



# **SMOSH West Lakes Junior Football Club**

## **MEMBER PROTECTION POLICY**

**2016**

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## **PREFACE**

### **VISION of the SMOSH West Lakes Junior Football Club:**

The vision of the SMOSH West Lakes JFC is to be recognised as a respected and successful member of the Metro West Junior Football League (MWJFL).

SMOSH WL JFC also places a high priority to educate and develop players through the SMOSH WL JFC talent pathway.

### **MISSION of the SMOSH West Lakes JFC:**

#### **To:**

- *increase the participation of children playing Australian Rules Football regardless of ability, race or gender by providing a safe and fun environment within the western suburbs of Adelaide.*
- *provide a smooth and transparent pathway for junior footballers to transition into senior level football.*

### **VALUES of the SMOSH West Lakes JFC**

The values that we subscribe to from both the **AFL** and the **MWJFL** perspective are clearly aligned.

#### **Our League Executive's Values:**

- Accountable to all stakeholders and its Member Clubs
- Be progressive, whilst remaining respectful of our role as League guardians and our members, each other, the game and our history
- Maintain an independent junior Australian Rules Football competition within the Western region of Adelaide
- Provide our League with a sense of social and community values
- Provide an environment that encourages, develops and promotes participation in Football within our community
- Promote, recognise and provide a safe and inclusive culture across our member clubs
- Provide equal opportunities for everyone
- Facilitate the playing of a fair and disciplined game of Football between teams fielded by its Member Clubs;

#### **United in our passion for the League, our football community and the game, these values will be realised by providing as far as reasonable:**

- Competent Committee members, Accredited Coaches and Umpires, Child Safety Officers and Sports Trainers.
- Adequate facilities, amenities and equipment.
- Provide support to member clubs to ensure that they undertake social functions encouraging family participation.
- Regular communication and consultation with all stakeholders and members.
- Active and transparent leadership and management of the League
- Providing and implementing Child Safe Environments

#### **PRINCIPLES of the SMOSH West Lakes JFC:**

- Duty to invest in our people and environment
- Commitment to strive for excellence
- Act with integrity
- Commitment to diversity and inclusion
- Duty to act with humility
- Duty to encourage innovation, embrace creativity and share knowledge

***The SMOSH West Lakes JFC is committed to providing an environment safe for children that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.***

***This policy provides a code of behaviour forming the basis of appropriate and ethical conduct which everyone must abide by and should be read in conjunction with the guidelines and recommendations detailed in the SMOSH West Lakes Junior Football Club Policies and Procedures document and codes of conduct for representatives of the SMOSH West Lakes JFC.***

***The SMOSH West Lakes JFC is committed to ensuring that everyone associated with our club complies with the policy.***



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President | Darren HALL

for, and on behalf of, ***SMOSH West Lakes JFC***

Date: March 2016

## GLOSSARY OF TERMS

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

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

**Affiliated club** means any club, which has teams competing in any Affiliated League.

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

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

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

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

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

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

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

**Criminal History Report** refer to definition of "police check"

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

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;

- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

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

### Examples of Discrimination

- Age: A club refuses to allow an older person to coach a team simply because of age.
- Breastfeeding: A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- Disability: A junior player is overlooked because of mild epilepsy.
- Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.
- Homosexuality: An athlete is ostracised from her team after it becomes known that she is a lesbian.
- Marital Status: A player is deliberately excluded from team activities and social functions because she is single
- Pregnancy: A woman is dropped from a squad when she becomes pregnant.
- Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- Sex: Specialist coaching is only offered to male players in a mixed team.

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

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

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

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

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

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

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

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

Public acts of racial hatred, which are reasonably likely to offend, insult, humiliate or intimidate, are also prohibited. This applies to spectators, participants or any other person who engages in such an act in

public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

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

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

**Member Protection 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.

**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.

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

**Respondent** means the person who is being complained about.

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

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

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

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

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

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

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

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

## **PART A: MEMBER PROTECTION POLICY**

### **1. Purpose of this policy**

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

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

This policy has been incorporated into the League's Constitution. The policy starts on April 1, 2015 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the **SMOSH West Lakes JFC** website.

