



# **SPRINGWOOD & DISTRICT CITIZENS BOYS AND GIRLS CLUB MEMBER PROTECTION POLICY**

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**POLICY NAME:** Springwood Boys and Girls Member Protection Policy  
**DATE OF ISSUE:** March 2019  
**DATE OF REVIEW:** August 2020  
**CONTROLLING BODY:** Springwood Boys and Girls – Management Committee

## **1. STATEMENT OF COMMITMENT**

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The main objective of the Springwood Boys and Girls Club (“our”, “us” or “we”) Member Protection Policy (“policy”) is to maintain responsible behaviour and the making of informed decisions by members and other participants in this club. It outlines our commitment to a person’s right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our club’s activities.

## **2. POLICY APPLICATION**

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This Policy applies to all the club’s committee, coaches and assistant coaches, judges, employees, administrators and other club officials, volunteers, athletes, members of the club (including any life member, parents and spectators).

This Policy applies to behaviour occurring both within and outside the course of the club’s business, activities and events, when the behaviour involves individuals associated with the club and negatively affects relationships within the club’s sport and work environment.

## **3. POLICY COVERAGE**

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Discrimination and all forms of harassment or abuse are unlawful under federal, state and territory law. People engaging in harassment or abuse can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, the Club has a legal responsibility to ensure that discrimination, harassment or abuse does not occur in the course of any of our activities.

The law is always the minimum standard for behaviour within the Club and therefore any criminal offence will be reported to the appropriate authorities. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

In the event of any conflict or concern with any of the material contained in this policy, you are encouraged to view the full Gymnastics Australia Member Protection Policy that is available on their website.

## **4. ROLES AND RESPONSIBILITIES**

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### **Club Responsibilities**

We will:

- adopt, implement and comply with this policy;
- consent to the screening requirements set out in this policy, and any state or 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, or where otherwise required by law;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- 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;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to Gymnastics NSW, Gymnastics Australia or other relevant authorities.

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 state or national bodies request to be referred to them.

### **Administrators**

Administrators must ensure that the organisation he or she is employed or engaged by:

- consent to the screening requirements set out in this policy, and any state or 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, or where otherwise required by law;
- Provides and promote an environment free from discrimination, harassment or abuse in relation to its employment functions, its membership eligibility and any supply of goods and services;
- Distributes, promotes and implements this Policy and Complaints Management Procedures;
- Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this Policy;
- Deals with complaints in an impartial, sensitive, timely and confidential manner.

### **Coaches**

Coaches must:

- consent to the screening requirements set out in this policy, and any state or 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, or where otherwise required by law;
- Comply with the Coaches' Code of Ethics (incorporated in the Technical Membership Handbook);
- Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it;
- Avoid intimate relationships with athletes;
- Not exclude or treat less favourably any athlete from playing or coaching activities on the basis of an attribute or personal characteristic; &
- Avoid focusing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

## **Judges**

- consent to the screening requirements set out in this policy, and any state or 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, or where otherwise required by law;
- Judges must comply with the Official's Code of Ethics (incorporated in the Technical Membership Handbook).

## **All Members & Individuals Responsibilities**

Everyone associated with our club must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in our policies;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

## **5. PROTECTION OF CHILDREN**

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### **5.1 Child Protection**

The Springwood Boys and Girls Club is committed to the safety and wellbeing of children and young people who participate in our clubs activities or any of 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 and safe environment for all participants.

The Springwood Boys and Girls Club acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participating in providing a safe, fair and inclusive environment for all participants.

#### **5.1.1: Identifying and Analysing Risks of Harm**

The Springwood Boys and Girls Club will develop and implement a risk management strategy, which includes 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 action of an employee, volunteer or another person.

#### **5.1.2: Developing Codes of Conduct for Adults and Children**

We will develop and promote a code of conduct that specifies standards of conduct and care we expect of adults when they deal and interact with children, particularly those in the our care. We will also implement a code of conduct to promote appropriate behaviour between children.

