



# SURF LIFE SAVING AUSTRALIA POLICY STATEMENT MEMBER SAFETY & WELLBEING

POLICY NUMBER <b>6.5</b> OCT 2005
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## 1. Surf Life Saving Australia's Core Values

Surf Life Saving Australia Limited (SLSA), including subsidiary companies and affiliated clubs, branches and states, is committed to the health safety and well-being of all its members and is dedicated to providing a safe environment for those participating in surf life saving activities.

Surf lifesavers are nurtured in an environment that values safety, trust, respect, caring and responsibility. This environment encourages acceptance, confidence and risk taking. For surf lifesavers to venture into challenging waters in times of distress, they need to have faith and trust in themselves, and in the people around them.

The motivation for surf lifesavers to give freely of their time is to be found in surf life saving environments that value ...

- Safety and Support
- Caring and Camaraderie
- Trust and Teamwork
- Respect and Responsibility

As part of the surf lifesaving community, each lifesaver makes a commitment to actively encourage behaviours that promote such a supportive and nurturing environment.

## 2. Purpose of this policy

This Member Safety & Wellbeing Policy (policy) aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in surf life saving is treated with respect and dignity, in a safe and supportive environment. This policy also ensures that everyone involved in surf life saving is aware of his or her legal and ethical rights and responsibilities.

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

This policy has been adopted by SLSA Australian Council at its meeting on 28 October 2005 under its powers defined in the SLSA Constitution Clause 24 (c).

The policy commences on 1 February 2006 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Australian Council. Copies of the policy and its attachments can be obtained from our website [www.slsa.com.au]

This policy is the national policy for Surf Life Saving. It will be implemented by SLSA through its state centres, branches and surf lifesaving clubs.

### **3. Who this Policy Applies To**

This policy applies to the following, whether they are in a paid or unpaid capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel
- Coaches
- Officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and organisations;
- SLSA;
- Any other person or organisation that is a member of or affiliated to SLSA;
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with SLSA if disciplinary action, relating to an allegation of child abuse against that person, has commenced which occurred during that person's association or employment with SLSA.

### **4. Code Of Conduct**

SLSA requires every individual and organisation bound by this policy to:

- 4.1 Respect the rights, dignity and worth of others;
- 4.2 Be fair, considerate and honest in all dealing with others, and be a positive role model;
- 4.3 Make a commitment to providing quality service;
- 4.4 Be aware of, and maintain an uncompromising adherence to SLSA's standards, rules, regulations and policies;
- 4.5 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age;
- 4.6 Contribute to the provision of a safe environment for the conduct of all activities within surf lifesaving
- 4.7 Abide by the relevant Role-Specific Codes of Conduct outlined in Part C of this policy.

## 5. Rights and Responsibilities

SLSA members and SLSA as an organisation have certain rights that carry with them particular responsibilities. These are reflected in the Rights and Responsibilities Matrix below.

	<b>RIGHTS</b>	<b>RESPONSIBILITIES</b>
<b>INDIVIDUAL MEMBERS</b>	<p><b>Members have the right to:</b></p> <ul style="list-style-type: none"> <li>i. to be safe;</li> <li>ii. to be listened to;</li> <li>iii. to be respected;</li> <li>iv. to privacy;</li> <li>v. a protective environment in which inherent surf lifesaving risks are taken;</li> <li>vi. to an inclusive environment;</li> <li>vii. to be referred to professional help if needed;</li> <li>viii. to be protected from abuse, discrimination or harassment by other members or outside sources.</li> </ul>	<p><b>Members are responsible for:</b></p> <ul style="list-style-type: none"> <li>i. Showing respect to other members;</li> <li>ii. Keeping themselves safe;</li> <li>iii. Complying with all other requirements of this policy</li> <li>iv. Making themselves aware of the policy and complying with the standards of conduct outlined in this policy</li> <li>v. Consenting to a national police check if the individual holds or applies for a role that involves working with people under the age of 18 years.</li> <li>vi. Co-operating in providing a discrimination, child abuse and harassment free SLSA environment</li> <li>vii. Understanding the possible consequences of breaching this policy</li> </ul>
<b>ORGANISATION</b>	<p><b>SLSA has the right to:</b></p> <ul style="list-style-type: none"> <li>i. expect members to be aware of this policy</li> <li>ii. expect all members to comply with its relevant Codes of Conduct;</li> <li>iii. expect all members to maintain standards of reasonable behaviour;</li> <li>iv. take appropriate action if members breach the Code of Conduct or an SLSA Policy;</li> <li>v. expect all members to undertake appropriate training when advised to;</li> <li>vi. take appropriate action in the event of accusations;</li> </ul>	<p><b>All levels of SLSA (SLSA Limited, state/territory associations, branches and affiliated clubs) are responsible for the following unless otherwise specified by the use of brackets:</b></p> <ul style="list-style-type: none"> <li>i. Adopting, implementing and complying with this policy</li> <li>ii. providing a safe environment for members;</li> <li>iii. Promoting appropriate standards of conduct at all times</li> <li>iv. providing ongoing training and information for SLSA leaders;</li> </ul>

