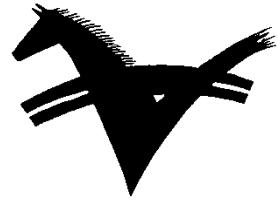


Pony Club Association Of Victoria Inc.

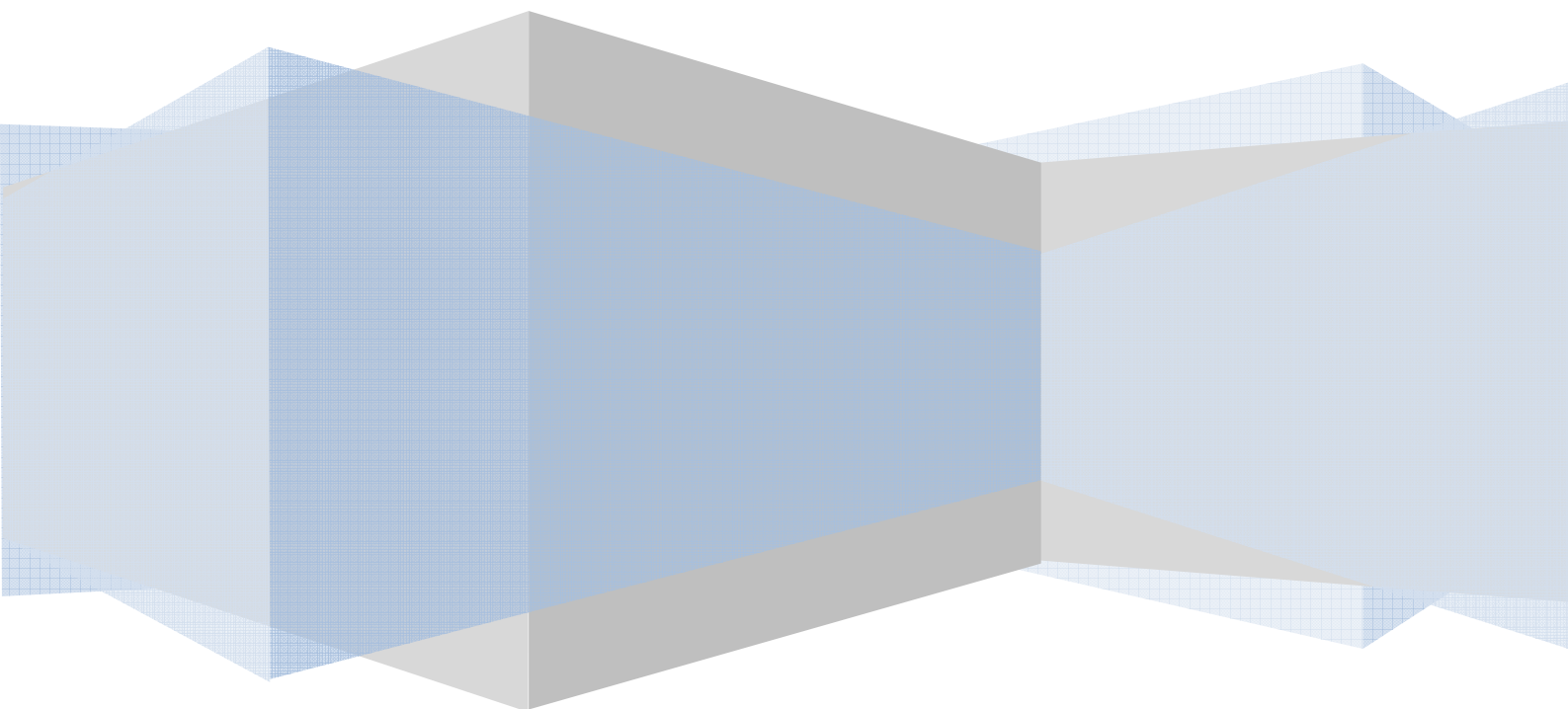


Inc Reg No. A0013413S

Code of Conduct

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Code of Conduct

The Pony Club Association of Victoria's Code of Conduct outlines behaviours that are expected of every person involved in our organisation, as well as identifying the types of behaviours that will not be tolerated.

It applies to members, officials, adult supporters, coaches, instructors, spectators, family, friends, administrators and other members of our diverse pony club community.

It applies to all PCAV, Zone and Club sanctioned activities.

The Pony Club Association of Victoria's Code of Conduct supports everyone to have fun in a friendly and inclusive environment.

Our Values and Behaviours

Respect and recognition

- ▲ I treat others as I would like to be treated
- ▲ I treat everyone with dignity, courtesy and respect
- ▲ I appreciate performances by all participants
- ▲ I value and recognise good behaviours and the contribution of all
- ▲ I communicate openly and provide constructive supportive feedback

Caring

- ▲ The welfare of the horse is paramount
- ▲ I am considerate of others
- ▲ I encourage others to participate but I don't force the issue
- ▲ I never resort to verbal abuse, harassing behaviour, hostility or aggression

Integrity

- ▲ I am open, honest and trustworthy
- ▲ I do what I say
- ▲ I am a Good Sport and encourage others to do the same
- ▲ I do not make any disparaging or belittling remarks about others
- ▲ I abide by the Code of Conduct

Inclusion

- ▲ I support and help others
- ▲ I am flexible and responsive to people's needs
- ▲ I work collaboratively to achieve the best outcomes
- ▲ I encourage the participation of all regardless of ability, age, gender, sexual orientation, race, culture or religion
- ▲ I contribute towards an enjoyable and safe environment for all

Code of Conduct

Our Values and Behaviours are central to the Pony Club Association of Victoria's Code of Conduct. They ensure that we focus as much on HOW we do things as on WHAT we do by putting Values and Behaviours at the core of pony club participation.

