



# **AUSTRALIAN NATIONAL WORKING EQUITATION LTD**

**(“ANWEL”)**

## ***ANWEL MEMBER PROTECTION POLICY***

**VERSION 1**

**Created: 25 June 2018**

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## Preface

ANWEL has a clear commitment to create a safe, fair and inclusive sporting environment.

ANWEL:

- seeks to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values;
- will not tolerate inappropriate or unlawful behaviour;
- sets out a code of behaviour with which everyone associated with ANWEL is expected to abide; and
- will take disciplinary action against individuals if there is a breach of this Policy.

The Board

ANWEL

Dated: 25 June 2018

## Review history of ANWEL Member Protection Policy

<b><i>Version</i></b>	<b><i>Date reviewed</i></b>	<b><i>Date endorsed</i></b>	<b><i>Content reviewed/purpose</i></b>
<i>One</i>	<i>Created June 2018</i>	<i>25 June 2018</i>	<i>First prepared</i>

# **PART A: ANWEL MEMBER PROTECTION POLICY**

## **1. Introduction**

ANWEL is empowered to conduct, encourage, promote, advance, control and manage all levels of Working Equitation in Australia in conjunction with its affiliated State Associations and affiliated Clubs in a fair and inclusive manner for everyone who wishes to participate in Working Equitation to be undertaken in accordance with the ANWEL Official Rulebook.

ANWEL strives to develop, maintain and enhance the standards, quality and reputation of Working Equitation for the collective and mutual benefit of all members of ANWEL and its affiliated State Associations and Clubs and the ethics of everyone involved in the sport, all for the general benefit of Working Equitation in Australia and worldwide.

## **2. Purpose of this Policy**

This National Member Protection Policy (“Policy”) aims to assist ANWEL (“our”, “us” or “we”) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the Policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this Policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the Policy allows ANWEL to take disciplinary action against any person or organisation bound by this Policy if they breach the Policy.

This Policy has been endorsed by ANWEL’S Board of Directors in accordance with Clauses 7.2 and 14.7 of our Constitution. The Policy starts on 1 July 2018 and will operate until replaced.

The current Policy and its attachments can be obtained from our website at:  
[www.anweltd.com.au](http://www.anweltd.com.au)

Affiliated State Associations and affiliated Clubs may adopt complementary member protection policies.

## **3 Who is bound by this Policy**

This Policy should apply to as many persons as possible who are involved with the activities of ANWEL, whether they are in a paid or unpaid/voluntary capacity and including:

- 3.1 persons appointed or elected to boards, committees and sub-committees of ANWEL;
- 3.2 employees of ANWEL;
- 3.3 members of ANWEL including life members;

- 3.4 members of any State Associations which are affiliated with ANWEL;
- 3.5 members of any clubs which are affiliated with ANWEL;
- 3.6 any horse riders who register with ANWEL and pay a rider's levy;
- 3.7 support personnel, including managers, veterinarians, physiotherapists, psychologists, masseurs, trainers, grooms and others;
- 3.8 referees, judges and other officials;
- 3.9 riders, officials and other personnel participating in events and activities, including camps, training sessions and competitions, held or sanctioned by ANWEL or its affiliated State Associations or its affiliated Clubs.

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

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

ANWEL, all affiliated State Associations and its affiliated Clubs must:

- 4.1 adopt, implement and comply with this Policy;
- 4.2 ensure that this Policy is enforceable;
- 4.3 publish, distribute and promote this Policy and the consequences of any breaches of the Policy;
- 4.4 promote the Code of Behaviour at all times;
- 4.5 deal with any complaints made under this Policy in an appropriate manner;
- 4.6 deal with any breaches of this Policy in an appropriate manner;
- 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 all people and organisations to whom this Policy applies;
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior;
- 4.10 monitor and review this Policy at least annually.

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

Individuals bound by this Policy must:

- 5.1 make themselves aware of the contents of this Policy;
- 5.2 comply with all relevant provisions of the Policy, including any codes of behaviour and the steps for making a complaint or reporting possible child abuse set out in this Policy ;
- 5.3 consent to the screening requirements set out in this Policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour: and,
- 5.6 comply with any decisions and/or disciplinary measures imposed under this Policy.

