



MEMBER PROTECTION POLICY

Preface

Banksia Park Concert Bands Incorporated, herein after referred to as 'the Association'. caters for females and males of all ages and musical abilities, from beginners to experienced musicians.

The Association is not immune to acts of discrimination, harassment and abuse.

The Association is both ethically and legally responsible to prevent discrimination and harassment from occurring during the Association's activities. The adoption of this policy reflects the Association's commitment to serving and protecting its members throughout the program.

Through working together, the members of the Association can prevent discrimination and harassment and create a safe and supportive environment for all members of the Association.

The enforcement of this policy will require ongoing commitment from the Association.

CONTENTS

POLICY

1. Introduction
2. Values
3. Purpose of Our Policy
4. Who Our Policy Applies To
5. Extent of Our Policy
6. Association's Responsibilities
7. Individual Responsibilities
8. Protection of Children
 - 8.1 Child Protection
 - 8.2 Supervision
 - 8.3 Transportation
 - 8.4 Taking Images of Children
9. Anti-Harassment, Discrimination and Bullying
10. Inclusive Practices
 - 10.1 People with a Disability
 - 10.2 People from Diverse Cultures
 - 10.3 Sexual & Gender Identity
 - 10.4 Pregnancy
11. Responding to Complaints
 - 11.0 Complaints
 - 11.2 Complaint Handling Process
 - 11.3 Disciplinary Measures
 - 11.4 Appeals

Attachment 1: Codes of Behaviour

Attachment 2: Working With Children - Screening Requirements

- 2.1 Identifying affected positions
- 2.2 Procedures.
- 2.3 Records management
- 2.4 Exemptions from the requirement to conduct criminal history assessments.

Attachment 3: Process for dealing with members charged with, or under investigation for a criminal offence.

Attachment 4: Reporting forms.

- 4.1 Record of complaint

Attachment 5: Revision History

BANKSIA PARK CONCERT BANDS INC.

MEMBER PROTECTION POLICY

1. Introduction

The Association's aims are to:

- Provide opportunities for children and adults to learn to play a musical instrument.
- Develop a spirit of co-operation and team work vital to the success of the association.
- Develop the confidence and self esteem of musicians through performances in a stimulating and safe environment.
- Promote musical education and performance amongst children and adults in the community.

2. Values

The Association is committed to treating all people with respect, dignity and fairness, along with the basic right of all members to participate in band activities in an environment that is enjoyable and safe

3. Purpose of Our Policy

The main objectives of our Member Protection Policy is to:

- Maintain responsible behaviour and ethical and informed decision-making by members in this Association.
- Ensure that our values, good reputation and positive behaviours are maintained.
- Outlines the Association's commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse.
- Inform everyone involved in the Association of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.
- Describes the responsibilities for the care and protection of children participating in the Association's activities.

As part of the Association's commitment to this Policy it will take disciplinary action against any person bound by this Policy if they breach it.

4. Who Our Policy Applies To

Our Policy applies to everyone involved in the Association or in the Association's Activities including but not limited to Committee Members, Musical Directors, members, volunteers and parents/guardians.

5. Extent of Our Policy

Our policy covers unfair decisions, breaches of our code of behaviour and inappropriate behaviour that occurs during rehearsals, performances, meetings, in the band's premises, at camps, overnight trips or tours and at social events organised or sanctioned by the Association (or our state or national body), and any behaviour that brings or is likely to bring the Association into disrepute. It also covers behaviour where there is suspicion of harm towards a child or young person.

6. Association's Responsibilities

The Association shall:

- Make any necessary amendments to our Constitution, By-Laws or Policies to support and enable this Policy to be enforceable,
- Adopt, implement and comply with our Policy,
- Publish, distribute and promote this Policy to everyone involved in the Association,

- Promote and model appropriate standards of behaviour at all times,
- Respond to breaches or complaints made under this Policy promptly and in an impartial, sensitive, fairly and in a confidential manner;
- Apply this Policy consistently without fear or favour,
- Recognise and enforce any penalty imposed under this Policy,
- Appoint, via the Association's Management Committee, a "Member Protection Information Officer (MPIO) to handle complaints and allegations and display their contact details,
- Review this Policy every 12-18 months, and
- Seek advice from, and if necessary or appropriate, refer serious issues to the police and/or relevant government authority and our state/national body.