#### **5.1.3: Choosing Suitable Employees and Volunteers**

The Springwood Boys and Girls Club will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The Springwood Boys and Girls Club will ensure that Working with Children Checks and criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, the Springwood Boys and Girls Club will ensure that the criminal history information is dealt with confidentially and in accordance with relevant legal requirements.

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

The Springwood Boys and Girls Club 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 and to enhance their performance so we can maintain a child-safe environment in our club.

#### **5.1.5: Report and Respond Appropriately to Suspected Abuse and Neglect**

The Springwood Boys and Girls Club will ensure that 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 ground that a child has been, or is being, abused or neglected.

In addition to any legal obligations, 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 they may make an internal complaint. Please refer to our complaints procedure in section 8 of this policy.

Any person who believes a child is in immediate danger or in a life threatening situation, should contact the police immediately.

## **5.2 Child Abuse**

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

**Physical abuse** by hurting a child or a child 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 subjected to any other inappropriate conduct of a sexual nature (eg sexual intercourse, masturbation, oral sex, sexual role play, pornography including child pornography or inappropriate touching or conversation)

A **Sexual offence** is a criminal offence involving a sexual activity or acts of indecency including but not limited to (due to difference in state/territory legislations):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration or relationship with a child under the age of 16
- Indecent act with a child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threat of fraud
- Procuring sexual penetration with a child under the age of 16

- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefit for child prostitution
- Possessing of child pornography
- Publishing child pornography and indecent article

**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** failing to give food, water, shelter or clothing or protect a child from danger or foreseeable risk of harm or injury.

### 5.3 Intimate Relationships

The Federation takes the view that intimate sexual relationships between coaches and athletes, while not necessarily constituting unlawful harassment (unless involving a child), can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image.

Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, the Club takes the position that such relationships should be avoided by coaches working at all levels.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions. In particular they must treat individuals and children in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and adult athletes they coach should be avoided. We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain why such a relationship is not appropriate.

If a coach or official believes that they are being, or have been, harassed they are encouraged to seek information and support from the MPIO, or Head Coach.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete
- any potential vulnerability of the athlete
- any financial and/or emotional dependence of the athlete on the coach or official
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete performance and/or career
- the extent of power imbalance between the athlete and the coach or official: and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly, they are encouraged to seek advice from the MPIO or Head Coach to ensure that they do not involve themselves in appropriate or unprofessional behaviour.

Should a sexual relationship develop between an adults athlete and a coach, the Club will investigate whether any action against the coach is necessary. If the Club determines that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer of the coach or, if this is not feasible, a request for resignation or dismissal from employment or coaching duties

The law is always the minimum standard for behaviour within the Club and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.

#### **5.4 Supervision**

Children under the age of 18 must be supervised at all times by a responsible adult. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of 18 is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must collect their children on time. If it appears a member will be left alone with just one child at the end of any club activity, they will ask another member to stay until the child is collected.

#### **5.5 Transportation**

Parents and or guardians are responsible for organising the transportation of their children to and from club activities (e.g. training and competitions). In the rare event that we make arrangements for the transportation of children, we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

#### **5.6 Taking photos of children**

Images of children can be used inappropriately or illegally. We require that anyone, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child that is not their own. You must also make sure that the parent or 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 toilets which we control or are used in connection with our club.

When using a photo of a child, we 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 child's parent or 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 club's activities and we will ensure that they are suitably clothed in a manner that promotes our club or sport. We will seek permission from a child's parent or guardian before using their images. Springwood Boys & Girls Club requires anyone to do likewise.

## **6. DISCRIMINATION, HARRASSMENT, BULLYING AND VICTIMISATION**

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Our Club is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

## 6.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:

- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

## 6.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

Springwood Boys & Girls Club will not tolerate anyone who engages in any form of harassment, including, but not limited to:

- written, verbal or physical abuse or threats;
- unwelcome physical contact;
- the display of offensive materials or behaviour;
- promises or threats in return for sexual favours;
- unwelcome sexual comments, jokes or propositions;
- homophobic comments or behaviours; or
- jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

### **6.3 Bullying**

The Springwood Boys & Girls Club is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our club.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group. Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. 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. We will not tolerate abusive, discriminatory, intimidating or offensive statements being made via any such technology.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint.

