

# Resource 21: Sample member protection policy for SSAs

Expectations about behaviour are met| Welcome

1. *Check with your national body about its member protection policy (MPP) requirements, including escalation, appeal of issues and reporting requirements.*
2. *Review your existing MPP and/or adapt and adopt:*
  - a. *your NSO's MPP to meet your SSA needs; or*
  - b. *the MPP templates for clubs and NSOs on the Australian Sports Commission website; or*
  - c. *this SSA policy template. Delete, change or insert relevant words and sections that appear in italics and brackets and make any other necessary changes.*

*For this and other policies to be binding, they must:*

- *be formally incorporated into your Memorandum and Articles of Association or into your By-Laws as prescribed in your Constitution*
- *be referred to in membership forms: e.g. "the member agrees to be bound by the Constitution, Rules, Regulations and Policies of the SSA (and/or the NSO), including its Member Protection Policy".*

***Members need to be advised of the policy's existence and to sign a membership form agreeing to be bound by the policy. You need to ensure that a person with a disability or with limited English-language skills fully understands what they are signing.***

***Note that this policy only contains information relevant to SSAs in Victoria. For other states, go to [www.ausport.gov.au/supporting/ethics/complaint\\_management/member\\_protection\\_policy\\_template](http://www.ausport.gov.au/supporting/ethics/complaint_management/member_protection_policy_template).***

*Modified from Australian Sports Commission 2010, Member Protection Policy Template – Club version (October 2010), copyright ASC, information reproduced with permission.]*

**Developed in collaboration**

Collaboration leader:



Source:



# **[SSA MEMBER PROTECTION POLICY\*]**

[\*This template will refer to the policy as a Member Protection Policy. Decide upon title for your policy and if different, this will need to be reflected throughout the template.]

Version *[insert version number]*

Date *[insert date created or updated]*

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### **Attachment 1: Codes of behaviour**

*[attach or refer to where your SSA's codes of behaviour can be found]*

### **Attachment 2: Complaints procedures *[if option 2 is taken]***

### **Attachment 3: Working with children check requirements**

- 3.1. Member protection declaration
- 3.3. Working with children check requirements

### **Attachment 4: Duty statements**

*[you may want to include duty statements for positions such as coaches, team managers, officials, etc.]*

### **Attachment 5: Reporting forms**

*[include any reporting documents/forms you require to be completed. An example is provided.]*

## **[Member protection policy]**

### **1. Introduction**

*[Insert your SSA's core values/ethical principles/mission statement.]*

### **2. Purpose of our policy**

The main objective of our member protection policy (policy) is to maintain responsible behaviour and ethical and informed decision making by participants in this association. This policy 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 association 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 association's activities.

### **3. Who our policy applies to**

Our policy applies to everyone involved in the association including: member clubs; board and committee members; volunteer and paid administrators, coaches, officials (umpires/referees/judges) and managers; players; parents; and spectators.

### **4. Extent of our policy**

Our policy covers unfair decisions (e.g. team selection); breaches of our code of behaviour and the requirements of this policy; and inappropriate behaviour that occurs at training sessions, meetings, competitions or social events organised or sanctioned by the association (or our national body), on away and overnight trips and any behaviour that brings or is likely to bring our association or sport into disrepute. It also covers behaviour where there is suspicion of harm towards a child or young person.

### **5. <SSA> responsibilities**

We will:

- make any necessary amendments to our Constitution, rules or other policies to enable this policy to be enforceable
- implement and comply with our policy
- promote our policy to everyone involved in our *[association]*
- 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 annually
- seek advice from, and if necessary or appropriate, refer serious issues to our national body, police and/or relevant government agency.

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 our national body request to be referred to them (e.g. conflict of interest).

