

**Royal Brighton Yacht Club Inc**



# MEMBER PROTECTION POLICY

**May 2023**

# MEMBER PROTECTION POLICY

## 1. Introduction

Members and visitors attending Royal Brighton Yacht Club socially or in a volunteer capacity can reasonably expect that they will be treated in an appropriate manner. No person attending the Club should be subject to anyone else's discriminatory or harassing behaviour nor should they impose such behaviour on others.

Royal Brighton Yacht Club accepts its responsibility to support appropriate behaviour on its premises. During on-water sailing activities the onus is on the skipper, boat owner and crew to support a sailing environment of mutual respect.

Royal Brighton Yacht Club is committed to supporting an environment which is free from illegal discrimination and harassment under the *Equal Opportunity Act 2010* (Vic), and other applicable State and Commonwealth legislation and acknowledges that it is illegal and unacceptable for people to be harassed because of one or more of the following attributes-: age, disability, gender identification, sexual orientation, marital, parental or carer status, physical features, political beliefs, pregnancy, race, or religious beliefs.

This policy operates in conjunction with the Australian Sailing Member Protection Policy Version 9 (October 2016), that applies to Affiliated Clubs. Royal Brighton Yacht Club is an Affiliated Club.

## 2. Purpose of Our Policy

The main objective of our Member Protection Policy (policy) is to maintain responsible behaviour and the making of informed decisions by participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

## 3. Who Our Policy Applies To

Our policy applies to everyone involved in the club including **members**, flag officers and other committee and sub-committee members, race officers, coaches, sailors, parents and spectators, **visitors, guests and contractors**.

## 4. Extent of Our Policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs during racing, in the club rooms, at social events organised or sanctioned by the club and during events run at other clubs.

It also covers serious issues and private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person. Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that Yachting Victoria or Australian Sailing request to be referred to them.

## **5. Club Responsibilities**

The Flag Officers and all other General Committee members will:

- adopt, implement and comply with this policy
- publish, distribute and promote this policy and the consequences of breaches
- ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- promote and model appropriate standards of behaviour at all times
- apply this policy consistently
- promptly deal with any breaches of this policy or complaints made under the Royal Brighton Yacht Club Rules in a sensitive, fair, timely and confidential manner
- use the disciplinary procedures set out in Rule 31 of the Royal Brighton Yacht Club Rules to deal with any situation in which it is determined that a member:
  - has wilfully infringed the Rules, By-Laws or Regulations of the Club;
  - refuses to support the purposes of the Club; or
  - has engaged in unbecoming or improper conduct prejudicial to the Club, and
- use the grievance procedures set out in Rule 31A of the Royal Brighton Yacht Club Rules to resolve any dispute between:
  - a member and another member
  - a member and the committee, or
  - a member and the Club
- recognise and enforce any penalty imposed under this policy
- if necessary, seek advice from Australian Sailing Member Protection Officers
- monitor and review this policy at least annually.

## **6. Individual Responsibilities**

Everyone associated with our club must make themselves aware of the policy, and:

- comply with the standards of behaviour outlined in the policy;
- comply with any relevant screening requirements and any necessary Victorian Working with Children checks
- 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 and in the Royal Brighton Yacht Club Rules if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour;
- Comply with any decisions and/disciplinary measures imposed under the Royal Brighton Yacht Club Rules.

## **7. Harassment, Discrimination and Bullying**

Royal Brighton Yacht Club opposes all forms of harassment, discrimination and bullying, and any other behaviour that is offensive, abusive, belittling, intimidating or threatening, whether it is done face-to-face, indirectly or via any type of electronic communication technologies, including, but not limited to, VHF radio, telephone, internet, email, text messaging or social media.

Royal Brighton Yacht Club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the Club (see Responding to Complaints).

### **Types of harassment, discrimination and bullying**

Some forms of harassment, discrimination and bullying based on personal characteristics such as those listed in the Dictionary at *[clause 11]*, are against the law.