A separate Code of Conduct exists for member of the Media. It is located at www.ponyclubvic.org.au Resources/Policies. A copy the Media Code of Conduct and this Pony Club Association of Victoria Code of Conduct should be supplied to all members of the media who attend pony club activities, competitions and functions.

Our Responsibilities

Club Members

- ▲ Embrace and act in accordance with the Code of Conduct
- ▲ Role model and share your knowledge of this Code
- ▲ Consider and uphold the welfare of the horse in any activity in which you participate
- ▲ Raise situations that you think might be a breach of this Code with your Club or Zone's officials. Encourage others to raise their concerns.

Officials, Parents, Guardians, Coaches, Instructors, Administrators, Observers and Supporters

- ▲ Keep the Code of Conduct accessible for future reference
- ▲ Embrace and act in accordance with the Code of Conduct
- ▲ Role model and share your knowledge of the Code
- ▲ Lead by Example
- ▲ Raise situations that you think might be a breach of this Code with your Club or Zone's officials. Encourage others to raise their concerns
- ▲ Encourage an environment where others can raise their concerns
- ▲ Manage behaviour that is inconsistent with this Code

Getting Advice

Your Club's officials are your most direct source of information and action.

Breaching the Code of Conduct

PCAV, Zones and Clubs treat breaches of this Code seriously.

If you breach this Code, or assist someone else to breach the Code, the breach will be investigated. If it is determined that a breach has occurred, your Club, Zone or PCAV, as appropriate, will address the behaviour in line with the circumstances of the individual case. This could include coaching the people involved to assist them to recognise why the behaviours are inappropriate and

Code of Conduct

what other responses are more appropriate or disciplinary action which ranges from a verbal or written warning to suspension of membership or even, termination of membership.

There are some breaches of the Code that PCAV considers to be serious misconduct and will not tolerate. Serious breaches are likely to result in suspension or termination of membership, and may lead to referral to the police. Some examples are

- ▲ Serious harassment, discrimination or bullying
- ▲ Serious safety breaches, including violence of any form or threats of violence
- ▲ Misleading or defrauding PCAV, Zone or Club
- ▲ Horse abuse or cruelty
- ▲ Theft or vandalism
- ▲ A serious breach of the law
- ▲ Intoxication or drug use

Reporting a Breach

If you genuinely believe that conduct in breach of this Code has occurred, we want you to raise your concerns.

Club members who are concerned about conduct should raise their concerns with their Club's officials. If the conduct involves your Club's officials, raise it with your Zone Representative.

Sometimes there may be exceptional circumstances when someone has used this process and the situation has not been rectified or the breach is so serious that they feel unable to raise their concerns through normal channels.

PCAV's Code of Conduct email address codeofconduct@ponyclubvic.org.au or office@ponyclubvic.org.au provides a channel to raise breaches of the Code in these rare and exceptional circumstances.

Managing a Suspected Breach

Information regarding managing a suspected breach of the Code of Conduct can be found on PCAV's website under the Code of Conduct heading or by contacting your Zone Representative.

15th September 2010

Options for Handling Complaints

Which option is best for our club?

There are various informal and formal processes that exist to help address issues raised by a complaint. This document contains information about a number of options that may be suitable for use by your Club or Zone.

If, after reading this document, you are still unsure what you should do, please contact your Zone Representative or PCAV.

Which option is best for my Club?

Informal Processes

Informal processes offer less structured processes such as the complainant taking the issue up themselves or asking for support to directly resolve the matter.

Examples of informal processes are:

- ▲ providing more information to the person complaining
- ▲ suggesting the person complaining talk directly with person complained about the issue
- ▲ the DC or other club official meeting with person complained about
- ▲ informal discussion with all those involved facilitated by club official

You might choose a informal process if:

- ▲ The issue is not a breach of the law
- ▲ The issue raises little or no risk of harm to other people or horses
- ▲ The person complaining is not looking to lay blame or wanting disciplinary action

More information on each of the informal alternatives is provided below.

Formal Processes

Formal processes require following more structured processes and involve other (sometimes outside) parties to resolve the issue.

Examples of formal processes are:

- ▲ Mediation
- ▲ Pony Club Committee Hearing
- ▲ Pony Club Committee Inquiry (e.g. President/representative gathers more information & reports back to Committee)
- ▲ Escalation within PCAV to Zone or State level
- ▲ Referral to external agency

Options for Handling Complaints

You might choose a formal process if:

- ▲ The issue is not unlawful but cannot be resolved easily
- ▲ The issue is unlawful and there is a risk of harm to others
- ▲ The issue raises concerns related to the welfare of the horse and there is an actual or potential risk of harm to the horse
- ▲ There is a conflict of interest
- ▲ The complaint has not been resolved informal processes

More information on each of the formal alternatives is provided below.

External Processes

All allegations raising very serious issues or unlawful behaviour require urgent action and usually involve an investigation. PCAV also requires these serious and criminal allegations to be reported to it via your Zone Representative or where the matter involves Zone personnel directly to the Coaching Director.