7. Individual Responsibilities

Individuals bound by this Policy are responsible for:

- Make themselves aware of the Policy and comply with the standards of behaviour outlined in our Policy,
- Treat others with respect,
- Always place the safety and welfare of children above other considerations,
- Be responsible and accountable for their behaviour,
- Follow the guidelines outlined in this Policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour,
- Consent to undergo a criminal history assessment if undertaking a role that involves direct and unsupervised contact with a child,
- Co-operating in providing a discrimination, child abuse and harassment free environment and
- Understanding the possible consequences of breaching this Policy

8. Protection of Children

8.1 Child Protection

The Association is committed to the safety and well being of all children and young people involved in activities within the Association. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and well being of our members and volunteers and encourage their active participation in building and maintaining a secure environment for all members.

The Association acknowledges that our members and volunteers provide a valuable contribution to the positive experiences of children involved in our Band program. The Association aims to continue this and to take measures to protect the safety and welfare of children participating in our Band activities by:

8.1.1: Not Used

8.1.2: Develop Codes of Conduct for Adults and Children

The Association will ensure that it has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the Association's care. The Association will also implement a code of conduct to address appropriate behaviour between children.

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

8.1.3: Choose Suitable Employees and Volunteers

The Association will ensure that it takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to volunteer to work with children.

If a criminal history report is obtained as part of their screening process, the Association will ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief Executive, Department for Families and Communities.¹

8.1.4: Support, Train, Supervise and Enhance Performance

The Association will ensure that volunteers and members who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

8.1.5: Empower and Promote the Participation of Children in Decision-Making and Service Development

The Association will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

8.1.6: Report and Respond Appropriately to Suspected Abuse and Neglect

The Association will ensure that volunteers are able to identify and respond to children at risk of harm.

The Association will make all volunteers aware of their responsibilities under the *Children's Protection Act 1993* if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

If any person feels another person bound by this Policy is acting inappropriately towards a child or is breaching the Code'(s) of Practice set out they may make an internal complaint. Our complaints procedure outlined in this Policy will explain what to do about the behaviour and how the Association will deal with the problem.

8.2 Supervision

Association Members under the age of (18) must be supervised at all times by a responsible adult. The Association will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of (18) is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

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

8.3 Transportation

Parents/guardians are responsible for transporting their children to and from all Association activities (e.g. rehearsals and performances). Where the Association makes arrangements for the transportation of children (e.g. for performances, camps over-night trips, tours or other Association's activity), we will conduct a risk assessment that includes ensuring vehicles are

¹ Families and Communities (2007) *Child Safe Environments: Principles of Good Practice & Suggested Implementation Guidelines and Indicators*. Adelaide: DFC.

adequately insured, the driver has a current and appropriate licence for the vehicle being used and appropriate safety measures are available (e.g. fitted working seatbelts).

8.4 Taking Images of Children

The Association acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

The Association requires that members, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent/guardian knows the way the image will be used. The Association also requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the Association uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. If it a child's name is to be attached to an image the Association will seek written permission from the parent/guardian.

The Association will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our band program and ensure that the child is suitably clothed in a manner that promotes the band program, displays its successes, etc.

9. Anti-harassment, Discrimination and Bullying

The Association opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic, imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic, or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

The Association takes all claims of harassment, discrimination, bullying and cyber bullying seriously. The Association encourages anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the Association Member Protection Information Officer (see Responding to Complaints).

10. Inclusive practices

The Association is welcoming and we will seek to include members from all areas of our community and is not limited to the following.

10.1 People with a disability

Where possible we will include people with a disability in our Association's activities. We will make reasonable adaptations (e.g. modifications to equipment) to enable participation.