Harassment can involve any or all of the following behaviour:

- Offensive jokes, suggestions or comments of a sexual nature
- Offensive hand or body gestures
- Offensive staring or leering

- Distribution or display of material or telephone calls which are offensive or obscene, including material which has been sent received or displayed on electronic media
- Unwelcome physical contact such as brushing against a person, pinching or patting
- Unwanted advances, interest, propositions or demands
- Intimidation, bullying, abuse or assault

**Sexual harassment** is often an expression of improper use of power by one person over another. Sexual harassment can result in embarrassment, fear, stress and can result in a member not wanting to attend the Club or resigning his or her own or their family's membership.

**Discrimination** can involve either **direct discrimination** (treating or proposing to treat someone less favourably because of a particular characteristic) or **indirect discrimination** (imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic). The characteristics or attributes covered by Victorian law are set out in the Dictionary (Section 12)

**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, crew-mate, coach, or sporting body 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 organising authority or peak sporting body.

Bullying can include cyber-bullying, using electronic media – text messages, emails, phone calls, and on social media such as Twitter or Facebook. Social media has given people much greater opportunity to make unwanted or improper comments to each other instantaneously. A person who is upset or vulnerable can be encouraged by others to make inappropriate statements or messages on Twitter or Facebook.

## **8. Use of Social Networking**

Royal Brighton Yacht Club acknowledges that new technology and communication mediums (new media) can be used to benefit the sport and its participants, and to applaud achievements, using Facebook, Twitter, SMS or other social media. Royal Brighton Yacht Club has its own Facebook page and Twitter hash tag.

Royal Brighton Yacht Club recommends that members use their best judgment in using social media for Club purposes, and encourages them to use it to add value to the Club's activities and to promote sailing and the Club in a positive way.

Royal Brighton Yacht Club will not tolerate members using social media channels identified with the Club and:

- Using offensive, provocative or hateful language;
- Posting pictures of people without their permission;
- Commenting on rumours by denying, affirming or speculating about them;  
or
- Using social media in any other way that could be considered to be unbecoming or improper conduct prejudicial to the Club.

## **8. Inclusive practices**

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

### **People with a disability**

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

### **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

### **Sexual & Gender Identity**

All people, regardless of their sexuality or gender identity, are welcome at our Club. We strive to provide a safe environment for participation and we will not tolerate any unlawful discrimination or harassment. We will take action over any such behaviour.

Descriptions of the types of behaviour which could be regarded as discrimination or harassment are provided in the Dictionary (Section 12).

## **9. Health and Wellbeing**

Participants, or Parents/guardians of children, should consider personal health risks to themselves or their child before involving themselves in Club activities.

### **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.

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 our sport. We recommend 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.

### **Responsible consumption of alcohol**

Royal Brighton Yacht Club adheres to the following guidelines regarding the responsible consumption of alcohol. Generally, alcohol should not be available nor be consumed at a sailing and/or boating event at which children under 18 are participants in the sport. 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.

### **Smoking**

The following policies apply to sailing, boating 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, sailing/boating participants, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- Coaches, officials, volunteers and sailing/boating participants will refrain from smoking and remain smoke free while involved in an official capacity for any of the Australian Sailing, State representative team(s), on and off the water.

## **10. Child Safe Policy (Child Safety Policy Standard 2)**

Royal Brighton Yacht Club has a Child Safe Policy. The Club is committed to the safety and wellbeing of all children and young people who are members of, or visitors to the Club and participating in sporting or social events. 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 committee members, members and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Royal Brighton Yacht Club acknowledges that our committee members, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Royal Brighton Yacht Club aims to continue this and

to take measures to protect the safety and welfare of children participating in our sport by undertaking the tasks set out below.

### **1. Identifying and Analysing the Risk of Harm**

Royal Brighton Yacht Club 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 person.

### **2 Developing Codes of Conduct for Adults and Children**

Royal Brighton Yacht Club has ensured that it has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the Club's care. Royal Brighton Yacht Club has also implemented a code of behaviour that includes appropriate behaviour between children (see Attachment 2).

