



# MEMBER PROTECTION POLICY

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## Glossary of Terms

This Glossary of Terms sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

**The Club** means the Wyndhamvale Football Club.

**Child** means a person who is under the age of 18 years.

**Child abuse and neglect** involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child). This tends to be a chronic behavioural pattern directed at a child so that a child's self esteem and social competence are undermined or eroded over time.
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause 16 of the policy, appropriate documentation to be completed.

**Complainant** means a person making a complaint.

**Complaint Handler/Manager** means a person appointed under this policy to investigate a Complaint

**Criminal History Assessment** is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the Children's Protection Act 1993.

**Criminal History Report** refer to definition of “police check”

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

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

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

### **Examples of Discrimination**

- Age: A club refuses to allow an older person to coach a team simply because of age.
- Breastfeeding: A member of the club who is breastfeeding a baby in the clubrooms is asked to leave.
- Disability: A junior player is overlooked because of mild epilepsy.
- Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.
- Homosexuality: An athlete is ostracised from her team after it becomes known that she is a lesbian.

- Marital Status: A player is deliberately excluded from team activities and social functions because she is single
- Pregnancy: A woman is dropped from a squad when she becomes pregnant.
- Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- Sex: Specialist coaching is only offered to male players in a mixed team.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

**Unlawful harassment** is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination).

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

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

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

- Holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant; or
- Not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racial hatred, which are reasonably likely to offend, insult, humiliate or intimidate, are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member** means any; player, coach, assistant coach, team official, umpire, match official or individual in a prescribed position in any Affiliated League or club.

**Member Protection Officer (MPO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy.

**Natural justice (also referred to as procedural fairness)** incorporates the following principles:

- Both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- All relevant submissions must be considered;
- No person may judge their own case;
- The decision maker/s must be unbiased, fair and just;
- The penalties imposed must be fair.

**Working With Children Check** means a Victorian Crime Commission check conducted as a pre-employment, pre-engagement or current employment background check on a person.

**This policy** means this Member Protection Policy in its entirety.

Respondent means the person who is being complained about.

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

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

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

## Part A: Member Protection Policy

### 1. Purpose of this policy

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our League. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in the **Wyndhamvale Football Club** of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the **Wyndhamvale Football Club** may take disciplinary action against any person or organisation bound by this policy if they breach it.

The policy starts on November 9, 2017 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the Wyndhamvale Football Club website.

### 2. Who this Policy Applies To

This policy applies to the following people, whether they are acting in a paid or unpaid/voluntary capacity, in the **Wyndhamvale Football Club**.

- Persons appointed or elected to committees and/or subcommittees.
- Representative team coaches and assistant coaches.
- Representative players.
- All umpires and other officials involved in the regulation of the sport.
- All members, Players, coaches, officials, administrators and other personnel participating in any events or activities, including match day preparations, games, training sessions or presentations..

This policy will continue to apply to a person, even after they have stopped their association or employment with the **Wyndhamvale Football Club** if disciplinary action against that person has commenced.

### **3. Responsibilities of the Organisation**

The **Wyndhamvale Football Club** and all associated clubs must:

- Adopt, implement and comply with this policy.
- Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable.
- Publish, distribute and promote this policy and the consequences of breaches.
- Promote and model appropriate standards of behaviour at all times.
- Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner.
- Apply this policy consistently.
- Recognise and enforce any penalty imposed under this policy.
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies.
- Use appropriately trained people to receive and manage complaints and allegations.
- Monitor and review this policy at least annually.

### **4. Individual Responsibilities**

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour.
- Complying with our screening requirements and any Victorian Working with Children checks.
- Placing the safety and welfare of children above other considerations.
- Being accountable for their behaviour.
- Following the procedures 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.
- Complying with any decisions and/or disciplinary measures imposed under this policy.

## 5. Position Statements

### 5.1. Child Protection

The **Wyndhamvale Football Club** is committed to the safety and wellbeing of all children and young people participating in, officiating or associated in any way with football in Victoria. 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.

The **Wyndhamvale Football Club** acknowledges that our committee, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Our aim is to continue this and to take measures to protect the safety and welfare of children participating in our sport through the following mechanisms:

#### **5.1.1. Identify and Analyse Risk of Harm**

The **Wyndhamvale Football Club** will implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly our sport and all associated environments are 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 child.

