



**ICE SKATING AUSTRALIA INC  
MEMBER PROTECTION POLICY**

**VERSION 7**

**Dated 30/9/12**

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## REVIEW HISTORY OF ISA MEMBER PROTECTION POLICY

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Version	Date reviewed	Date endorsed	Content reviewed/purpose
1	April 2005	June 2005	Original
2	April 2006	April 2006	Update and Review
3	April 2007	April 2007	Update based on new ASC Template
4	April 2008 April 2009	April 2008	Updated to Incorporate State Law Changes
5	September 2009	September 2009	Updated Part A to include, 6.2 Images of children & 6.3 Reference to cyber bullying. Generally clarified wording & moved Codes of behaviour.
6	June 2012	June 2012	Updated Part 6 to include 6.7 Alcohol Policy, 6.8 Smoking Policy, 6.9 Cyber bullying/safety, 6.10 Social Networking Websites Policy Updated Parts C3, C4, C6, C7 to Incorporate State Working with Children Check changes

*This document must be reviewed at least annually.*

## **PREFACE**

### **Message from the President, Ice Skating Australia**

Ice Skating Australia is committed to providing an environment that:

- is safe for children
- promotes fair, respectful and positive behaviour and values
- is free from any form of harassment or abuse for all individuals who participate in our sport.

This Member Protection Policy provides a Code of Conduct forming the basis of appropriate and ethical conduct which everyone must abide by. It is an essential part of this organisation's proactive and preventative approach to tackling inappropriate behaviour in our Sport.

The Policy is based on "The Essence of Australian Sport" which promotes the principles of Fairness, Respect, Responsibility and Safety.

It is very important that everyone involved in our sport understands both their rights and their responsibilities and these are clearly outlined in this Policy.

I ask all State Associations and affiliated clubs to ensure that everyone associated with Figure Skating in Australia complies with this policy.

Cathy Taylor,  
President, Ice Skating Australia

September 2012

# **PART A: ICE SKATING AUSTRALIA MEMBER PROTECTION POLICY**

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## **1. Introduction**

### ISA's Core Values

Our Vision – To provide all Figure Skaters with the opportunity to reach their full potential.

Our Purpose – To work collaboratively with the OWI, with our Coaches and with our State Associations and Clubs to ensure that we develop our athletes to their highest level, regardless of age, ability or cultural background.

### Our Values

- To be an athlete-focussed organisation
- To work in partnership with the OWI to provide our elite athletes with appropriate support to achieve good international results
- To work in partnership with our skaters and coaches to provide appropriate support to our emerging athletes as they develop along the Figure Skating pathway
- To provide National Leadership in Key Areas to our State Associations and Clubs to ensure sound management and strong sport development across the country
- To provide everyone involved with opportunities to participate in a fair, non-discriminatory, enjoyable environment
- To be open and transparent

## **2. Purpose of this policy**

This Ice Skating Australia Inc Member Protection Policy (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 sport at both the national and state level 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, ISA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the ISA Board of Management and has been incorporated into our By-Laws as the Ice Skating Australia Member Protection Policy. The policy replaces the ISA Policy dated April 2008 and is effective from 1st day of October 2009 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the ISA website at [www.isa.org.au](http://www.isa.org.au)

[For information on the rights, responsibilities and requirements for people involved in our sport at the state and club level, please also refer to the member protection policies of the relevant state association or club.]

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

This policy applies to all ISA Members and their members and overrides their policy where their policy is silent or seeks to exclude a part or parts of this policy.

This policy also applies to the following people, whether they are paid, unpaid/voluntary:

- 3.1 Persons appointed or elected to Ice Skating Australia Boards, Council, committees and/or sub-committees;
- 3.2 Employees of Ice Skating Australia.
- 3.3 Members of the Ice Skating Australia Executive;
- 3.4 Support personnel appointed, elected to or hired by Ice Skating Australia or its teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.5 National coaches and assistant coaches;
- 3.6 National representative athletes;
- 3.7 Judges, and other officials involved in the regulation of the sport;
- 3.8 Members & Member's members, including life members of Ice Skating Australia;

- 3.9 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by ISA;
- 3.10 Any other person including spectators, parents/guardians and sponsors,
- 3.11 Photographers and Videographers operating at any event held under ISA auspices.
- 3.12 The Media operating at any event held under ISA auspices.

This policy also applies to the following associations:

- 3.12 Member associations;
- 3.13 Clubs Affiliated with Members;
- 3.14 Coaches Associations

[Member associations are required to adopt and implement this policy and to provide proof to the ISA of the approval of the policy by the relevant board in accordance with its constitution. Member associations must also undertake to ensure that affiliated Clubs and individual members are bound by this policy and are made aware of this policy and what it says.]