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

### **3 Choosing Suitable Volunteers**

Royal Brighton Yacht Club will ensure that it takes all reasonable steps to ensure that it selects the most suitable and appropriate volunteers to work with children.

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of selecting and using volunteers who are unsuitable to work with children.

Royal Brighton Yacht Club will ensure that working with children checks/criminal history assessments are conducted for volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, Royal Brighton Yacht Club will ensure that the criminal history information is dealt with in accordance with relevant state requirements.

### **4 Supporting, Training, Supervising and Enhancing Performance**

Royal Brighton Yacht Club will 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.

### **5 Empowering and Promoting the Participation of Children in Decision-Making and Service Development**

Royal Brighton Yacht Club will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.



## **6 Reporting and responding appropriately to suspected abuse and neglect**

Royal Brighton Yacht Club will ensure that volunteers and members are able to identify and respond to children at risk of harm.

Royal Brighton Yacht Club will make all volunteers and members 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.

In addition to any legal obligation, if any person feels another person or the 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 in the Rules of Royal Brighton Yacht Club. This will explain what to do about the behaviour and how Royal Brighton Yacht Club will deal with the problem.

## **7 Supervision**

Members under the age of 12 years must be supervised at all times by a responsible adult. Our 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 12 years is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

Parents must turn up on time to collect their child after sailing or training activities for reasons of courtesy and safety. If it appears a member will be left alone at the end of a training session with just one child, they will ask another member to stay until the child is collected.

## **8 Travelling to and from events**

Parents/guardians are responsible for transporting their children to and from Club activities (e.g. practice and races).

Where our Club makes arrangements for the transportation of children (e.g. for sailing events at other clubs), we will conduct a risk assessment that includes ensuring that there are sufficient numbers of escorting safety boats, that are adequately insured, that the skipper and crew are appropriately experienced and trained and appropriate safety measures are available.

## **9 Taking Images of Children**

Images of children can be used inappropriately or illegally. Royal Brighton Yacht 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. 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.

If Royal Brighton Yacht Club 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. 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 paedophiles 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.

## **11. Responding to Complaints**

### **1 Principles for handling complaints**

Our Club takes all complaints about on and off-field behaviour seriously. Our 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 what is being said against them and have the opportunity to respond (give their side of the story)
- irrelevant matters will not be taken into account
- decisions will be unbiased and fair, and
- any penalties imposed will be fair and reasonable.

More serious complaints about the conduct of Club members will be dealt with in accordance with the disciplinary and grievance provisions in Part 3 of the Rules of Royal Brighton Yacht Club.

If the complaint has been made about the conduct of a member of the staff of the Royal Brighton Yacht Club, then this needs to be dealt with by the General Manager, in consultation with the General Committee. If the complaint is against the General Manager, then such a complaint needs to be addressed to the Commodore.

### **2 Receiving a complaint**

When a complaint is received by our Club, the person receiving the complaint (e.g. the Commodore, a Flag Officer, the General Manager) 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; and
- maintain confidentiality but not necessarily anonymity.

### **3 Assessing a complaint**

Upon receiving a complaint, the complaint handler will assess the nature of the complaint and form a view regarding the appropriate course of action. In exceptional circumstances, it is open to a complaint handler to decline to accept a complaint where he or she is satisfied the complaint is frivolous, vexatious or without substance (refer to 'Vexatious Complaints' in Part 1 of the Guidelines above for more information on frivolous or vexatious complaints).

If a complaint handler has determined that a complaint lacks substance he or she should clarify any misunderstandings and deal with the issues. This may involve:

- Acknowledging different perspectives.
- Reminding those involved of expected standards of conduct.
- Monitoring the situation.

### **4 Vexatious Complaints**

Grievances lodged by members must be genuine. However, there may be some instances where complaints may be determined to be vexatious or frivolous in nature. Where the complaint handler considers that this may be the case, her or she must inform the person that they intend to dismiss their complaint, unless the person can show good cause as to why their complaint shouldn't be considered vexatious or frivolous.