Options for handling very serious complaints include

- ▲ Referral to police
- ▲ Referral to a child protection authority
- ▲ Referral to an anti-discrimination agency

More information on external processes is provided below.

Informal

Providing more information to the person complaining

This is a good option when:

- ▲ You have clear guidelines available, eg. By-Laws, Code of Conduct, Gear Rules etc. & it appears to be lack of awareness of these
- ▲ The person complaining is seeking greater understanding
- ▲ The complaint is in the early stages of the process. Providing information early in the process can help to inform both the person complaining and the club of the available solutions

Recommended steps to follow:

- ▲ Provide person complaining with copy of relevant parts of By-Laws, Codes of Conduct and/or relevant guidelines or rule (e.g. selection policy, gear rules)
- ▲ Explain how these policies relate to the issue or person's concern

Options for Handling Complaints

Supporting person complaining to talk directly with person complained about

This is a good option when:

- ▲ The person complaining suggests this option
- ▲ The complaint is in the early stages of the process
- ▲ The focus of the person complaining is to move forward rather than seeking to lay blame
- ▲ There isn't a significant power imbalance
- ▲ The person complaining is confident and/or isn't concerned about victimisation
- ▲ The club can protect the complainant against victimisation (e.g. within club policies)
- ▲ The issues are largely factual in nature and there is little emotion involved

Recommended steps to follow:

- ▲ If the circumstances are appropriate, ask the person if they would feel comfortable raising the matter with the person directly themselves
- ▲ Consider suggesting to the person complaining that they:
 - Be sensitive about when and where the talk takes place (e.g. don't do it in front of riding members or other parents)
 - Avoid being emotional and don't personalise concerns. Provide clear examples (e.g. when, where, who)
 - Focus on the solution rather than problem (e.g. how to move forward rather than seeking to lay blame)
 - Take responsibility to help move forward (e.g. offering to help set up canteen on the morning of pony club, be a team manager)

Meeting with the person complained about

This is a good option when:

- ▲ The problem can be resolved by clarifying your clubs policies or rules
- ▲ There is a power imbalance between the person complaining and the person complained about
- ▲ You yourself have observed the behaviour
- ▲ The person complaining requests this option

Options for Handling Complaints

Recommended steps to follow:

- ▲ Find a time to talk privately with the person being complained about (e.g. not in front of riding members or parents)
- ▲ Let them know that concerns have been expressed but try not to make the discussion personal (e.g. rather than saying the person is alleged to show favouritism and bias towards their own child say there are concerns that riders are not getting equal time in the lesson)
- ▲ Acknowledge their contribution to the club and discuss policies or guidelines that help clarify the club's position on the issue (e.g. rally planning guide)
- ▲ Ask for their perspective on the issue and what might have led to this being a concern
- ▲ Ask for their ideas on how to sort out the issue
- ▲ Check what further support might help them in their role (e.g. swapping their child into another group for those lessons)
- ▲ Get back to the person complaining with the outcome and monitor the situation.

Informal discussion with all those involved

This is a good option when:

- ▲ The issue is not emotive or aggression isn't involved
- ▲ It's appropriate for all parties to hear same message at same time (e.g. clarifying roles and responsibilities)
- ▲ The person complaining is open to discussion with other person

Recommended steps to follow:

- ▲ Find a time and place when you can get the parties together.
- ▲ Reassure both parties that the focus is on talking openly to try and move forward rather than laying blame.
- ▲ Make sure both parties have equal 'air time' so they feel heard (e.g. the person complaining is concerned about the coach shouting at riders and the coach feels stressed because he has too many riders of varying standards in their class).
- ▲ Refer to the club's policies and guidelines to clarify and provide direction (e.g. Codes of Behaviour, roles and responsibilities).
- ▲ Identify common ground and build on this for workable solutions (e.g. that the coach needs more support from parents and others in the club to undertake his/her role, make up of groups need reviewing, smaller group sizes for particular activities).
- ▲ Allow both parties to suggest solutions (e.g. more parents involve themselves with the team as a helper or rider support., club run internal assessment day to better align groups)

Options for Handling Complaints

- ▲ Follow up with both parties to check that the problem is resolved.

Formal

Mediation

This is a good option when:

- ▲ The person complaining requests it and the person being complained about is likely to be agreeable to this
- ▲ The allegations don't or are unlikely to warrant any form of disciplinary action
- ▲ The facts are not likely to be disputed
- ▲ There isn't a significant power imbalance between the parties

Recommended steps to follow:

- ▲ Explain to the person complaining and the person being complained about that mediation is a process that may help them understand and explore their issues and mutually find resolution with the help of an independent third party
- ▲ Get agreement from both parties that they are willing to meet with a mediator to try and sort out their problems
- ▲ Contact your Zone Representative or PCAV if it is a Zone matter to discuss the issue and arrange mediation if appropriate. There can be costs associated with paying for a mediator. Your Zone or PCAV can help you source someone suitable.
- ▲ Appoint a mediator
- ▲ Ensure your club's Committee monitors the situation and reviews policies and procedures to prevent the problem from reoccurring.

