



## **Riding for the Disabled Association of South Australia Inc**

# **RDASA STATE PROTECTION POLICY FOR MEMBERS & OTHERS**

**March 2019**

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## **PREFACE**

Riding for the Disabled Association South Australia Inc (RDASA), a registered NDIS Service Provider, is committed to creating safe, fair and inclusive environments for all.

RDASA seeks to prevent all forms of harassment, discrimination and abuse and will promote positive behaviours and values in all members operating within the organisation. Inappropriate or unlawful behaviour will not be tolerated and will be dealt with promptly and according to the policies outlined in this document. The Codes of Behaviour (outlined in Attachments Part B) in this document provide clear guidelines to everyone associated with RDASA about the behaviours expected. Disciplinary action (outlined in Section 9 of this policy), reasonable to the circumstances, will be taken against individuals that breach RDA policies..

In adopting this policy, RDASA pledges to support the vision of the Australian Human Rights Commission - 'Human rights: everyone, everywhere, everyday'.

The RDASA State Protection Policy is available to all members through the RDASA website [www.rdasa.org.au](http://www.rdasa.org.au) or a copy can be requested from the RDASA State office. Advice on how to apply the policies outlined in the State Protection Policy can be sought by phone or email to the RDASA office or by contacting a Member Protection Information Officer (MPIO) as published on the website.

This policy aligns with the NDIS Code of Conduct for NDIS providers (provided in Attachment B5).

## **DELEGATION**

Delegations are a key element in effective governance and management of RDA SA and provide formal authority to particular staff and volunteers to commit the organisation and/or incur liabilities for the organisation.

Delegations of authority within RDA SA are intended to achieve four objectives:

1. to ensure the efficiency and effectiveness of the organisation's administrative processes;
2. to ensure that the appropriate officers have been provided with the level of authority necessary to discharge their responsibilities; and
3. to ensure that delegated authority is exercised by the most appropriate and best-informed individuals within the organisation; and
4. to ensure internal controls are effective.

Some critical Delegations related to this policy are outlined in the table below. For more detailed information refer to the RDASA Delegations Policy and Procedure.

<b>Delegate</b>	<b>Authority</b>
RDASA Inc Board and State Delegations	Ratify Policy and Procedure
RDASA State Manager	<p>Implement policy at all levels of the organisation.</p> <p>Review and update existing State and local policies to reflect the overarching National Member Protection Policy.</p> <p>Keep the relevant Board and Centre Committees of Management informed of all significant developments.</p> <p>Act in accordance with this policy.</p>
Complaint Officer	<p>Manage all complaints in accordance with this policy.</p> <p>Keep the RDASA State Manager and or Centre Manager informed of all complaints, grievances which cannot be resolved.</p>
All individuals and/or groups within the Organisation.	<p>Comply with this policy</p> <p>Act in accordance with the RDASA Value Statements and Codes of Conduct</p> <p>Report any incident of physical, sexual or emotional abuse.</p>



**Riding for the Disabled Association South Australia Inc**  
**RDASA STATE PROTECTION POLICY FOR MEMBERS & OTHERS**

**March 2019**

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**PART A**

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# RDASA State Protection Policy for Members and Others

## Introduction

RDASA's mission is to enable people with disabilities and volunteers throughout Australia to experience enjoyment, challenge and a sense of achievement through participation in therapeutic, sport, recreational and educational equestrian activities, to improve their quality of life, attain personal goals and develop life skills.

Our core values for achieving our mission are:

- **Excellence** – RDASA is not always about competition but it is striving for the best; personally, professionally and practically.
- **Inclusion** – RDASA will strive to provide a welcoming place ensuring an inclusive environment, regardless of cultural background, gender, ability etc
- **Respect** – providing safe environments where individuals are treated with respect and are respectful to others
- **Innovative** – encouraging new ways of thinking and doing in every field. Looking at things differently can change lives!
- **Community** – RDASA is made up of many communities working together towards enriching the lives of people with disabilities locally, nationally and internationally.

The safety and wellbeing of every member of RDASA is integral to the future of the organisation. RDASA is committed to practices and procedures that create safe, welcoming and enjoyable environments.

## 2. Purpose of this policy

This Policy ("policy") aims to assist RDASA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our service. It sets out our commitment to ensure that every person involved in our service is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our service is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps RDASA will take to eliminate discrimination, harassment, - abuse and other forms of inappropriate behaviour from our service. As part of this commitment, RDASA will take disciplinary action against any person or organisation bound by this policy if they breach it.

The current policy and its attachments can be obtained from our website at: [www.rdasa.org.au](http://www.rdasa.org.au)

## 3. Who is bound by this policy

This policy applies to the following people at State and Centre level, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to State and Centre boards, committees and sub-committees
- 3.2 employees of RDASA or RDASA Centres
- 3.3 members of the RDASA Executive & Board of Management
- 3.4 support personnel, including managers, contractors, physiotherapists, psychologists, occupational therapists and other allied health providers

- 3.5 coaches and assistant coaches
- 3.6 clients including riders/carriage drivers
- 3.7 judges and other officials
- 3.8 members, including life members of RDASA
- 3.9 clients, coaches, officials and other personnel participating in events and activities, including camps, competitions and training sessions, held or sanctioned by RDASA.

This policy will continue to apply to a person even after he or she has stopped their association or employment with RDASA, if disciplinary action against that person has begun.

#### **4. Organisational responsibilities**

RDASA must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations  
e.g. Member Protection Information Officers (MPIOs);
- 4.10 Monitor any data gathered through Complaints or Incident reporting to refine practice and to continually improve.
- 4.11 Monitor and review this policy at least annually

#### **5. Individual responsibilities**

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out and being accountable for their own behaviour
- 5.2 consenting to our screening requirements and any South Australian Working with Children Checks if applicable if the person 1) holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or 2) works in a role that allows access to the records of minors
- 5.3 placing the safety and welfare of children/clients? above other considerations
- 5.4 following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.5 complying with any decisions and/or disciplinary measures imposed under this policy.

#### **6. Position Statements**

##### **6.1 Child Protection**

RDASA is committed to the safety and wellbeing of all children and young people who access our services. The rights of children and the vulnerable will at all times be supported and to a child safe environment maintained.

RDASA acknowledges the valuable contribution made by its staff, members and volunteers and encourages their active participation in providing a safe, fair and inclusive environment for all participants.



### **6.1.1 Identify and analyse risk of harm**

RDASA will implement any risk management strategy developed by RDAA pursuant to Clause 6.1.1 of the National Member Protection Policy, including a review of existing child protection practices, to determine how child-safe the organisation is and to identify any additional steps to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

### **6.1.2 Develop codes of behaviour**

Codes of behaviour developed by RDAA that set out the conduct expected of adults when dealing and interacting with children involved in our service will be implemented. A code of behaviour to promote appropriate conduct between children will also be applied .

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

### **6.1.3 Choose suitable employees and volunteers**

All reasonable steps will be taken to ensure that the organisation engages suitable and appropriate people to work with children and vulnerable adults, especially those in positions that involve regular unsupervised contact with those persons. This will include using a range of screening measures.