If the person cannot show good cause, the complaint should be dismissed, and the complainant counselled about his or her action in lodging a vexatious complaint. Making a vexatious complaint may be considered an action under Rule 31(1) of the Royal Brighton Yacht Club Rules that might give rise to disciplinary action.

### **5 Choice of complaint handling process**

Options for resolution may include informal resolution, as per the process outlined in **Attachment 4** to this policy, or the formal processes set out in Rules 31 and 31A of the Rules of Royal Brighton Yacht Club if:

- the complainant is a member of the Club and has a dispute with another member, the General Committee or the Club – then the Club may use the Grievance Procedure under Rule 31A; or
- the behaviour complained about is behaviour set out in Rule 31(1)(a), (b) or (c) - then the Club may take disciplinary action in accordance with the process in Rule 31 (provided the matter is not still being dealt with under Rule 31A).

More serious complaints may be escalated to Yachting Victoria or Australian Sailing.

However, if the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our Club will need to report the behaviour to the police and/or relevant government authority.

## **6 Referring complaint to Yachting Victoria or Australian Sailing**

In situations where a complaint is referred to Yachting Victoria or Australian Sailing and an investigation 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 Yachting Victoria or Australian Sailing's recommendations.

At any stage of this process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

## **7 Disciplinary Measures and Appeals**

Our Club will take disciplinary action against a club member in accordance with the Royal Brighton Yacht Club Rules.

Under Rule 31(5) of the Royal Brighton Yacht Club Rules, appeals can only be made against a decision to suspend or expel a member of the Club.

## **8 Informing people of the decision made about a complaint**

### *Informing the respondent*

A written response outlining the resolution outcome and the reasons for it should be provided to the respondent. This should include:

- whether the complaint has substance
- the reasons for the decision
- the source of information relevant to the decision, and
- any action to be taken because of the decision.

### *Informing the complainant*

A written response should be provided to the complainant informing them of the conclusion of the process. Where appropriate, and taking into account privacy considerations, the response should broadly outline the key findings. In some situations, it may not be appropriate to inform the complainant about the details of the action taken against the employee as that information is personal information

## **11. 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/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory 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 those clubs which are directly affiliated as a club to a State Association, such as Royal Brighton Yacht Club.

**Bullying** is persistent and repeated negative behaviour directed at a person that creates a risk to health and safety.

**Child or Children** means a person or people who is/are 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 section 7.

**Complainant** means a person making a complaint.

**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 in Victoria (*Equal Opportunity Act 2010* (Vic)) include:

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

personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

### **Examples of Discrimination**

- **Age:** A club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A sailor/boating participant is overlooked for team selection because of mild epilepsy.
- **Family responsibilities:** A club 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 sailor/boating participant is harassed when other sailing/boating participants refuse to call her by her female name.
- **Homosexuality:** A sailor/boating participant is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A sailor/boating participant is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An African official is not permitted to be a PRO with a high proportion of African sailing/boating participants on one team because of his race.
- **Sex:** Specialist coaching is only offered to male sailing/boating participants in a mixed team.

**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).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any sailor/boating participant or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for boys and girls only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a sailor/boating participant is ostracised by her male coach for complaining about his sexist behaviour or for supporting another sailor/boating participant who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

**Member** means a member of Royal Brighton Yacht Club as set out in Rule 3(a) of the Royal Brighton Yacht Club Rules

**Natural justice (also referred to as procedural fairness)** incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;



- the penalties imposed must be fair.

**Police check** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

**Policy, policy and this policy** means this Member Protection Policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of certain roles (e.g. coaches).

