



South Australian Sports Federation Inc. (Sport SA)

18. Member Protection Policy

Version 5

February 2011

Approved by the Board:

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Version	Date reviewed	Date endorsed	Content reviewed/purpose
One	2001		• Legal Requirements
Two			•
Three	2007		• Updated
Four	2009	November	• Child Protection Amendments SA
Five	2011	February	• Child Protection Amendments SA

The South Australian Sports Federation Inc. (Sport S.A.) is committed to fair and safe play in all sport and recreation activities conducted under its auspices.



The South Australian Sports Federation Inc. (Sport S.A.) is committed to providing a sport and work environment free of discrimination and harassment where individuals are treated with respect and dignity, and where children are protected from abuse. Sport S.A. will not tolerate behaviour which constitutes abuse, discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches the Member Protection Policy.

This Member Protection Policy aims to provide the best possible environment in which its members, service providers and employees including volunteers of Sport SA are able to undertake their responsibilities to ensure management of all activities, competitions and programs is of a high standard.

John Dicker
President
Sport SA

PART A: MEMBER PROTECTION POLICY

1. Introduction

Profile of Sport SA

Sport S.A. was established in 1991 as the sports industry professional association. It provides industry advocacy, training and professional support to its 140 members. The organisation employs a full time CEO and Business Manager, Training manager, Membership/ Administration officer, two trainees in Administration, a part-time employee in finance/ training and ten part time lecturers as part of its training team.

Sport S.A. has achieved a reputation for promoting sports administration and management as a professional small business operation, for high level lobbying and advocacy with government on important Sports Industry issues, is a Nationally recognised Registered Training Organisation and has expanded a highly respected industry training program to include Levels I to IV in Sport, Fitness and Community Recreation to meet the needs of our industry. In addition Sport SA is an approved agency for delivery of Coaching and Officiating courses for the Australian Sports Commission.

The Sport SA Industry Skills Centre is the key facility for industry training and also an excellent venue for sports organisation needs for training, governance and development activities.

Sport SA is a non-government organisation and the members are:

- State Sporting organisations
- Sporting Industry bodies and organisations
- Local government
- Commercial sports industry organisations
- Sporting clubs
- Other organisations associated with the industry

Sport S.A. seeks, through its professional approach to all its tasks and responsibilities, to exhibit high degrees of client focus, honesty, confidentiality, teamwork and reliability.

VISION

Sport S.A. is the leader of sport in S.A.

MISSION

Sport S.A. leading sport, developing and supporting a stronger future for sport for all South Australians.

VALUES

The South Australian Sports Federation Inc. values continuous improvement, teamwork, dedication, commitment, the autonomy of sporting organisations and sport for all.

Teamwork



We work as a team and provide support to our colleagues

Professionalism

Our conduct is professional and reflects a positive, vibrant organisation

Service

We provide a service to our members, customers, colleagues and stakeholders, who is responsive and result- focussed.

Communication

Our communication is open and direct utilising effective technology

Commitment

We demonstrate a strong commitment to principles of equity, diversity and inclusive practices in all activities.

Passion

Our passion for sport, enjoyment and our industry is reflected in all our business

Innovation

We strive to be innovative and creative to meet challenges

Delivery

A key focus of all our activities is reliability and delivery

Healthy Lifestyle

We promote an active, balanced and healthy lifestyle through sport and physical activity

2. Purpose of this policy

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. 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 our organisation 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, Sport SA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Board of Sport SA and has been policies and procedures. The policy starts on 18th November 2009 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the Sport SA website at www.sportsa.org.au .

3. Who this Policy Applies To

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

- 3.1 Persons appointed or elected to the board, committees and sub-committees;
- 3.2 Employees of Sport SA
- 3.3 Lecturers, Contractors and trainers
- 3.4 Students
- 3.6 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Sport SA
- 3.7 Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

This policy will continue to apply to a person, even after they have stopped their association or employment with Sport SA.



4. Responsibilities of the Organisation

Sport SA must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to the Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations 4.10 Monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any state/territory Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 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; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

Sport SA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Sport SA aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1: Identify and Analyse Risk of Harm

Sport SA will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is 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.