### **6.4 Victimisation**

Victimisation means subjecting a person, or threatening a person, to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.



## **7. INCLUSIVE PRACTICES**

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Our Club is welcoming and we will seek to include members from all areas of our community. The following are examples of some of our inclusive practices.

### **7.1 People with a disability**

The Springwood Boys & Girls Club will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g. modifications to equipment and rules) to enable participation.

### **7.2 People from diverse cultures**

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

### **7.3 Sexual & Gender Identity**

All people, regardless of their sexuality or gender identity, are welcome at our club. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

### **7.4 Pregnancy**

The Springwood Boys & Girls Club is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our club's activities. We will not tolerate any discrimination or harassment against pregnant women.

We will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will 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 child, is 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. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with the Springwood Boys and Girls Club. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant 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 believes she is being, or has been, harassed or discriminated against by another person bound by this policy, she may make a complaint.

## **8. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION**

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The Springwood Boys and Girls Club has developed a Complaints Management Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. These will provide both formal and informal mechanisms for dealing with complaints. At any stage, it is the prerogative of the complainant to proceed with, or dissolve, a complaint. The complainant may also pursue their complaint externally under antidiscrimination, child protection, criminal or other relevant legislation.

A complaint should be dealt with at the appropriate level. Therefore, if a complaint relates to behaviour or an incident that occurred at the

- Club level or involves people operating at club level, then the complaint will be handled by the Springwood Boys and Girls Club Committee

- State level or involves people operating at state level, then the complaint will be reported to Gymnastics NSW
- Only matters that relate to or occur at a national level, or the most serious cases from either club or state levels will be referred to Gymnastics Australia
- If the complaint falls outside this policy, or the policy of Gymnastics Australia and/or would be better dealt with another way, and/or the law requires the complaint/allegation to be reported to an appropriate authority, then it shall be referred to the police and/or relevant government authority.

The Springwood Boys and Girls Club recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. Our club will handle complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person who has had a complaint made against them (defendant) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.
- If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club may need to report the behaviour to the police and/or relevant government authority.

### **8.1 Complaint Handling Process**

When a complaint is received by our Club, the person receiving the complaint (e.g. President, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club 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
- gathering more information (e.g. from other people that may have been a witness);
- seeking advice from or referring the complaint to Gymnastics NSW, Gymnastics Australia or an external agency (e.g. State Department of Sport or anti-discrimination agency); and/or;
- 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 another association and an investigation is conducted, the club will:

- co-operate fully with the investigation;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on the association's recommendations.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti

discrimination commission or other external agency directly.

## **8.2 Vexatious Complaints and Victimisation**

Springwood Boys and Girls Clubs aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against any person.

If at any point in the complaint process the MPIO considers that a complaint has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the committee for appropriate action, which may include disciplinary action or referral to an external authority.

The Springwood Boys and Girls Club will take all necessary steps to make sure that all people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises any person involved in a complaint, or supporting another person's complaint.

## **8.3 Club Committee**

The Springwood Boys and Girls Club Executive or general Club Committee may be convened to hear a formal complaint. The committee will have the discretion to determine the appropriate course of action, referral or resolution of the complaint.