**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.

**Attachment 1: MEMBER PROTECTION DECLARATION**

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Our Club has a duty of care to all those associated with our Club. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any 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 acts of violence, dishonesty, sexual offences, or offences related to children.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving harassment, other forms of harassment or acts of violence, child abuse, or sexual misconduct.
4. To my knowledge there is no other matter that the Club may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me as a volunteer.
5. I will notify the Commodore of Royal Brighton Yacht Club immediately upon becoming aware that any of the matters set out in clauses 1 to 4 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: .....

## **Attachment 2: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with children checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

### **Victoria**

Working with children checks are regulated by the *Working with Children Act 2005* (Vic). The requirements of this Act must be complied with.

It should be noted that this Act provides for exemptions from having a Working with Children check for certain people. See Part 3 of the Act and information from the Working with Children website ([www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)) and in particular

<http://www.workingwithchildren.vic.gov.au/home/resources/publications/general+information+guide> .

People can undertake a check at the following website:

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/who+needs+a+check/>

RBYC has identified that the following people associated with the Club may require WWCCs

### **Employees**

- The General Manager
- All Sailing office staff
- Reception/front desk staff
- Any staff member designated as a first aid person in the club safety plans
- Any staff member who emails, or phones or deals face-to-face with children in the course of club business

## **Coaches**

- All coaches and assistant coaches in training programmes run by or hosted at your club, whether engaged directly by your club or by one of the coaching programmes hosted by your club.
- Children under 18 who are working as coaches, or assistant coaches do not need to have a WWCC (see Section 4 for classes of people exempt from needing to have a WWC check).

## **Flag Officers, committee and subcommittee members**

- Flag officers or committee members not included in the above categories who have contact with children in the course of their duties as a committee member.
- all Junior/Youth sub-committee members
- Icebergers (if involved in training, coaching, swimming with, children)

## **Volunteers**

- all volunteers involved in running races where children are participants (either as sailors or volunteers).
- all volunteers who run training courses in which children can participate (eg power boat handling, radio licences etc)
- all volunteers who are available to conduct rescues or have first aid certificates

## **Members**

- Members who are not regularly involved in activities with children may or may not have to have a check.
- Members who have U18 crew members on a regular basis?
  - The WWC Act specifically provides that these people do not have to have WWC checks for that purpose. Section 9(8)(a) provides that a person is not engaged in child-related work merely because he or she is participating in an activity with a child on the same basis as the child, and gives the following example:
    - *An adult playing in a cricket team whether on a professional or amateur basis alongside a child is not engaging in child-related work.*
- Members who take U18 year olds on occasional sailing events. These types of occasional activities do not appear to fall within the requirements because they are not 'work', happen on an occasional basis and usually does not involve one to one unsupervised contact between a child and an adult.

## **Other people**

- All parents or carers who enrol children in Junior or Youth training or sailing activities.
  - the exemption for parents whose children are enrolled in the same course as they are assisting with still applies – see Section 4). However, that exemption is limited to 'child related work' in which the parents' children are participating or normally participate
  - Given the broader definition of child related work, parents may be involved in other activities in which their own children are not involved, and this would mean that a WWC check for all parents would be a prudent approach by your club. As set out above, the process is simple and the application is free for volunteers in organisations.

## **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and 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.

The Australian Sports Commission will provide more information as soon as it becomes available.



# RBYC Code of Conduct

This Code of Conduct aims to set out the minimum standards for anyone involved in activities at Royal Brighton Yacht Club (RBYC), including visitors and contractors. It applies when racing, sailing, training or taking part in other club-sanctioned activities.

The child safe standards require organisations that provide services for children to have a code of conduct that establishes clear expectations for appropriate behaviour. This code of conduct requires all Flag Officers, General Committee and sub-committee members, members, staff and volunteers of RBYC (RBYC personnel) to observe child safe principles and expectations for appropriate behaviour towards and in the company of children.

## BASIC PRINCIPLES

- During on-water sailing activities the onus is on the skipper, boat owner and crew to support a sailing environment of mutual respect.
- Respect the decisions of race officers and club officials.
- Act within the rules and spirit of yacht racing and sailing.
- Promote fair play over winning at any cost.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Support opportunities for participation in all aspects of sailing.
- Show respect and courtesy to all involved with sailing.
- Do not tolerate abusive, bullying or threatening behaviour.
- Treat each person as an individual.