6.1.2: Develop Codes of Conduct for Adults and Children

Sport SA will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part D) and also Training Policy16. RTO Code of Conduct - Child Safe Environments (2011)

6.1.3: Choose Suitable Employees and Volunteers

Sport SA will ensure that the organisation takes 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.

Sport SA will ensure that criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.¹

If a criminal history report is obtained as part of their screening process, Sport SA 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.² (See Part C)

6.1.4: Support, Train, Supervise and Enhance Performance

Sport SA 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.

6.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development

Sport SA will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect

Sport SA will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

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

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy

This will explain what to do about the behaviour and how Sport SA will deal with the problem.

6.2 Taking Images of Children

Sport SA 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.

Sport SA 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 Sport SA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

¹ Children's Protection Act 1993 Section 8B.

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



We require our members, member associations and clubs to do likewise

6.3 Anti-Discrimination and Harassment

Sport SA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 10], are against the law.

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 [C1] of this policy. This will explain what to do about the behaviour and how Sport SA will deal with the problem.

6.4 Sexual Relationships (version one – possible disciplinary action can be taken)

Sport SA takes the position that sexual relationships between lecturers, coaches and the adult athletes that they lecture or coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship exist between a lecturer, a student, an athlete and coach, Sport SA will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or athlete may wish to approach Sport SA's MPIO or complaints officer or other designated person] if they feel harassed. Our complaints procedure is outlined in Attachment [C1] of this policy.

6.5 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.

Sport SA 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.

6.6 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 the Dictionary at [clause 10].

Sport SA 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.

Sport SA 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, Sport SA will seek advice on the application of those laws in the particular circumstances.

Sport SA 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 Sport SA.

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.

7. Complaints Procedures

7.1 Complaints

Sport SA 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 a MPIO or the CEO. If the complaint relates to a breach of the Rules, this will be handled by our grievance process.

A complaint may be dealt with informally or formally. The complainant usually decides this unless a MPIO or CEO of Sport SA 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 [C1].

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

7.2 Vexatious Complaints & Victimisation

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

Sport SA 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.

7.3 Mediation

Sport SA 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, appointed by the SSDC 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. More information on the mediation process is outlined in attachment [C2].

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by CEO
- Referred to it or escalated by a member because of the serious nature of the complaint, or unable to be resolved at the level, or the policy directs it to be; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachment [C5].

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 [C5].

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

8. What is a Breach of this policy?

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

- 8.1 Breaching the Codes of Behaviour (attachment D to this policy);
- 8.2 Bringing Sport SA into disrepute, or acting in a manner likely to bring the into disrepute
- 8.3 Failing to follow Sport SA policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 Victimising another person for reporting a complaint;
- 8.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 Disclosing to any unauthorised person or organisation any Sport SA information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. 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.

9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;



- 9.1.4 A withdrawal of any awards, placing, records, and achievements bestowed in any tournaments, activities or events held or sanctioned by Sport SA
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Sport SA terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the Tribunal considers appropriate.

9.2 Organisation

If a finding is made that Sport SA has breached its own Member Protection Policy, one or more of the following forms of discipline may be imposed by Tribunal.

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

9.3 Factors to consider

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

- Nature and seriousness 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.

10. Dictionary

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

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

Affiliated organisation means a member of Sport SA

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).
- 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 7.

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.

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 non-verbal.

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 a member of Sport SA in any category

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.

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 B – ATTACHMENTS: 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.

Sport SA may conduct a criminal history assessment themselves or apply to a third party (such as the Department for Families and Communities' Screening Unit) for an assessment and letter of clearance.

Sport SA undertakes to follow the standards issued by the Department for Families and Communities when conducting criminal history assessments. These Standards are outlined below.

B1 – Identifying affected positions

Sport SA will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organisation, (unless an exemption applies).

As a first step, Sport SA has identified all individuals and positions within the organisation that involve working with children.

These positions are: whether paid or volunteer that involve:

- regular contact with children that is not directly supervised at all times; or
- work in close proximity to children on a regular basis that is not directly supervised at all times; or
- supervision or management of 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.

List of prescribed positions:

- Lecturer
- Training Manager
- Coach
- Manager
- Development Officer
- Membership Officer
- Administration Staff

Exemptions from this requirement apply in some circumstances. These exemptions are set out at the end of this fact sheet.