#### **5.1.2. Develop Codes of Conduct for Adults and Children**

The **Wyndhamvale Football Club** will ensure we have established codes of conduct that specify standards of behaviour and care when dealing and interacting with children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. These Codes publically available on the **Wyndhamvale Football Club** website at [www.wyndhamvalefc.com.au](http://www.wyndhamvalefc.com.au)

#### **5.1.3. Choose Suitable Employees and Volunteers**

The **Wyndhamvale Football Club** will take 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.

The **Wyndhamvale Football Club** will ensure that Working With Children Checks are conducted for all;

- Coaches
- Assistant Coaches
- Team Managers and

- Volunteers working with children where an assessment is required by law.

#### **5.1.4. Support, Train, Supervise and Enhance Performance**

The **Wyndhamvale Football Club** 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.

#### **5.1.5. Empower & Promote the Participation of Children In Decision-Making**

The **Wyndhamvale Football Club** will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

#### **5.1.6. Report and Respond Appropriately To Suspected Abuse and Neglect**

The **Wyndhamvale Football Club** will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

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

In addition to their obligation as a mandated notifier, 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 Part C of this document. This will explain what to do about the behaviour and how the **Wyndhamvale Football Club** will handle the complaint.

## **5.2. Anti-Discrimination and Harassment**

The Wyndhamvale Football Club 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, based on personal characteristics such as those listed in the Glossary of Terms, are against the law.

All committee members, coaches and team managers will complete the "Play by the Rules - Harassment and Discrimination" on line training. The Secretary of the Club will maintain certificates of completion.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in Part B of this policy.

### 5.3. Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. 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.

The **Wyndhamvale Football Club** recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

### 5.4. Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in this document.

The **Wyndhamvale Football Club** recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, wellbeing and involvement in community life. In general the **Wyndhamvale Football Club** will facilitate transgender persons participating in our sport.

The **Wyndhamvale Football Club** also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other participants. This debate is reflected in the divergent discrimination laws across the country.

The **Wyndhamvale Football Club** is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position taken by the AFL.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List,

should apply for a standard Therapeutic Use Exemption.

## 6. Complaints Procedures

The grievance procedure set out in this rule applies to disputes under these rules between a Member and:

- Another Member; or
- The Wyndhamvale Football Club.

The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.

If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute to the Wyndhamvale Football Club's Member Protection Officer.

### 6.1. Complaints

The **Wyndhamvale Football Club** aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the MPIO.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the Team Manager can deal with the complaint, then they should; if not, then if the Member Protection Officer can deal with the complaint, then they should). Only in the most serious cases should the matter be referred to the President or Vice President, unless the matter has arisen at or relates to the Club Level.. Therefore, if a complaint relates to:

- Behaviour or an incident that occurred at the League level or involves people operating at the League level, then the complaint should be reported to and handled by the President or Vice President in the first instance; or
- Behaviour or an incident that occurred at the club level or involves people operating at the club level, then the complaint should be reported to and handled by the Member Protection Officer in the first instance.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the Member Protection Officer considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

## 6.2. Vexatious Complaints & Victimisation

The Wyndhamvale Football Club aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the Member Protection Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred for appropriate action, which may include disciplinary action against the complainant.

The **Wyndhamvale Football Club** will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

## 6.3. Mediation

The Wyndhamvale Football Club aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions. Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Officer will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent.

## 7. What is a Breach of this Policy

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- Breaching the Codes of Conduct (attachment B to this policy);
- Bringing the sport and/or the **Wyndhamvale Football Club** into disrepute, or acting in a manner likely to bring the sport and/or the WRFL into disrepute;
- Failing to follow **Wyndhamvale Football Club** policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any **Wyndhamvale Football Club** information that is of a private, confidential or privileged nature;

- Making a complaint they knew to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

## **8. Disciplinary Measures**

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- Be applied consistent 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; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

### **8.1. Individual**

Subject to contractual and employment requirements, if a finding is made by the Club that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A withdrawal of any awards, placings, records, achievements bestowed in any activities or events held or sanctioned by the Wyndhamvale Football Club
- A demotion or transfer of the individual to another, role or activity;
- A suspension of the individual's membership or participation or engagement in a role or activity;
- Termination of the individual's membership, appointment or engagement;
- In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- Any other form of discipline that the Club considers appropriate.

## 8.2. Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- Consequences of the breach
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

## Part B: Complaint Handling Procedures

### 9. Complaints Procedure

#### 9.1. Overview

This procedure has been developed to ensure that complaints about inappropriate behaviour described in this policy are addressed sensitively, consistently, fairly and confidentially. A complaint may be reported about an individual or group behaviour informally or formally. It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

Complaints should be reported to the **WYNDHAMVALE FOOTBALL CLUB**.