### **2. Who this Policy Applies To**

This policy applies to the following people, whether they are acting in a paid or unpaid/voluntary capacity, in **SMOSH West Lakes JFC**

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

A copy of this implemented policy will be provided to our associated League, **METRO WEST JUNIOR FOOTBALL LEAGUE**.

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

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

The **SMOSH West Lakes JFC** and all associated clubs must:

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

### **4. Individual Responsibilities**

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour
- Complying with our screening requirements and any South Australian Working with Children checks
- Placing the safety and welfare of children above other considerations
- Being accountable for their behaviour
- Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour
- Complying with any decisions and/or disciplinary measures imposed under this policy

## 5. Position Statements

### 5.1 Child Protection

The **SMOSH West Lakes JFC** is committed to the safety and wellbeing of all children and young people participating in, officiating or associated in any way with football in South Australia. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

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

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

The **SMOSH West Lakes JFC** will implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly our sport and all associated environments are and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

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

The **SMOSH West Lakes JFC** will ensure we have established codes of conduct that specify standards of behaviour and care when dealing and interacting with children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. These Codes are set out in the SMOSH West Lakes JFC Policy and Procedures document and are made publically available on the SMOSH West Lakes JFC website at [www.smoshjfc.com.au](http://www.smoshjfc.com.au)

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

The **SMOSH West Lakes JFC** will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The **SMOSH West Lakes JFC** will ensure that criminal history assessments are conducted for all;

- coaches
- assistant coaches
- team managers and
- volunteers working with children

where an assessment is required by law.<sup>1</sup>

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<sup>1</sup> Children's Protection Act 1993 Section 8B.

If a criminal history report is obtained as part of their screening process, the **SMOSH West Lakes JFC** will ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief Executive, Department for Families and Communities.<sup>2</sup> (See Part C)

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

The **SMOSH West Lakes JFC** will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

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

The **SMOSH West Lakes JFC** will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

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

The **SMOSH West Lakes JFC** will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

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

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure document outlined in Part D of this document. This will explain what to do about the behaviour and how the **SMOSH West Lakes JFC** will handle the complaint.

## **5.2 Taking Images of Children**

The **SMOSH West Lakes JFC** acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

The **SMOSH West Lakes JFC** 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 and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If, following reasonable consideration, written permission is deemed necessary for the use of an image, this permission should be obtained from the child's parent/guardian using the template included in this document.

## **5.3 Anti-Discrimination and Harassment**

The **SMOSH West Lakes JFC** opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

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<sup>2</sup> Families and Communities (2007) *Child Safe Environments: Principles of Good Practice & Suggested Implementation Guidelines and Indicators*. Adelaide: DFC.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 10], are against the law.

All committee members, coaches and team managers will complete the “Play by the Rules - Harassment and Discrimination” on line training. Certificates of completion will be maintained by the Child Safety Officer.

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

#### **5.4 Pregnancy**

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

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman’s circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

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

#### **5.5 Gender Identity**

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

The **SMOSH West Lakes JFC** recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general **SMOSH West Lakes JFC** will facilitate transgender persons participating in our sport with the gender with which they identify.

The **SMOSH West Lakes JFC** also recognises 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, the **SMOSH West Lakes JFC** will seek advice on the application of those laws in the particular circumstances.

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

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

## 6. Complaints Procedures

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

- another Member; or
- the Association.

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

If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute to the State Sport Dispute Centre for resolution. **METRO WEST JUNIOR FOOTBALL LEAGUE** may also refer the dispute to the State Sport Dispute Centre.

South Australia is the only state, which has in place a State Sport Dispute Centre as an alternative to resolving Grievance matters. It is recommended that clubs allow matters to be elevated to the regional or state level and that the option to refer matters is considered as an alternative to referring matters to the NSO.

The State Sport Dispute Centre is operated by the South Australian Sports Federation (Sport SA).

### 6.1 Complaints

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

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should; if not, then if the State body can deal with the complaint, then it should). Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level. Therefore, if a complaint relates to:

- behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- behaviour or an incident that occurred at the club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

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

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

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

### 6.2 Vexatious Complaints & Victimisation

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

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

### 6.3 Mediation

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

### 6.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by the MPIO;
- because of the serious nature of the complaint, or unable to be resolved at the local level, or the state policy directs it to be; and/or
- for an alleged breach of this policy

If the standard Tribunal Process is not able to hear a complaint of this nature, a special Complaints Tribunal may be convened. Our Complaints Tribunal procedure is outlined in Attachment E7.