B2 – Procedures

Sport SA will undertake the checks itself, internally, in which case the person undertaking the check applies to the SA Police for and presents to the organisation a National Police Certificate (NPC) for assessment. Sport SA will apply to the SA Police for a VOAN which provide for free checks for volunteers.

Sport SA has set out the following policy and supporting procedures for obtaining criminal history reports.

Existing Staff:

1. All staff holding a prescribed position must obtain and National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
2. The cost of obtaining this check will be paid by Sport SA for employees, contractors will responsible for their own cost.
3. On receipt of the check the original document must be presented to CEO.



4. The document will be assessed in accordance with standard C4 five and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

New Staff:

1. All new staff selected to fill a prescribed position must obtain National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
 - a. The cost of obtaining this check will be information paid by Sport SA for employees, contractors will responsible for their own cost. A paid employee is not entitled to a free check using the organisation's VOAN.
2. On receipt of the check the original document must be presented to the CEO. Using a 100-point check, Sport SA will establish the true identity of the applicant.
3. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the Board.

Existing Contractors and Volunteers:

1. All existing contractors and volunteers holding a prescribed position must obtain a National Police Check by making application to the South Australian Police (or present an appropriate document that is less than three years old). The cost of obtaining this check will be met by using the organisation's VOAN.
2. On receipt of the check the original document must be presented to CEO.
3. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the Board.

New Contractors and Volunteers:

1. All new contractors or volunteers selected to fill a prescribed position must obtain National Police Check (or present an appropriate document that is less than three years old) by making application to the South Australian Police.
 - a. The cost of obtaining this check for the volunteer will be met by using the organisation's VOAN.
5. On receipt of the check the original document must be presented to CEO
 - a. Using a 100-point check, Sport SA will establish the true identity of the applicant.
6. The document will be assessed in accordance with standard B4 and returned to the person as soon as practicable.
7. The criminal history assessment will be repeated every three years or as requested by the Board.

B3 – Accepting “other evidence”

Sport SA will, in lieu of undertaking a criminal history screening check as set out in B2, 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 Sport SA to establish the true identity of the applicant.³

Sport SA may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

B4 – 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.

Offences that indicate a prima-facie risk of harm

Sport SA believes 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 Sport SA 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.

Sport SA 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
- 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 of this process will be deemed to be final and binding on all parties.

B5 – Ensuring procedural fairness if a person has a criminal history

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, Sport SA 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.

Staff, contractors, members and volunteers may request at their own expense:

³ 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.



- that the final assessment be referred to the Screening Unit (if it has not already been done). Which 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).

Existing employees of Sport SA may refer to the dispute resolution process set out by the relevant Enterprise Agreement or Industrial Award for dispute resolution.

New staff, contractors and volunteers:

New applicants for employment, contracting 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.

Sport SA will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

B7 – Records management

Sport SA will take specific actions to store and recording 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 once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

Sport SA 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)

Sport SA 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).

B8 - Exemptions from the requirement to conduct criminal history assessments

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

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



- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

C4: Handling an allegation of child abuse

C.4.1 Process for dealing with volunteers or contractors charged with, or under investigation for, a criminal offence

This process sets out the procedure that Sport SA will follow in the event that it becomes aware that a volunteer or contractor has been charged with, or is being investigated for, a relevant criminal offence.

Guiding Principle

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

Procedure

C4.1.1 Risk Assessment

In the event that Sport SA becomes aware that a volunteer or contractor has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of Sport SA 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 volunteer or contractor 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.

C4.1.2 Outcome

Where the outcome of the risk assessment is that protective action is necessary, Sport SA may:

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



C4.1.3 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, Sport SA will give the volunteer or contractor the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

C4.1.4 Resolution to suspend or remove member

In the event that the volunteer or contractor will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, Sport SA will put forward a resolution to the committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the 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.

C4.1.5 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.*

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: COMPLAINT HANDLING PROCEDURES

Attachment D1: COMPLAINTS PROCEDURE

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

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

If you wish to remain anonymous, Sport SA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that Sport SA is required to provide the person/people you



have complained about with full details of the complaint so they have a fair chance to respond. Sport SA will refer all complaints to the State Sport Dispute Centre (SSDC).