	<p>vii. require police checks for members working with members under the age of 18 years.</p>	<p>v. promoting this policy and the consequences for breaching it;</p> <p>vi. Promptly dealing with any breaches of or complaints made under this policy in an impartial, sensitive, consistent, fair, timely and confidential manner, without fear or favour</p> <p>vii. Recognise and enforce any penalty imposed under this policy;</p> <p>viii. Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies</p> <p>ix. Appoint <b>(states)</b> or have access to <b>(clubs)</b> appropriately trained people to receive and handle complaints and allegations [e.g. Member Safety &amp; Wellbeing Officers (MSWOs)] and display the names and contact details in a way that is readily accessible; and</p> <p>x. Monitor and review this policy annually <b>(SLSA)</b></p> <p>xi. Publishing and distributing this policy <b>(SLSA and states)</b></p>
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## 6. Working with Under 18 Members

Members of SLSA who are under 18 years of age require special consideration within this policy to ensure the safety and well-being of our youngest members. The age, maturity level and developmental level of a member under the age of 18 years gives cause for special protection under the law, and under this policy. Any person working with Under 18 members is required to assume a heightened level of responsibility. This section of the policy provides guidelines for the exercise of that heightened responsibility.

- 6.1 Members who undertake the delivery or supervision of surf life saving activities for Under 18 members in their capacity as age or team managers, coaches, trainers, assessors, officials, administrators, patrol captains and like positions are seen to act under heightened responsibility. These roles are responsible positions within SLSA and each person acting within those roles must adopt practices that minimise

risk to protect both the people they are working with, and themselves. It is important that risk minimisation measures be adopted to protect people in these roles from any misconceptions about their behaviour in performing their designated roles.

6.2 Persons working with Under 18 members should assume the following practices:

- (i) Maintain an open door policy when conducting briefings, meetings and assemblies of members. It is wise practice to ensure that two leaders are involved in each Under 18 activity. It is also advisable to invite all youth, parents, friends and other members to participate, particularly when conducting interviews, transporting youth and conducting excursions. Mixed teams of youth leaders provides a healthier environment for both leaders and members.
- (ii) Both male and females adults, leaders or parents must accompany youths when undertaking surf life saving activities away from the club, and especially on overnight activities.
- (iii) All members should be treated with respect and dignity. This involves being ever mindful of language, tone of voice and body language when addressing a problem and ensuring that the problem is the focus, and not the person.
- (iv) Foster teamwork and group cohesion between adults and youth is important. Abusive and inappropriate behaviour must not be tolerated and should be dealt with immediately. Group practices should encourage the identification and addressing of inappropriate attitudes and behaviour by team members.
- (v) Encourage youth members and be mindful of each individual's capacities for surf life saving activities. Protect them from pressure to participate and perform.
- (vi) Respect youth members' privacy, and expect that they respect your privacy.
- (vii) Maintain your status as a ROLE MODEL to both youth and other adults. This will be achieved through being friendly, courteous and kind, whilst setting a good example in relation to dress, behaviour, language, etc.
- (viii) Be mindful that youth are experiencing changing life circumstance. Ensure that you do not respond inappropriately to any excessive attention seeking behaviour, physically, verbally or sexually, that may be exhibited by youth from time to time.

6.3 As well as modelling appropriate behaviour, it is important that people working with members Under 18 (and adults members if applicable) do not engage in, or allow others to engage in, any of the following:

- (i) abusive initiation ceremonies
- (ii) inappropriate undressing/dressing in front of youth
- (iii) invading the privacy of youth when showering or toileting
- (iv) photographing youths while undressing/dressing, showering, toileting or in other inappropriate circumstances
- (v) sleeping in closed quarters with youth without a second adult representative (eg. parent)
- (vi) aggressive, physically distressing or sexually provocative activities
- (vii) sexually suggestive comments about or to a youth
- (viii) inappropriate or intrusive touching of youth
- (ix) joking about, ridiculing, rejecting, isolating, or belittling a youth member (or any other member)

## **7. Policy Position Statements**

### **7.1 Child Protection Policy**

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

SLSA acknowledges that its staff and volunteers provide a valuable contribution to the positive experiences of junior members. SLSA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to work with children. (Screening procedures are outlined in Part B of this policy);
- Ensuring SLSA codes of conduct, particularly for roles associated with junior members, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (SLSA complaints procedure is outlined in the SLSA regulations and relevant state documentation); and
- Providing education and/or information to those involved in surf life saving on child abuse and child protection.

