection Legislation if a rider under their control can claim that an action by that coach/instructor made them feel demeaned. An example might be that, during a break in instruction, a coach/instructor rips into a particular rider and embarrasses him in front of their peer group. That rider then goes home and states to his parents that he felt really down and it was due to the comments made by the coach/instructor.

Coaches/instructors need to be aware of the effect that their statements can have and if they are not sure about a particular behaviour then seek assistance from their Club /Zone or Association Child Protection Officer. It is often only a small modification in behaviour that is required but an understanding of the above position can initiate this change in the first instance.

Where the problem is larger, then maybe some external assistance may be required.

## **Rider/Spectator – Official/Rider Interactions**

Pamphlets Issued by the NSW Department of Sport and Recreation (Play by the Rules) have been widely used to educate parents and spectators. The Code of Conduct standard parent/spectator codes of behaviour are also applicable and should be utilised.

Parents/spectators need to be aware that like the categories mentioned above their behaviour can be subject of the child protection legislation. Where a child or younger person believes that an action by a parent/spectator has placed them in a position of harm then a complaint can legitimately be lodged with the appropriate body and serious consequences could follow.

It is this latter stage that pony club is striving to avoid. Parents and spectators have to accept their responsibility in this regard. Local pony club administrators are becoming a lot more proactive in

minimising inappropriate parent/spectator behaviour and where this group will not curb excessive poor behaviour then appropriate action will be put in place.

### **Rider/Rider Interactions**

The practice of sledging and rider to rider abuse is not permitted under Pony Club Association NSW Code of Conduct and all riders 18 years and over may also be held accountable under Child Protection Policy. There are many forms that emotional abuse may take, including via social media and all members have to accept that if it directed at a junior then their behaviour has to change.

Pony club officials/members have to be vigilant in helping to change this type of behaviour if it occurs.

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## **Inappropriate behaviour Zero Tolerance Report Form – Confidential when completed -**

Name of event

Date

Name of Offender: \_\_\_\_\_

Offenders Zone / Club if applicable: \_\_\_\_\_

Person's position; Parent Coach Spectator Volunteer Official Supporter Rider team manager  
other

Name of person taking remedial action

Position held

Brief description of inappropriate behaviour

Was the behaviour observed? Yes/No

If not, name and contact details of witnesses to the behaviour

Action taken to prevent the behaviour being repeated, i.e. asked to leave the area/  
event/eliminated/suspended:

If person has been suspended from Club/Zone/PCA?

Period of Suspension?

What was the reason for the intervention: (tick appropriate boxes)

- Persistently or wilfully question or challenge the rulings of the judge or other PCA NSW official
- Berate or abuse judge or other PCA NSW official
- Display conduct which is inappropriate in a junior sporting environment
- Berate or abuse riders
- Berate or abuse parents or spectators
- Other – please specify.

Please ensure that a copy of this report is sent to the PCA NSW State Office.

## **Advise on Managing Allegations of Child Abuse**

### **Initial Response**

Clarify the allegation -

- who?
- what?
- when?
- where?

Use a standardised reporting form for each allegation. Follow established contact procedures and work in consultation with the PCA NSW Child Protection Officer, assess the risks posed by the employee /instructor /volunteer to the children under care

Take interim action to ensure the safety of the children. This is most important the child's wellbeing is paramount. Report to DOCS and NSW Police if necessary

Address the support needs of the child, this is the first consideration and then look at supporting the employee

### ***Guilt?***

An employee/instructor/volunteer, who has had an allegation made against them, is still a member of the team, and accordingly is entitled to be treated fairly and to have his or her workmates support them and not think (and say) the worst - it starts with us all!

Every person, irrespective of who they are or what position they hold, who has had an allegation of abuse made against them must be considered innocent until proven otherwise.

Remember, at this stage it's an allegation only.

### **Next steps**

Identify relevant people to provide information e.g. witnesses – try to get as wide a selection as possible.

Do not interview the child. This process will be dealt with by DOCS or the Police.

Document the details and the plan

The Zone/Club President or State Executive Officer of the organisation may appoint an independent person to conduct the investigation, this is the preferred path as with many associations some staff and long term volunteers could be too close or friends of the person against whom an allegation has been made.

### **Information gathering**

Collect relevant documentary evidence (e.g. DOCS report number, rosters) and sufficient information to assist in decision making.

Ensure all witness interviews are adequately recorded. Interview records must be signed and dated. In consultation with EO, review initial risk assessment and take action to address concerns



## **Procedural fairness and natural justice**

After the initial stage of the investigation, the allegation will be put to the employee/volunteer in an interview with the disciplinary board. The employee/volunteer has the right to have an observer present during the interview and to consult an adviser (e.g. a solicitor, union official or friend) about the process.

The employee/volunteer will have an opportunity to respond both during the interview and (if they wish) in a written submission.

All proceedings are subject to strict confidentiality and each party must maintain that confidentiality.

## **Making a finding**

The organisation will consider all the information gathered

A finding as to whether the allegation is sustained or not sustained will be made. (This is on the basis of Natural Justice and the outcome of the findings). The rationale for the finding must be clearly documented. The person making the decision will be separate to the investigator.

## **Taking action**

A decision about what action to take will be made with possible disciplinary action amendments to policy/procedures. If the allegation is sustained a report will be made to the Commission for Children and Young People (CCYP) (see also: Working with Children Check forms).

A final report is made to the organisation

## **Final result**

A finding of sustained or not sustained will be delivered.

If the finding is not sustained the disciplinary process is concluded and no report is made to CCYP.

If the finding is sustained a report will be made to CCYP re child related disciplinary proceedings. This will be recorded on the Commission's database.

## **Child Abuse Allegation Report Form – Confidential when completed**

Please note that all allegations are taken seriously and confidentially.

Name of Offender: \_\_\_\_\_

Offenders Zone and Club: \_\_\_\_\_

Role:            Team Manager            Team Official            Parent            (please circle)

Has the person:    Warned / Ejected / Ceased from performing role (Circle action taken)

Outline of the offence: \_\_\_\_\_

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Was the offender shown?

- Member Protection Policy
- Child Protection Policy and Procedures
- Zero Tolerance Policy
- Code of Conduct

Were the following procedures explained?

- Member Protection Policy
- PCA NSW Child Protection and Procedures
- Zero Tolerance Policy
- Code of Conduct
- Appeal provision

Date of incident:    \_\_\_\_/\_\_\_\_/\_\_\_\_

Venue of incident: \_\_\_\_\_

Please ensure that a copy of this report is sent to the PCA NSW State Office.