### **6. Individual responsibilities**

Everyone associated with our association 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
- comply with any decisions and disciplinary measures imposed under this policy

- 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**

Child abuse involves conduct which puts children at risk of harm and takes a number of different forms including:

- physical abuse – e.g. deliberately hurting (hitting, punching), providing alcohol or drugs, training that exceeds child’s development or maturity
- sexual abuse – e.g. sexual acts or threats, inappropriate touching or conversations
- emotional abuse – e.g. ill-treating by threats, humiliation, intimidation
- neglect – e.g. not providing child with basic necessities (food, drink, clothing), failing to protect a child from foreseeable risk of harm or injury.

Abuse is usually against the law. We will take measures to protect children involved in our association from harm. We will do this by:

- responding to all reports of abuse promptly, seriously and confidentially
- complying with Victorian (and other state/territory) child protection laws and working with children check requirements *[see attachment 3]*
- carefully selecting and screening people over the age of 16 years who will have regular supervisory contact with children
- promoting and enforcing our codes of behaviour, particularly for roles associated with children
- making information about child protection available, particularly for roles associated with children
- adopting practices that provide the maximum opportunity for a child-safe environment.

Anyone who reasonably suspects that a child has been or is being abused must report their concerns to the police or to Child Protection (Department of Human Services – Children, Youth & Families Division). Advise the *[CEO of the association]* that you have reported your concerns.

### **7.2 Taking images, photos, of children**

Images of children can be used inappropriately or illegally. Our association 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. Our association also requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the association 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 without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes and school, as this information can be used as grooming tools by pedophiles or other persons. 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 association opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone unfavourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute, and this not reasonable; 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 phones and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, carer or family status, disability, gender (sex), gender identity, pregnancy, physical features, political or religious beliefs, race and marital status.

Our association 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 association (see Responding to Complaints, Section 10 below).

**9. [Inclusive practices *[delete if you have a separate inclusion policy or policies; select those relevant and/or add others]*]**

Our association aims to provide an opportunity for everyone to participate in [sport] regardless of their gender, gender identity or sexuality, age, disability, racial, religious or cultural background. Our association will strive to provide a healthy sporting environment that is safe, inclusive, accessible and equitable to ensure all people can fully participate in any aspect of the [sport]. This participation includes playing, coaching, officiating, administering and supporting [sport] in a paid or voluntary capacity.

**9.1 People with a disability**

*We will include people with a disability in all aspects of our association and will make reasonable adjustments to enable this to occur.*

**9.2 People from diverse cultures**

*We will encourage and support people from culturally and linguistically diverse communities to participate in our association and will accommodate, where possible, requests for flexibility (e.g. modifications to uniforms).*

**9.3 Gender identity**

*We will facilitate transgender persons participating in our sport with the gender with which they identify. Where a transgender person intends competing at a state representative and/or elite level, we will seek advice and encourage them to obtain advice, including any anti-doping requirements.*

**9.4 Pregnancy**

*We will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in <sport>. We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities. Women will not be required to undertake a pregnancy test.*

**9.5 Girls playing in boys' teams/boys playing in girls' teams**

*If there is not a mixed and/or separate sex competition, our association will support girls playing in boys' teams and boys playing in girls' teams up until the age of 12 years. After this age our association may make a decision about the makeup of teams after looking at the nature of our sport, the position/s the individual is likely to play, the physical development and skill level of the individual and other players, other opportunities to compete, as well as any advice from our national sporting association or government agencies on our equal opportunity and duty of care responsibilities.*

**10. Responding to complaints**

**10.1 Complaints**

Our association takes all complaints about on- and off-field behaviour seriously. Our association will handle complaints 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
- any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to our national body. If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our association will need to report the behaviour to the police and/or relevant government authority and our national body.