#### 9.2. Internal Procedure.

##### Self Resolution

Self resolution may be appropriate where the alleged harasser or bully is oblivious to the Impact of their behaviour towards the complainant. If the complainant feels it is appropriate they can attempt to resolve the issue directly with the alleged harasser, without the assistance of the **WYNDHAMVALE FOOTBALL CLUB** by speaking directly to the person/s involved and asking them to stop the offensive behaviour immediately.

### Resolve the Complaint Informally

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, individual/s should talk with the Member Protection Officer.

Informal procedures that may be actioned by the Member Protection Officer could include the following:

- Provide possible options/methods for the complainant to resolve the problem and/or
- Make a referral to an appropriate person to help the complainant resolve the problem e.g.: a mediator.
- Explain how the **WYNDHAMVALE FOOTBALL CLUB** complaints procedure works;
- Act as a support person;
- Privately speak with the alleged offender on behalf of the complainant
- Inform the relevant government authorities and/or police if required by law to do so.

### Resolve the Complaint Formally

Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the complainant wishes to make a formal complaint from the outset. Formal complaints can be lodged with the WYNDHAMVALE FOOTBALL CLUB. Both parties involved in a formal complaint have a number of rights and responsibilities, which are detailed below:

<b>Complainant's Rights</b>	<b>Respondent's Rights</b>
<ul style="list-style-type: none"><li>• Have the complaint investigated and if necessary, conciliated.</li><li>• Have support/representation if requested.</li><li>• Express views and opinions without intimidation from others.</li><li>• Discontinue a complaint.</li><li>• Have the situations remedied.</li><li>• Privacy.</li></ul>	<ul style="list-style-type: none"><li>• Have natural justice</li><li>• Not be discriminated against</li><li>• Not be dismissed unfairly, harshly or unreasonably.</li><li>• Privacy.</li><li>• Have support/representation if requested.</li><li>• Not be defamed.</li><li>• Not be the subject of unfounded or malicious complaints.</li></ul>

A formal procedure will be followed as appropriate for each individual complaint, which may include one or more of the following steps:

- Document full information from the complainant about the complaint and how they want it resolved;
- Put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;
- Decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- Determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

**NB: Where a complaint relates to an allegation of child abuse the matter will immediately be referred to the police or relevant state government authority.**

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp)

#### Appeal Process

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the **WYNDHAMVALE FOOTBALL CLUB** the complaint may be referred to the **WESTERN REGION FOOTBALL LEAGUE** for further consultation. If necessary an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

### **10. External Procedure**

There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sought from the State or Territory Equal Opportunity Commission without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the police or relevant state government department responsible for issues of child welfare should be notified.

### **10.1. Process for dealing with members charged with, or under investigation for, a criminal offence**

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

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

### **10.2. Procedure**

#### Risk Assessment

In the event that the **Wyndhamvale Football Club** becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the committee of **Wyndhamvale Football Club** or executive officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children;
- Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;
- Consider all matters on an individual basis and include an assessment of all relevant circumstances;
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;
- Not compromise any police investigations or evidence.

## Outcome

Where the outcome of the risk assessment is that protective action is necessary, the **Wyndhamvale Football Club** may:

- Control or supervise contact between the member and children.
- Prevent contact between the member and children.
- Remove the member from duties until the outcome of the investigation or charge is known;
- Take any other action that is necessary and reasonable in the circumstances.

## Voluntary removal of member pending outcome of charge or investigation

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

## Resolution to suspend or remove member

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, the Wyndhamvale Football Club will put forward a resolution to the relevant committee to suspend or temporarily remove the member.

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

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

## Glossary

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

*Natural justice*: means observing the following principles:

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

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

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

*Member:* means a member of the Wyndhamvale Football Club.

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

## **11. Investigation Process**

If an investigation needs to be conducted to gather more information the following steps will be followed:

- 11.1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 11.1.1. Interview the complainant and record the interview in writing or audiotape.
  - 11.1.2. Convey full details of the complaint to the respondent (s) so that they can respond.
  - 11.1.3. Interview the respondent to allow them to answer the complaint, and record the interview in writing or audiotape.
  - 11.1.4. Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
  - 11.1.5. 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); and/or
    - Mischievous, vexatious or knowingly untrue.
  - 11.1.6. Provide a report to the Wyndhamvale Football Club Committee documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
- 11.2. 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.

