

WALES TOUCH ASSOCIATION – MEMBERS PROTECTION POLICY

DOCUMENT CONTROL

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1. POLICY STATEMENT

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

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

2. DEFINITIONS OF TERMS

These definitions set out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words.

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

“Affiliate” means a local entity that conducts and/or administers Touch competitions and which is a Member of the Association

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

“Child abuse” relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child’s development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child’s development or maturity).

- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from
- danger or foreseeable risk of harm or injury).

“Complaint” means a complaint made under the WTA – Judiciary Policy.

“Complainant” means the person making a complaint.

“Discrimination” means treating or proposing to treat a person less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is “Direct Discrimination”). The law also covers “Indirect Discrimination”. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law are:

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

Examples of Discrimination

- Age: A club refuses to allow an older person to coach a team simply because of their age.
- Breastfeeding: A member of the club who is breastfeeding her baby in the club room is asked to leave.

- Disability: A junior player is overlooked because of her mild epilepsy.
- Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.
- Homosexuality: An athlete is ostracised from her team after she tells a team mate that she is a lesbian.
- Marital Status: A player is deliberately excluded from team activities and social functions because she is single.
- Pregnancy: A woman is dropped from her squad when she becomes pregnant.
- Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- Sex: Specialist coaching is only offered to male players in a mixed team.
- Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.
- Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under discrimination).

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

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

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

- over where strength, stamina or physique is relevant or;
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.
- Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

- It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.
- Public acts of racial hatred which are reasonably likely in the circumstances 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.

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

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

“Member” means a member for the time being of the Wales Touch Association.

“Member protection” is a term used by the Wales Touch Association to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, other affiliated associations and the national body.

Member protection involves:

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

“Policy” and this policy mean this Member Protection Policy.

“Respondent” means the person who is being complained about.

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

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



“Sexual offence” means a criminal offence involving sexual activity or acts of indecency including but not limited to any sexually related offence covered and enforced by UK law:

- Rape
- Indecent assault
- Sexual assault
- Incest, etc.

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

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

“Young People” means people in under the age of 18 years.

3. APPLICATION

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

1. Individuals sitting on boards, committees and sub-committees; Employees and volunteers;
2. Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
3. Coaches and assistant coaches;
4. Athletes and players;
5. Referees, umpires and other officials;
6. Selectors and Talent Identification personnel;
7. Members, including life members;
8. Member associations;
9. Affiliated clubs and associated organisations;
10. Any other person or organisation that is a member of or affiliated to WTA;
11. Parents, guardians, spectators and sponsors to the full extent that is possible.

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

4. CODE OF CONDUCT

The WTA requires every individual and organisation to be bound by the “WTA – Code of Conduct” please refer to this policy further information. A brief summary of expectations is detailed below but a comprehensive information is contained within the “WTA – Code of Conduct” which is the primary policy to provide guidance and information to members and organisations associated with WTA.:

- Be ethical, fair and honest in all their dealings with other people and WTA;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with WTA’s constitution, rules and policies including this member protection policy;
- Operate within the rules and spirit of the sport;
- Comply with all relevant UK laws (Wales and England), particularly antidiscrimination and child protection laws;
- Be responsible and accountable for their conduct; and
- Abide by the relevant Role-Specific Codes of Conduct outlined WTA – Code of Conduct.

5. ORGANISATIONAL RESPONSIBILITIES

WTA Affiliated associations and clubs must:

- Adopt, implement and comply with this policy;
- Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- Monitor and review this policy at least annually.

6. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- Consenting to Data Barring Service (DBS) check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years; DBS Checks are carried out - and must be carried out - for anyone who wishes to work with children, the elderly or individuals who might otherwise be classed as vulnerable.
- Complying with all other requirements of this policy;
- Co-operating in providing a discrimination free, child abuse free and harassment free sporting environment;
- Understanding the possible consequences of breaching this policy.

7. POSITION STATEMENTS

7.1.CHILD PROTECTION POLICY

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations. This policy must be read in conjunction with the WTA – Safeguarding Policy and all other relevant WTA policies. The WTA acknowledges that our staff and



volunteers provide a valuable contribution to the positive experiences of our juniors. The WTA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to having direct and unsupervised contact with children. (Screening procedures outlined in WTA – Safeguarding Policy);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (our complaints procedure is detailed in the WTA – Judiciary Policy); and
- Providing education and/or information to those involved in our sport on child abuse and child protection (as detailed in the WTA – Safeguarding Policy).