10.2 People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in the Association and where possible will accommodate requests for flexibility (e.g. modifications to uniforms).

10.3 Sexual & Gender Identity

All people, regardless of their sexuality, are welcome at the Association. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

10.4 Pregnancy

Pregnant women should be aware that their own health and well-being, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in the Association's activities. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in participating in the Association's activities, and ensure that they make informed decisions about participation.

11. Responding to Complaints

11.1 Complaints

The Association takes all complaints about behaviour seriously. The Association will handle complaints based on the principles of procedural fairness (natural justice), that is:

- All complaints will be taken seriously,
- Both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story),
- Irrelevant matters will not be taken into account,
- Decisions will be unbiased and fair, and
- Any penalties imposed will be fair and reasonable.

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

Anyone who suspects, on reasonable grounds, that a child or young person is being abused or neglected, should report their concerns to Families SA by calling the 24 hour Child Abuse Report Line on 13 14 78.

Whilst the Member Protection Information Officer of the Association would like to be kept informed in the event that any member has a concern of a child protection nature about children or young people who are participating or who have some involvement with the Association, the responsibility for making a report to the Child Abuse Report Line rests with the individual who identifies those concerns

11.2 Complaint Handling Process

When a complaint is received by the Association, the person receiving the complaint (e.g. Member Protection Information Officer or Management Committee) will:

- Listen carefully and ask questions to understand the nature and extent of the problem,
- Ask what the complainant would like to happen,
- Explain the different options available to help resolve the problem,
- Take notes, and
- Maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the Association will assist, where appropriate and necessary, with the resolution process.

This may involve:

- Supporting the person complaining to talk to the person being complained about,
- Bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation),

- Gathering more information (e.g. from other people that may have seen the behaviour),
- Seeking advice from an external agency (e.g. anti-discrimination agency),
- Referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to an external agency such as a community mediation centre, police or anti-discrimination agency and an inquiry is conducted, the Association will:

- Co-operate fully,
- Ensure the complainant and respondent are not victimised,
- Where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s), and
- Act on the external agency's recommendations.

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

11.3 Disciplinary Measures

The Association will take disciplinary action against anyone found to have breached our Policy or made false and malicious allegations. Any disciplinary measure imposed under our Policy must:

- Be applied consistently,
- Be fair and reasonable,
- Be based on the evidence and information presented and the seriousness of the breach, and
- Be determined by our Constitution and By-Laws.

Possible measures that may be taken include:

- Making verbal and/or written apology,
- Counselling to address behaviour,
- Withdrawal of any awards, records, achievements bestowed, activities or events held or sanctioned by the Association,
- Suspension or termination of membership, participation or engagement in a role or activity,
- Any other form of discipline that the Association considers reasonable and appropriate.

11.4 Appeals

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by the Association. Where this occurs the Association will refer the matter to a community mediation centre, police or anti-discrimination agency.

Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/Association.

Attachment 1: CODES OF BEHAVIOUR

The Association requires everyone bound by this policy to:

1. Treat everyone with respect and honesty and be ethical and courteous (this includes Members, Volunteers, children, young people, parents and caregivers),
2. Have proper regard for the rights, obligations and dignity of others,
3. Place the safety and welfare of children above other considerations,
4. Maintain a high standard of personal behavior at all times,
5. Be a positive role model to children and others in all your conduct with them,
6. Set clear boundaries about appropriate behavior between yourself and the children in the Association,
7. Comply with the Association's Constitution, By-Laws and Polices (including this Policy),
8. Follow Policies and Guidelines for the safety of children as outlined in the Association's Policies,
9. Be courteous and respectful and open to discussion and interaction,
10. Always have another adult present or in sight when conducting one to one tutoring, instruction etc.,
11. Avoid physical contact with a child or member,
12. Raise any concerns, problems or issues with the Member Protection Information Officer or Management Committee member as soon as possible,
13. Record and act on complaints of abuse,

The Association requires everyone bound by this policy NOT to:

1. Develop 'special' relationships with children that could be seen as favouritism such as the offering of gifts or special treatment,
2. Become involved with things of a personal nature that a child can do for themselves, such as going to the toilet or changing clothes.

