

SOUTHERN **TIGERS**

MEMBER

PROTECTION

POLICY



This policy adopts the Basketball Australia
Member Protection Policy dated 12 January 2014

Date adopted by STBA Board:
Date Member Protection Policy Effective:

CONTENTS

PREFACE	3
PART A: MEMBER PROTECTION POLICY	4
1 Introduction	4
2 Purpose of this Policy.....	4
3 Who is Bound by this Policy.....	4
4 Organisational Responsibilities.....	4
5 Individual Responsibilities.....	5
6 Position Statements.....	5
6.1. Child Protection.....	5
6.2. Taking of Images of Children	6
6.3. Anti-Discrimination and Harassment.....	6
6.4. Sexual Relationships	6
6.5. Pregnancy.....	7
6.6. Gender Identity	7
6.7. Responsible Service and Consumption of Alcohol	8
6.8. Smoke-Free Environment.....	8
6.9. Cyber Bullying.....	8
6.10. Social Network Sites.....	8
7 Complaints Procedures	8
7.1. Handling Complaints	8
7.2. Improper Complaints and Victimisation	9
7.3. Mediation	9
7.4. Tribunals.....	9
8 What is a Breach of this Policy.....	9
9 Disciplinary Measures	10
9.1. Individual.....	10
9.2. Organisation.....	10
9.3. Factors to Consider.....	10
10 Dictionary of Terms.....	11
PART B: CODES OF BEHAVIOUR.....	14
1 Players	14
2 Parents	14
3 Coaches.....	14
4 Administrators.....	15
5 Officials.....	15
6 Spectators	15
PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS (SOUTH AUSTRALIA)	16
PART D: COMPLAINT HANDLING PROCEDURES	16
PART E: REPORTING REQUIREMENT AND DOCUMENTS/FORMS	16
ATTACHMENT C1: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS (SOUTH AUSTRALIA)	18
ATTACHMENT D1: COMPLAINTS PROCEDURE	21
ATTACHMENT D2: MEDIATION.....	23
ATTACHMENT D3: INVESTIGATION PROCESS.....	24
ATTACHMENT D4: HEARINGS & APPEALS TRIBUNAL PROCEDURE	25
ATTACHMENT E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT	28
ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT	29
ATTACHMENT E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE	31
ATTACHMENT E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION	33

PREFACE

Southern Tigers Basketball Association (STBA) is committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participating in the sport of basketball.

The positive virtues of involvement in the sport of basketball are well heralded and evidenced by the thousands of young Australians participating in basketball activities and competition across the country each week. The value of regular exercise gained through basketball to an individual's personal health and fitness should not be underestimated, nor the role that social interaction provided through the basketball association environment, which can play in developing a young person's self-esteem and involvement in their local community.

However, harassment in sport can serve to drastically undermine these intrinsic benefits of involvement in basketball. The unfortunate reality is that basketball, as a sport, is not immune from acts of discrimination, harassment and abuse, rather to the contrary, sport may provide an environment which in many cases lends itself to conduct which is not only inappropriate, but also unlawful.

Depending on the nature of the case, instances of harassment or abuse in sport can have devastating effects for not only the individuals involved, but also the sporting organisation itself. Apart from exposing the club or association to potential legal liability, officials may be faced with low morale, an unpleasant environment, higher turnover of personnel and the prospect of long-term damage to the organisation's image and reputation. These are all unnecessary harms, which STBA is anxious to avoid.

The adoption of the STBA Member Protection Policy reflects STBA's dedication to serving and protecting its members and participants throughout all levels of the sport. However, the adoption of the Member Protection Policy itself is just the first step in affording our members and participants the protection they deserve. The Policy sets out the codes of behaviour that everyone associated with STBA is expected to abide by and disciplinary action will be taken when it is breached. The successful implementation and enforcement of this Member Protection Policy requires the cooperation and commitment of STBA members and participants at all levels.

The following Member Protection Policy conveys a strong message to all STBA members and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future.