## **6. Position statements**

### **6.1 Child protection**

ANWEL is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

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

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take 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**

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

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

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

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information 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**

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

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

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

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

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this Policy.)

Further, if any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in breach of this Policy, he or she may make an internal complaint to us. (Refer to the attachments in Part D of this Policy.)

### **6.2 Taking images of children**

There is a risk that Images of children may be used inappropriately or illegally. ANWEL requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

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

ANWEL is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

#### **6.3.1 Discrimination**

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

### **6.3.2 Harassment**

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

### **6.3.3 Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy is encouraged to raise their concerns with us. A person may make an internal complaint, and 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 Intimate relationships

ANWEL understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this Policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
  - any potential vulnerability of the athlete;
  - any financial and/or emotional dependence of the athlete on the coach or official;
  - the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
  - the extent of power imbalance between the athlete and coach or official;
- and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from appropriate people to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Board of Directors. Our complaints procedure is outlined in Part D of this Policy.

## **6.5 Smoke-free environment**

ANWEL is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our Policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This Policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking only permitted at designated outdoor smoking areas;
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field; and
- no smoking shall occur in or near stables at sporting events.

## **6.6 Bullying**

ANWEL is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. ANWEL will not tolerate abusive, discriminatory, intimidating or offensive statements being made on social media or online. Frustration at or criticism of a referee, teammate, coach, official, volunteer or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant affiliated club, affiliated state association or ANWEL.

If any person believes they are being, or have been, bullied by another person or organisation bound by this Policy, he or she may make a complaint. (Refer to the attachments in Part D of this Policy.)

## **6.7 Social networking/Media**

ANWEL acknowledges the enormous value of social networking and media to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- must not contain statements or information that are critical of officials or volunteers of ANWEL;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

The detailed Social Media Policy of ANWEL is contained in Attachment B2 and it must be observed by ANWEL, its State Associations, all affiliated Clubs and all their officials and members and all participants involved in any competitions or other events organised or sanctioned by any of the foregoing.

## **7. Complaints procedures**

### **7.1 Handling complaints**

ANWEL aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

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 discriminated against, harassed, bullied or there has been any other breach of this Policy.

In the first instance, complaints should be reported to the Board of Directors.

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

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant State Association in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant Club 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 Club level, should be dealt with by ANWEL.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Board of Directors should consider whether that is an appropriate way to handle the particular complaint. 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**

ANWEL aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Board of Directors considers that a complainant has knowingly made an untrue complaint, or the complaint is

malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the relevant Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

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

Mediation is 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. It 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 Board of Directors will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Attachment D2.

### **7.4 Tribunals**

A Tribunal may be convened to hear a proceeding:

- referred to it by the Board of Directors
- for an alleged breach of this Policy

The Tribunal procedure will be determined by the Board at the appropriate time in consultation with the relevant experts.

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

## **8. What is a breach 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 ANWEL or the sport of Working Equitation into disrepute, or acting in a manner likely to bring ANWEL or Working Equitation into disrepute
- 8.3 failing to follow ANWEL policies (including this Policy) and our procedures for the protection, safety and well-being of 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 an inappropriate intimate relationship with a person that he or she supervises, 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 sport;
- 8.8 disclosing to any unauthorised person or organisation any of ANWEL's information that is of a private, confidential or privileged nature;
- 8.9 making a complaint that they know 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; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

ANWEL 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;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our constituent documents, by-laws, this Policy and/or the rules of the sport.

### **9.1 Individual**

Subject to contractual and employment requirements, if a finding is made by a Tribunal 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 competitions, activities or events held or sanctioned by ANWEL;
- 9.1.5 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.6 termination of the individual's membership, appointment or engagement;
- 9.1.7 a recommendation that ANWEL or the relevant State Association terminate 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 any other form of discipline that the Board of Directors considers appropriate.

## **9.2 Organisation**

If a finding is made that ANWEL, an affiliated State Association or an affiliated Club has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Board of Directors or the relevant Tribunal.

9.2.1 a written warning;

9.2.2 a fine;

9.2.3 a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;

9.2.4 a direction that any funding granted or given to it by the ANWEL cease from a specified date;

9.2.5 a direction that ANWEL cease to sanction events held by or under the auspices of that organisation;

9.2.6 any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

## **9.3 Factors to consider**

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- 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.