Club Committee Decision

This is a good option when:

- ▲ The person complaining requests this action
- ▲ Mediation is not possible
- ▲ There is a possible detriment to either party
- ▲ The parties have not been able to resolve the problem themselves
- ▲ There is a power imbalance between the parties
- ▲ Emotions are aroused
- ▲ The circumstances or facts are not agreed – eg. he said, she said
- ▲ The matter is unlikely to require an external investigation (e.g. it is not child abuse, physical or sexual assault)

Options for Handling Complaints

- ▲ Disciplinary action is a possibility
- ▲ For a repeat of a previous issue or an unresolved matter

Recommended steps to follow:

- ▲ Respond in writing to any complaint (written or verbal) and explain the process the club's committee will take in dealing with the complaint.(e.g. a committee hearing).
- ▲ For more information and guidance on managing the complaint please refer to PCAV's Guide to managing breaches of the code of conduct
- ▲ Inform the person being complained about of the allegations and the process the committee intends to undertake to deal with the complaint.
- ▲ Ensure both parties are given an opportunity to tell their side of the story before any decisions are made.
- ▲ Sometimes a decision can be made at a committee hearing at which both parties are asked to attend. This process is suited to rules or policy disputes that require a quick resolution (e.g. when a decision is needed so as not to affect Zone qualifiers or competition participation).
- ▲ Alternatively a nominated representative of the committee may be appointed to gather more information and report back to the committee with recommendations before decisions are made (e.g. more serious or sensitive complaints such as sexual or racial harassment, claiming rally attendance for the wrong horse).
- ▲ Keep all parties to the complaint informed throughout the process.
- ▲ Protect the person complaining and the person being complained about from victimisation.
- ▲ Manage any gossip or demands by people who know about the complaint.
- ▲ Decisions must be made based on facts. Outcomes could include dismissal of the complaint, disciplinary action, referral to PCAV or Zone for further investigation or referral to an external authority if the seriousness of the matter calls for it.
- ▲ Decisions must be clearly communicated to all parties and offer a right of appeal.
- ▲ The committee should review its policies and communicate the policies to club members and personnel to prevent further similar issues arising.

Escalation to Zone or PCAV

This is a good option

- ▲ When PCAV's By-Laws, policies or your Club's constitution directs that this type of complaint be dealt with at Zone or State level and:
 - ▲ There is a possible conflict of interest (or close relationship or friendship) between the people on the club's committee and any of the parties to the complaint
 - ▲ It is beyond the skills of the committee and specific expertise or experience may be required to manage the complaint

Options for Handling Complaints

- ▲ For a repeat of a previous issue that has not been able to be resolved at club level
- ▲ The complaint has not been able to be resolved at the club level
- ▲ The issue is more serious than first thought

Recommended steps to follow:

- ▲ Review PCAV's Code of Conduct and procedures to understand how PCAV deals with complaints.
- ▲ Contact your Zone or PCAV's Member Protection Information Officer to discuss the complaint and if and how your zone or PCAV could support your club to handle the complaint.
- ▲ If appropriate, refer the complaint to your zone or PCAV and clarify your club's role.
- ▲ Keep the parties involved informed about the complaint process.
- ▲ Protect the person complaining and the person being complained about from victimisation.
- ▲ Manage any gossip or demands by people who know about the complaint.
- ▲ Implement any recommendations and review club policy and procedures as appropriate.

Referral to external agency

In the event that any matter is referred to an external agency you will need to notify your Zone Representative and PCAV.

Please contact your Zone Representative or PCAV whenever you are unsure and need to seek further advice as to whether the matter should be referred to an external agency.

This is a good option when:

- ▲ PCAV's rules and disciplinary procedures do not enable PCAV to be involved in the complaint (eg. your only option may be to seek legal advice) eg. theft of club funds
- ▲ The person complaining chooses this option (which can happen at any time during the complaint process) eg. sexual harassment complaint
- ▲ After gathering more information, the complaint appears to be very serious eg. stalking allegation
- ▲ When the complaint involves harm or the risk of harm to a child
- ▲ Where the issue may be criminal or a breach of the law
- ▲ When an external investigation is required eg. where too many conflicts of interest arise if PCAV were to investigate. In these circumstances your Zone or PCAV can often still assist you to source an appropriately qualified external party to conduct an investigation.

Guide to Managing Breaches of the Code of Conduct

This document is designed to help clubs and zones with the requirements for managing suspected breaches of the PCAV Code of Conduct [Link] where a formal process is the preferred approach. For more information on the options available for resolving disputes please see *PCAV's Options for Managing Disputes. Which option is best for our club?* www.ponyclubvic.org.au

Formal approaches to managing suspected breaches of the Code of Conduct and other disciplinary issues

Until a determination has been made that a breach has occurred, the breach remains a 'suspected breach' or 'suspected misconduct.'

The principles underlying procedures for managing breaches of the Code of Conduct are:

- ▲ Everyone associated with PCAV - members, officials, supporters, and observers alike - must comply with the Code of Conduct and uphold and promote Our Values and Behaviours
- ▲ Taking action in cases of suspected misconduct is primarily aimed at protecting the integrity of PCAV as an organisation and thereby maintaining confidence in the pony club movement
- ▲ PCAV procedures should be fair and reasonable, striking an appropriate balance between the needs of members, officials and supporters, the needs of the PCAV as an organisation and the wider public interest.

Although the range of sanctions, including termination of membership, form an integral part of any misconduct process, imposing sanctions is not primarily about 'punishing' someone who has failed to meet the required standards of conduct.