- Encourage and support opportunities for people to learn appropriate behaviour and skills.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Display appropriate and responsible behaviour in all interactions.
- Display responsible behaviour in relation to alcohol and other drugs.
- Ensure your decisions and actions contribute to a safe environment.
- Ensure your decisions and actions contribute to a harassment-free environment.

## Sailors

- Give your best at all times.
- Participate for your own enjoyment and benefit.
- Abide by the rules of sailing and show respect for other sailors, race officers and club officials.

## Trainers/Coaches

- Place the safety and welfare of the sailors and club race officers above all else.
- Help each person (sailor, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback.
- Obtain appropriate qualifications and keep up-to-date with the latest training practices and the principles of growth and development of young sailors and club race officers.
- Ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.

## Race officers

- Place the safety and welfare of the sailors and volunteers assisting above all else.
- Be consistent, impartial and objective when making decisions.



- Address unsporting behaviour and promote respect for other sailors and officials.
- Ensure all people are included and can participate, regardless of their race, gender, ability, cultural background, sexuality or religion.

## Club officers

- Conduct Club responsibilities with due care, competence and diligence.
- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure quality supervision and instruction for sailors.
- Support trainers and race officers to improve their skills and competencies.
- Ensure that any information acquired or advantage gained from the position is not used improperly.

## Parents

- Encourage your child to participate, do their best and have fun.
- Focus on your child's effort and performance, rather than winning or losing.
- Never ridicule or yell at a child for making a mistake or losing a race.
- Help out the trainers or Club race officers at training and sailing activities, where possible.
- Model appropriate behaviour, including respect for all other people involved in the Club and visitors.

## Spectators

- Respect the effort and performances of sailors and race officers.
- Reject the use of harassment, bullying or violence in any form, whether by other spectators, trainers, race officers or sailors.

## CHILD WELLBEING AND SAFETY

All RBYC personnel are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

### Safety and Wellbeing

- treating everyone with respect

- adhering to RBYC’s child safe policy and upholding RBYC’s statement of commitment to child safety at all times
- ensuring as far as practicable that adults are not left alone with a child
- taking all reasonable steps to protect children from abuse
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- reporting any allegations of child abuse to RBYC Child Safety Officers (Dominic Jackson and Vanessa Twigg), General Committee members, or the RBYC General Manager (in relation to RBYC staff), and ensure any allegation is reported to Victoria Police or child protection
- reporting any child safety concerns to RBYC Child Safety Officers (Dominic Jackson and Vanessa Twigg), General Committee members, or the RBYC General Manager (in relation to RBYC staff)
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe

## Participation and Empowerment

- encouraging children to ‘have a say’ and participate in all relevant organisational activities where possible, especially on issues that are important to them.
- promoting the safety, participation and empowerment of children with a disability
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child’s self-identification)

All RBYC personnel must not:

- ignore or disregard any suspected or disclosed child abuse.
- put children at risk of abuse (for example, by having a one on one meeting with a child in a location where it cannot be observed by others, or where the child has no ability to leave of their own free will)
- develop any ‘special’ relationships with children that could be seen as favouritism (for example, the offering of gifts or the giving of special treatment to specific children)

- exhibit behaviours with children which may be construed as unnecessarily physical
- do things of a personal nature that a child can do for themselves, such as going to the toilet, showering, or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children
- use inappropriate or offensive language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have contact with a child or their family outside of RBYC (unless necessary in relation to club activities, such as regattas and training courses or camps at other clubs)
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)

By observing this Code, you acknowledge your responsibility to immediately report any breach of this code to RBYC's Child Safety Officers (Dominic Jackson and Vanessa Twigg), General Committee members, or the RBYC General Manager (in relation to RBYC staff).