The WTA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and a WTA board member who will inform the WTA Managing Director.

Descriptions of the sorts of activity which may be abuse are detailed within the WTA – Safegaurading Policy a summary are also included in this policy.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in the WTA – Safeguarding Policy.

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

7.2.ANTI-DISCRIMINATION AND HARRASSMENT POLICY

The WTA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

WTA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

The WTA prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided within this policy.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined the WTA – Judiciary Policy. This will explain what to do about the behaviour and how the WTA will deal with the problem.

7.3.SEXUAL REPLATIONSHIPS POLICY

The WTA takes the position that sexual relationships between coaches and the adult athletes that they coach **should be avoided**. The WTA takes the view that such relationships while not necessarily constituting unlawful harassment can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.

The WTA's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, WTA will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the WTA's Technical Director or othe WTA board member if they feel harassed.

The law is always the minimum standard for behaviour within WTA and therefore sex with a child is a criminal offence.

7.4.PREGNANCY POLICY

The WTA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. The WTA expects that everyone bound by this policy to treat pregnant women with



dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided within the policy.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in the “WTA Judiciary Policy” this policy. This will explain what to do about the behaviour and how the WTA will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant women’s circumstances. WTA will take reasonable care to ensure the safety, health, and wellbeing of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.5.GENDER IDENTITY POLICY

The WTA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. The WTA expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are detailed in the policy.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined the “WTA – Judiciary Policy”. This will explain what to do about the behaviour and how WTA will deal with the problem.

The WTA recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general the WTA will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

WTA also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, WTA will seek advice on the application of those laws in the particular circumstances.

The WTA notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

7.6. ALCOHOL POLICY

The Wales Touch Association (WTA) is committed to ensuring responsible service of alcohol and supporting and promoting strategies to minimise harm from alcohol use.

The WTA will ensure compliance with all relevant policy guidelines constructed by the Licensing Act 2003.

- Any person known to be intoxicated will not be permitted to participate in WTA Touch activities;
- Alcohol will not be used for prizes or awards;
- The irresponsible use of alcohol will not be glamorised or promoted and there will be no external advertising of the availability of alcohol e.g. promotional signage, tickets.
- Where alcohol is available:
 - Lower strength and non-alcoholic beverages will be available and promoted and competitively priced;
 - Alcohol will be served in accordance with the requirements set out in the Licensing Act 2003. This includes no alcohol being served to patrons under the age of 18 years or to intoxicated patrons;
 - Excessive and/or rapid consumption of alcohol will be discouraged e.g. no happy hours and drinking competitions;
 - Food and tap water will be made available;
 - Alcohol consumption by parents, coaches/ instructors and other influential personnel will be discouraged particularly where young people are involved;
 - The availability of alcohol will be restricted to suitable and appropriate times e.g. a launch or post event function;

- Drinks will be served in standard size drink portions and plastic containers will be encouraged at events, particularly outdoor events;
- Responsible alcohol use will be actively promoted and safe transport options for patrons will be encouraged and promoted at events where alcohol is available.

All staff and volunteers representing the WTA will be made aware of the alcohol policy.

8. COMPLAINTS

The WTA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the WTA board. Refer to the WTA – Judiciary Policy for further information regarding the complaints procedure and process.

8.1.VEXATIOUS COMPLAINTS AND VICTIMISATION

The WTA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the delegated complaints manager considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the WTA board for appropriate action which may include disciplinary action against the complainant.

The WTA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint. Please refer to the WTA – Judiciary Policy for further information.

8.2.MEDIATION

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

Mediation may occur either before or after an investigation of a complaint. Please refer to the WTA – Judiciary Policy for further information.

8.3.JUDICIARY HEARING

A judiciary hearing may be formed to hear a formal complaint that has been referred by WTA board for an alleged breach of the WTA policy. Our judiciary hearing procedure is outlined in the WTA - Judiciary Policy.

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

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

9. WHAT IS A BREACH OF THIS POLICY?

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

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

10. ASSOCIATED POLICIES

This policy must be read in conjunction with other WTA policies. Details of these are:

- WTA – Code of Conduct,
- WTA – Safeguarding Policy,
- WTA – Judiciary Policy,
- WTA – Conflict of Interest Policy,
- WTA – Data Protection Policy,
- WTA – Social Media Policy
- WTA – Selection Policy.

The WTA may introduce further policies as required.

This policy will be reviewed annually and any breaches will be addressed through the WTA Board and application of the WTA Judiciary policy and procedure.