RDASA will ensure that the employment screenings required in this State are conducted for all employees and volunteers who work with children and or vulnerable adults. If a criminal history report is obtained as part of the screening process, this information will be handled confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

### **6.1.4 Support, train, supervise and enhance performance**

RDASA will ensure that, as well as the appropriate screenings, all employees and volunteers who work with children and vulnerable adults will receive an induction (including training) as per the Volunteer Induction Policy, and have ongoing supervision, support and training. The goal is to develop the skills and capacity of workers to enhance performance and maintain an environment that meets NDIS Practice Standards.

### **6.1.5: Empower and promote the participation of children**

RDASA will encourage children and young people to be involved in developing and maintaining a child-safe environment for our service.

### **6.1.6: Report and respond appropriately to suspected abuse and neglect**

RDASA will ensure that all employees and volunteers are able to identify and respond appropriately to clients at risk of harm and that they are aware of their responsibilities under state laws to make a report if they, on reasonable grounds, suspect abuse or neglect. (Refer to the attachments in Parts C & E of this policy.)

## **6.2 Taking images of clients**

Images of clients, particularly children, can be used inappropriately or illegally. Permission must be obtained from a client /parent/ guardian before any images are taken And the client/parent/guardian must be advised how the image will be used. To respect people’s privacy, camera phones, videos and cameras are not to be used inside changing areas, showers and toilets.

Where the use of client images is agreed, they will be images relevant to our service in which the object is suitably clothed in a manner that promotes participation in the service. Permission must be sought from the client/ parent/guardian before using the images.

## **6.3 Anti-discrimination and harassment**

RDASA aims to provide an environment where all those involved in its activities and events are treated with respect. We welcome and will seek to include members from all areas of our community and support the inclusion of indigenous and culturally and linguistically diverse clients in the range of services offered by centres. A copy of the RDASA Inclusion Statement is found on the RDASA website [www.rdasa.org.au](http://www.rdasa.org.au)

RDASA recognises that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

All forms of harassment, discrimination and bullying based on the personal characteristics listed in the “Definitions” set out in our Dictionary of Terms [see clause 10] are prohibited. In most circumstances, this behaviour is against the law.

RDASA respects and values the human rights of people living with a disability and also supports and encourages the role of parent/carer/guardian of persons participating in programmes offered. RDASA will ensure that a positive working relationship of mutual respect is maintained with clients/parents/carers/ guardians to achieve the best possible outcomes and benefits for clients. This will include providing opportunities for clients/carers to make decisions about the service accessed and seeking feedback to improve opportunities and outcomes.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the Attachments in Part D of this policy.)

## **6.4 Sexual relationships**

Consensual sexual relationships between coaches or officials and the adult clients they coach should be avoided as they can have harmful effects on the client involved, on other clients and coaches and on the service’s public image.

These relationships can also be perceived as exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the client.

While people with disability have a right to sexual expression and to develop and maintain sexual relationships, RDASA personnel must ensure they do not engage in any behaviour that would constitute **sexual misconduct** (Refer to Dictionary of Terms). A sexual relationship between an client and a coach, will be reviewed and may necessitate disciplinary action. Factors that will be taken into account include the client’s capacity for consent, relative age and maturity of the client

to the coach, the financial or emotional dependence of the client on the coach and the likelihood of the relationship having an adverse impact on the client and/or other clients.

If it is determined that the sexual relationship is inappropriate, the coach / official will be reported to the National Quality & Safeguards Commission and action will be taken to stop the coaching relationship with the client. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a client attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The client or coach may wish to seek advice or support from the Member Protection Information Officer, Complaints Manager or other official if they feel harassed. The RDASA complaints procedure is outlined in Part D of this policy.

### **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our service should be removed. Discrimination or harassment on the grounds of pregnancy will not be tolerated.

RDASA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. Pregnant women are to be advised that there may be risks involved and encouraged to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in the service.

Pregnant women are encouraged to talk with their medical advisers, make themselves aware of the issues around pregnancy in the RDA service and ensure that they make informed decisions about their participation. A pregnant woman will be required to sign a disclaimer only if all other participants are required to do so in similar circumstances. RDASA will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

### **6.6 Inclusivity**

RDASA is committed to providing a safe, fair and inclusive environment where all can contribute and participate.

RDASA will not tolerate any unlawful discrimination or harassment of a person. If a person feels they have been the subject of harassment or discrimination by another person or organisation bound by this policy, they may make a complaint. (Refer to the attachments in Part D of this policy.)

RDASA recognises that exclusion from the service, events or activity can have significant implications for a person's health, well-being and involvement in community life, and may constitute a **restrictive practice** (Refer to the Dictionary of Terms). Unless there is a health, safety, or other appropriate, reason RDASA will support participation in our service.

RDASA recognises that there is debate over the possibility of male-to-female transgender person obtaining a physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, RDASA will seek advice on the application of those laws in the particular circumstances.

Drug testing procedures (where applicable) and prohibitions apply equally to all people who engage in our service. 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 where necessary.

### **6.7 Responsible service and consumption of alcohol**

RDASA is committed to conducting a service and / or social events in a manner that promotes the responsible service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events held or endorsed where alcohol is served
- a committee member will be present at events held or endorsed where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event held or endorsed where alcohol is served.

### **6.8 Smoke-free environment**

RDASA recommends that the following policies be applied to all service and social events held or endorsed.

- No smoking shall occur at or near an RDASA venue or events involving children and young people under the age of 18. This policy shall apply to coaches, clients, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and clients will refrain from smoking and remain smoke-free while they are involved in an official capacity in an RDA activity.

### **6.9 Cyber-bullying**

RDASA regards bullying and harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

Technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for bullying through unwanted and inappropriate comments.

RDASA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a punishable criminal offence.

Frustration at a judge, participant, coach or service should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or in a formal complaint – to the relevant controlling body.

## **6.10 Social networking websites**

RDASA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our service and celebrate the achievements and success of the people involved.

All people bound by this policy are expected to conduct themselves appropriately when using social networking sites to share information related to our service.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the service in a positive way.

## **6.11 Drug Use for Participants and Horses**

### **6.11.1 Participants, Coaches & Volunteers**

At an individual level and for every Centre operated under the RDASA umbrella, the policy of the Australian Sports Commission which condemns doping in sport as fundamentally contrary to the spirit of sport is supported. RDASA upholds the principle of fairness, respect, responsibility and safety and promotes the rights of clients to participate in a doping free equestrian based activity. RDASA is committed to operating and offering its services in a drug-free environment.

### **6.11.2 Horses**

Equestrian sport derives its credibility and public acceptance from the concept of fair play, the idea that the best rider or team should win fairly & squarely, having competed under equal condition and under rules that are applied evenly with true competence. Doping and inappropriate use of normal medications presents a serious threat to the integrity and reputation of equestrian sport, giving participants an unfair advantage and threatening the welfare of horse. It is the responsibility of RASA to help combat doping and the inappropriate use of medications and increased vigilance. Details of the programme are set out at [www.feicleansport.org](http://www.feicleansport.org)

## **7. Complaints procedures**

### **7.1 Handling complaints**

RDASA aims to provide a simple, confidential and reliable procedure for resolving complaints based on the principles of natural justice (See Dictionary of Terms).