PART A: NATIONAL MEMBER PROTECTION POLICY

1 Introduction

Basketball is everyone's game and is one of the most popular games in the world, with 213 nations participating and more than 1,150,000 Australians participating in the game.

STBA's mission is to ignite the passion for basketball through growth, success and unity. Critical to the achievement of this mission is the provision of safe and inclusive environments wherever basketball is played.

2 Purpose of this Policy

This Member Protection Policy ("policy") aims to assist STBA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, STBA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the board of STBA and has been created as a by-law under clause 27 of STBA's constitution. The policy starts forthwith and will operate until replaced. Copies of the full and current policy and its attachments can be obtained from the STBA's website at www.southerntigers.com.au.

3 Who is Bound by this Policy

This policy applies to the following people whether they are in a paid or unpaid/voluntary capacity:

- Persons appointed or elected to boards, committees and sub-committees of STBA;
- Employees of STBA;
- Support personnel appointed or elected to teams and squads that represent STBA; (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches appointed or elected to teams that represent STBA;
- Athletes appointed or elected to teams that represent STBA;
- Referees, umpires and other officials involved in the regulation of the sport appointed by STBA, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- Members, including life members of the STBA;
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by STBA, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- Any other person or organisation including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

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

4 Organisational Responsibilities

STBA will:

- Adopt, implement and comply with this policy
- Ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- Publish, distribute and promote this policy and the consequences of any breaches
- Promote and model appropriate standards of behaviour at all times
- 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 all people and organisations to whom this policy applies
- Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour (for example, but not limited to, Member Protection Information)
- Officers (MPIOs),
- Monitor and review this policy at least annually.

5 Individual Responsibilities

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with the codes of behaviour it sets out
- Consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18
- Placing the safety and welfare of children above other considerations
- Being accountable for their behaviour
- Following the steps outlined in this policy for making a complaint or reporting possible child abuse
- Complying with any decisions and/or disciplinary measures imposed under this policy.

6 Position Statements

6.1. Child Protection

STBA is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained. 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.

STBA acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants. We aim to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1. Identify and Analyse Risk of Harm

STBA will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.1.2. Develop Codes of Behaviour

STBA will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

6.1.3. Choose Suitable Employees and Volunteers

STBA will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures. STBA will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, STBA will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

6.1.4. Support, Train, Supervise and Enhance Performance

STBA will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity to enhance their performance so we can maintain a child-safe environment.

6.1.5. Empower and Promote the Participation of Children

STBA will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

6.1.6. Report and Respond Appropriately to Suspected Abuse and Neglect

STBA will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

6.2. Taking of Images of Children

Images of children can be used inappropriately or illegally. STBA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, STBA will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

6.3. Anti-Discrimination and Harassment

STBA aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms [see clause 10]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4. Sexual Relationships

STBA takes the position that consensual sexual relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If a sexual relationship exists between an athlete and a coach, we will consider whether disciplinary action is necessary. Factors that will be taken into account include the relative age and maturity of the athlete to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

If we determine that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate. The coach or athlete may wish to seek advice or support from the Member Protection Information Officer, or other official if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

6.5. Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

STBA will take reasonable care to ensure the safety, health and well-being 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 well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6. Gender Identity

STBA is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

STBA will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

STBA recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

STBA also recognises that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, we will seek advice on the application of those laws in the particular circumstances.

STBA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we

will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

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.

6.7. Responsible Service and Consumption of Alcohol

STBA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. (RSA policy here or attachment)

6.8. Smoke-Free Environment

STBA recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

6.9. Cyber Bullying

STBA regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

STBA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

6.10. Social Network Sites

STBA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

STBA expects all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- Must not use offensive, provocative or hateful language;
- Must not be misleading, false or injure the reputation of another person;
- Should respect and maintain the privacy of others; and
- Should promote the sport in a positive way.