Sanctions are intended to be proportionate to the nature of the breach and in some cases will identify that a club, Zone or PCAV no longer has confidence that the person is able to demonstrate and uphold the appropriate values and behaviours on a reliable basis to participate in some, or all, pony club activities. Sanctions also operate as a deterrent to others and confirm that misconduct is not tolerated in clubs, Zones or PCAV.

Not all breaches of the Code will necessarily be the subject of formal action. Depending on the seriousness of the conduct, the person's history with PCAV and an assessment of whether the incident is likely to be an isolated one, counselling or a warning may be a more appropriate way of dealing with the behaviour. Other actions, such as specific coaching, exclusion from team or club based activities for a period of time or acting in a non-riding support role, should also be considered.

It is important to emphasise that a person suspected of having breached the Code is presumed not to have committed the breach until a determination has been made in accordance with these procedures for investigating a breach.

The determination may, of course, be that the person did not breach the Code and no further action is taken. It is also important to note that a sanction cannot be imposed on any person until there is a determination that the Code has been breached.

Guide to Managing Breaches of the Code of Conduct

What is a breach of the Code of Conduct?

In broad terms, a member, supporter, official or other member of the PCAV community whose conduct does not comply with an element of the Code of Conduct can be found to have breached the Code.

The following behaviours are considered serious breaches of the Code of Conduct:

- ▲ Violent or abusive behaviour toward another person
- ▲ Failure to maintain a safe environment
- ▲ Vilification of any kind towards another person
- ▲ Discrimination against another person based on their , age, gender, sexual orientation, race, culture or religion
- ▲ Discrimination against another person based on their physical or mental ability
- ▲ Sexual harassment or intimidation of another person
- ▲ Victimisation of another person for exercising their rights through the Code of Conduct

Before a club, Zone or PCAV can impose a penalty for such behaviour; the breach must be confirmed through the complaints handling procedures at Club, Zone or PCAV, as appropriate.

It is important, however, to note the following points.

- ▲ Where a provision of the Code contains more than one element, it may not be necessary for the person to have breached all elements in order for a breach of the Code to be determined. For example, a parent who verbally abuses an instructor does not also have to assault them to be found to have breached the Code of Conduct.
- ▲ Where a suspected breach appears to be a minor infringement, it may be sufficient to warn the person about his or her conduct, noting that any further similar conduct could lead to formal action. In these cases the decision may be that a determination is not required but a note should be made of the basis on which the warning was given. For example, a rider may be publicly critical of their team's performance or abilities without resorting to verbal abuse or belittling remarks.

First Steps

Before any determination about whether or not a person has breached the Code of Conduct is made, the person must be informed of the details of the suspected breach and the possible range of sanctions that may be imposed, should there be a finding that the person has breached the Code. The person must also be given a reasonable opportunity to make a statement in relation to the suspected breach.

This can be done verbally in many cases. However, where the suspected breach of the Code is considered to be of sufficient concern, it may be preferable to record the matter in written form.

Guide to Managing Breaches of the Code of Conduct

The guiding principle is that the process for determining whether a person has breached the Code must be carried out with as little formality and as much expedition as a proper consideration of the matter allows.

Reasonable steps must be taken to ensure that the person or committee who determines whether there has been a breach of the Code is, and appears to be, independent and unbiased. In some instances, it may be appropriate to select a person from outside the particular club or zone, if it is not possible to satisfy this requirement. In such cases, advice from Zone or PCAV should be sought via the Zone Representative. PCAV will assist with identifying a suitable decision maker who meets the required criteria. At each stage of the misconduct process, whether the decision maker is appointed by club, Zone or PCAV, it is important to ensure that the decision maker is appropriately authorised to exercise power in this context. This can be done via a letter of appointment outlining the issue to be determined.

To suspend or not to suspend pending a decision?

Suspension while an investigation is proceeding is an administrative action that must be taken for sound reasons. It should not be characterised as a sanction in itself. In exercising the power to suspend pending a determination, it is important for the decision maker not to prejudge, and not to be seen to prejudge, whether a breach has occurred. More information regarding suspension including a suspension checklist is included below. [\[Link\]](#)

The Decision Making Process

Procedural Fairness

The decision making process should be governed by the principles of procedural fairness.

The principles of procedural fairness require people whose interests will be adversely affected by a decision to be given an opportunity to be heard, and requires decision makers to act without bias or self-interest, and to base their decisions on compelling, factually based, reliable, evidence.

The application of the principles of procedural fairness may vary, depending on the circumstances of the particular case. The more serious the allegation, the stricter should be the application of procedural fairness.

In its fullest application, procedural fairness requires that

- ▲ People against whom an adverse decision may be made are informed of any allegations against them in as much detail as possible
- ▲ Wherever possible people must be provided with an opportunity to put their case, and to hear the case against them, whether at an oral hearing or otherwise
- ▲ Where a decision has to be made between competing interests, all parties to a matter must be heard and all arguments considered
- ▲ No person judges their own case or a case in which they have a direct interest
- ▲ Decision makers must act fairly and without bias or a perception of bias

Guide to Managing Breaches of the Code of Conduct

Standard of proof

The standard of proof for determining whether a breach of the Code of Conduct has occurred is *on the balance of probabilities*. This means that the decision maker must be satisfied that a breach of the Code is more probable than not.