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

NB – Along with the management strategies outlined below, in accordance with the section within this Policy detailing Reportable Incidents (Section C), the National Quality & Safeguards Commission must be notified if an incident relates to :

- the death of an NDIS participant
- serious injury of an NDIS participant
- abuse or neglect of an NDIS participant
- unlawful sexual or physical contact with, or assault of, an NDIS participant
- sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- the unauthorised use of a restrictive practice in relation to an NDIS participant

In the first instance, complaints should be reported to an RDASA representative of authority within that particular setting. This may be a coach, Centre committee member or RDASA staff member. It is then the responsibility of this representative to liaise with the complainant until such time as the complaint is handed over to a person authorised to manage complaints in a timely manner. This person will be the Member Protection Information Officer, or the State Manager. In the event of the concern relating to a client funded under the National Disability Insurance Scheme (NDIS), any complaint will be referred to the NDIS Client Manager. The nominated person will be referred to for the remainder of this document as the Complaints Manager.

The Member Protection Information Officer, NDIS Client Manager and Complaints Manager can be contacted via the RDASA State Office.

If a complaint relates to behaviour or an incident that occurred at the:

- **State level**, or involves people operating at the state level, the complaint should be reported to and handled by State Office in the first instance.
- **Centre level**, or involves people operating at the centre level, the complaint should be reported to and handled by the relevant centre in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and centre level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant is to be given information outlining the differences and given the opportunity to indicate his or her preferred option unless the Member Protection Information Officer, a Complaints Manager NDIS Client Manager or State Manager considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

## **7.2 Improper complaints and victimisation**

RDASA aims to ensure that the complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

RDASA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or for supporting another person's complaint.

If at any point in the complaint handling process the Complaints Manager considers that a complainant has knowingly made an untrue or vexatious complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Board of RDASA or the RDAA National Board for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

RDASA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation, a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions, 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 Complaints Manager will, in consultation with the complainant, arrange for an independent mediator where possible. Lawyers are permitted to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in Attachment D2.

### **7.4 Tribunals**

**RDASA** endorses the provisions of section 7.4 of the National Members Protection Policy.

A Tribunal may be convened by RDAA to hear a formal complaint:

- referred to it by Executive Officer of RDA Australia or the RDA Australia Board
- referred to it or escalated by the Board of RDASA because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of RDASA directs it to be
- for an alleged breach of this policy

The RDAA Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. The RDAA appeals process is outlined in Attachment D4.

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

### **7.5 Feedback from participants**

**RDASA** will survey clients annually to assess the accessibility of the complaints management and resolution system. Feedback gathered from participants will be used to improve the process.

## 8. Breaches of this policy

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 bringing the service and/or RDASA into disrepute, or acting in a manner likely to bring the service and/or RDASA into disrepute
- 8.3 failing to follow RDASA policies (including this policy) and our procedures for the protection, safety and well-being of clients, especially children
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.5 victimising another person for making or supporting a complaint
- 8.6 engaging in sexual misconduct or a sexually inappropriate relationship with a person that he or she supervises, coaches or has influence, authority or power over
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the service
- 8.8 disclosing to any unauthorised person or organisation any RDASA or client information that is of a private, confidential or privileged nature
- 8.9 making a complaint known to be untrue, vexatious, malicious or improper
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 9. Disciplinary measures

RDASA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- based on the evidence and information presented and the seriousness of the breach
- determined in accordance with our Constitution, By-laws, this policy and/or the rules of equestrian sports or the service

### 9.1 Individual

Subject to contractual and employment requirements, if a finding is made by RDASA, and/or a Tribunal delegated by RDAA, that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any competition, activities or events held or sanctioned by RDASA;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.9 A fine;
- 9.1.10 A report to the National Quality & Safeguards Commission



9.1.11 Any other form of discipline that the RDASA Board considers appropriate.

## 9.2 **Factors to consider**

The form of discipline to be imposed on an individual or centre will be considered in the light of factors, such as:

- the legal or compliance framework
- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

## 9.3 **Organisation**

If a finding is made that an RDASA member or centre has breached this State Protection Policy, one or more of the following forms of discipline may be imposed by the RDASA Board or the delegated RDAA Tribunal Panel.

9.3.1 A written warning;

9.3.2 A direction that any funding granted or given to it by the RDASA cease from a specified date;

9.3.3 A deregistration of the Centre involved

9.3.4 A direction that RDASA cease to sanction events held by or under the auspices of that centre;

9.3.5 Any other form of discipline that the RDASA Board considers reasonable and appropriate.

## 10. Dictionary of terms

**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.

**Advocate** is someone who, with permission from the individual involved, can represent that person's wishes and negotiate on their behalf. An advocate can be anyone the individual chooses and may be a family member, friend, teacher, caseworker or advocacy service.

**Affiliated centre** means a centre affiliated with RDA Australia or RDA State Association.

**Child** means a person who is 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 as per clause 7 of this Policy.

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

**Complaints Manager** is a person nominated to manage a complaint. They may be a Member Protection Information Officer, a State or National Executive Officer or a person nominated by a State or National Board to investigate and manage a complaint.

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- sexual orientation
- irrelevant medical record

- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- cultural background
- religious belief/activity
- sex or gender
- social origin;
- trade union membership/activity.

**Examples of discrimination** are available on the Play by the Rules website:  
[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- 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 activity.

**Employment Clearance** means a clearance required by the organisation and undertaken by Department of Human Services for Child Related Employment Screening; Disability Services Employment Screening; Vulnerable Person Related Employment Screening.

**Exploitation** is a form of abuse, and occurs where any person with disability is persuaded, coerced, or forced into other types of abuse (for example, sexual abuse) in exchange for items included (but not limited to) money, drugs, or affection. Exploitation may take place in person, in company, or online.

**Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their cultural background, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member** means all those individuals and organisations listed in clause 3.

**Member Protection Information Officer** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. He or she must provide impartial and confidential support to the person making the complaint.

**Natural justice** (or procedural fairness) requires that:

- 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.

**NDIS Client Manager** means a person employed by RDASA to support clients / carers and Centres with NDIS requirements and to manage NDIS claims and processes.

**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 State Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Restrictive practice** means an intervention such as seclusion, physical, chemical, mechanical or environmental restraint that has the effect of restricting the rights or freedom of movement of a person with disability.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, judges).

**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, displays 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 misconduct** means any unwelcome acts or behaviour that are experienced by the person with disability as being sexual in nature. This includes physical and verbal actions committed without consent or by force, intimidation, coercion or manipulation. It includes sexual violence and exploitation but is not limited to actions which constitute a criminal offence.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- 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.

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make complaint.

**Vilification** involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.



**Riding for the Disabled Association South Australia Inc**  
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**ATTACHMENTS**

**March 2019**

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**PART B      Codes of Behaviour**

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## **Codes of behaviour**

RDASA seeks to provide a safe, fair and inclusive environment for everyone involved in the organisation and receiving our service.

To achieve this, certain standards of behaviour are expected from clients, coaches, officials, administrators, parents/guardian of child participants and spectators.