7 Complaints Procedures

7.1. Handling Complaints

STBA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to:

- The Member Protection Information Officer

- The President (or their nominee) of STBA; or
- Another appropriate person within the organisation (e.g. team manager, coach etc.).

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the MPIO/President considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in **Attachment D1**.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2. **Improper Complaints and Victimisation**

STBA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

STBA 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 or supporting another person's complaint.

If at any point in the complaint handling process the MPIO/President considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

7.3. **Mediation**

STBA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 MPIO will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in **Attachment D2**.

7.4. **Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by the MPIO, STBA's President (or their nominee) or the Complaint Handler;
- regarding an alleged breach of this policy. Our Tribunal procedure is outlined in **Attachment D5**.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in **Attachment D5**.

STBA will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8 **What is a Breach of this Policy**

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

- Breaching the Codes of Behaviours (see Part B of this policy)
- Bringing the sport and/or STBA into disrepute, or acting in a manner likely to bring the sport and/or STBA into disrepute
- Failing to follow STBA policies (including this policy) and our procedures for the protection, safety and well-being of children

- Discriminating against, harassing or bullying (including cyber-bullying) any person
- Victimising another person for making or supporting a complaint
- Engaging in a sexually inappropriate relationship with a person that he or she supervises, or has 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 STBA information that is of a private, confidential or privileged nature
- Making a complaint that they know 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
- Failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9 Disciplinary Measures

STBA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- Fair and reasonable
- Applied consistent with any contractual and employment rules and requirements
- Based on the evidence and information presented and the seriousness of the breach
- Determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

9.1. Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal 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, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Basketball Australia;
- A demotion or transfer of the individual to another location, 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;
- A recommendation that STBA terminate 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;
- A fine;
- Any other forms of discipline that the Tribunal considers appropriate.

9.2. Organisation

If a finding is made that Constituent Association, League Association, Affiliated Association or Club has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Tribunal.

- A written warning;
- A fine;
- A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- A direction that any funding granted or given to it by STBA cease from a specified date;
- A direction that STBA or relevant Constituent Associations cease to sanction events held by or under the auspices of that organisation;
- A recommendation to STBA that its membership of STBA be suspended or terminated in accordance with the relevant constitution or rules;
- Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

9.3. Factors to Consider

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

- The nature and seriousness of the breach
- If the person knew, or should have known, that the behaviour was a breach of the policy

- The person's level of contrition
- The effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- If there have been any relevant prior warnings or disciplinary action
- The ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- Any other mitigating circumstances.

10 Dictionary of Terms

This Dictionary 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.

Affiliated Associations means those associations that are members of a Constituent Association or a League Association in accordance with the provisions of the constitution of the relevant Constituent Association or League Association, or is otherwise affiliated with STBA directly from time to time.

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

Child abuse 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 (eg. 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 (eg. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (eg. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (eg. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Club means those clubs or organisations (howsoever described), which are members of, or affiliated to, an Affiliated Association, Constituent Association or League Association.

Complaint means a complaint made under this policy

Complainant means a person making a complaint.

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

Constituent Associations means the Constituent Association members recognised under the Constitution as the representative body for the sport of basketball in each of the states and territories of Australia.

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 includes:

- 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.

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 club rooms is asked to leave.
- *Disability*: A player is overlooked for team selection 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 player is harassed when other players 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 personal characteristic protected by law (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 non-verbal, and includes electronic cyber communication.

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 boys and girls 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.

League Associations means and includes clubs participating in the National Basketball League, Women's National Basketball League and any other organised basketball competition conducted by STBA or is recognised as a League Association by STBA from time to time.

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

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

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.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

Policy and this policy means this Member Protection Policy.

Respondent means a person or organisation who is being complained about.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make 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 any complaint including 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 B: CODES OF BEHAVIOUR

STBA seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour 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 our 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.