A respondent may lodge an appeal only 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 D point 23..

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

## 7. What is a Breach of this policy

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

- Breaching the Codes of Conduct (attachment B to this policy);
- Bringing the sport and/or the **SMOSH West Lakes JFC** into disrepute, or acting in a manner likely to bring the sport and/or the SANFL into disrepute;
- Failing to follow **SMOSH West Lakes JFC** policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any **SMOSH West Lakes JFC** information that is of a private, confidential or privileged nature;
- Making a complaint they knew to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

## 8. Disciplinary Measures

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

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

### 8.1 Individual

Subject to contractual and employment requirements, if a finding is made by 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, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the **SMOSH West Lakes JFC**
- 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 the **SMOSH West Lakes JFC** 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 form of discipline that the Tribunal considers appropriate.

### 8.2 Factors to consider

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

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

## PART B: WORKING WITH CHILDREN CHECK REQUIREMENTS

### Criminal History Assessment/Managing criminal history information of people working with children in South Australia

A criminal history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk to children who access services from the organisation.

#### 9. Identifying affected positions

The **SMOSH West Lakes JFC** undertakes to follow the standards issued by the Department for Families and Communities when conducting criminal history assessments. This includes conducting Criminal History Assessments on any person who is working or volunteering with children. Including, but not limited to;

- People who have regular contact with children and are not directly supervised at all times; or
- People who work in close proximity to children on a regular basis and are not directly supervised at all times; or
- Those who supervise or manage persons who:
  - Have regular contact with children or
  - Work in close proximity to children on a regular basis; or
  - Have access to records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings.

The **SMOSH West Lakes JFC** will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organisation, its affiliated associations and clubs (unless an exemption applies refer to C7 for exemptions).

All committee members, coaches, assistant coaches, team managers, and any other match day official who fit one or more of the criteria as outlined above.

#### 10. Procedures

The **SMOSH West Lakes JFC** may conduct these Criminal History Assessments internally. The applicant or person undertaking the check applies to the SA Police for a National Police Certificate (NPC). This NPC is then presented to the **CHILD SAFETY OFFICER** for assessment.

The SANFL has set out the following policy and supporting procedures for obtaining criminal history reports.

##### 10.1 Obtaining a National Police Certificate (NPC)

1. Volunteers to obtain application form from the SA Police website – [http://www.police.sa.gov.au/sapol/services/information\\_requests/national\\_police\\_certificate.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp)
2. The application must be completed online and then printed. This form cannot be saved
3. Volunteers to go to a local police station or Justice of the Peace (JOP) with their NPC application form, photocopy of documents adding up to 100 points and the original documents to have their identity verified
4. Once the identification has been verified by the police or JOP, the volunteer is to lodge the NPC application and their verified photocopied 100 point documentation to the clubs Child Safety Officer (CSO). The CSO will forward the documentation to **METRO WEST JUNIOR FOOTBALL LEAGUE's Authorised Officer** who will include the VOAN details on the application
5. The **Authorised Officer** sends the application to The Records Release Unit, SA Police
6. The NPC will be returned to the volunteer. Due to privacy laws the NPC can only be returned to the applicant, and no third parties

7. Volunteer is to present their NPC to the Child Safety Officer so as it can be sighted and clearance verified. The certificate number and expiry will be entered into the Clubs Clearance Register. A copy of the document will not be retained without the permission of the volunteer

## 11. Accepting “other evidence”

The **SMOSH West Lakes JFC** will, in lieu of undertaking a criminal history screening check as set out in 10.1, accept the following forms of evidence (obtained within the last three years) to assess a person’s suitability to work with children.

- 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 a CrimTrac accredited agency: Such as the DFC Screening Unit; Department of Education and Children’s Services (DECS) or Catholic Education Office.
- An interstate working with children check, from: Queensland, Victoria or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable the **SMOSH West Lakes JFC** to establish the true identity of the applicant.<sup>3</sup>

The **SMOSH West Lakes JFC** will also 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.

## 12. Assessing criminal history information

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

The **SMOSH West Lakes JFC** and the SANFL believe the following categories of criminal convictions present a prima-facie *risk of harm* to children.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for the **SMOSH West Lakes JFC** or its associated clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions.