The RDASA codes of behaviour are underpinned by the following core values:

- To act within the rules and spirit of equestrian sports.
- To display respect and courtesy towards everyone involved and to prevent discrimination and harassment.
- To prioritise the safety and wellbeing of children, young people and vulnerable adults.
- To encourage and support opportunities for participation across our service

**Attachments:**

- B1. Volunteer Code of Practice**
- B2. Volunteer Code of Conduct including NDIS Code of Conduct**
- B3. Coaches Code of Ethics (Australian Sports Commission)**
- B4. Rider Code of Conduct (for competitions)**

**RDASA Volunteer Code of Practise**

**CODE OF PRACTICE and RIGHTS GOVERNING VOLUNTEERS INVOLVED with RDASA**

To enhance volunteers' experience and comply with current legislation and duty of care RDASA will:

- Acknowledge and respect the contributions of volunteers in RDASA documentation and elsewhere as appropriate from time to time;
- Interview and place volunteers in accordance with anti- discrimination and equal opportunity legislation;
- Provide volunteers with orientation and training, including opportunities to develop their skills and experience;
- Provide volunteers with a healthy and safe workplace in accordance with current practice and legislation;
- Provide appropriate insurance coverage for volunteers;
- Define volunteer roles and develop clear job descriptions;
- Provide appropriate levels of support and management for volunteers;
- Make volunteers aware of and provide them with access to the RDA Volunteer Handbook and all documents relating to RDASA & RDAA volunteer policies;
- Provide volunteers with information on grievance, rights and responsibilities and disciplinary policies and procedures;
- Acknowledge the rights of volunteers;
- Will reimburse some out of pocket expenses incurred by volunteers on behalf of RDASA providing prior approval has been given by the relevant RDASA committee;
- Provide volunteers with accurate and truthful information about RDASA;
- Have volunteers' confidential and personal information dealt with in accordance with the National Privacy Act 2001;
- Acknowledge that the relationship between RDASA and volunteers is a reciprocal one;
- Acknowledge that volunteers are of equal status and deserve the same treatment as paid employees, and that RDASA can expect the same standards of its volunteers as it expects of its paid employees;
- Use its best endeavours to ensure that volunteers only work in the area of their choice;



### RDASA Volunteer Code of Conduct

**RDASA requires every volunteer bound by this policy to:**

1. Be ethical, fair and honest in all their dealings with other people and RDASA & RDAA
2. Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations
3. Always place the safety and welfare of children and vulnerable adults above other considerations
4. Comply with RDASA's Constitution, rules and policies including the Volunteer Policy
5. Operate within the rules and spirit of the organisation
6. Comply with all relevant Australian laws (Federal and State) particularly antidiscrimination and child protection laws
7. Be responsible and accountable for their conduct
8. Make a commitment to providing quality service
9. To not use their involvement with RDASA to promote their own beliefs, behaviours and practises where these are inconsistent with those of RDAA, and RDASA.
10. Demonstrate a high degree of individual responsibility when dealing with persons who are under 18 years of age or are vulnerable adults with a disability.
11. Avoid unaccompanied and unobserved activities with persons who are under 18 years of age or vulnerable adults, wherever possible
12. Refrain from any form of harassment of others
13. Refrain from any behaviour that may bring RDASA or RDAA into disrepute
14. Show concern and caution towards others who may be sick or injured
15. Be a positive role model
16. Understand the repercussions if they breach, or are aware of any breaches of, this code of conduct

These requirements are aligned to the NDIS Code of Conduct (following) that RDASA personnel, - employed and volunteer are required to uphold:

## NDIS Code of Conduct

The [NDIS Code of Conduct](#) applies to all NDIS providers, registered and unregistered, and all persons employed or otherwise engaged by an NDIS provider.

**In providing supports or services to people with disability, a person covered by the Code must:**

- act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- respect the privacy of people with disability
- provide supports and services in a safe and competent manner, with care and skill act with integrity, honesty and transparency
- promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability
- take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability
- take all reasonable steps to prevent and respond to sexual misconduct.

**Anyone can raise a complaint with the NDIS Quality and Safeguards Commission about providers or workers who breach the NDIS Code of Conduct.**

**Complaints, which can be made** anonymously, are made via:

- Phone - 1800 035 544 (free call from landlines)
- Complaint contact form [NDIS Complaint Contact Form](#)

## Coach's Code of Ethics

<b>1.</b> Respect the rights, dignity and worth of every human being	Within the context of the activity, treat everyone equally regardless of sex, disability, ethnic origin or religion
<b>2.</b> Ensure the client's time spent with you is a positive experience	All clients are deserving of equal attention and opportunities
<b>3.</b> Treat each client as an individual	<ul style="list-style-type: none"> <li>● Respect the talent, developmental stage and goals of each client</li> <li>● Help each client reach their full potential</li> </ul>
<b>4.</b> Be fair, considerate and honest with clients	
<b>5.</b> Be professional and accept responsibility for your actions	<ul style="list-style-type: none"> <li>● Display high standards in your language, manner, punctuality, preparation and presentation</li> <li>● Display control, respect, dignity and professionalism to all involved with the service - this includes opponents, coaches, officials, administrators, the media, parents and spectators</li> <li>● Encourage your clients to demonstrate the same qualities.</li> </ul>
<b>6.</b> Make a commitment to providing a quality service to your clients	<ul style="list-style-type: none"> <li>● Maintain or improve your current NCAS accreditation</li> <li>● Seek continual improvement through performance appraisal and ongoing coach education</li> <li>● Provide a training program which is planned and sequential</li> <li>● Maintain appropriate records</li> </ul>
<b>7.</b> Operate within the rules and spirit of your service	The guidelines of national and international bodies governing your service should be followed. Please contact your service for a copy of its rule book, constitution, by-laws, relevant policies, e.g. anti-doping policy, selection procedures, etc Coaches should educate their clients on drugs in service issues in consultation with the Australian Services Drug Agency (ASDA)
<b>8.</b> Any physical contact with clients should be appropriate to the situation and necessary for the client's skill development*	
<b>9.</b> Refrain from any form of personal abuse towards your clients*	
<b>10.</b> Refrain from any form of harassment towards your clients*	This includes sexual and racial harassment, racial vilification and harassment on the grounds of disability You should not only refrain from initiating a relationship with an client, but should also discourage any attempt by an client to initiate a sexual relationship with you, explaining the

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ethical basis of your refusal

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**11. Provide a safe environment for training and competition**

Ensure equipment and facilities meet safety standards  
Ensure equipment, rules, training and the environment are appropriate for the age and ability of the clients

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**12. Show concern and caution toward sick and injured clients**

- Provide a modified training program where appropriate
- Allow further participation in training and competition only when appropriate
- Encourage clients to seek medical advice when required
- Maintain the same interest and support toward sick and injured clients
- Where the client is supported by a carer/guardian or parent ensure that they are kept informed of progress and changes to programmes

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**13. Be a positive role model for your service and clients**

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\* Please refer to the Harassment-free Sport guidelines available from the Australian Sports Commission for more information on harassment issues

### RDASA Participant Code of Conduct

The following is a code of conduct that is expected of all persons involved in all competition events and displays under the auspices of RDASA.