**If you believe a child is at immediate risk of abuse phone 000.**

I agree to adhere to this Code of Conduct:

Name: .....

Signature: .....

Date: .....

# Royal Brighton Yacht Club Inc

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## CODE OF CONDUCT

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### Child Safety Policy Standard 3

This Code of Conduct outlines appropriate standards of behaviour by adults towards children.

The Code of Conduct aims to protect and reduce any opportunities for abuse or harm to occur. It also helps staff, volunteers and Club representatives by providing them with guidance on how to best support children and how to avoid or better manage a difficult situation.

All staff, volunteers and Club Representatives of the Royal Brighton Yacht Club (RBYC) are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as set out below.

**All personnel of RBYC are responsible for supporting the safety, participation, wellbeing and empowerment of children by:**

- adhering to RBYC's child safe and member protection policy
- modelling appropriate adult behaviour
- treating everyone with respect, including listening to and valuing ideas, view, opinions and concerns.
- Welcoming all children and their families and carers and being inclusive.
- Respecting cultural, religious and political differences and acting in a culturally sensitive way.
- Promoting participation and empowerment of all children, including children with linguistically diverse backgrounds, or with a disability.
- Working with children in an open and transparent way. Other adults should know about work you are doing with children or be in attendance/clear view.
- Complying with the guidelines on physical contact with children in the RBYC Member Protection Policy
- listening to children and responding appropriately, including where an allegation of child abuse is made, by ensuring as quickly as possible that the child(ren) are safe

**If you believe a child is at immediate risk of abuse phone 000.**

- reporting any allegations of child abuse to RBYC Child Safety Officers [INSERT OFFICER'S NAMES], or Club Representative, who will assist in making any mandatory reports to Victoria Police or the Department of Health and Human Services
- reporting any child safety concerns to RBYC Child Safety Officers [INSERT OFFICER'S NAMES] RBYC General Manager, or a member of the General Committee
- respecting the privacy of children and their families, and only disclosing information to people who have a need to know.

**Staff and volunteers must not:**

- develop any 'special' relationships with children that could be seen as favouritism
- exhibit behaviours with children which may be construed as unnecessary physical contact or do things of a person nature that children can do for themselves (eg toileting or helping change clothes)
- put children at risk of abuse (for example, by locking doors)
- Use inappropriate language in the presence of children, this includes the use of discriminatory or oppressive behaviour language.
- Have any unauthorised contact with children via phone or social media
- Exchange personal contact details with children, including, but not limited to phone, social media and email. Communication must be via the child's parent.
- ignore or disregard any suspected or disclosed child abuse.

By observing this Code of Conduct you acknowledge your responsibility to immediately report any breach of this code to RBYC's Child Safety Officer [INSERT OFFICER'S NAME] or other Club representative

I have read this Code of Conduct

Name: .....

Signature: .....

Date: .....

## Attachment 3: REPORTING FORMS

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### RECORD OF COMPLAINT

Name of person receiving complaint		Date:     /     /
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Complainant's contact details	Phone: Email:	
Complainant's role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Club Member <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Club Employee <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Name of person complained about	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Person complained about role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Club Member <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Club Employee <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		

Description of alleged issue			
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Coaching methods	<input type="checkbox"/> Unfair decision
	<input type="checkbox"/> Bullying	<input type="checkbox"/> Harassment	<input type="checkbox"/> Physical abuse
	<input type="checkbox"/> Child Abuse	<input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Personality clash
	<input type="checkbox"/> Sexual/sexist	<input type="checkbox"/> Sexuality	<input type="checkbox"/>
	<input type="checkbox"/> Race	<input type="checkbox"/> Religion	<input type="checkbox"/> Disability
	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Victimization
	<input type="checkbox"/> Other		
What they want to happen to fix issue			

Information provided to them	
Resolution and/or action taken	
Follow-up action	



## **Attachment 4: INFORMAL COMPLAINT HANDLING PROCESS**

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### **Decision to use the informal complaint handling process**

The person handling the complaint may decide to respond to a complaint through an informal process where the complaint lends itself to local resolution and:

- the complaint is of a minor nature or if it is of a more serious nature, the complaint handler considers that it is appropriate to do so and the complainant agrees;
- the complainant wishes the matter dealt with informally and the complaint handler considers this appropriate in the circumstances; or
- a complaint has arisen from lack of, or unclear, communication between people.