Attachment 2: WORKING WITH CHILDREN - SCREENING REQUIREMENTS

South Australian legislation requires that people volunteering in a child-related area have a Working With Children Check (WWCC). The guidance provided states that for “*Clubs and associations with significant membership or involvement of children*” all workers and volunteers need a Working with Children Check regardless of whether they have direct contact with children². Given the Association aims to involve children in its bands, this is taken to apply.

2.1 – Prescribed Positions

It is noted that people who undertake the service or activity in the same capacity as a child to whom the service or activity relates do not require a Working with Children Check. For example, an adult playing in a football team alongside a child does not need a WWCC². Therefore, adult members who simply play in the same band with children do not need a WWCC.

The prescribed positions within the Association that require a WWCC are defined to be:

1. Musical Directors
2. Music Tutors who will tutor children
3. Band Representatives for bands that have children as active players
4. Band Managers for bands that have children as active players
5. Committee Members
6. Member Protection Information Officer
7. Section Leaders for bands that have children as active players

2.2 – Procedures

The Association, via its Management Committee, will ensure that people in the above prescribed positions have an active WWCC. The Association will maintain and keep up to date the online organizational portal required by the South Australian government. The responsibility to maintain this portal lies with the Executive. It is noted that this portal is the official record of who within the Association has a valid WWCC and as such other records do not need to be kept.

Every 6 months the Management Committee will have an agenda item confirming that all people in prescribed positions have an active WWCC and that the online portal is up to date. This shall be captured in the meeting minutes.

² Taken from Working with Children Checks – Information for Organisations
https://www.sa.gov.au/_data/assets/pdf_file/0006/885138/WWCC-Information-for-Organisations-December-2023.pdf. Accessed 9 March 2024

Attachment 3: Process for dealing with members charged with, or under investigations for, a criminal offence

This process sets out the procedure that the Association will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

Guiding Principle

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.

Procedure

3.1 Risk Assessment

In the event that the Association becomes aware that a member or volunteer has been charged with, or is being investigated for, a relevant criminal offence, the Managing Committee of the Association or Executive officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

Be conducted in accordance with the guidelines and principles set out under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*,

Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues,

Consider all matters on an individual basis and include an assessment of all relevant circumstances,

Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken,

Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied,

Not compromise any police investigations or evidence.

3.2 Outcome

Where the outcome of the risk assessment is that protective action is necessary, the Association may:

Control or supervise contact between the member and children,

Prevent contact between the member and children,

Remove the member from duties until the outcome of the investigation or charge is known,

Take any other action that is necessary and reasonable in the circumstances.

3.3 Voluntary removal of the member pending outcome of charge or investigation

Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, the Association will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

3.4 Resolution to suspend or remove member

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, the Association will put forward a resolution to the Management Committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the committee's minutes and then implemented.

The outcome recorded in the committee minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

3.5 Glossary

Relevant criminal offence: means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

Natural justice: means observing the following principles:

- People are entitled to be informed of allegations made against them:
- All persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision:
- During the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties:
- Decision-makers act fairly and impartially.

Offence that indicates a prima-facie risk of harm: has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

Offence that potentially indicates unsuitability to work with children: Has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

Member: means a member of the Banksia Park Concert Bands Inc.

Risk assessment in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*).

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</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"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	

Attachment 5: DOCUMENT CONTROL SHEET

Record of Issues.

Issue No	Issue Date	Nature of amendment
Draft 1	26/9/2011	Initial Draft for Discussion
Draft 1a	28/9/2011	Reference to club changed to Association
Draft 1 b	16/1/2012	Changes in police clearance requirements
Draft 1 c	29/5/2012	Editing of document.
1	16/10/2012	Final
2	April 2024	Updated Attachment 2 to reflect current legislation. Minor edits throughout
2.1	July 2024	Corrected dates in Footer and minor formatting corrections. Committee agreed to accept updates (meeting held 4 July 2024). Version formally published