## **PART B: CODE OF BEHAVIOUR**

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We seek to provide a safe, fair and inclusive environment for everyone involved in ANWEL, its affiliated State Associations and Clubs and involved in Working Equitation.

Our code of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To prioritise the safety and well-being of our horses.
- To encourage and support opportunities for participation in all aspects of our sport.

### **APPLICATION OF CODE**

This Code of Behaviour applies to every:

- member and official of ANWEL, its affiliated State Associations or Clubs; and
- competitors, parents/guardians (of child competitors) and spectators at any event or competition organised or sanctioned by ANWEL, its affiliated State Associations or Clubs.

### **THE CODE**

Respect the rights, dignity and worth of others.

Be fair, considerate and honest in all dealing with others.

Accept responsibility for your actions.

Be aware of ANWEL's Member Protection Policy and adhere to it without compromise.

Be aware of ANWEL's Official Rulebook and adhere to it without compromise.

Refrain from any form of harassment of others.



Refrain from any behaviour that may bring into disrepute ANWEL, the sport of Working Equitation, and anyone to whom this Code applies.

Respect the decisions of officials and teach young people to do the same.

Abide by the Social Media Policy contained in Attachment B1

Never ridicule or scold a young participant for making a mistake. Positive comments are motivational.

Show respect for fellow participants, competitors and officials.

Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass riders, officials or other spectators).

Be fair, equitable, considerate and uncompromising in all your

Scrupulously avoid any conduct using privileged information to gain a personal or commercial advantage.

Be a positive role model

Ensure that the safety and welfare of all participants and horses is paramount.

Abide by the principles of the FEI Code of Conduct for the Welfare of the Horse.

Accept responsibility for all actions taken.

Be courteous, respectful and open to discussion and interaction. Do not tolerate acts of aggression.

Respect the talent, potential and development of all riders and competitors.

Abide by the rules and respect the decision of officials. Make all appeals through the formal process and respect the final decision.

Events and competition must not prejudice the welfare of the horse. This involves paying careful attention to the competition areas, ground surfaces, weather conditions, stabling, site safety and fitness of the horse for the event or competition and travel to and from the event.

## **WARNINGS**

Warnings may be given by ANWEL, its affiliated State Associations or its affiliated Clubs in connection with any of the following:

- abuse of a horse in any manner which causes or is likely to cause pain or unnecessary discomfort including without limitation
  - (a) whipping or beating a horse excessively;

- (b) subjecting a horse to any kind of electronic shock device;
  - (c) using spurs excessively or persistently;
  - (d) jabbing the horse in the mouth with the bit or any other device;
  - (e) competing on an exhausted, lame or injured horse;
  - (f) 'rapping' a horse;
  - (g) abnormally sensitising or desensitising any part of a horse;
  - (h) leaving a horse without adequate food drink or exercise; or
  - (i) using any device or equipment which causes excessive pain to the horse if it knocks down an obstacle.
- Abuse of any official of ANWEL, its affiliated State Association or its affiliated Clubs or any official or volunteer at any event or competition organised or sanctioned by ANWEL, its affiliated State Association or its affiliated Clubs including abusive or bullying behaviour directed at an official or volunteer or which denigrates or intimidates or attempts to intimidate an official or volunteer.
  - Failure to follow the direction of an official or volunteer referred to above to comply with any part of the ANWEL Member Protection Policy, the ANWEL Official Rulebook or any directive of the Organising Committee of the relevant event or competition.

Warnings may be issued by the Ground Jury or the Chief Judge for any relevant event or competition (after consultation with the Ground Jury if this is possible or practical) if the abuse or failure referred to above occurs at an event or competition organised or sanctioned by ANWEL, its affiliated State Association or its affiliated Clubs.

Additionally, the Board of Directors of ANWEL or the Committee of any affiliated State Association or affiliated Club may issue a warning in respect of any abuse or failure referred to above whenever and wherever it may occur.

Warnings should be issued by the appropriate official as soon as practically possible after the abuse or failure occurs with an explanation of the reason for the warning and the consequences of any further abuse or failure. Any verbal warning should be followed by a written warning as soon as possible after the verbal warning.