The level of proof, while still being on the balance of probabilities, will rise in accordance with the seriousness or importance of the issue to be determined. For example, an allegation of being rude to an official will have a lesser standard of proof than an allegation of theft.

Investigating a complaint of misconduct

At the beginning of an investigation about a complaint, the Club, Zone or PCAV (as appropriate) should, among other things, ensure that the person who is the subject of an investigation is familiar with the PCAV's policy in regard to complaint handling. The person being investigated should be advised **in writing**, that an investigation regarding the complaint is underway, what the complaint is about and that personal information about them may be disclosed to others, where necessary and appropriate as part of the investigation. The Club, Zone or PCAV should answer any questions the person may have at this time about the process and the complaint under investigation.

The person about whom the allegation has been made should be treated in a manner consistent with the Values and Behaviours set out in the Code of Conduct.

Other parties to the investigation such as the complainant and any witnesses should be advised that personal information relating to them may be disclosed to the person being investigated and others where necessary and appropriate.

Recording the determination

After a determination in relation to a suspected breach of the Code has been made, a written record of the findings should be prepared. The written record should identify the alleged breach of the Code and also set out the findings on relevant questions of fact and refer to the evidence or other material on which those findings were based.

Disclosure of personal information

Where an investigation has been completed and part of the recommendation is for the person's personal information to be released to another person, body or agency (including the complainant), the individual concerned should be advised and provided with an opportunity to respond to the proposed release of their personal information prior to release. For example, a finding regarding damage to property is to be provided to the Committee of Management for the grounds on which the pony club is permitted to hold its rallies. A reasonable time frame should be allowed for the person's response and should be sufficient to allow them to seek advice about the proposed disclosure as necessary.

The primary consideration should be that disclosure of personal information regarding misconduct is managed in such a way that personal information is not revealed unless it is necessary, appropriate and reasonable to do so. It should be possible in most circumstances to give a

Guide to Managing Breaches of the Code of Conduct

complainant adequate information about the way their complaint has been handled without disclosing personal information about the person.

Sanctions

A sanction can be imposed on a person only after it has been determined that the person has breached the Code of Conduct.

Where such a determination has been made, PCAV, a Zone or club may impose one or more of the following sanctions on the person:

- ▲ termination of membership
- ▲ refusal to renew membership
- ▲ suspension of membership
- ▲ exclusion from certain pony club activities
- ▲ a reprimand.

There is no impediment to the imposition of more than one sanction, but PCAV, the club or Zone in imposing the sanction must be satisfied that more than one sanction is appropriate in the circumstances. For example, a member may be excluded from selection for team events for a period of time and required to attend team practices prior to the event as a non-riding member.

Where the sanction imposed is a reprimand, it is subject to the same standards of record-keeping as apply to other sanctions.

A determination that a breach has occurred does not necessarily mean that a sanction must be imposed. A decision can be taken that other action may be appropriate. For example, the person may be counselled, with a view to preventing a recurrence of the conduct in question.

In reaching a decision to impose or not impose a sanction, a statement of reasons should be provided to the person affected.

Other considerations

There are a number of other issues relevant to the misconduct process, particularly relating to past conduct, resignation of membership or transfer to another club and potentially zone during an investigation.

Suspension Checklist

In deciding whether or not to suspend a person's participation, the following questions should be considered:

Pre-decision suspension

- ▲ Is it appropriate pending a decision to remove the person from the pony club activities?

Guide to Managing Breaches of the Code of Conduct

- ▲ Has a change in responsibilities or role been considered as an option? Eg. could the member still attend in a non-riding capacity, could the instructor who is also a parent still attend in a non-coaching role
- ▲ Is it clear that the decision maker is not prejudging and is seen as not prejudging whether the person has breached the Code of Conduct?

Pre-decision and post-decision suspension

- ▲ Has there been an opportunity for the person to make a statement before the suspension is implemented?
- ▲ Has the person been advised of the possible length of the suspension and of his/her ongoing status? (e.g. attendance at training courses previously booked, entitlement to enter or participate in competitions)

Past Conduct

The person who is determining whether or not a breach has occurred should ordinarily consider only the incident(s) in question to make that determination. In some cases, however, evidence of prior similar incidents, or evidence which shows a particular tendency, may be relevant to a determination about the incident(s) in question. The person should be advised of any past conduct that it is proposed to take into account in this regard.

When deciding on an appropriate sanction, a decision maker may consider past behaviour, and in particular whether previous warnings, counselling or sanctions have relevance. For example, if repeated counselling has not changed the person's conduct, a more serious sanction may be appropriate. The person should be advised of any past conduct (both satisfactory and unsatisfactory) that it is proposed to take into account when deciding a sanction. This should be included in the statement of reasons provided to the person affected.

Right to review

A person who has been found to have breached the Code and who wishes to challenge either the determination that a breach has occurred or the sanction imposed, may lodge an application for a review of actions with PCAV. An application for review must state why the review is sought, the facts or matters relevant to the review and the outcome sought.

The making of an application for review does not operate to stay the sanction. PCAV may confirm or overturn the determination or confirm or vary the sanction imposed, including imposing a greater sanction. Applications should be made in writing and directed to PCAV's Coaching Director.

Criminal matters

Criminal proceedings may result from a person's behaviour related to their involvement with pony club as well as through his or her private actions.

PCAV should be notified in all instances where criminal behaviour is suspected.