- 11.3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPO or other person).
- 11.4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation.

## Part C: Attachments – Reporting Documents/Forms

### 12. Confidential Record of Informal Complaint

**STRICTLY CONFIDENTIAL**

Name of person receiving complaint:		Date:     /     /
Complainant's Name:		
	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Complainant's Role/Status:	<input type="checkbox"/> 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"/> Other	
	.....	
Location/Event of alleged issue:		
Facts as stated by complainant:		
Nature of the Complaint:	<input type="checkbox"/> Harassment	<input type="checkbox"/> Discrimination
	<input type="checkbox"/> Sexual/Sexist	<input type="checkbox"/> Selection Dispute
	<input type="checkbox"/> Coaching Methods	<input type="checkbox"/> Sexuality
	<input type="checkbox"/> Personality Clash	<input type="checkbox"/> Verbal Abuse
	<input type="checkbox"/> Race	<input type="checkbox"/> Religion
	<input type="checkbox"/> Bullying	<input type="checkbox"/> Physical Abuse
	<input type="checkbox"/> Disability	<input type="checkbox"/> Victimisation
	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Child Abuse
	<input type="checkbox"/> Unfair Decision	<input type="checkbox"/> Other .....
How does the complainant want the issue fixed?		
What information is provided?		

*This record and any notes are **STRICTLY CONFIDENTIAL**. If this issue becomes a formal complaint, this record is to be included with the formal complaint.*

### 13. Confidential Record of Formal Complaint

**STRICTLY CONFIDENTIAL**

Complainant's Name:		Date Received:
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	..... / ..... / .....
Complainant's Contact Details:	Phone:	Email:
Complainant's Role/Status:	<input type="checkbox"/> 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"/> Official	<input type="checkbox"/> Other .....
Name of person complained about (Respondent):		
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/Status:	<input type="checkbox"/> 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"/> Official	<input type="checkbox"/> Other .....
Location/Event of alleged issue:		
Description of alleged issue:		
Nature of complaint:	<input type="checkbox"/> Harassment	<input type="checkbox"/> Discrimination
	<input type="checkbox"/> Sexual/Sexist	<input type="checkbox"/> Selection Dispute
	<input type="checkbox"/> Coaching Methods	<input type="checkbox"/> Sexuality
	<input type="checkbox"/> Personality Clash	<input type="checkbox"/> Verbal Abuse
	<input type="checkbox"/> Race	<input type="checkbox"/> Religion
	<input type="checkbox"/> Bullying	<input type="checkbox"/> Physical Abuse
	<input type="checkbox"/> Disability	<input type="checkbox"/> Victimisation
	<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:	
Action Recommended:	

**If Mediated:**

Date of Mediation:		
Were both parties present?		
Terms of agreement:		
Any other action taken?		
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 are **STRICTLY CONFIDENTIAL**.*

## 14. Confidential Record of Child Abuse Allegation

### STRICTLY CONFIDENTIAL

Complainant's Name:		Date Formal Complaint Received: ...../...../.....	
Role/Status in Sport:			
Child's Name:		Age: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 20px;"></td></tr></table>	
Child's Address:			
Name of person complained about (respondent):			
Respondent's Role/Status:	<input type="checkbox"/> Volunteer <span style="margin-left: 150px;"><input type="checkbox"/> Parent</span> <input type="checkbox"/> Athlete/Player <span style="margin-left: 150px;"><input type="checkbox"/> Spectator</span> <input type="checkbox"/> Coach/Assistant Coach <span style="margin-left: 150px;"><input type="checkbox"/> Support Personnel</span> <input type="checkbox"/> Official <span style="margin-left: 150px;"><input type="checkbox"/> Other: .....</span>		
Witnesses: (If more than 3 witnesses, attached details to this form)	Name:		
	Contact Details:		
	Name:		
	Contact Details:		
	Name:		
	Contact Details:		
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)			
Police Contacted:	Who:		
	When:		
	Advice Provided:		

Government Agency Contacted:	Who:	
	When:	
	Advice Provided:	
President Contacted:	Who:	
	When:	

**Police and/or Government Agency investigation**

Finding:	
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**Internal Investigation (if any)**

Finding:		
Action Taken:		
Completed By:	Name:	
	Position:	
	Signature:	
	Date:	
Signed by (if not a child)	Complainant:	

*This record and any notes are **STRICTLY CONFIDENTIAL**. It must be provided to relevant club administrators, and or if required authorities (police and or government).*