Informal procedures emphasise resolution rather than determining the substance of a complaint and may include conciliation or mediation.

### **Strategies**

A wide range of strategies can be used by managers or supervisors to informally resolve complaints or issues of concern, such as:

- observing inappropriate behaviour as it occurs and then talking with the respondent privately and, if necessary, warning them not to repeat the behaviour.
- gathering more information (e.g. from other people that may have seen the behaviour);
- holding a structured discussion between the people involved to reach an agreement
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation)
- having an informal, private discussion with the respondent to hear their perspective on the issue and, if necessary, counselling them about the possible effects of their behaviour on others.

### **Use of mediation**

Prior to determining the course of action, and where the parties agree to participate, the complaint handler may choose to use a mediation process where the nature of the complaint lends itself to being resolved by mediation. In some matters mediation may assist the parties to resolve the complaint. However, mediation is not always appropriate, particularly in complaints involving alleged inappropriate conduct or sexual harassment.

It is important not to expose the complainant to a repeat of the behaviour already complained about. The complaint handler must ensure that the conduct of the participants in mediation is appropriate and professional at all times.

The object of mediation is to assist the parties to achieve resolution of the complaint. Whilst mediation is not mandatory, complaints may be settled where the parties are brought together to discuss the problem and seek solutions.

Any party involved in the mediation process may include another person for support and assistance. No party to the mediation process may be represented by another person acting as an advocate or legal adviser. Where any of those involved may be disadvantaged, for example due to disability or impairment or non-English speaking background, reasonable steps should be taken to mitigate the disadvantage including reasonable accommodation and access to interpreters.

The following principles will be applied in any mediation process:

- encourage willingness in parties to acknowledge circumstances and develop solutions;
- identify and working from areas of common understanding;
- identify scenarios and alternative responses and behaviours;
- offer counselling or other forms of welfare support;
- ensure an effective mechanism for communication where there is difficulty with interpersonal relationships.

Through mediation a resolution may be achieved which is mutually acceptable to the parties, for example:

- acknowledging each other's perspective and developing agreed strategies for managing differences
- offering an apology
- giving an undertaking that inappropriate behaviour will be changed
- clarifying expectations of appropriate conduct
- counselling.

These mediation principles can be applied in a grievance procedure under Rule 31A.

## **Outcomes**

Outcomes of the informal process could include:

- withdrawal of the complaint
- dismissal of the complaint

- verbal and/or written apology by the respondent, or by the complainant if the complaint is dismissed;
- counselling of the respondent to address behaviour
- escalation of the complaint to a more formal process if it remains unresolved

If any penalties are being considered, such as a reprimand, suspension or expulsion from the Club, then the matter needs to be dealt with in accordance with the Disciplinary Procedure of Royal Brighton Yacht Club under Rule 31 of the Royal Brighton Yacht Club Rules.

### **Advantages of informal procedures**

Informal procedures to resolve complaints:

- can quickly solve most Club problems
- are less intimidating than formal complaint procedures
- do not create 'winners' and 'losers'
- can help resolve a misunderstanding, personality clash or difference in style
- may help show if a formal complaint procedure is necessary.

### **Disadvantages of informal procedures**

Informal processes may not be the most effective way to resolve a complaint if:

- it is done in a way that makes a respondent feel they have been pre-judged as 'guilty'
- there is a significant power imbalance between the people involved (eg, in seniority or one person is in a position of authority in the Club)
- the allegations of inappropriate conduct are very serious in nature
- the agreement reached cannot be properly enforced or monitored
- informal dealing with past complaints against the same person have not worked.