A member of ANWEL or any competitor at any event or competition organised or sanctioned by ANWEL, its affiliated State Association or its affiliated Clubs who receives two or more warnings for any of the above abuse or failures in a 12 month period will be reported to the Board of Directors of ANWEL as a formal complaint for investigation and determination in accordance with the Complaints Procedure in Attachment D1 and could result in suspension of the recipient of the warning.

A record of all warnings issued will be maintained on the ANWEL Website with details of the person who received the warning, the date of the warning, the nature of the abuse or failure that resulted in the warning and the details of the official or body who issued the warning.

## **ATTACHMENTS**

- Attachment B1: Social Media Policy

## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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We are committed to providing a safe environment for children. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening 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.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, the Australian Capital Territory, Tasmania and South Australia. Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each State or Territory. Facts Sheets for each State and Territory are available on the Play by the Rules website :- [www.playbytherules.net](http://www.playbytherules.net)

ANWEL, including our affiliated State Associations and affiliated Clubs, will meet the requirements of the relevant State or Territory Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

## **PART D: COMPLAINT HANDLING PROCEDURES**

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

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this Policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

### **ATTACHMENTS**

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

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We will ensure that all the complaints we receive, 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 (subject to disclosure required by law or permitted under this Policy) and stored in a secure place.

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

We will ensure that everyone who works with our 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: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Confidential record of child abuse allegation

## Dictionary of terms

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. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

**Abuse** is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

**Affiliated Club** means any club which is formally affiliated with ANWEL or an affiliated State Association and signed an MOU with ANWEL and the relevant State Association.

**Child** means a person who is under the age of 18.

**Child abuse** involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

**Complaint** means a complaint made under clause 7 of this Policy

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

**Complaint handler/manager** means the person appointed under this Policy to investigate a complaint.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat

everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (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”).

**Member** in respect of ANWEL means the relevant State Association and in respect of affiliated Club means any member who has paid the relevant membership fees.

**Procedural fairness** requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

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

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

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

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

**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 commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years

- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

**Transgender** 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

**Sexual orientation:** The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Gender identity:** The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

**Gender expression:** The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Intersex:** The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Victimisation** means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this Policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

## **Attachment B1: ANWEL SOCIAL MEDIA POLICY**

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### **Policy overview and purpose**

Social media is changing the way we communicate.

This policy has been developed to inform our community about using social media so people feel enabled to participate, while being mindful of their responsibilities and obligations. In particular, this policy provides practical guidance allowing all parties to benefit from the use of social media, while minimising potential risks and protecting those involved.

This policy assists to establish a culture of openness, trust and integrity in all online activities related to ANWEL and the sport of Working Equitation.

This policy contains ANWEL's guidelines for the Working Equitation community to engage in social media use. It also includes details of breaches of the policy.

In circumstances where guidance about social media issues has not been given in this policy, we suggest you use common sense or seek out advice from those who have approved this policy.

### **Underlying principles**

This policy complements ANWEL's Member Protection Policy.

### **Coverage**

This policy applies to all persons who are involved with the activities of ANWEL, any of its affiliated State Associations or any of its affiliated Clubs, whether they are in a paid or unpaid/voluntary capacity, and include:

- members, including life members, of ANWEL, its State Associations or affiliated Clubs;
- persons appointed or elected to the boards, committees and sub-committees of ANWEL, its State Associations or affiliated Clubs;
- judges accredited by ANWEL or judging at ANWEL sanctioned competitions and events;
- employees of ANWEL, its State Associations or affiliated Clubs;

- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- coaches teaching or explaining the ANWEL Official Rulebook or other aspects of working equitation;
- athletes;
- spectators at any event organised by ANWEL, its State Associations or affiliated Clubs; and
- family members of any person competing at or attending any event organised by ANWEL, its State Associations or affiliated Clubs.

## Scope

**Social media** refers to any online tools or functions that allow people to communicate and/or share content via the internet.