In assessing the complaint, relevant factors include, but are not limited to:

- Nature and seriousness of the breach
- If the person knew or should have known that the behaviour was a breach
- Level of contribution
- The effect of person disciplinary measures on the person including any personal, professional or financial consequences
- If there has been any prior warnings or disciplinary action
- Ability to enforce the disciplinary action particularly if the person is a parent or spectator (even though they are bound by this policy), but an external agency may be required to enforce disciplinary action
- Any other mitigating circumstances

The committee aims to resolve complaints quickly and fairly. Complaints may be resolved by:

- agreement between the people involved with no need for further action
- Mediation as a confidential process that will allow all those involved to discuss the issues or incidents in question and to come to a mutually agreed solution
- A direction that an individual make a verbal and/or written apology
- A written warning
- A demotion or transfer of the individual to another location, class, role or activity
- A suspensions or termination of the individuals membership, participation or engagement in any further activities or roles.
- A fine
- Any other form of disciplinary action as determined by the Committee

## **8.4 Disciplinary Sanctions**

Our Club may 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; and
- be determined by our constituent documents, by Laws and the rules of the sport.

Any discipline will depend on the severity of the case, and possible sanctions that may be taken include:

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

#### **8.4 Right to appeal**

Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.

Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation. The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.

If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation/sport, he/she may choose to approach one of the sport dispute resolution bodies (for example, the National Sport Dispute Centre, and possibly state sport associations) to assist with a resolution. These bodies offer both mediation and arbitration services for sport-related disputes. This avenue is internal to the sporting industry, but external to the organisation or specific sport of the complainant.

### **9. CONFIDENTIALITY AND REPORTING**

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The Springwood Boys and Girls Club shall take all necessary steps to ensure the confidentiality of any complaint. Privacy principles require that internal disclosure should be limited strictly to those members who need to have access for official purposes, unless disclosure is:

- Necessary as part of the disciplinary or corrective process; or
- Required by law.

The Club accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

Records retained should be kept for an initial period of 12 months.

If additional information is required the Complaints Committee shall, after completion of the investigation, provide a written report to the Management Committee including:

- a record of the action taken to investigate the formal complaint;
- records of interviews taken;
- information revealed and facts identified;
- a recommendation that the complainant's grievance is valid or otherwise; and
- a recommendation on further action needed to resolve the complaint.

The Management Committee shall formally advise the complainant and respondent of the decision and of steps, which will be taken to give effect to that decision.

Where as a result of a formal grievance it is proposed to take disciplinary action, such action will be carried out in accordance with The Springwood Boys and Girls Club Behaviour Management Policy.

Signature .....  
President Date

Signature .....  
Employee Representative Date

## Attachment 1.1: MEMBER PROTECTION DECLARATION

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The Springwood Boys & Girls Club has a duty of care to all those associated with our club and to the individuals and organisations to whom this policy applies. 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) born ...../...../.....

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 *[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 *[ add other crimes you consider relevant e.g. narcotics]*
4. To my knowledge there is no other matter that the club may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President of the club 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 ...../...../.....(date) 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: .....

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## Attachment 2: REPORTING REQUIREMENTS AND DOCUMENTS

### 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 Club	<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	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Person complained about role/status in Club	<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 issue		
Description of alleged issue		

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Race abuse <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy decision <input type="checkbox"/> Other .....</p> <p><input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute</p> <p><input type="checkbox"/> Personality clash <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse</p> <p><input type="checkbox"/> Coaching <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical <input type="checkbox"/> Victimisation <input type="checkbox"/> Unfair</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	



## PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

All people working with Springwood Boys and Girls Club 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.

<b>Do</b>	<b>Don't</b>
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 *Springwood Boys and Girls Club Child Safe Representative* or your immediate manager so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The Child Safety Representative 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 an employee of Springwood Boys and Girls Club.
- The Clubs Committee will consider what services may be most appropriate to support the child and his or her parent/s.
- The Clubs Committee will consider what support services may be appropriate for the alleged offender.
- The Child Safety Representative will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### Step 4: Take internal action

- At least 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 the Clubs Committee
- Springwood Boys and Girls Club will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in *Clause 8* of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

#### New South Wales

New South Wales Police  
Non-urgent police assistance  
Ph: 131 444  
[www.police.nsw.gov.au](http://www.police.nsw.gov.au)

Department of Family and Community Services  
[www.community.nsw.gov.au](http://www.community.nsw.gov.au)  
Ph: 132 111



President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.

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