Guide to Managing Breaches of the Code of Conduct

Where a person is being dealt with in connection with both criminal action and a suspected breach of the Code, procedural fairness requires that the two matters are dealt with by different people. For example an allegation of theft of pony club funds or property.

While it is possible to pursue the misconduct process at the same time as the criminal process, care must be taken not to risk jeopardising the prosecution of the criminal charge. Close liaison with the external investigating authority and the prosecuting authority is recommended and clubs and Zones should be guided by PCAV in these instances who can obtain legal advice as required.

Where it comes to light that a person, *through their private actions*, has been charged with a criminal offence, and where the criminal charge relates to behaviour that could have an impact on the person's ability to maintain honesty and integrity in their PCAV involvement or is likely to damage the integrity and/or good reputation of the PCAV or the pony club movement, it may be appropriate to take action to investigate the matter as a possible breach of the Code. For example, a parent is charged with drug trafficking to minors.

In serious cases, it may be appropriate to suspend the person until the decision of the Court is known. Action to suspend should only be taken where the club, zone or PCAV, believes on reasonable grounds that the person has, or may have, breached the Code; and that the suspension is in the public or organisation's interest. Certain criminal charges may have different impacts. For example, charges related to insider trading or tax avoidance do not have the same effect and will be dealt with quite differently from charges of child abuse.

If a criminal charge has been heard, the club, zone or PCAV may commence a misconduct process on the basis of its effect on the person's involvement with pony club.

Resignation during a misconduct investigation

Where a person resigns their membership or ceases their involvement with the club during the course of an investigation of suspected misconduct, the investigation should be discontinued. Any documents that have been obtained or created up to the date of resignation should be retained, even where the investigation is not complete. A copy of such records should be provided to PCAV.

If the person later seeks to re-join the same or a different pony club, these records may be used as part of a pre-membership review process. Where this is done, those using the information for that purpose will need to ensure that the principles of procedural fairness are applied, including advising the former member that the decision maker was taking such records into account and giving them the opportunity to comment.

Record Keeping

Records relating to misconduct action should not be placed on a personal or membership file, but rather on a separate misconduct action file or, where appropriate, an investigation file. Access to such files should be limited on a need to know basis. The existence of a separate misconduct file should, however, be made apparent (eg by cross-reference). Decision-makers who are determining whether the Code has been breached or who are deciding an appropriate sanction should have access to these records where appropriate. The weight they give to the person's conduct record in the decision making process, however, will depend on the recency and the nature of the misconduct that has been recorded.

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Disclosure to other parties

A copy of the investigation report and outcome should be provided to PCAV in all instances for their records.

Careful consideration should be given as to whether it is necessary or appropriate to disclose information relating to an investigation to others, including to:

- ▲ the complainant
- ▲ the Club
- ▲ the Zone
- ▲ PCAA
- ▲ Police or other authorities

The primary consideration should be that disclosure of personal information regarding misconduct is managed in such a way that personal information is not revealed **unless it is necessary, appropriate and reasonable to do so**. It should be possible in most circumstances to give a complainant adequate information about the way their complaint has been handled *without* disclosing personal information about the person.

Where you are uncertain, seek guidance from your Zone Representative or PCAV.

Providing information on Code of Conduct investigation outcomes to complainants

Complainants have a legitimate interest in knowing that alleged 'wrongs' have been addressed. Complainants should be given sufficient information to provide assurance that the club, Zone or PCAV:

- ▲ has taken the allegation seriously
- ▲ does not tolerate behavior that is inconsistent with the Code of Conduct
- ▲ has imposed an appropriate sanction where a breach has been found
- ▲ has taken appropriate steps to ensure the problem will not recur.

However, when considering what information to provide to complainants to ensure confidence in PCAV's administration, there is a need to balance:

- ▲ an individual's right to privacy; and
- ▲ the need to take reasonable steps to be transparent and accountable to any other parties involved.

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PCAV can provide general information to complainants about the outcome of investigations. Consideration should be given to the circumstances of **each individual case** when deciding if, and to whom, personal information might be released. Deliberations about any disclosure of personal information will be informed by the:

- ▲ nature and seriousness of the misconduct
- ▲ likelihood of consequences to the person about whom the information relates
- ▲ the type of information that could be disclosed

A suggested format for a letter advising a complainant of the outcome of an investigation is attached [Link].

Disclosure of the Misconduct

In some instances, there may be a desire to highlight particular cases of misconduct for the purposes of education, deterrence or prevention. It will usually be possible to circulate information describing the breach, subsequent actions taken and advising others of appropriate behavior without disclosing the identity of the person concerned. Disclosure might include the results of an investigation and any sanctions imposed, remedial action taken or changes to information, policies or processes.

PCAV may elect in future to report breaches at their AGM or in their annual report or other manner. Such actions may serve to increase the public's confidence in the pony club movement as a whole.

With the possible exception of serious criminal misconduct supported by a finding by a Court, care should be taken, to ensure that the person's identity cannot be reasonably ascertained from this information. Consideration should be given to any adverse effects that disclosure of information might have on the welfare of a person if, for example, rumours of their misconduct and sanction become widespread. This would particularly be the case where a person's personal circumstances may have contributed to the behavior or conduct under investigation.