This social media policy applies to platforms including, but not limited to:

- Social networking sites (e.g. Facebook, Twitter, LinkedIn, Google+, Pinterest, Yammer, etc)
- Video and photo sharing websites or apps (e.g. YouTube, Vimeo, Instagram, Flickr, Vine, etc)
- Blogs and micro-blogging platforms (e.g. Tumblr, Wordpress, Blogger, etc)
- Review sites (e.g. Yelp, Urban Spoon, etc)
- Live broadcasting apps (e.g. Periscope, Meerkat, Facebook Mentions, etc)
- Podcasting (e.g. iTunes, Stitcher, Sound cloud, etc)
- Geo-spatial tagging (e.g. Foursquare, etc)
- Online encyclopedia (e.g. Wikipedia, etc)
- Instant messaging (e.g. SMS, Skype, Snapchat, WhatsApp, Viber, etc)
- Online multiplayer gaming platforms (e.g. World of Warcraft, Second life, Xbox Live, etc)
- Online voting or polls
- Public and private online forums and discussion boards
- Any other online technologies that allow individual users to upload and share content.

This policy is applicable when using social media as:

1. an officially designated individual representing ANWEL, its State Associations or affiliated Clubs on social media; and
2. if you are posting content on social media in relation to ANWEL, its State Associations or affiliated Clubs or in relation to Working Equitation generally

that might affect the reputation of those organisation or the sport of Working Equitation or bring those organisations or Working Equitation into disrepute.

### ***Using social media in an official capacity***

You must be authorised by ANWEL, its State Associations or affiliated Clubs before engaging in social media as a representative of any of those organisations.

As a part of the community of ANWEL, its State Associations or affiliated Clubs you are an extension of their brand.

As such, the boundaries between when you are representing yourself and when you are representing one of the above organisations can often be blurred. This becomes even more of an issue as you increase your profile or position within ANWEL, its State Associations or affiliated Clubs. Therefore it is important that you represent both yourself and the above organisations appropriately online at all times.

### **Guidelines**

You must adhere to the following guidelines when using social media related to any products, competitions, teams, participants, services, events, sponsors, members or reputation of ANWEL, its State Associations or affiliated Clubs.

#### ***Use common sense***

Whenever you are unsure as to whether or not the content you wish to share is appropriate, seek advice from others before doing so or refrain from sharing the content to be on the safe side.

When using social media, the lines between public and private, personal and professional, may be blurred. Remember, you are an ambassador for Working Equitation in Australia and overseas.

#### ***Protecting your privacy***

Be smart about protecting yourself and your privacy.

When posting content online there is potential for that content to become publicly available through a variety of means, even if it was intended to be shared privately. Therefore, you should refrain from posting any content online that you would not be happy for anyone to see, even if you feel confident that a particular individual would never see it.

Where possible, privacy settings on social media platforms should be set to limit access. You should also be cautious about disclosing your personal details.

## ***Honesty***

Your honesty—or dishonesty—may be quickly noticed in the social media environment. Do not say anything that is dishonest, untrue or misleading. If you are unsure, check the source and the facts before uploading or posting anything. It is recommended that you err on the side of caution – if in doubt, do not post or upload.

Do not post anonymously, using pseudonyms or false screen names. Be transparent and honest. Use your real name, be clear about who you are and identify any affiliations you have.

If you have a vested interest in something you are discussing, point it out. If you make an endorsement or recommendation about something you are affiliated with, or have a close relationship with, you must disclose that affiliation.

The web is not anonymous. You should assume that all information posted online can be traced back to you. You are accountable for your actions both on and offline, including the information you post via your personal social media accounts.

## ***Use of disclaimers***

Wherever practical, include a prominent disclaimer stating who you work for or are affiliated with and that anything you publish is your personal opinion and that you are not speaking officially. This is good practice and is encouraged, but don't count on it to avoid trouble — it may not have legal effect.

## ***Reasonable use***

If you are an employee or official of ANWEL, its State Associations or affiliated Clubs, you must ensure that your personal use of social media does not interfere with your work commitments or productivity.

## ***Respect confidentiality and sensitivity***

When using social media, you must maintain the privacy of the confidential information of ANWEL, its State Associations or affiliated Clubs. This includes information that is not publicly accessible, widely known, or not expected to be shared outside of ANWEL, its State Associations or affiliated Clubs.

Remember, if you are online, you are on the record—much of the content posted online is public and searchable.

Within the scope of your authorisation by ANWEL, its State Associations or affiliated Clubs, it is perfectly acceptable to talk about your organisation and have a dialogue with the community, but it is not okay to publish confidential information of the organisation.

When using social media you should be considerate to others and should not post information when you have been asked not to, or where consent has not been sought

and given. You must also remove information about another person if that person asks you to do so.