1 Players

- Play by the rules.
- Never argue with an official. If you disagree, have your captain, coach or manager approach the official during a break or after the competition.
- Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport.
- Work equally hard for yourself and/or your team. Your team's performance will benefit, so will you.
- Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
- Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
- Cooperate with your coach, team-mates and opponents. Without them there would be no competition.
- Participate for your own enjoyment and benefit, not just to please parents and coaches.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

2 Parents

- Remember that children participate in sport for their enjoyment, not yours.
- Encourage children to participate, do not force them.
- Focus on the child's efforts and performance rather than winning or losing.
- Encourage children always to play according to the rules and to settle disagreements without resorting to hostility or violence.
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Remember that children learn best by example. Appreciate good performances and skilful plays by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

3 Coaches

- Remember that young people participate for pleasure and winning are only part of the fun.
- Never ridicule or yell at a young player for making a mistake or not coming first.
- Be reasonable in your demands on players' time, energy and enthusiasm.
- Operate within the rules and spirit of your sport and teach your players to do the same.
- Ensure that the time players spend with you is a positive experience. All young people are deserving of equal attention and opportunities.
- Avoid overplaying the talented players; the just average need and deserve equal time.
- Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
- Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage your players to do the same.
- Show concern and caution toward sick and injured players. Follow the advice of a physician when determining whether an injured player is ready to recommence training or competition.

- Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.
- Any physical contact with a young person should be appropriate to the situation and necessary for the player's skill development.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

4 Administrators

- Involve young people in planning, leadership, evaluation and decision making related to the activity.
- Give all young people equal opportunities to participate.
- Create pathways for young people to participate in sport not just as a player but as a coach, referee, administrator etc.
- Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
- Provide quality supervision and instruction for junior players.
- Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.
- Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and officiating.
- Ensure that everyone involved in junior sport emphasises fair play, and not winning at all costs.
- Give a code of behaviour sheet to spectators, officials, parents, coaches, players and the media, and encourage them to follow it.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Support implementation of the National Junior Sport Policy.
- Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

5 Officials

- Modify rules and regulations to match the skill levels and needs of young people.
- Compliment and encourage all participants.
- Be consistent, objective and courteous when making decisions.
- Condemn unsporting behaviour and promote respect for all opponents.
- Emphasise the spirit of the game rather than the errors.
- Encourage and promote rule changes, which will make participation more enjoyable.
- Be a good sport yourself. Actions speak louder than words.
- Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Place the safety and welfare of the participants above all else.
- Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion.

6 Spectators

- Remember that young people participate in sport for their enjoyment and benefit, not yours.
- Applaud good performance and efforts from all individuals and teams. Congratulate all participants on their performance regardless of the game's outcome.
- Respect the decisions of officials and teach young people to do the same.
- Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by spectators, coaches, officials or players.
- Show respect for your team's opponents. Without them there would be no game.
- Encourage players to follow the rules and the officials' decisions.
- Do not use foul language, sledge or harass players, coaches or officials.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS (SOUTH AUSTRALIA)

STBA is 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.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

STBA will meet the requirements of South Australia Working with Children Check laws as per **Attachment C1**.

PART D: COMPLAINT HANDLING PROCEDURES

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

STBA 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.

STBA also provides an appeals process for those matters where it is required.

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

PART E: REPORTING REQUIREMENT AND DOCUMENTS/FORMS

The following information is provided by the Australian Sports Commission and was updated in November 2011. It is subject to change at any time.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the **CHILD ABUSE HELP LINE 13 14 78**

A reasonable suspicion must be based on facts, for example:

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the Children's Protection Act 1993.

For more information: www.families.sa.gov.au/childsafe.

STBA 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.

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

STBA 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.

ATTACHMENT C1: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS (SOUTH AUSTRALIA)

The obligation to conduct the Criminal History Assessment rests with the organisation providing the service. [NSO/organisations] who provide services wholly or partly for children in South Australia therefore must comply with this requirement, so must include these requirements in their MPP documentation.

The [NSO/organisation] may conduct a criminal history assessment themselves or apply to a third party (such as the state sporting body for an assessment and letter of clearance).