## 10.2 Complaint-handling process

### *[option 1 – for small SSAs]*

*We will ensure our complaints process is accessible. When a complaint is received by our association, the person receiving the complaint (e.g. [Member Protection Information Officer, Complaint officer]) will:*

- *listen carefully and ask questions to understand the nature and extent of the problem*
- *ask what the complainant would like to happen*
- *explain the different options available to help resolve the problem*
- *take notes*
- *maintain confidentiality but not necessarily anonymity.*

*Once the complainant decides on their preferred option for resolution, the association will assist, where appropriate and necessary, with the resolution process. This may involve:*

- *supporting the person complaining to talk to the person being complained about*
- *bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation)*
- *gathering more information (e.g. from other people that may have seen the behaviour)*
- *seeking advice from our national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency)*
- *referring the complaint back to the relevant club*
- *referring the complaint to our [complaints tribunal]*
- *referring the complaint to our national organisation*
- *referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.*

*In situations where a complaint is referred to our national organisation and an inquiry is conducted, the association will:*

- *cooperate 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)*
- *act on our national organisation's recommendations.*

*If either the person making the complaint (complainant) or the person the complaint is about (respondent) requires assistance due to a disability or English-language skills, we will provide the necessary assistance such as an interpreter. 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.*

### ***[option 2 – larger SSA]***

*Any person (a complainant) may report a complaint about a person or club bound by this policy (respondent) and should report it to [insert relevant information e.g. MPIO, Complaints Manager, CEO]. [If the complaint relates to a breach of the Rules, this will be handled by our [insert] process.*

*If a complaint relates to behaviour or an incident that occurred at the:*

- state/association level or involves people operating at the state level, then the complaint should be reported to and handled by our association in the first instance.*
- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.*

*We will ensure our complaints procedures are accessible and that all complaints are dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in [attachment 2 or insert procedures here]. If either the complainant or the respondent requires assistance due to a disability or English-language skills, we will provide the necessary assistance such as an interpreter. Complainants may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.*

### **10.3 Vexatious complaints & victimisation**

*[SSA]* aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process we consider that a person has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the *[insert relevant person /committee /tribunal etc.]* for appropriate action, which may include disciplinary action against the person who made the complaint.

*[SSA]* will also 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.

### **10.4 Disciplinary measures**

Our association 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 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
- 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 association
- 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

- any other form of discipline that our association considers reasonable and appropriate.

### **10.5 Appeals**

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by our association to our national organisation. 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 *[tribunal, association, decision maker]*.



## **Attachment 1: Codes of behaviour**

*[insert – to ensure consistency within your sport, check with your national body for their codes of behaviour. Also be aware that the Victorian Government has a Code of Conduct for Community Sport that needs to be taken into account]*

[Note: Codes of Behaviour are generally not binding on non-members such as parent/guardians and spectators unless they have signed the codes or other form agreeing to be bound by the codes and the member protection policy. It may therefore be difficult to discipline a parent/guardian or spectator under this policy. This will vary for every association and depends on what measures have been taken to bind 'non-members' to the policy (e.g. through purchasing tickets to venues, through a child's membership form).]

## Attachment 2: Complaints procedure *[insert if option 2 chosen]*

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

If you wish to remain anonymous, the *[association]* may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the *[association]* is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

If you require assistance (such as an interpreter) to make or respond to a complaint, please contact *[ ]* so they can arrange the appropriate assistance.

### INFORMAL APPROACHES

#### Step 1: Talk with the other person (where this is reasonable and appropriate)

In the first instance, you (the complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: **Contact** a Member Protection Information Officer

Talk with one of our *[Member Protection Information Officers (MPIOs) or to - insert relevant information/designated person/s]* if:

- the first step is not possible/reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially about the problem with someone and obtain more information about what you can do
- the problem continues after you tried to approach the person or people involved.

*[A list of our sport's MPIOs is - insert where this information can be found].*

The *[MPIO or - insert relevant information/designated person/s]* will:

- take confidential notes about your complaint
- try to find out the facts of the problem
- ask what outcome/how you want the problem resolved and if you need support
- provide possible options for you to resolve the problem
- act as a support person if you so wish
- refer you to an appropriate person (e.g. 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: Outcomes from initial contact

After talking with the *[MPIO or insert relevant information/designated person/s]*, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and work out your own resolution (with or without a support person such as a *[MPIO]*)
- to seek a mediated resolution with the help of a third person (such as a mediator)
- to seek a formal approach.