Permission should always be sought if the use or publication of information is not incidental, but directly related to an individual. This is particularly relevant to publishing any information regarding minors. In such circumstances, parental or guardian consent is mandatory.

### ***Gaining permission when publishing a person's identifiable image***

You must obtain express permission from an individual to use a direct, clearly identifiable image of that person or his or her horse.

You should also refrain from posting any information or photos of a sensitive nature. This could include accidents, incidents or controversial behaviour.

In every instance, you need to have consent of the owner of copyright in the image.

### ***Complying with applicable laws***

Do not post or link to content that contains illegal or indecent content, including defamatory, vilifying or misleading and deceptive content.

### ***Abiding by copyright laws***

It is critical that you comply with the laws governing copyright in relation to material owned by others and including the copyright and brands of ANWEL, its State Associations or affiliated Clubs.

You should never quote or use more than short excerpts of someone else's work, and you should always attribute such work to the original author/source. It is good practice to link to others' work rather than reproduce it.

### ***Discrimination, sexual harassment and bullying***

The public in general, and officials and members of ANWEL, its State Associations or affiliated Clubs, reflect a diverse set of customs, values and points of view.

You must not post any material that is offensive, harassing, discriminatory, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate.

When using social media you are also bound by ANWEL's Member Protection Policy.

### ***Avoiding controversial issues***

Within the scope of your authorisation by ANWEL, its State Associations or affiliated Clubs, if you see misrepresentations made about any of the above organisations in the media, you may point that out to the relevant authority in your organisation. Always do

so with respect and with the facts. If you speak about others, make sure what you say is based on fact and does not discredit or belittle that party.

### ***Dealing with mistakes***

If ANWEL, its State Associations or affiliated Clubs makes an error while posting on social media, be up front about the mistake and address it quickly. If you choose to modify an earlier post, make it clear that you have done so. If someone accuses of ANWEL, its State Associations or affiliated Clubs of posting something improper (such as their copyrighted material or a defamatory comment about them), address it promptly and appropriately and if necessary, seek legal advice.

### ***Conscientious behaviour and awareness of the consequences***

Keep in mind that what you write is your responsibility, and failure to abide by these guidelines could put your membership of ANWEL, its State Associations or affiliated Clubs at risk.

Put simply you should not post on social media anything that you would not be prepared to say in person to the organisations or persons the post concerns and you should not post anything about an organisation or person that would offend or upset you if it was posted about you.

You should always follow the terms and conditions for any third-party sites in which you participate.

### ***Branding and intellectual property of ANWEL***

You must not use any of the intellectual property or imagery of ANWEL, its State Associations or affiliated Clubs on your personal social media without prior approval from the relevant organisation.

Intellectual property includes but is not limited to:

- trademarks
- logos
- slogans
- imagery which has been posted on any of ANWEL, its State Associations or affiliated Clubs official social media sites or websites.

You must not create either an official or unofficial presence using the organisation's trademarks or name without prior approval from the relevant organisation.

You must not imply that you are authorised to speak on behalf of ANWEL, its State Associations or affiliated Clubs unless you have been given official authorisation to do so.



Where permission has been granted to create or administer an official social media presence for ANWEL, its State Associations or affiliated Clubs, you must adhere to that organisation rules and guidelines from time to time.

## **Policy breaches**

Breaches of this policy include but are not limited to:

- Using the name, motto, crest and/or logo of ANWEL, its State Associations or affiliated Clubs in a way that would result in a negative impact for the organisation, clubs and/or its members or the sport of Working Equitation.
- Posting or sharing any content that is abusive, harassing, threatening, demeaning, defamatory or libellous.
- Posting or sharing any content that includes insulting, obscene, offensive, provocative or hateful language.
- Posting or sharing any content, which if said in person during a competition would result in a breach of the rules of that competition.
- Posting or sharing any content in breach of ANWEL's Member Protection Policy.
- Posting or sharing any content that is a breach of any State or Commonwealth law.
- Posting or sharing any material to our social media channels that infringes the intellectual property rights of others.
- Posting or sharing material that brings, or risks bringing, any of ANWEL, its State Associations or affiliated Clubs or their officials, members or sponsors or the sport of Working Equitation into disrepute. In this context, bringing a person or organisation into disrepute is to lower the reputation of that person or organisation in the eyes of the ordinary members of the public.