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian Children's Protection Act 1993) are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

Procedure for conducting criminal history assessments

Note: *The Children's Protection Act 1993 enables organisations to decide the manner in which they will conduct criminal history assessments. Please choose the option below that reflects the method of assessment that your organisation has adopted.*

Option 1

A National Police Check (NPC) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (VOAN) through the governing body/SSO.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from

http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp

On receipt of the NPC the applicant must present the letter for viewing and recording to [NSO/organisation].

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, the [NSO/organisation] must assess this information in accordance with Standard 5 of the **Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children**.

<http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by the **Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children**, principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The [NSO/organisation] may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The [NSO/organisation] will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Option 2

A current letter of clearance from the Department for Communities and Social Inclusion (DSCI) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the [NSO/organisation], the club or applicant.

The [NSO/organisation] may obtain a further criminal history assessment for an employee at any time that the [NSO/organisation] believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934>

- Information relating to a persons criminal history and the assessment process is managed securely and confidentially and in accordance with the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive, Department for Families and Communities. <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Other evidence (optional)

Where appropriate, the [NSO/organisation] may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of the [NSO/organisation] and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

This [NSO/organisation] may also at its discretion seek a statutory declaration for any employee(s) or volunteer(s) who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines the [NSO/organisation] has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the [NSO/organisation] its affiliated associations or clubs which involves the care of children in overnight accommodation.

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;

- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information, visit:

<http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

<http://www.recsport.sa.gov.au>

ATTACHMENT D1: COMPLAINTS PROCEDURE

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.

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

If you wish to remain anonymous, STBA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that STBA 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.

Informal Approaches

Step 1: Talk with the other person (where this is reasonable, safe 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 the Member Protection Information Officers (MPIOs), the President (or their nominee) 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; or
- the problem continues after you tried to approach the person or people involved.

The MPIO, President (or their nominee) 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 President (or their nominee), 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); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- 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 the MPIO, or President (or their nominee) using the Grievance Form; or
- 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 MPIO, President (or their nominee) or Complaints Handler that they refer the matter to, 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 refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- 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 set out in these procedures is completed.

In making the decision(s) outlined above, the following will be taken 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; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.
- If the President (or their nominee) or a Complaints Handler believes that they are 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; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the President (or their nominee) or Member Protection Tribunal who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with **Attachment D2** or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with **Attachment D4**;
- If the complaint is referred to the police or other appropriate authority, STBA will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the President (or their nominee) or Complaints Handler reconsider the complaint in accordance with Step 3.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in **Attachment D4**.

Step 7: Documenting the resolution

The complaint will be recorded in writing, including the process and the outcome per **Attachments E1** or **E2** as appropriate. This document will be stored in a confidential and secure place.

External Approaches

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once an anti-discrimination commission receives a complaint, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as 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 MPIO/President will appoint a mediator to help resolve the complaint. This will be done under the direction of STBA 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 MPIO/President to request that the MPIO/President 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 the President (or their nominee) 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.

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 D4**.

ATTACHMENT D4: HEARINGS & APPEALS TRIBUNAL PROCEDURE

Hearings tribunals established by STBA to hear member protection related complaints will be as follows:

Preparation for Tribunal Hearing

- 1 A Tribunal Panel will be constituted by the appointment of:
 - 1.1. Registrar, who has considerable experience in the legal aspects of tribunals and will preferably be legally trained;
 - 1.2. Three persons that shall conduct the hearing, one of whom shall be designated as Chair of the Tribunal and must have extensive experience in the conduct of similar hearings or tribunals.
- 2 The Registrar shall provide the Tribunal members with a copy of all the relevant correspondence, reports or information received relating to the complaint/allegations.
- 3 The Tribunal hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case 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 matter.
- 5 The Registrar 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/allegation;
 - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed.
 - If the respondent is a minor, that they should have a parent or guardian present.

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

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

- 6 The Registrar 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;
 - 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 they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
 - That legal representation will not be allowed.
 - If complainant is a minor, that they should have a parent or guardian present.

