



Hunter Academy of Sport

Member Protection Policy

September 2020

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MEMBER PROTECTION POLICY

1. Introduction

The Hunter Academy of Sport (HAS) endeavours to offer a sporting environment in the Hunter Region in which talent is identified and opportunity provided to develop that talent to its fullest potential.

2. Purpose of Our Policy

The main objective of our Member Protection Policy (policy) is to maintain responsible behaviour and the making of informed decisions by participants in this academy. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our academy of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our academy's activities.

3. Who Our Policy Applies To

Our policy applies to everyone involved in the academy including board members, employees, administrators and coordinators, consultants, coaches, officials (umpires/referees/judges), squad participants, parents and spectators.

4. Extent of Our Policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs at HAS training sessions or events, and on day and overnight trips. It also covers private behaviour where that behaviour brings our academy into disrepute or there is suspicion of harm towards a child or young person.

5. Academy Responsibilities

We will:

- implement and comply with our policy;
- promote our policy to everyone involved in our club;
- promote and model appropriate standards of behaviour at all times;
- respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to SSO's where appropriate.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that state or national bodies request to be referred to them.

6. Individual Responsibilities

Everyone associated with our academy must:

- 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.

7. Protection of Children

7.1 Child Protection

HAS is committed to the safety and wellbeing of all children and young people accessing our service. 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 wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

HAS acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. HAS aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

7.1.1: Identification and Analysis of Risk of Harm

HAS will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

7.1.2: Developing Codes of Conduct for Adults and Children

HAS will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation 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. (See Part B)

7.1.3: Choosing Suitable Employees and Volunteers

HAS will ensure that the organisation 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 work with children.

HAS will ensure that working with children checks are conducted for all employees and volunteers working with children. (See Part C).

7.1.4: Supporting, Training, Supervising and Enhancing Performance

HAS will ensure that volunteers and employees 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.

7.1.5: Empowering and Promotion of the Participation of Children In Decision-Making And Service Development

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

7.1.6: Reporting and Responding Appropriately To Suspected Abuse and Neglect

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

HAS will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or organisation 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. Please refer to our complaints procedure outlined in attachment *D1* of this policy. This will explain what to do about the behaviour and how the HAS will deal with the problem.

7.2 Supervision

Members under the age of 18 must be supervised at all times by a responsible adult. Our academy 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 training session with just one child, they will ask another member to stay until the child is collected.

7.3 Transportation

Parents/guardians are responsible for transporting their children to and from academy activities (e.g. practice and games). Where our academy makes arrangements for the transportation of children (e.g. for away or overnight trips), we will conduct a risk assessment that includes ensuring vehicles are 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).

7.4 Taking Images of Children

Images of children can be used inappropriately or illegally. The academy 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 knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the academy 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. We will not display personal information such as residential address, email address or telephone numbers. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

8. Anti-harassment, Discrimination and Bullying

Our academy 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.

Our club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the academy (see Responding to Complaints – section 10).

9. Inclusive practices

Our academy is welcoming and we will seek to include members from all areas of our community.

9.1 People with a disability

Where possible we will include people with a disability in our squads and academy. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

9.2 People from diverse cultures

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

9.3 Sexual & Gender Identity

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

9.4 Pregnancy

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend 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.

9.5 Girls playing in boys teams

If there is not a separate sex competition, our academy will support girls playing in boys teams up until the age of 12 years (when federal sex discrimination law says if differences in strength, stamina and physique are relevant, then single sex competition is required). After this age our club will consider each request on an individual basis including looking at the nature of our sport and other opportunities to compete.

10. Responding to Complaints

10.1 Complaints

Our academy takes all complaints about on and off-field behaviour seriously. Any complaints received by the academy will be dealt with by the CEO 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.

More serious complaints may be escalated to district/region/state or national sporting bodies.

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

In situations where a complaint is referred to district, regional, state or national sporting bodies and an investigation is conducted, the club 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 *district, regional, state or national sporting bodies'* 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.

10.2 Disciplinary Measures

Our academy 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 with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach;
- Be determined by our Constitution, By Laws and the rules of the game.

Possible measures that may be taken include:

- verbal and/or written apology;
- counselling to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our academy;
- suspension or termination of membership, participation or engagement in a role or activity;
- de-registration of accreditation for a period of time or permanently;
- a fine; or
- any other form of discipline that our academy considers reasonable and appropriate.