- In all equestrian sports, the horse must be considered a priority.
- The National and International rules and regulations in equestrian sport regarding the health and welfare of the horse must be adhered to at events and in training.
- Participants are expected to
  - treat all horses, whether their own or borrowed from others with consideration and respect.
  - respect the rights, dignity and worth of fellow participants, coaches, officials, volunteers and spectators;
  - refrain from and report acts of aggression;
  - respect the talent, potential and development of fellow participants and competitors;
  - care for the equipment provided as part of your program.
  - be frank and honest with the coach concerning illness and injury and ability to participate fully within the program requirements;
  - refrain from intimate relationships with a coach or official;
  - maintain an appropriate manner relating to language, temper and punctuality, be courteous, kind and always maintain positive behaviour.
  - always adhere to directions regarding the required attire.
  - abide by the rules of competition and respect the decision of the judges and stewards, making all appeals through the formal process and respecting the final decision;
  - be honest in attitude and preparation to training and participation ;
  - cooperate with coaches, volunteers and staff in the development and implementation of programs to assist progression and achieve outcomes.
- Participants must not have used or administered any substance that, if it had been detected as being present in body tissue or fluids, would constitute doping as defined in the APC's Anti-Doping Policy.
- Participants are expected to be good ambassadors for RDAA and RDASA Equestrian service and for themselves
- Participants should at all times, act in a manner so as to not bring the client, the service, or RDA into public disrepute or censure



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**PART C Working with Children & Vulnerable Persons**

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## **SCREENING CHECK REQUIREMENTS**

RDASA is committed to providing a safe environment for all and particularly for children. As part of this, best endeavours will be made to recruit staff and volunteers who pose no risk to children or vulnerable adults.

Employment screening, aligned to NDIS worker screening requirements, and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

RDASA, including all centres, will meet the requirements of the South Australian Working with Children Check laws where applicable.

### **ATTACHMENTS**

<b>Attachment C1</b>	<b>Working with Children and Vulnerable Persons - Screening Requirements</b>
<b>Attachment C2</b>	<b>RDASA and Mandatory Notification</b>
<b>Attachment C3</b>	<b>RDASA NDIS Registration Requirements</b>

## Part C – Attachment C1.

### **RDASA WORKING WITH CHILDREN and VULNERABLE PERSONS - SCREENING**

**REQUIREMENTS** The use of Child Related Employment Screening, Disability Services Screening and Vulnerable Persons related Employment Screening aims to ensure a RDASA is a safe place for all clients. The screening processes are designed to assess whether an employee or volunteer could pose a risk to the safety of clients, working for or volunteering in an organisation offering sporting or recreational services.

#### **Child-related employment screening**

Screening checks for will be undertaken by the DHS Screening Unit

#### **Information assessed as part of a child-related employment screening includes:**

- a national criminal history check
- information from South Australian government databases, such as SA child protection records from Families SA (Department of Education and Child Development) and Care Concern investigations (by DHS or DECD) into the welfare of children in foster or state care
- publicly available information from professional registration bodies relating to persons disciplined or precluded from working with children or vulnerable people
- information from South Australian police, courts, and prosecuting authorities including information about charges for offences alleged to have been committed (regardless of the outcome of those charges)
- expanded criminal history information from other Australian police jurisdictions, and
- any declarations made by the applicant in response to questions in the 'declaration' section of their screening application form.

In some cases, information from professional accreditation bodies regarding people disciplined and/or precluded from working with children or vulnerable adults will be taken into account.

#### **Factors considered in the assessment**

The following factors are considered during the assessment process for child-related employment screening:

- the nature of and circumstances surrounding the offence
- the presence of a pattern of offending (if any)



- time elapsed since the offence was committed
- severity of a court-imposed penalty
- the age and vulnerability of the victim
- the relationship to the victim and age difference
- applicant's own age at the time of the offence
- whether a child played a part in committing the offence (either directly or indirectly)
- relevance of the offence to the role of the applicant
- the applicant's conduct since the time of the offence.

### **Disability Services Sector Screening**

Disability services sector screening involves an assessment of the person's relevant history, including:

- findings of guilt by a court
- charges for an offence (including pending charges) regardless of the outcome
- convictions that would otherwise be considered spent
- information held by government and non-government agencies, including human resources information about allegations of workplace misconduct
- information about care concern investigations
- child protection information.

A screening clearance letter will be sent to people who have been cleared, confirming that they have been assessed as suitable for work in the disability services sector. The requesting organisation is informed by email.

### **Assessment for Vulnerable-Person-Related Screening**

The Screening Unit provides a point-in-time assessment of risk, based on the information disclosed to it at the time of screening.

This information may be shared with the employing organisation.

If the Screening Unit assesses that an applicant may pose a risk of harm to vulnerable people, they will contact the applicant to discuss the matter before finalising the assessment.

Applicants have access to a review process in relation to this.

### **Requirements & Implementation**

All staff members and any volunteer who works in sessions, or who has access to client records, is required to hold a current Working with Children Clearance, Disability Services Screening and Vulnerable Persons Screening clearances. An RDASA delegate will initiate access to the online process and advise on costs and process.

If a new employee or volunteer has previously been granted the clearances above, the Clearance documents must be sighted by the RDASA delegate, who will record the Clearance number and date. (The original Clearance document is the property of the applicant and copies are not retained by RDASA).

Until the time the Clearance is received, volunteers who work with children, or have access to client records, *must be supervised* in these RDA activities.

An applicant will not be considered for employment or volunteering with RDASA if the Screening Report identifies that they have been convicted of:

- murder
- sexual assault
- an offence involving child pornography, child prostitution or child abuse, for example, criminal neglect.

Where the screening process identifies that an individual does have a criminal history (other than the convictions specified above), RDASA must assess this information to determine the candidates suitability for the role. Assistance with this risk assessment can be sought from the RDASA State Manager if necessary.

On 1 July 2019, new NDIS Worker Screening procedures will be introduced. RDASA will align processes to the new requirements.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months. In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

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

RDASA may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment

The subject of the Screening Process for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute information contained within the Screening Report or National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

RDASA will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision. There will be no appeal to this decision

Information relating to a person's criminal history and the assessment process is managed securely and confidentially and in accordance with the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive, Department for Communities and Social Inclusion.

RDASA may also at its discretion seek a statutory declaration for any employee(s) or volunteer(s) who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

### **Exemptions from the requirement to conduct criminal history assessments**

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

- a person volunteering in an activity in which their child ordinarily participates;
- a person who volunteers who is less than 16 years of age who must not work unaccompanied;
- a person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month, and who will at all times work under direct supervision;
- an organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- a person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information, visit:

<https://www.childprotection.sa.gov.au/reporting-child-abuse>

## **General Enquiries**

May be made at:

<https://screening.sa.gov.au/contact-us>

### **Phone:**

1300 321 592 (9 am - 5 pm)

Postal address:

Screening Unit,  
GPO Box 292,  
Adelaide SA 5001

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

It is important to remember that when travelling to other states or territories, representatives of servicing organisations must comply with the legislative requirements of that particular state or territory. Clearances **are not** transportable between states.

## **RDASA and MANDATORY NOTIFICATION**

### **Mandated notifiers and their role**

A mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child has been or is being abused or neglected.

This obligation arises when a mandated notifier forms this suspicion in the course of their work (whether paid or voluntary) or in carrying out official duties.

A mandated notifier must make the notification as soon as practicable after the suspicion is formed.

If a mandated notifier forms a suspicion outside of their work (whether paid or voluntary) that a child has been or is being abused or neglected, they may make a notification to the Department for Child Protection voluntarily.

### **Who Is a Mandated Notifier?**

The South Australian Department for Child Protection identifies as Mandated Notifiers:

Employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children or young people, being a person who -

- provides such services directly to children or young people
- holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children or young people.

As such, all employees and volunteers with RDASA, are mandated to notify the Department for Child Protection. if they suspect on reasonable grounds that a child or young person has been or is being abused or neglected.

A mandated notifier does not have to be able to prove that abuse or neglect has actually occurred.