SLSA recommends that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within SLSA (and in some states, by someone outside of SLSA), to report it immediately to the police or relevant government agency (where law requires such reporting) or to the appointed official of the relevant surf lifesaving authority.. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. SLSA

procedures for handling allegations of child abuse are outlined in the SLSA regulations.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

## 7.2 Equity, Discrimination and Anti-Harassment Policy

The aim of SLSA's equity policy is to promote an environment in which all individuals are treated with respect and dignity. The issues of **social justice, equal opportunity, discrimination and harassment** are important to SLSA and the awareness of them will be promoted at club, branch, state and national levels.

SLSA believes :

- i. **Social justice** is about ensuring all people - whether members of SLSA or the community - receive a "fair go".
- ii. **Equal opportunity** is about ensuring every person is treated the same and has a similar chance to participate or receive SLSA services and products. Equal opportunity strategies also permit the introduction of special initiatives to ensure participation or receipt of SLSA services and/or products.
- iii. SLSA views any detrimental form of **discrimination** as serious and something that must be eliminated.
- iv. **Harassment** is offensive, humiliating and intimidating and is counter-productive conduct in the SLSA environment, and may occur in relation to a person's sex, race, religion, age, disability (see SLSA policy 6.3), pregnancy, marital status and sexual preference.

In support of social justice for all, SLSA will treat all complaints of discrimination and harassment seriously, and will ensure complaints are dealt with promptly, impartially, and confidentially. If discrimination and/or harassment is found to have taken place, appropriate action will taken.

## 7.3 Other SLSA Policies

In addition to these policy statements, SLSA have a number of other policies which aim to provide a safe environment for our members. These policies include:

- Pregnancy and the surf lifesaver – competition and patrols policy
- Transgender/transsexual policy
- Privacy Policy
- Limiting and permanent disability policy
- Risk Management policy

These and all other SLSA policies can be found on the SLSA website ([www.slsa.com.au](http://www.slsa.com.au))

## **8 Complaints Procedures**

### **8.1 Complaints**

SLSA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or SLSA has breached this policy. A complaint should be reported to the appointed official of the relevant surf lifesaving authority in accordance with this policy (see SLSA regulations).

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the appointed official of the relevant surf lifesaving authority considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C of this policy.

### **8.2 Vexatious Complaints & Victimisation**

SLSA aims to ensure its complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the appointed official of the relevant surf lifesaving authority has a concern that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, that official may investigate the matter further and if satisfied that the complaint is untrue, vexatious or malicious dismiss the complaint. That official may also refer the complaint to a judiciary for further investigation in accordance with the SLSA Regulations. If a complaint has been found to be untrue, vexatious or malicious SLSA may commence disciplinary proceedings against the complainant in accordance with the SLSA Regulations.

SLSA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

### **8.3 Mediation**

SLSA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not permitted to participate in any mediation for any party.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a



mediator, SLSA will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

## 8.4 Tribunals

A hearing tribunal may be formed to hear a formal complaint that has been referred to it for an alleged breach of the policy. SLSA tribunal hearings procedure is outlined in the SLSA regulations.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved to the appeal. SLSA appeals process is outlined in the SLSA regulations.

Every member organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## 9. What is a Breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have:

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct and Role-Specific Codes of Conduct;
- 9.3 Brought surf life saving and/or SLSA into disrepute;
- 9.4 Failed to follow SLSA policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any SLSA information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

## 10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is in the SLSA regulations.

## 11. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated club** means a club who has applied for annual affiliation with the relevant state centre. An affiliated club must be incorporated or in the process of incorporation, have a constitution that is acceptable to SLSA and substantially in conformity with the SLSA constitution and have paid the appropriate fee (where applicable).

**Child** means a person who is under the age of 18 years (see also definition of young person)

**Child abuse** relates to 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. Children may be harmed by both 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; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).

- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under the SLSA regulations or appropriate state documents.

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

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership/activity;
- Transgender orientation.

Some States and Territories include additional characteristics.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

**Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of SLSA.

**Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member** means an individual member of SLSA.

**Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members, and member organisations. Member protection involves:

- protecting those that are involved in SLSA activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

**Member Safety & Wellbeing Officer (MSWO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MSWO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MSWO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

**Natural justice** incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

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

**Policy** and **this policy** mean this Member Safety & Wellbeing Policy.

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

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under state/territory legislation)*:

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.