10.3 Appeals

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by our academy to district, regional, state or national sporting bodies. 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/academy.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment from everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

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

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

ATTACHMENTS

- Attachment B1: Athlete/Parent Code of Conduct
- Attachment B2: Coach/Manager/Volunteer Code of Conduct

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

Working with Children Check laws are currently in place in New South Wales.

HAS will meet the requirements of the New South Wales Working with Children Check laws.

WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

Please click on the below link for more information.

<http://www.kidsguardian.nsw.gov.au/Working-with-children/Working-With-Children-Check/Who-needs-the-check>

Detailed information, including the forms required to complete a Working with Children Check, are available from

New South Wales

NSW Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au

Phone: 02 8219 3600

PART D: COMPLAINT HANDLING PROCEDURES

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

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

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTACHMENTS

- Attachment D1: Complaints procedure
- Attachment D2: Mediation
- Attachment D3: Investigation procedure
- Attachment D4: Tribunal procedure

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

ATTACHMENTS

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation

Attachment B1



ATHLETE & PARENT CODE OF CONDUCT

The Hunter Academy of Sport aims to promote a safe and professional environment for its programs, at all times encouraging excellence, learning and enjoyment. Accordingly this Code of Conduct outlines what the Academy considers to be an acceptable standard of behaviour for all involved with our programs, including our Athletes, Parents, Coaches and Service Providers.

By signing this document each individual agrees to uphold the values of the Hunter Academy of Sport both on and off the sporting field, and commits that at all times they will:

- respect the rights, dignity and worth of others;
- be fair, considerate and honest in all dealings with others;
- act in a professional manner and accept responsibility for your actions;
- refrain from any form of abuse, discrimination or harassment towards others;
- act as a positive role model;
- conduct themselves in a way that brings credit to yourself, your family and the Academy.

Additionally the Academy expects each Athlete and Parent to agree to the following.

As a **Hunter Academy of Sport Athlete**, I will:

- play by the rules; accept the rulings and decisions of officials and coaches and use appropriate channels to resolve any disputes;
- treat other athletes, officials, parents and spectators with respect
- co-operate with my coach and teammates;
- refrain from any conduct which could be regarded as offensive;
- maintain professional relationships with teammates and officials;
- care for and respect any equipment provided to me as part of the program;
- comply with the training and service requirements as set by my coach;
- ensure punctual attendance at Academy events and inform my manager of any injuries or illnesses as soon as possible (including before the start of Academy training sessions);
- refrain from any drug use - including performance enhancing, illegal or recreational drugs (such as alcohol and cigarettes);
- wear my Academy uniform with pride to all Academy events;

As a **Hunter Academy of Sport Parent / Guardian**, I will:

- respect the rights, dignity and worth of others;
- respect the decisions of officials (including coaches) and encourage my child to do likewise;
- contribute to a supportive, encouraging and enjoyable environment;
- encourage my child to play according to the rules and abide by the above Code of Conduct;
- manage any difference of opinion in a respectful, professional manner at the appropriate time and through appropriate channels.



Athlete signature

Parent/ Guardian signature

Print name

Print name

Date: / /2019



COACH, TEAM MANAGER & VOLUNTEER CODE OF CONDUCT

The Hunter Academy of Sport aims to promote a safe and professional environment for its programs, at all times encouraging excellence, learning and enjoyment. Accordingly this Code of Conduct outlines what the Academy considers to be an acceptable standard of behaviour for all involved with our programs, including our Athletes, Parents, Coaches and Service Providers.

By signing this document each individual agrees to uphold the values of the Hunter Academy of Sport both on and off the sporting field, and commits that at all times they will:

- respect the rights, dignity and worth of others;
- be fair, considerate and honest in all dealings with others;
- act in a professional manner and accept responsibility for your actions;
- refrain from any form of abuse, discrimination or harassment towards others;
- act as a positive role model;
- conduct themselves in a way that brings credit to yourself and the Academy.

The Hunter Academy of Sport expects its coaches, team managers and volunteers to abide by the following points and actions at all times:

Safety and Health of Athletes

- Place the safety and welfare of the participants above all else.
- Be aware of and support the Academy's injury management plans and return to play guidelines.

Coaching Excellence

- Help each person (athlete, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with relevant and constructive feedback.
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Support opportunities for participation in all aspects of the sport.
- Where possible, obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of participants.

Honour the Sport

- Act within the rules and spirit of your sport.
- Promote fair play and player development over winning at any cost.
- Respect the decisions of officials, coaches and administrators.
- Show respect and courtesy to all involved with the sport.
- Display responsible behaviour in relation to alcohol and other drugs.

Integrity

- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a harassment-free environment.