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

- 7 If the complainant believes the details of the complaint are incorrect or insufficient they should inform the Registrar as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
- 8 It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

Tribunal Hearing Procedure

- 9 The following people will be allowed to attend the Tribunal Hearing:
 - The Tribunal members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - 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 their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
- 11 If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.

- 12 The Tribunal Chairperson will inform the Registrar of the need to reschedule, and the Registrar will organise for the Tribunal to be reconvened.
- 13 The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree 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 Panel when determining any disciplinary measures (penalty).
- 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(s) may question the complainant and witnesses.
- 16 The respondent(s) 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 witnesses.
- 17 Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until 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 any 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/case before it.
- 19 Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
- 20 If the Tribunal considers that at any time during the Tribunal Hearing there is any unreasonable or intimidating behaviour from anyone, the Chairperson may deny further involvement of the person in the hearing.
- 21 After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). 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 will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. 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, or 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 to the Registrar a notice of the Tribunal decision including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, 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 A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a Tribunal decision can lodge one appeal to STBA on one or more of the following bases:
 - 26.1. That a denial of natural justice has occurred; or
 - 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 to the Complaints Manager/Mediator/Tribunal;
 - 26.4. That new evidence that was not reasonably available at the time of initial investigation or hearing is now available and that evidence is likely to have a material bearing upon the decision in the matter.
- 27 A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the President within seven days of the relevant decision. An appeal fee of \$250 shall be included with the letter of intention to appeal.
- 28 If the letter of appeal is not received by the President within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.
- 29 The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to an Appeals Registrar (who was not the Registrar or a Tribunal Member in relation to the matter) to review and decide whether there are sufficient grounds for the appeal to proceed. The Appeals Registrar may invite any witnesses to the meeting it believes are required to make an informed decision.

- 30 If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons and the appeal fee may be forfeited, at the absolute discretion of the Appeals Registrar
- 31 If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint, and the appeal fee may be refunded, at the absolute discretion of the Appeals Registrar.
- 32 The Tribunal Procedure shall be followed for the appeal.
- 33 The decision of an Appeal Tribunal will be final.

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 the complaint? (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment <input type="checkbox"/> Selection dispute <input type="checkbox"/> Physical abuse <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Personality clash <input type="checkbox"/> Victimisation <input type="checkbox"/> Sexuality <input type="checkbox"/> Bullying <input type="checkbox"/> Unfair decision <input type="checkbox"/> Race <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> Religion <input type="checkbox"/> Child Abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Coaching methods <input type="checkbox"/> Discrimination <input type="checkbox"/> Verbal abuse	
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 <input type="checkbox"/> Yes <input type="checkbox"/> No 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 national level, the original record must be provided to STBA and a copy kept with the organisation where the complaint was first made.

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 STBA 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 President or Complaints Handler of STBA so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The President or Complaints Handler 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 STBA.
- The President or Complaints Handler will consider what services may be most appropriate to support the child and his or her parent/s.
- The President or Complaints Handler will consider what support services may be appropriate for the alleged offender.
- The President or Complaints Handler 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 STBA).

- Regardless of the findings of the police and/or child protection agency investigations, STBA 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.
- The President, Tribunal or Complaints Handler of STBA 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 9 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

South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department of Communities and Social Inclusion Ph: 131 478 www.dcsi.sa.gov.au

ATTACHMENT E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in **Attachment D4** 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		
Child's address		
Person's reason for suspecting abuse (eg. 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 	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact Details: Name (2): Contact Details: Name (3): Contact Details:	
Interim action taken (if any)		
Police Contacted	When Who: Action provided:	

Child protection agency contacted	When Who: Action provided:
President Contacted	When Who:
Police Investigation (if any)	Finding:
Child protection agency Investigation (if any)	Finding:
Internal Investigation (if any)	Finding
Action taken	
Completed by:	Name: Position: Signature: Date/...../.....
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.