The **SMOSH West Lakes JFC** and the **SANFL** believes that there can be a presumption that there is a risk of harm to children but further assessment is necessary before a decision to exclude a person can be made.

These types of criminal offences include:

- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals

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<sup>3</sup> A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver’s Licence, employee identification card, Centrelink card or student identification card.

- any other offences against a child (including drug offences).
- In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions.

Any such person will be asked to make further application to the DFC Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant.

The decision from this process will be deemed to be final and binding on all parties.

### **13. Ensuring procedural fairness if a person has a criminal history**

#### **13.1 Existing staff, members and volunteers**

All existing staff, members and volunteers 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.

Prior to a decision being made, the **SMOSH West Lakes JFC** will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

Members and volunteers may request:

- that the final assessment be referred to the Screening Unit (if it has not already been done). This decision shall be final and binding.
- where this has already been done, to make an appeal under the process set out in Part D of this policy.
- To be advised of any other avenues of appeal (if applicable).

#### **13.2 New staff, members and volunteers**

New applicants for 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 **SMOSH West Lakes JFC and / or THE METRO WEST JUNIOR FOOTBALL LEAGUE** will communicate to the applicant the decision not to 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.

### **14. Records management**

The **SMOSH West Lakes JFC** will take specific actions to store and record information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained WITHOUT prior consent by the applicant member or volunteer.

The **METRO WEST JUNIOR FOOTBALL LEAGUE** will retain the following information regarding their decision:

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

The **METRO WEST JUNIOR FOOTBALL LEAGUE** will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and criminal history assessment template (where applicable) will be used to record this information (see Part E).

## 15. Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines the **SMOSH West Lakes JFC** and the **SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE** *may* 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 **METRO WEST JUNIOR FOOTBALL LEAGUE** or associated clubs which involves the care of children in overnight accommodation.

- **A person who volunteers who is less than 18 years of age;**  
*Example: Peter is 14 years old and a member of his local Youth Advisory Council. As a volunteer under 18 years of age, Peter is exempt from the requirement to undergo a criminal history assessment.*
- **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;**  
*Example: Jason volunteers to cook a bbq at the local scout hall. As this is a once-off activity of less than 10 days duration, Jason is exempt from the requirement to undergo a criminal history assessment.*
- **An organisation that provides equipment, food or venues for any club events or functions;**  
*Example: Sally works for a catering company that often caters for children's parties. In some cases, children are present when Sally makes her delivery. As Sally is providing food and no other service, she is exempt from the requirement to undergo a criminal history assessment.*
- **A person who is appointed as a police officer or is a registered teacher.**  
*Example: Melanie is a police officer and regularly attends schools to present information to children. As Melissa is a sworn police officer, she is not required to undergo a criminal history assessment to carry out this activity.*

## PART C: COMPLAINT HANDLING PROCEDURES

### 16. Complaints Procedure

#### 16.1 Overview

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

#### 16.2 Internal Procedure

##### Self Resolution

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

##### Resolve the Complaint Informally

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, individual/s should talk with an appointed person of the **SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE**.

Informal procedures that may be actioned by the appointed person of the **SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE** could include the following:

- provide possible options/methods for the complainant to resolve the problem and/or make a referral to an appropriate person to help the complainant resolve the problem e.g.: a mediator.
- explain how the **METRO WEST JUNIOR FOOTBALL LEAGUE** complaints procedure works;
- act as a support person;
- privately speak with the alleged offender on behalf of the complainant
- inform the relevant government authorities and/or police if required by law to do so

##### Resolve the Complaint Formally

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

Complainant's Rights	Respondent's Rights
Have the complaint investigated and if necessary conciliated	Have natural justice
Have support/representation if requested	Not be discriminated against
Express views and opinions without	Not be dismissed unfairly, harshly or unreasonably
	Privacy

intimidation from others Discontinue a complaint Have the situations remedied Privacy	Have support/representation if requested Not be defamed Not be the subject of unfounded or malicious complaints
--	---

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

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

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

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

#### Appeal Process

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the **METRO WEST JUNIOR FOOTBALL LEAGUE** the complaint may be referred to the **SANFL** Game Development Department or Community Football League for further consultation. If necessary an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

### **17 External Procedure**

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

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

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

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

## **17.2 Procedure**

### Risk Assessment

In the event that the **SMOSH West Lakes JFC** becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of SANFL or senior appointed officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

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

### Outcome

Where the outcome of the risk assessment is that protective action is necessary, the **SMOSH West Lakes JFC** may:

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

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

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

### Resolution to suspend or remove member

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

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

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

### Glossary

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

*Natural justice:* means observing the following principles:

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

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

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

*Member:* means a member of the **SMOSH West Lakes JFC**.