### **Reporting Suspicions**

Suspicions can be reported as follows:

**Phone:** 13 14 78

**Online reporting system:** [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au)

*The online reporting system is **only** for mandated notifiers to report less serious concerns.*

A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person has been or is being abused or neglected may result in a person being prosecuted and a court imposing a fine.

**More information on Mandatory Notification can be found at:**

<https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>

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## Part C – Attachment C3.

### RDASA NDIS Provider Requirements

As of 1 July 2018, the National Quality & Safeguards Commission – registers & monitors all disability service providers. Under the National Quality & Safeguards Commission, registered NDIS providers in South Australia are required to comply with:

- National Quality & Safeguards Commission conditions of registration
- the [NDIS Code of Conduct](#)
- the relevant NDIS Practice Standards for the services and supports they provide
- incident management requirements, and notifying the National Quality & Safeguards Commission of [reportable incidents](#)
- [complaint management](#) and resolution requirements
- [worker screening](#) requirements
- new [behaviour support](#) requirements (if applicable), including reporting restrictive practices to the National Quality & Safeguards Commission.

All people working with registered providers must complete a worker orientation e-learning module covering human rights, respect, risk, and the roles and responsibilities of NDIS workers.

*\* NB - This module is not yet available*

### NDIS Practice Standards

Under the **NDIS Quality and Safeguarding Framework** RDASA must meet the Core components of National Practice Standards:

The Core Module covers;

- Rights And Responsibilities For Participants - covering:
  - Person Centred Supports
  - Individual Values and Beliefs
  - Privacy and Dignity
  - Independence and Informed Choice
  - Violence, Abuse, Neglect, Exploitation, Discrimination

- Provider Governance And Operational Management - covering:
  - Governance and Operational Management
  - Risk Management
  - Quality Management
  - Information Management
  - Feedback and Complaints Management
  - Incident Management
  - Human Resource Management
  - Continuity of Supports
  
- The provision of supports - covering:
  - Access to Supports
  - Support Planning
  - Service Agreements with Participants
  - Responsive Support Provision
  - Transitions to or From the Provider
  
- The support provision environment - covering:
  - Safe Environment
  - Participants' Money and Property
  - Management of Medication (not applicable to RDASA)
  - Management of Waste

A full list of outcomes and indicators for these Practice Standards can be found [here](#). RDASA's registration as an NDIS provider is dependent on people and processes supporting and upholding these Practice Standards. This requirement is reviewed by auditors approved by the NDIS Quality and Safeguards Commission.

### **Reportable Incidents**

Registered providers in SA are **required to notify** the National Quality & Safeguards Commission of incidents arising (including allegations) affecting NDIS participants in connection with the provision of NDIS supports and services. Most reportable incidents must be notified to the NDIS Commission within 24 hours of a provider's key personnel being made aware of it, with a more detailed report about the incident and actions taken in response to it to be provided within 5 business days

#### ***Reportable incidents include:***

- the death of an NDIS participant
- serious injury of an NDIS participant
- abuse or neglect of an NDIS participant
- unlawful sexual or physical contact with, or assault of, an NDIS participant
- sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- the unauthorised use of a restrictive practice in relation to an NDIS participant.



**Please note** - the requirement to report to the NDIS Commission **does not replace existing obligations** as mandated reporters, to report to relevant authorities, including child protection agencies or police.

**Reports** can be made Phone - 1800 035 544 (free call from landlines) or online via the NDIS Complaint contact form - [NDIS Complaint Contact Form](#)



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**PART D Complaints Handling Procedures**

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## COMPLAINTS PROCEDURE

RDASA will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

Individuals will be provided with access to both informal and formal processes to resolve their complaint, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

An appeals process will also be provided through RDAA for those matters where it is required.

RDASA will, as far as possible, maintain confidentiality and ensure that no one is victimised for making, supporting or providing information about a complaint.

RDASA will provide clients, volunteers, staff and community members with information on their right to:

- use an advocate, and
- to avenues for complaint that are external to the organisation.

As well as this document including a list of available options (in Attachment D 6), links to external organisation (including the National Quality & Safeguards Commission) will be available on the RDASA website.

## ATTACHMENTS

**Attachment D1: Complaints procedure**

**Attachment D2. Mediation**

**Attachment D3. Investigation procedure**

**Attachment D4. Tribunal procedure**

**Attachment D5. Procedures for investigating breaches of the Coaches Code of Ethics**

**Attachment D6. Support when making complaints**

## COMPLAINTS PROCEDURE

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RDASA aims to support people associated with our service to make and resolve any complaints they may have in a fair, timely and effective way.

**All complaints will be kept confidential.** Information about the complaint will not be provided to another person without the complainant's consent, except if the law requires disclosure or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, full details of the complaint will be provided to the person or people against whom the complaint has been made and they will be given the opportunity to respond. As a result, it may be difficult to resolve complaints made anonymously.

RDASA will provide both **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws. A list of options for external organisations is provided in Attachment D6.

NB – RDASA encourages the use of advocates by someone making a complaint or by a person against whom an allegation/s have been made

RDA processes for managing complaints, outlined below, include advising the complainant of their right to use an advocate.

### Informal approaches

#### **Step 1: Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

#### **Step 2: Contact your RDASA Member Protection Information Officer**

You are encouraged to talk with the appointed Member Protection Information Officer (MPIO) or the State Manager if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you have approached the other person.

The MPIO and the State Manager can be contacted via the RDASA State Office.

MPIO/State Manager will:

- advise you on your right to use an advocate to support you through the process
- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support

- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

### **Step 3: Decide how to resolve the problem**

After talking with the MPIO or State Manager you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

## **Formal approaches**

### **Step 4: Making a formal complaint**

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the State Manager RDASA
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the Complaint Manager will advise you on your right to use an advocate to support you through the process and decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- to refer the matter to the **police or other appropriate authority**, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the Complaint Manager will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the Complaint Managers the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen, and/or determine what, if any, further action to take, including disciplinary action in accordance with this policy.

### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. The investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the State RDASA who will determine what further action to take.

- If the complaint is referred to **mediation**, the steps outlined in Attachment D2, or as agreed by you, the respondent and the mediator, will be followed.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, RDASA will endeavour to provide all reasonable assistance required by the police or the agency.

Any costs relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the RDASA (where the complaint occurs at the State level) or the National RDA Office (if the complaint occurs at the National level), unless otherwise stated.

### **Step 6: Reconsidering a complaint or appealing a decision**

If mediation is unable to resolve the matter, you may request that the State Manager or National Executive Officer reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

### **Step 7: Documenting the resolution**

The State Manager or National Executive Officer if applicable whichever is applicable will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the State Association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored by the RDA Australia Office with a copy stored by the State Association.

### **Approaching external organisations**

Serious incidents, such as assault or sexual assault, should be reported to the police.

However, if you feel that you have been harassed or discriminated against, you can seek advice from the anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from RDASA (e.g. an MPIO) will be available to support you during the process. It is also common to have a legal representation, particularly if the complaint goes to a formal hearing.

**Contact details for the state and territory anti-discrimination and equal opportunity commissions** are available on the Play by the Rules website: <http://www.playbytherules.net.au/resources/quick-reference-guide>.