## FORMAL APPROACHES

### Step 4: Making a formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to *[decide who you want to receive formal complaints e.g. CEO, MPIO, Complaints Manager/Officer and insert this information. Person chosen must have the management power/authority for this]*
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the *[insert relevant person e.g. CEO or a Complaints Manager/Officer]* will decide whether:

- they are the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint warrants a formal resolution procedure
- to appoint a person to **investigate** (gather more information on) the complaint
- to refer the complaint to mediation
- to refer the complaint back to the *[club]*
- to refer the complaint to a hearings tribunal
- to refer to the national body
- to refer the matter to the police or other appropriate authority
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the *[insert relevant person e.g. CEO or a Complaints Manager/Officer]* will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled
- the relationship between you and the respondent (for example, 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 will be subject to further unacceptable behaviour while the complaint process is underway.

If *[insert relevant person e.g. CEO or a Complaints Manager]* is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen
- determine what, if any, further action to take. This action may include disciplinary action.

### Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to *[insert relevant person/tribunal]* who will determine what further action to take.
- If the complaint is referred to mediation, it will be conducted as agreed by you, the respondent and the mediator.
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with *our tribunal processes [indicate where this can be found]*.

- If the complaint is referred to the police or other appropriate authority, the association will provide all reasonable assistance required by the police or other authority.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by *[insert]* unless otherwise stated.

**Step 6: Reconsideration of initial outcome/investigation or appeal**

If mediation is unsuccessful, you may request that *[insert relevant person e.g. CEO or a Complaints Manager]* reconsider the complaint in accordance with **Step 3**. You or the respondent(s) may be entitled to appeal.

### Attachment 3.1: Member protection declaration

Our association has a duty of care to all those associated with our association. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I \_\_\_\_\_ [name] of \_\_\_\_\_  
\_\_\_\_\_ [address] (date of birth \_\_\_\_ / \_\_\_\_ / \_\_\_\_),

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence *[you may choose to add other crimes you consider relevant e.g. narcotics].*
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence. *[you may choose to add other crimes you consider relevant e.g. narcotics].*
4. To my knowledge there is no other matter that the association may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the *[CEO of the association]* immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the state/territory of \_\_\_\_\_

on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Signature \_\_\_\_\_

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#### Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Attachment 3.2: Working with children check requirements

*[The following information was updated in May 2011. It is subject to change at any time. It is specific to Victoria only.]*

In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm. The working with children (WWC) check creates a mandatory minimum checking standard across Victoria. It contributes to the safety of Victoria's children when they are being cared for, or participating in a range of activities, by seeking to prevent those who pose a risk to the safety of children from working with them, in either paid or volunteer work. If you are an employee, a volunteer or self-employed and work or volunteer with children you may need to apply for a WWC check. Everybody who requires a WWC check must have a WWC check or have applied for one by **30 June 2011**.

For more information, go to [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or call 1300 652 879

## **Attachment 4: Duty statements**

*[you may want to include duty statements for positions such as coaches, team managers, officials etc.]*

## Attachment 5: Reporting forms

### Record of complaint

Name of person receiving complaint			Date: ___/___/___
Complainant's name			<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Complainant's contact details	Phone: Email:		
Complainant's role/status in association	<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 : _____	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18		
Person complained about role/status in association	<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: _____	
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint  (you can tick more than one box)	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Victimisation <input type="checkbox"/> Bullying	<input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Child abuse	<input type="checkbox"/> Coaching methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Unfair decision <input type="checkbox"/> Personality clash
	<input type="checkbox"/> Other: _____		



<b>Relevant attribute protected by law</b>	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender identity <input type="checkbox"/> Pregnancy <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sex
<b>What they want to happen to fix the issue</b>	
<b>Information provided to them</b>	
<b>Resolution and/or action taken</b>	
<b>Follow-up action</b>	