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

## PART D: ATTACHMENTS - REPORTING DOCUMENTS/FORMS

### 17. CRIMINAL HISTORY ASSESSMENT FORM

Name of person	
Description of position that the person occupies or will occupy	
<p>The person provided, or consented to providing, acceptable evidence relating to their criminal history</p> <p><i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i></p> <p>See Standards 1 – 4</p>	<p>Yes <i>Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p>No <i>A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
Date evidence requested	
Date evidence received	
The police certificate or other evidence disclosed no convictions	
The police certificate or other evidence disclosed a conviction requiring further assessment	
<p>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>
<p>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>

Name of Assessor (s): \_\_\_\_\_

Position/Title: \_\_\_\_\_

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



**19. CONFIDENTIAL RECORD OF INFORMAL COMPLAINT**

Name of person receiving complaint		Date: / /
Complainant's Name		
	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Role/Status	<input type="checkbox"/> Administrator	<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	<input type="checkbox"/> Official
	<input type="checkbox"/> Other	
	.....	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment	or <input type="checkbox"/> Discrimination
	<input type="checkbox"/> Sexual/Sexist	<input type="checkbox"/> Selection Dispute
	<input type="checkbox"/> Coaching Methods	<input type="checkbox"/> Sexuality
	<input type="checkbox"/> Personality Clash	<input type="checkbox"/> Verbal Abuse
	<input type="checkbox"/> Race	<input type="checkbox"/> Religion
	<input type="checkbox"/> Bullying	<input type="checkbox"/> Physical Abuse
	<input type="checkbox"/> Disability	<input type="checkbox"/> Victimisation
	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Child Abuse
	<input type="checkbox"/> Unfair Decision	<input type="checkbox"/> Other
	.....	
What they want to happen to fix issue		
What information provided		

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to [ *The Tribunal – refer PAWA Constitution* ]

**20. CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name			Date Formal Complaint Received:  / /
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18		
Complainant's Contact Details	Phone:	Email:	
Complainant's Role/Status	<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"/> Official
	Other .....		
Name of person complained about (respondent)			
	<input type="checkbox"/> Over 18		<input type="checkbox"/> Under 18
Respondent's Role/Status	<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"/> Official
	<input type="checkbox"/> Other .....		
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment		or <input type="checkbox"/> Discrimination
	<input type="checkbox"/> Sexual/Sexist		<input type="checkbox"/> Selection Dispute
	<input type="checkbox"/> Coaching Methods		<input type="checkbox"/> Sexuality
	<input type="checkbox"/> Personality Clash		<input type="checkbox"/> Verbal Abuse
	<input type="checkbox"/> Race		<input type="checkbox"/> Religion
	<input type="checkbox"/> Bullying		<input type="checkbox"/> Physical Abuse
	<input type="checkbox"/> Disability		<input type="checkbox"/> Victimisation
	<input type="checkbox"/> Pregnancy		<input type="checkbox"/> Child Abuse
	<input type="checkbox"/> Unfair Decision		<input type="checkbox"/> Other
	.....		

Methods (if any) of attempted informal resolution		
Formal resolution procedures followed (outline)		
If investigated:		
Finding		
If went to Tribunal:		
Decision		
Action Recommended		
If mediated:		
Date of mediation		
Were both parties present?		
Terms of agreement		
Any other action taken?		
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3-8 months to resolve <input type="checkbox"/> More than 8 months to resolve	
Completed by	Name:	
	Position:	
	Signature:	
	Date:	/       /
Signed by	Complainant:	
	Respondent:	