### ***Reporting a breach***

If you notice inappropriate or unlawful content online relating to any of ANWEL, its State Associations or affiliated Clubs or any of their members, or content that may otherwise have been published in breach of this policy, you should report the circumstances immediately in writing to the Board of Directors of ANWEL.

### ***Investigation***

Alleged breaches of this social media policy may be investigated according to ANWEL's Member Protection Policy.

Where it is considered necessary, ANWEL may report a breach of this social media policy to police.

***Disciplinary process, consequences and appeals***

Depending on the circumstances breaches of this policy may be dealt with in accordance with the disciplinary procedure contained in ANWEL's Member Protection Policy.

Officials of ANWEL who breach this policy may face disciplinary action including removal or suspension from any official capacity in the organisation.

## **Attachment D1: COMPLAINTS PROCEDURE**

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ANWEL is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will endeavour to deal with complaints on a confidential basis.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

### **INFORMAL APPROACHES**

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

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

#### **Step 2: Contact a Board Member**

We encourage you to talk with one of our Board of Directors if:

- step 1 (above) is not appropriate;
- 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 address your concern; or
- the concern continues after you approached the other person.

The names and contact details for members of our Board of Directors are available at [www.anweltd.com.au](http://www.anweltd.com.au).

The relevant Director will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

### Step 3: Decide how to address your concern

After talking with the relevant Director, 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;  
or
- 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 Chairperson of the Board of Directors,  
or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the Chairperson will 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 dealing with your formal complaint, the Chairperson will take into account:

- whether he or she has had any personal involvement in the circumstances and, if so, whether it is appropriate 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; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the Chairperson is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or

- determine what, if any, further action to take, including referring the matter for investigation or 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. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the Board of Directors.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps determined by the Board of Directors from time to time and the Board may seek external advice on the constitution of the Tribunal.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

### **Step 6: Reconsidering a complaint**

If the matter is referred to mediation and is not resolved at mediation, you may request that the Chairperson reconsider the complaint in accordance with Step 3.

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

The Chairperson will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the State/Club 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 information will be stored by ANWEL and a copy stored by the State Association.

### **Approaching external organisations**

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory 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.

The commission may investigate your complaint. The commission may also 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.

**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>.

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

## **Attachment D2: MEDIATION**

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Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

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 discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The Chairperson will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of ANWEL and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with ANWEL acting as mediator.
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. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the Chairperson to request that the Chairperson reconsider the complaint; and
  - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation may 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 there is a real or perceived power imbalance between the people involved;
- matters that involve serious allegations.

## Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
  - 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;
  - 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 Board of Directors* documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.

**Attachment E1:  
RECORD OF INFORMAL COMPLAINT**

Name of person receiving complaint		Date:      /      /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official .....	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support <input type="checkbox"/> Other
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist Coaching methods <input type="checkbox"/> Sexuality abuse <input type="checkbox"/> Race Physical abuse <input type="checkbox"/> Religion Victimisation <input type="checkbox"/> Pregnancy decision <input type="checkbox"/> Other .....	<input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse <input type="checkbox"/> Verbal <input type="checkbox"/> Unfair



What does the complainant want to happen to resolve the issue?	
What other information has the complainant provided?	
What is the complainant going to do now?	

**This record and any notes must be kept confidential and secure.** If the issue becomes a formal complaint, this record is to be given to the Chairperson.

**Attachment E2:  
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"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Support <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
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"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Support <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged incident		
Description of alleged incident		

<p>Nature of complaint (category/basis/grounds)</p> <p>Tick more than one box if necessary</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/></p> <p>Coaching methods</p> <p><input type="checkbox"/> Sexuality abuse <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/></p> <p>Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/></p> <p>Victimisation</p> <p><input type="checkbox"/> Pregnancy decision <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair</p> <p><input type="checkbox"/> Other</p> <p>.....</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated:</p>	<p>Finding</p>
<p>If heard by Tribunal:</p>	<p>Decision</p> <p>Action recommended</p>

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: _____ Date / /
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept confidential and secure**

**Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Complainant's Name (if other than the child)		Date Formal Complaint Received:     /     /
Role/status in sport		
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 sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official .....	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support  <input type="checkbox"/> Other
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	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 and provided to the relevant authorities (police and government) should they require them.