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Information Officers (MPIOs) if:

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

Member Protection Information Officers: Lea O'Brien; Jemma Krasowski

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the MPIO you may decide:

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

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- make a formal complaint in writing to CEO
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the Investigator by the SSDC will decide whether:

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



In making the decision(s) outlined above, the investigator will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the investigator will provide advice to the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

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

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to The Tribunal formed by the SSDC who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with [Attachment D2] or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment D5
- If the complaint is referred to the police or other appropriate authority, Sport SA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by Sport SA unless otherwise stated in the relevant Attachment.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that CEO reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

Step 7: Documenting the resolution

Appointed investigator (SSDC) will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the office.

EXTERNAL APPROACHES

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

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



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

You could also approach another external agency such as the police.

Attachment D2: MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by the SSDC.

1. If mediation is chosen, the MPIO will, under the direction of Sport SA and in consultation with the complainant and the respondent(s), arrange for a mediator from the State Sport Dispute Centre.
 2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
 3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
 4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
 5. If the complaint is not resolved by mediation, the complainant may:
 - a. Write to Investigator to request that they reconsider the complaint in accordance with **Step 3**; *or*
 - b. Approach an external agency such as an anti-discrimination commission.
 6. Mediation will **not** be recommended if:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation;
 - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
 - d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.
-



Attachment D3: 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.
 - 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.
 - 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 Tribunal 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)
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 Attachment D5.



Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working at Sport SA in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of Sport SA so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

- The CEO will assess the risks and take interim action to ensure the child's/children's safety. Action Sport SA may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The CEO will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The MPIO will address the support needs of the alleged offender.
- The MPIO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by Sport SA)



- Irrespective of the findings of the child protection and/or police inquiries, Sport SA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be CEO of Sport SA and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in [Clause 9] of the policy will be followed.
- If disciplinary action is taken, the Sport SA will advise and provide a report to the relevant government authority should this be required (Families SA)

Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by Sport SA to hear national member protection related complaints. The State Sport Dispute Centre will manage the Tribunal process.

Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in Sport SA's Constitution, to hear a complaint that has been referred to it by CEO.
2. The number of Tribunal members required to be present throughout the hearing will be three.
3. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by CEO relating to the complaint/allegations.
4. The Tribunal 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.
5. The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
6. The CEO 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 Sport SA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent(s) from all or some Sport SA activities and events, after considering the nature of the complaint.

7. The CEO 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.

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

Tribunal Hearing Procedure

10. 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.
11. 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.
12. 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.
13. The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organise for the Tribunal to be reconvened.
14. 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.
15. 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).
16. 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.
17. 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.
18. 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.
19. 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 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.
20. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.



21. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.
22. 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.
23. All Tribunal decisions will be by majority vote.
24. 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.
25. Within 48 hours, the Tribunal Chairperson will:
 - Forward to the CEO a copy of the Tribunal decision including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

26. A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a Tribunal decision can lodge one appeal to Sport SA on one or more of the following bases:
 - 26.1 That a denial of natural justice has occurred; or
 - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
 - 26.3 That the decision was not supported by the information/evidence provided to the Complaints Manager/Mediator/Tribunal;
27. A person wanting to appeal in accordance with clause 25 must lodge a letter setting out the basis for their appeal with the CEO within 7 days of the relevant decision. An appeal fee of \$50 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the CEO 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 copy of tribunal decision report will be forwarded to the Committee appointed by the SSDC to review and decide whether there are sufficient grounds for the appeal to proceed. The 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 25, 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.



What information provided	
What they are going to do now	

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 CEO of Sport SA.



Attachment E2:



CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/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"/> Other <input type="checkbox"/> Official	
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"/> Other <input type="checkbox"/> Official	
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"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <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 hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place.



Attachment E3:



CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): 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:
GEO 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 place and provided to the relevant authorities (police and government) should they require them.





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><i>Yes Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p><i>No 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>	<i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i>
<p>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</p> <p>See Standard 5</p>	<i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i>

Name of Assessor (s): _____ **Position/Title:** _____

Signature: _____ **Date:** _____





CRIMINAL HISTORY ASSESSMENT REGISTER

Name	Position	Police Certificate Reference Number (or other acceptable evidence)	Date of certificate or other evidence*	Date for renewal**

* This date refers to the day that the police certificate or other evidence was received and not the day the assessment was completed.

** The date of renewal is a maximum of three years from the day the police certificate or other evidence was issued.