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

**21. CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Complainant's Name		Date Formal Complaint Received:  / /
Role/Status in sport		
Child's Name	Age	
Child's Address		
Name of person complained about (respondent)		
Respondent's Role/Status	<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"/> Official
	<input type="checkbox"/> Other .....	
Witnesses (if more than 3 witnesses, attach details to this form)	Name	
	Contact Details:	
	Name:	
	Contact Details:	
	Name:	
	Contact Details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police Contacted	Who:	
	When:	
	Advice Provided:	

Government Agency Contacted	Who:	
	When:	
	Advice Provided:	
CEO Contacted	Who:	
	When:	
Police and/or government agency investigation		
Finding:		
Internal investigation (if any)		
Finding:		
Action Taken		
Completed by	Name:	
	Position:	
	Signature:	
	Date:	/ /
Signed by (if not a child)	Complainant:	

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

## IMAGE WAIVER AGREEMENT

For applicants under 18 years

As the parent/guardian of \_\_\_\_\_, I give permission for the **SOUTH AUSTRALIA NATIONAL FOOTBALL LEAGUE** to use photographs, videos or audio of him/her taken at the **[INSERT EVENT NAME AND DATE HERE]** in official **SOUTH AUSTRALIA NATIONAL FOOTBALL LEAGUE** print and online publications.

The use of the photographs/video/audio will be for the promotion and marketing of the **SMOSH West Lakes JFC** -affiliated program in which he/she is involved.

The **SMOSH West Lakes JFC** may publish, republish or otherwise transmit the images in any medium for the purposes stated above.

I give permission for my child's full name (first name and surname) to be used in conjunction with the image should the occasion arise.

I further release the **SMOSH West Lakes JFC** from any claims or remuneration associated with any form of damage, foreseen or unforeseen, associated with the use of the image.

I agree that the law of the State of South Australia will apply to this Agreement.

I acknowledge that \_\_\_\_\_ is a minor and certify that I have given my consent freely and this Agreement was willingly signed.

<b>DATE:</b>	:
<b>SIGNED BY PARENT/GUARDIAN:</b>	:

## 23. COMPLAINTS TRIBUNAL PROCEDURE

### HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by the **Metro West Junior Football League** to hear member protection related complaints.

#### Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in the **Metro West Junior Football League's** Constitution, to hear a complaint that has been referred to it by the **Metro West Junior Football League or the Investigations Committee**. The number of Tribunal members required to be present throughout the hearing will be three (3) *members required*.
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the **Metro West Junior Football League's** Secretary 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 **Metro West Junior Football League's** Secretary 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, 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 **Metro West Junior Football League** activities and events, pending the decision of the Tribunal, including any available appeal process, unless the **Metro West Junior Football League** believes it is necessary to exclude the respondent(s) from all or some **Metro West Junior Football League** activities and events, after considering the nature of the complaint.

6. The **Metro West Junior Football League's** Secretary 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, 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 **Metro West Junior Football League's** Secretary 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).

### **23.1 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 **Metro West Junior Football League's** Secretary of the need to reschedule, and the **Metro West Junior Football League's** Secretary 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 intimidatory 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 **Metro West Junior Football League's** Secretary 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.

### **23.2 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 the **Metro West Junior Football League's** Secretary on one or more of the following bases:
  - a. That a denial of natural justice has occurred; or
  - b. That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - c. That the decision was not supported by the information/evidence provided to the Complaints Manager/Mediator/Tribunal;
27. A person wanting to appeal in accordance with clause 25 must lodge a letter setting out the basis for their appeal with the **Metro West Junior Football League's** Secretary within two 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 **Metro West Junior Football League's** Secretary 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 the **Metro West Junior Football League Appeals Committee** to review and decide whether there are sufficient grounds for the appeal to proceed. The **Metro West Junior Football League Appeals Committee** 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. *The appeal fee will be forfeited.*
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint *and the appeal fee will be refunded.*
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final.

## 24. INVESTIGATION PROCESS

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

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 1.1 Interview the complainant and record the interview in writing or audio tape.
  - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
  - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing or audio tape.
  - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
  - 1.5 Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint);
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
    - mischievous, vexatious or knowingly untrue.
  - 1.6 Provide a report to the **Metro West Junior Football League** documenting the complaint, investigation process, evidence, finding and, if requested, 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/adviser (e.g. *MPIO* or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in *Section 23 (above)*.

**END of POLICY**