In the case of criminal matters, care must be taken to ensure, that criminal proceedings are not jeopardised by the inappropriate disclosure of information related to the Zone or PCAV investigation. Legal advice via PCAV should be sought as to what information may be disclosed in these circumstances (for example, advising that the matter has been referred to a court of law).

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Suggested format for letter advising outcome to complainant

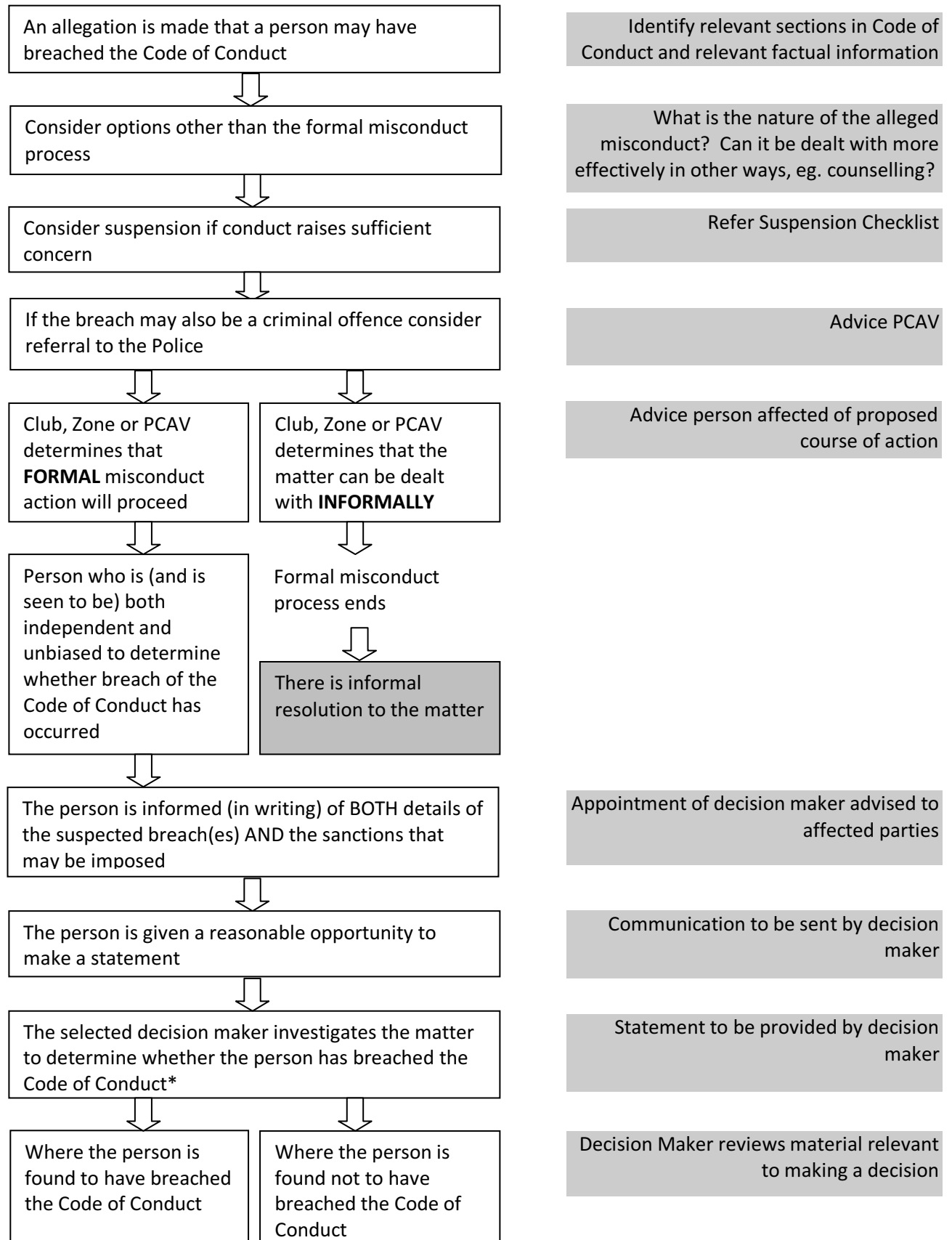
<p>Dear {complainant}</p> <p>I am writing in relation to your complaint about {nature of complaint}, which you forwarded to {name of club/zone} on {date}.</p> <p>An investigation of this matter has been conducted in accordance with PCAV's Code of Conduct investigation procedures. This investigation has now been finalised.</p> <p><i>{May insert one of the following}</i></p> <p>As a result, a breach of the Code of Conduct was found and a sanction imposed.</p> <p>In addition, {club/zone} will undertake to {remedial action eg, run theory sessions at the club on competition rules, run coaches/officials clinic on [topic], improve access to information on procedures} to ensure this situation does not arise in the future.</p> <p>OR</p> <p>As a result, no breach of the Code of Conduct was found in this case. However, {agency} will undertake to {remedial action eg, run theory sessions at the club on competition rules, run coaches/officials clinic on [topic], improve access to information on procedures} to ensure such a situation does not arise in the future.</p> <p>OR</p> <p>As a result, no breach of the Code of Conduct was found in this case.</p> <p>Please contact, etc.</p> <p>Yours sincerely</p>
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The following two pages contain the

Complaint Resolution Flow Chart

To Assist with Allegations of Misconduct

Guide to Managing Breaches of the Code of Conduct



Guide to Managing Breaches of the Code of Conduct