## MEDIATION

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Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The Complaint Manager will appoint a mediator to help resolve the complaint. This will be done under the direction of RDASA and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. The rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved is respected.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). RDASA expects all parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the Complaint Manager to request that the Board of RDASA reconsider the complaint
  - approach an external agency, such as the anti-discrimination or equal opportunity commission, to resolve the matter.

RDASA recognises that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.



## INVESTIGATION PROCESS

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There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that RDASA conducts will be fair to all people involved.

If a decision is made that a complaint should be investigated, the steps outlined below will be followed.

1. RDASA will provide a written brief to the investigator, setting out the terms of engagement and his or her roles and responsibilities.'
2. The investigator will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded) **mischievous, vexatious or knowingly untrue.**
  - provide a report to the RDASA Board documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
3. RDASA will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO or other person).
5. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on the RDAA appeals process is in Attachment D5.
6. Information gathered during the investigation process will be analysed and learnings recorded to improve practice.

## TRIBUNAL PROCEDURES

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To hear formal complaints made under the national Members Protection Policy and the RDASA State Protection Policy for Members & Others, the following steps will be followed:

### Preparing for a Tribunal hearing

1. Where a Tribunal panel has been established by RDAA, according to the rules set out in the National Members Protection Policy, to hear a complaint that has been referred to it by the Complaint Manager or National Executive Officer, the number of Tribunal panel members required to be present throughout the hearing will be a minimum of 3 members.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Complaint Manager or National Executive Officer relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The Complaint Manager or National Executive Officer will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
  - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
  - an outline of any possible penalties that may be imposed if the complaint is found to be true
  - that legal representation will not be allowed.
  - If the respondent is a minor, he or she should have a parent or guardian present.

A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all RDASA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the Complaint Manager believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint, or that the member has already been suspended by RDASA pending the outcome of the complaint.

6. The Complaint Manager or national Executive Officer will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:

- that the person has a right to appear at the Tribunal hearing to support their complaint
- the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching the date, time and venue of the Tribunal hearing
- that either verbal or written submissions can be presented at the Tribunal hearing □ that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)
- that legal representation will not be allowed.
- if the respondent is a minor, he or she should have a parent or guardian present.

A copy of any information / documents given to the Tribunal (e.g. investigation report findings) will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the Complaint Manager as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).
9. In the event that the complainant or the Board of RDASA form the view that it is not appropriate for the Complaint Manager to fulfil the provisions of these rules, then the Board of RDASA may appoint a third party to do so or request the RDAA National Executive Officer to fulfil this role.

### **Tribunal hearing procedure**

10. The following people will be allowed to attend the Tribunal hearing:
  - Tribunal panel members
  - the respondent(s)
  - the complainant
  - any witnesses called by the respondent(s)
  - any witnesses called by the complainant
  - any parent/guardian or support person required to support the respondent or the complainant.
11. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
12. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
13. The Tribunal chairperson will inform the Complaint Manager or National Executive Officer of the need to reschedule the hearing and the Complaint Manager or National Executive Officer will arrange for the Tribunal to be reconvened.
14. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
15. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.

16. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.
  - The respondent may question the complainant and any witnesses.
17. The respondent will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent may call witnesses.
  - The complainant may ask questions of the respondent and any witnesses.
18. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
19. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant
  - question any person giving evidence
  - limit the number of witnesses presented to those who provide new evidence
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
20. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
21. If the Tribunal panel considers that at any time during the hearing there is any unreasonable behaviour or behaviour to intimidate by anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
22. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
23. All Tribunal decisions will be by majority vote.
24. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
25. Within 48 hours, the Tribunal chairperson will:
  - forward a notice of the Tribunal's decision to the Complaint Manager or National Executive Officer, including any disciplinary measures imposed.
  - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
26. The Tribunal does not need to provide written reasons for its decision.

### **Appeals procedure**

27. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to Complaint Manager or National Executive Officer on one or more of the following grounds:

- 27.1 that a denial of natural justice has occurred
  - 27.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
  - 27.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
  - 27.4 that the process supported by the RDAA and/or RDASA constitution or policies and procedures including the Member Protection Policy was not followed.
- 26. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the Complaint Manager or National Executive Officer within 14 days of the decision being made. An appeal fee may not be charged in regard to a complaint hearing.
  - 28. If the letter of appeal is not received by the Complaint Manager or National Executive Officer within this time, the right of appeal will lapse.
  - 29. The letter of appeal and the notice of the Tribunal's decision (clause 25) will be forwarded to the RDASA Board or National RDA Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The RDASA or National RDA Board may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
  - 30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.
  - 31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.
  - 32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
  - 33. The decision of the Appeal Tribunal will be final.

## PROCEDURE FOR INVESTIGATING BREACHES OF THE COACHES' CODE OF ETHICS

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RDASA is committed to ensuring that all coaches adhere to a high standard of professional behaviour and endorse the RDAA procedures set out in Attachment D5 of the national Members Protection Policy, provisions of which are set out below.

The standards of behaviour are outlined in the Coaches Code of Ethics (Part B Attachment 3). The RDA coaching qualification is a nationally recognised qualification and therefore recommendations to suspend, demote or revoke a person's coaching qualification are to be referred to the Executive Officer of RDA Australia.

A breach of these standards may be:

- A breach of any of the standards outlined in the Coaches Code of Ethics.
- Bringing the program and/or RDA into disrepute.
- Failure to follow policies and procedures for the protection, safety and welfare of riders.
- Failure to follow policies and procedures for the protection, safety and welfare of volunteers or members of the public.
- Failure to follow policies and procedures for the welfare and care of RDA horses (owned, borrowed or on loan).
- Engaging in a sexually inappropriate relationship with a client of RDA.
- Disclosure to any unauthorised person or organisation information that is of a private, confidential or privileged nature.

### Disciplinary Action

Coaches, as members of RDASA are required to comply with the RDASA State Protection Policy and may be subjected to the disciplinary action as outlined in the state Policy. In addition to the disciplinary action outlined in this policy, coaches may have their coaching accreditation suspended, demoted or revoked by RDA Australia.

### Investigation process

All complaints regarding allegations of a coach breaching the codes of behaviour outlined in this policy will be initially referred to RDASA for investigation. Following the investigation the State Manager of RDASA will prepare a report to the Executive Officer of RDA Australia which will include the outcomes of the investigation and the evidence supporting the complaint, plus recommendations for further action. Further actions may include:

- Coaching accreditation is suspended for a period of up to 12 months
- Coaching accreditation is demoted to a lower level of qualification
- Coaching accreditation has a restriction imposed. This may include supervision by a qualified coach for a up to 12 months to re-evaluate coaching competencies
- Coaching accreditation is revoked

The National Executive Officer will present the findings of the investigation to the National Coaching Coordinator and the Chair of Program Delivery and a determination will be made if the disciplinary action recommended is a reasonable response to the complaint.

The coach will be advised in writing of the outcome of the complaint by the RDA Australia Office. A copy will be forwarded to the State Manager of the relevant State Association.

