



The Duke of Edinburgh's Award
in Australia

The International Award for Young People

POLICY MANUAL

Policy Topic: AUTHORITY TO OPERATE **(DRAFT 2 – UNDER REVIEW)**

VOLUNTEER PROTECTION

Policy No: 1.16 **Date Issued:** Date 2002 **Page 1 of 1**

Source of Authority: ACC Minutes

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Preamble:

The National Award Authority of the Duke of Edinburgh's Award in Australia is committed to promoting the safety and well being of the volunteers of the Duke of Edinburgh's Award in Australia Award (**Award Program**) and to providing a positive and supportive environment for participating in the Award Program. Volunteers are not employees or contractors of the National Award Authority, the relevant State Award Authority or Licensed Operators, but rather perform Volunteering activities.

The terms of this policy are to be construed subject to any applicable Commonwealth or State statute, delegated legislation or industrial instrument such that if any provision of this policy is inconsistent with any such statute, legislation or instrument, the terms of the statute, legislation or instrument prevail to the extent of any inconsistency.

Purpose and Application of the Policy:

This policy establishes protective measures and outlines the processes for addressing volunteer protection within the Award Program in Australia. This policy aims to clarify the standards and boundaries within which activities take place and manage, review and minimise the risks associated with volunteers participating in the Award Program.

[This policy applies to:

- (a) the National Award Authority, State Award Authorities, Licensed Operators;**

- (b) employees of the National Award Authority, State Award Authorities and Licensed Operators; and
 - (c) all other individuals,
- who participate in, are involved in or assist in organising the Award Program].

Definitions:

“**Complaints and Grievances Disputes Panel**” means an NAA standing sub-committee established to hear complaints and grievances.

“**National Level Matter**” means matters involving the National Award Authority or staff employed directly by the National Award Authority

“**Young People**” means a person under 18 years of age. **[The National Award Authority will need to consider whether this definition is appropriate. Whilst relevant child protection legislation in New South Wales seeks to protect individuals under 18 years of age and creates certain obligations in respect of such individuals, given that the Award Program operates in respect of participants aged between 14 and 25 years, the National Award Authority may wish to expand this definition.]**

“**Volunteering**” is an activity that takes place in or is associated with not for profit organisations or projects and is undertaken:

- (a) to be of benefit to the community and the volunteer;
- (b) of the volunteer’s own free will and without coercion;
- (c) for no financial payment; and
- (d) in positions which are designated by the NAA or a State Award Authority as volunteer positions only.

State Award Authorities obligations:

State Award Authorities must take reasonable steps to ensure board members of the State Award Authority, its employees, Licensed Operators, instructors, assessors, award coordinators and volunteers are:

- (a) provided with a copy of and are made aware of this policy and any other policy of the National Award Authority or the State Award Authority pertaining to volunteers including but not limited to, the *Volunteer Code of Practice*, the *National Code of Conduct* and the *Australian Award Code of Conduct* **[Query whether the Australian Award Code of Conduct is the same document as the National Code of Conduct. We have not been provided with a copy nor have we reviewed the Australian Award Code of Conduct];** and
- (b) informed of any legal or other relevant obligations relating or attaching to the specific activity in which they are involved, including relevant State and Commonwealth legislative requirements.

State Award Authorities must ensure that volunteers who participate in the Award Program are licensed and are made aware of their responsibilities and obligations under the **[insert name of licence]**.

[The licensing documentation states that Licensed Operators are responsible for the day to day operation of the Award Program, including engaging volunteer Award Coordinators who recruit volunteers. In these circumstances, query whether State Award Authorities are the most appropriate organisations to ensure volunteers are provided with and informed of the matters raised above].