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

#### **4. Responsibilities of the Organisation**

Ice Skating Australia Member associations must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their 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 [e.g. Member Protection Information Officers (MPIOs)];
- 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

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

- Prohibiting any form of abuse against children;
- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this [*state/territory requirements are summarised in Part C of this policy*];
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Publish, distribute and otherwise promote this policy and the consequences for breaching it.
- Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.
- Promote appropriate standards of conduct at all times.
- Monitor and review this policy at least annually.

Anyone who reasonably suspects that a child has been or is being abused by someone within our sport, is to report it immediately to the police or relevant government agency and an ISA MPIO . Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 10. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment D4.

### 6.2 Taking Images of Children

Images of children can be used inappropriately or illegally. The ISA 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 the ISA 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.

We require our Members and their association members and clubs to do likewise.

### 6.3 Anti-Discrimination and Harassment

ISA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or unlawful discrimination.

ISA 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 D1 of this policy. This will explain what to do about the behaviour and how the ISA will deal with the problem.

#### 6.4 Sexual Relationships

The law is always the minimum standard for behavior within ISA, therefore sex in any form with a child is a criminal offence.

It is ISA's position that sexual relationships between coaches, officials and the adult athletes that they coach or control be avoided.

ISA takes the view that such relationships while not necessarily constituting unlawful harassment can have harmful effects on the individual athlete involved, on other athletes and coaches and on the sport's public image.

Such relationships can tend to be intentionally or unintentionally exploitative because there is usually a disparity between the coach and the athlete in terms of authority, power, maturity, status and dependence.

ISA's policy position is similar to other organizations who disallow professionals such as teachers, doctors and counselors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, ISA 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, particularly a junior one, attempts to initiate an intimate sexual relationship, the coach or official must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or official may wish to approach the ISA MPIO or complaints officer if they feel harassed. Our complaints procedure is outlined in AttachmentD1 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.

The ISA 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 never 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 behavior which could be regarded as transgender discrimination or harassment are provided in the Dictionary at clause 10.

ISA recognizes 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 ISA will facilitate transgender persons participating in our sport with the gender with which they identify.

ISA also recognizes 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, ISA will seek advice on the application of those laws in the particular circumstances.

ISA 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 ISA.

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

#### 6.7 Alcohol Policy

ISA supports the responsible consumption of alcohol and takes seriously any inappropriate behaviour that results from excessive drinking.

We will not endorse or support events, celebrations or end of season trips that involve excessive consumption of alcohol.

Alcohol at events will be served in compliance with the requirements of each state's liquor licensing and in accordance with the safety and wellbeing of patrons. We will ensure the following is provided:

- A range of snacks and meals will be available when alcohol is served.
- Ensure a selection of low-alcohol and alcohol-free drinks, such as fruit juice and soft drink, at the bar and at social functions. Free jugs of water will also be available.
- Tea and coffee will be provided during social functions.

#### 6.8 Smoking Policy

The following policies should be applied to sporting and social events:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas where permitted under State/Territory Law;
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any of the ISA, SSO, Club or representative team, on and off the field.

#### 6.9 Cyber Bullying/Safety

Bullying and harassment in all forms is regarded by ISA as unacceptable in this sport. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, league or peak sporting body.

#### 6.10 Social Networking Websites Policy

ISA acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as facebook, twitter, and SMS. However, participants within the sport need to be very

mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). Cautions ISA recommends:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport in a positive way.

## 7. Complaints Procedures

### 7.1 Complaints

ISA 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 an MPIO, Complaints Manager, or ISA Executive.

The lowest level at which a matter can be dealt with shall always be preferred. 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
- 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.

Only matters that relate to or occur at the national level and the most serious cases from club and state level should be referred to the national body.

A complaint may be dealt with informally or formally. The complainant usually decides this unless MPIO, Complaints Manager, or ISA Executive, 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 D1.

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

### 7.2 Vexatious Complaints & Victimisation

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

ISA will take all necessary steps to ensure 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

ISA 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, Complaints Manager, or ISA Executive, 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 D2.

#### 7.4 Tribunals

A Tribunal may be convened to hear a formal complaint, referred to it by:

- ISA Executive or a person designated by the ISA Executive;
- Referred to it or escalated by a Member [state association][because of the serious nature of the complaint, or unable to be resolved at the state level, or the state policy directs it to be]; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachment D5.

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 D5.

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 B to this policy);
- 8.2 Bringing the sport and/or Ice Skating Australia and/or its members into disrepute, or acting in a manner likely to bring the sport and/or Ice Skating Australia and/or its members into disrepute;
- 8.3 Failing to follow ISA 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 ISA 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, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by ISA;
- 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 the ISA request that its Member 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 ISA considers appropriate.