## **Appeal Tribunal**

1. Written notice will be provided to the coach regarding any changes to their coaching accreditation.
2. The coach may appeal the decision by sending a letter setting out the basis for their appeal and send this to the Executive Officer of RDA Australia within 14 days of the decision being made. An appeal fee may not be charged.
3. If the letter of appeal is not received by the State or National Executive Officer within this time, the right of appeal will lapse.
4. The appellant must show sufficient grounds for an appeal in accordance with this policy. These grounds include:
  - that a denial of natural justice has occurred
  - that the disciplinary measure/s imposed is unjust and/or unreasonable
  - that the decision was not supported by the information/evidence provided during the investigation/mediation phase
  - that the process is not supported by the organisation's constitution or policies and procedures including the Member Protection Policy were not followed.
5. If the appellant has not shown sufficient grounds for an appeal, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.
6. If grounds for an appeal are accepted, the Executive Officer will convene an Appeal Tribunal. The Tribunal will consist of:
  - The Chair of the Program Delivery Panel
  - A State Representative from the Coaching and Safety Committee (or another person nominated by RDASA)
  - An experienced independent RDA Assessor or another independent person qualified in assessment recommended by the ASCAt least two of the Appeal Tribunal members must not have been involved in managing the original complaint.
7. The Panel must meet (either face-to-face or by teleconference) within one month of being convened. The Panel will be provided with the complaint documentation reports and investigation outcomes.
8. The Appeals Panel will follow the Tribunal procedures as set down in the Complaints Handling procedures of this policy.
9. Within one month of the Appeal hearings the appellant and the Executive Officer of RDA Australia must be notified in writing of the Appeal decision. The Tribunal does not need to provide written reasons for its decision.
10. The decision of the Appeal Tribunal will be final.

## **Other Disciplinary Action**

Coaches in paid employment with RDASA may be dismissed for operational requirements or breaches of their employment conditions. This may not necessarily affect their coaching qualification unless their actions are also in breach of the behavioural codes under this policy. Dismissal from paid employment is not appealable under this policy. Please refer to SA employment laws.

## Support when making complaints

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No matter the option chosen, the complainant has the right to use an advocate to support them through the process. The MPIO, State Manager or Complaints Manager will advise the complainant of their right to use an advocate, explaining the process if necessary.

Complaints can be made both within and external to RDASA.

Internal process for complaint are outlined throughout Section D.

A complainant also has the right to take their complaint to an External agency if desired.

Complaints can be made to:

- **The NDIS Quality and Safeguards Commission**

The National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS services and supports. Complaints, which can be made anonymously, are made via:

- Phone - 1800 035 544 (free call from landlines)
- Complaint contact form [NDIS Complaint Contact Form](#)
- National Relay Service [www.relayservice.gov.au](http://www.relayservice.gov.au) then 1800 035 544
- Translating and Interpreting Service 131 450

- **Child Abuse Report Line**

- Phone - 13 14 78
- For help, see the [instructions for using the online child protection reporting system \(PDF 274KB\)](#).

- **Disability Advocacy and Complaints Service of SA Inc**

Provides support information and advocacy for all people with disability their families, friends and carers.

- Phone: (08) 7122 6030

- **Health and Community Services Complaints Commission**

The HCSCC helps consumers, carers and service providers to try to resolve complaints.

- Phone - 8226 8666
- Phone - 1800 232 007





**Riding for the Disabled Association South Australia Inc**  
**STATE PROTECTION POLICY FOR MEMBERS & OTHERS**

**March 2019**

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**PART E Reporting Requirements and Documents**

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## **PART E: REPORTING REQUIREMENT AND DOCUMENTS**

RDASA will ensure that all the complaints received, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

Any allegation of child abuse or neglect will be treated promptly, seriously and with a high degree of sensitivity.

RDASA will ensure that everyone who works with the organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

### **ATTACHMENTS**

- Attachment E1: Confidential record of informal complaint**
- Attachment E2: Confidential record of formal complaint**
- Attachment E3: Handling an allegation of child abuse**
- Attachment E4: Confidential record of child abuse allegation**
- Attachment E5: Confidential Complaints Registration Form**



**CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received:    /    /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Client <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <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 (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Client <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <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 incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment    or <input type="checkbox"/> Discrimination  <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse  <input type="checkbox"/> Cultural background  <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse  <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision  <input type="checkbox"/> Other .....	

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
Any Formal External Report Made	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve

Completed by	Name: Position: Signature: <span style="float: right;">Date   /   /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept in a confidential and safe place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to the State Manager and a copy kept with the organisation where the complaint was first made.

## PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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**If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.**

**All people working with RDASA in a paid or unpaid capacity are Mandated Notifiers and have a duty to report any concerns to the appropriate authorities, following the steps outlined below.**

RDASA will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

Information on reporting allegations of child abuse is available in attachment C2 of this Policy and via the link <https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>

### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

### Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the State or National Executive Officer of RDA so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The State Manager or National Executive Officer will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children.
- This may include
  - o removing/suspending him or her until any investigations have been concluded
  - o redeploying the alleged offender to a position where there is no unsupervised contact with children, or
  - o supervising the alleged offender in the performance of his/her duties

Legal advice should be sought before any interim steps are made if the person is in paid employment with RDASA.

The State Manager or National Executive Officer will put in place measures to protect the child and the alleged offender from possible victimisation and gossip. NB – the person against whom allegations have been made must be advised at the commencement of the process of their right to an advocate throughout.

### Step 4: Take internal action

Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:

- a criminal investigation (conducted by the police)
- a child protection investigation (conducted by the relevant child protection agency)
- a disciplinary or misconduct inquiry/investigation (conducted by RDA).

Regardless of actions of the police and/or child protection agency, RDASA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.

The Complaint Manager or National Executive Officer, or nominated Tribunal Panel of RDAA will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.

If disciplinary action is recommended, procedures set out in Clause 9 of the State Protection Policy will be followed.

Where required, the relevant government agency will be provided with a report of any disciplinary action taken .

### Contact details for advice or to report an allegation of child abuse

South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Families SA Child Abuse Report Hotline Ph: 13 14 78 <a href="http://www.families.sa.gov.au/childs">www.families.sa.gov.au/childs</a>
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**CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in service		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in service	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Client <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.

## Confidential Complaint Registration Form

*This form may be used by complainants to record a formal written complaint*

<b>Complainant's details:</b>		
Name:		
Address:		
Age ( <i>please circle</i> ): Under 18		Over 18
Phone home:	Phone work:	Email:

<b>Summary of complaint</b> (When, where, who, what happened?). <i>If insufficient space attach statement:</i>			
Please describe your role/status: (e.g. administrator/volunteer; rider; parent; coach; official; spectator; employee etc)			
<b>Location/event of alleged issue:</b>			
<b>Please state the facts of your complaint:</b>			
Nature of complaint by category ( <i>may tick more than one box</i> ) <input type="checkbox"/> Harassment/ Bullying <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Other: .....	<input type="checkbox"/> Discrimination <input type="checkbox"/> Culture <input type="checkbox"/> Religion <input type="checkbox"/> Unfair decision <input type="checkbox"/> Disability	<input type="checkbox"/> Pregnancy <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality	<input type="checkbox"/> Bullying <input type="checkbox"/> Child abuse <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Victimisation
<b>Was the complaint:</b>	Verbal <input type="checkbox"/>	Written <input type="checkbox"/>	
<b>What actions have you taken to attempt to resolve this complaint?</b>			
(e.g. have you spoken to the person/ a coach/ Centre Committee member/ State Office?)			
<b>What would you like to happen to fix the issue:</b>			
Signature:		Date:	

### *Complaints Officer/MPIO Use Only*

Complaint Receiving Officer	NAME:		
POSITION:	CENTRE:	DATE RECEIVED:	