Police and referee checks:

The Licensed Operators must undertake police checks **[Define or clarify further. For example, does this mean only criminal record checks?]** and referee checks for both prospective and current volunteers who have or will have direct unsupervised contact with Young People who participate in the Award Program. **[Consider whether the phrase “direct unsupervised contact” needs to be defined or clarified. In addition, the term “Young People” needs to be defined. This paragraph has been drafted on the basis that the National Award Authority does not engage volunteers who have or will have direct unsupervised contact with Young People. Consider inserting a paragraph regarding what police and referee checks involve and the procedure to be followed in the event the police or referee check raises an issue in relation to the suitability of an individual who it is proposed will have direct contact with Young People. Consider also whether the National Award Authority or any other body requires notification of the outcome of police or referee checks and any privacy law implications, including consent issues].**

Insurance:

The National Award Authority will use reasonable endeavours to provide or cause the provision of insurance cover as advised from time to time to all participants who are involved or engaged in the Award Program,

Complaints, grievances and disputes involving volunteers:

[We have incorporated what was (formerly) the “Grievance Procedure” into this section of the policy (given that the Grievance Procedure was essentially the same as what was formerly the “Complaints and Disputes Involving Volunteers” section of the Policy].

All complaints, disputes or grievances involving volunteers who participate in the Award Program (including complaints or grievances of volunteers) must immediately be reported to and (with the exception of National Level Matters **[the term “National Level Matter” should be defined]**) addressed by the Licensed Operator. **[Consider inserting information regarding the manner in which the Licensed Operator must endeavour to address or resolve the matter].** If the matter cannot be resolved by the Licensed Operator **[how will this be determined, is there a time limit?]**, it must be referred to the relevant State Award Authority. **[Consider inserting information regarding the manner in which the State Award Authority must endeavour to address or resolve the dispute].**

If the matter cannot be resolved by the State Award Authority level **[how will this be determined, is there a time limit?]**, or is a National Level Matter, it must be referred

[by the State Award Authority] to a standing Complaints and Grievance Disputes Panel via the Australian Award Office. **This paragraph needs to more specifically indicate procedures which should be followed (and by whom) in the event of a complaint, dispute or grievance].**

If the matter is referred to the Complaints and Grievance Disputes Panel:

- (a) the Panel will elect an independent Chair and members of the Complaints and Grievance Disputes Panel to deal with the matter;
- (b) the Complaints and Grievance Disputes Panel may seek legal advice or consult appropriate authorities as required;
- (c) the Complaints and Grievance Disputes Panel must review the matter and make recommendations to the parties involved as appropriate. **[To what extent are these recommendations binding?]**. Following the making of the recommendations in relation to the matter, the Complaints and Grievance Disputes Panel must inform the National Chairman of the matter and outcomes.

Disciplinary Matters:

Disciplinary matters involving **[volunteers]** are initially to be raised and dealt with by the relevant State Award Authority. **[Given that this is a volunteer policy, we assume this part of the policy is seeking to discipline volunteers. Further, given that the National Award Authority is not responsible for and does not have any direct contact with volunteers, all disciplinary action would therefore be the responsibility of other organisations involved in the Award Program, such as Licensed Operators. In this regard, the National Award Authority may wish to consider the types of disciplinary action that can be taken against volunteers in circumstances where Licensed Operators do not have power to “discipline” volunteers (given that they are not employees or contractors and therefore do not receive payment for their services). Such disciplinary action may include, for example, issuing a warning to the volunteer or banning the volunteer from further attending activities related to the Award Program. If the National Award Authority wishes to implement a disciplinary procedure regarding volunteers, the policy should clearly explain what a disciplinary matter is, when it is necessary for a disciplinary matter to be dealt with by the relevant State Award Authority and the procedure which should be followed by the relevant State Award Authority in dealing with disciplinary matters involving volunteers].**

If the matter cannot be resolved by the relevant State Award Authority **[how will this be determined, is there a time limit?]**, it is to be referred **[by whom]** to a standing Complaints and Grievance Disputes Panel via the National Award Authority for appropriate action.

[Consider whether and to what extent the disciplinary issues outlined in this section of the policy will overlap with the procedures set out above in relation to complaints, grievances and disputes involving volunteers].

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National Chairman