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Website: www.hunteracademy.org.au

- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.
- Be honest and do not allow your qualifications or coaching experience to be misrepresented.
- Never advocate or condone the use of illicit drugs or other banned performance enhancing substances or methods.
- Never participate in or advocate practices that involve match fixing.

Respect

- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Do not tolerate abusive, bullying or threatening behaviour.

I hereby acknowledge that as a member of the Hunter Academy of Sport I will abide by its Constitution and all policies including this Code of Conduct.

Signature

Print Name / /2019

Attachment D1: COMPLAINTS PROCEDURE

HAS aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will keep all complaints confidential. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

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

Informal approaches

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

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

If you feel uncomfortable, contact the HAS Member Protection Information Officer (MPIO).

Step 2: Contact the HAS office

We encourage you to talk with our HAS CEO if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

The names and contact details for our HAS staff are available at www.hunteracademy.org.au.

The CEO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

Step 3: Decide how to resolve the problem

After talking with the CEO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the CEO, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.
- Should the discipline matter or complaint regard the CEO the matter should be referred directly to the Chair of the HAS Board.

After receiving a formal complaint, and based on the material you provide, the CEO will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- to refer the matter to the **police or other appropriate authority**, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the CEO will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO is the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story

- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen, and/or
- determine what, if any, further action to take, including disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to CEO who will determine what further action to take.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

Step 6: Reconsidering a complaint or appealing a decision

If mediation is unable to resolve the matter, you may request that the CEO reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made by at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

Step 7: Documenting the resolution

The CEO will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the state association.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. It is also common to have a legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:
<http://www.playbytherules.net.au/resources/quick-reference-guide>.

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

**Attachment D2:
MEDIATION**

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO will appoint a mediator to help resolve the complaint. This will be done under the direction of the relevant regional or state association and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the CEO to request that the CEO reconsider the complaint in accordance with **Step 3**
 - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

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

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
 - interview the complainant and record the interview in writing
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way)
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to mediator/tribunal documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. CEO)
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D5.

Attachment D4:
TRIBUNAL PROCEDURES

We will follow the steps set out below to hear formal complaints made under our Member Protection Policy.

Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by the CEO. The number of Tribunal panel members required to be present throughout the hearing will be as determined by our constitution.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by CEO relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The CEO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
 - an outline of any possible penalties that may be imposed if the complaint is found to be true
 - that legal representation will not be allowed. (If the respondent is a minor, he or she should have a parent or guardian present.)

A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all Academy activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

6. The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching

- the date, time and venue of the Tribunal hearing
- that either verbal or written submissions can be presented at the Tribunal hearing
- that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)
- that legal representation will not be allowed. (If the complainant is a minor, he or she should have a parent or guardian present.)

A copy of any information / documents given to the Tribunal (e.g. investigation report findings) will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

9. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. The Tribunal chairperson will inform the CEO of the need to reschedule the hearing and the CEO will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.

16. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - question any person giving evidence
 - limit the number of witnesses presented to those who provide new evidence
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
21. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
24. Within 48 hours, the Tribunal chairperson will:
 - forward a notice of the Tribunal's decision to the CEO, including any disciplinary measures imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to the CEO on one or more of the following grounds:
 - 26.1 that a denial of natural justice has occurred
 - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
 - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within 14 days of the decision being made.
28. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse.
29. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Governance Committee to review and to decide whether there are sufficient grounds for the appeal to proceed. The Governance Committee may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final.

What other information has the complainant provided?	
What is the complainant going to do now?	

This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be given to the CEO.

**Attachment E2:
CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended

Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: _____ Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the state level, the original record must be provided to relevant state organisation and a copy kept with the organisation where the complaint was first made.

**Attachment E3:
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au.

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

All people working with Hunter Academy of Sport in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of Hunter Academy of Sport so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with HAS.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by HAS).
- Regardless of the findings of the police and/or child protection agency investigations, HAS will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- CEO of HAS will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 10.2 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police	Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	
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Attachment E4:
CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment E3 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	

<p>Witnesses (if more than three witnesses, attach details to this form)</p>	<p>Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:</p>
<p>Interim action taken (if any)</p>	
<p>Police contacted</p>	<p>Who: When: Advice provided:</p>
<p>Child protection agency contacted</p>	<p>Who: When: Advice provided:</p>
<p>CEO contacted</p>	<p>Who: When:</p>
<p>Police investigation (if any)</p>	<p>Finding:</p>
<p>Child protection agency investigation (if any)</p>	<p>Finding:</p>
<p>Internal investigation (if any)</p>	<p>Finding:</p>

Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.