### 9.2 Organisation

If a finding is made that ISA or its Member(s) [affiliated organisation] has breached its own or this national Member Protection Policy, one or more of the following forms of discipline may be imposed by the ISA Disciplinary 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 be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by the ISA or such other relevant bodies cease from a specified date;
- 9.2.5 A direction that the ISA cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to ISA that its membership of the 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 club** means any club or association formed for the promotion of ice skating whether or not as the sole object of such club or association affiliated with ISA in accordance with ISA Constitution.

**Child** means a person who is under the age of 18 years, (see also definition of young person)

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

- Physical abuse by hurting a child or a child's development (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 Part A, Clause 7.

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

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

**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 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 victimize a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracized by her male coach for complaining about his sexist behavior 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.

**Ice Skating Australia or ISA** means, Ice Skating Australia Incorporated.

**Junior** means, for the purpose of this policy, a person under the age of eighteen (18) years who is participating in an activity of the ISA.

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

**Member** in the context of the ISA Constitution means the State Associations affiliated with ISA in accordance with ISA Constitution.

**member** (small "m" member) in the context of this policy means, Senior, Junior, Cadet, Honorary, Associate and Social members of "Members" affiliated with Ice Skating Australia, as specified in the ISA Constitution.

**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;
- any penalties imposed must be fair and reasonable.

**Police check** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person, as required by Australian State, Territory and/or Federal Law.

**Policy &/or This policy** means, this ISA Member Protection Policy.

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

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which 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.

**Young People/person** means people in the 13 – 18 year age group.

## **PART B: CODES OF BEHAVIOUR**

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Our society expects high standards of behavior from all people involved in sport and it is vital these expectations are met and the integrity of sport maintained.

Regardless of the nature of a person's involvement in sport, The Essence of Australian Sport provides four guiding principles that lead to appropriate behavior; Fairness, Respect, Responsibility and Safety.

The following Codes of Behavior reflect and uphold these principles and assist in retaining the integrity and enjoyable aspects of sport. It also outlines the standard of behavior expected of those involved (athletes, coaches, officials, parents, spectators, officials, administrators) and to assist in providing a positive and enjoyable sporting experience for everyone.

Code of Behavior for anyone involved in sport:

Operate within the rules and spirit of the sport, promoting fair play over winning at any cost;  
Encourage and support opportunities for people to learn appropriate behaviors and skills;  
Support opportunities for participation in all aspects of the sport;  
Treat each person as an individual;  
Display control and courtesy to all involved with sport;  
Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion;  
Respect the decisions of officials, coaches and administrators in the conduct of the sport;  
Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years;  
Adopt appropriate and responsible behavior in all interactions;  
Adopt responsible behavior in relation to alcohol and other drugs;  
Act with integrity and objectivity, and accept responsibility for your decisions and actions;  
Ensure your decisions and actions contribute to a safe environment;  
Ensure your decisions and actions contribute to a harassment free environment;  
Do not tolerate harmful or abusive behaviors.

**Attachment B1: Athletes Code of Behaviour**

**Attachment B2: Coaches Code of Behaviour**

**Attachment B3: Officials Code of Behaviour**

**Attachment B4: Administrators Code of Behaviour**

**Attachment B5: Parents Code of Behaviour**

**Attachment B6: Spectators Code of Behaviour**

**Attachment B7: Media Code of Behaviour**

## **Attachment B1: Athletes Code of Behaviour**

Give your best at all times;

Participate for your own enjoyment and benefit;

Play by the rules;

Never argue with an official. If you disagree have your coach approach the official after the competition;

Control your temper. Verbal abuses of officials, sledging other players or deliberately distracting or provoking an opponent are not acceptable or permitted behaviors in any sport.

Work equally hard for yourself and/or your team. Your team's performance will benefit and so will you.

Be a good sport. Applaud all good skating.

Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.

Cooperate with your coach, team-mates and opponents. Without them, there would be no competition.

Participate for your own enjoyment and benefit, not just to please your parents and coaches.

Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

## **Attachment B2: Coaches Code of Behaviour**

Place the safety and welfare of the athletes above all else;  
Help each person (athlete, official, etc) reach their potential – respect the talent, development stage and goals of each person and compliment and encourage with positive and supportive feedback;  
Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development;  
Be honest and do not allow your qualifications to be misrepresented.  
Remember that young people participate for pleasure, and winning is only part of the fun.  
Never ridicule or yell at a young athlete for making a mistake or not coming first.  
Be reasonable in your demands on athletes' time, energy and enthusiasm.  
Operate within the rules and spirit of the sport and teach the athletes to do the same.  
Avoid over using and favouring the talented athletes in teams and in practice, the "just average" need and deserve equal time.  
Ensure that the time the athletes spend with you is a positive experience. All young people are deserving of equal attention and opportunities.  
Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all athletes.  
Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage athletes to do the same.  
Show concern and caution toward sick and injured athletes. Follow the advice of a physician when determining whether an injured athlete is ready to recommence training or competition.  
Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.  
Any physical contact with a young person should be appropriate to the situation and necessary for the athletes' skill development.  
Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### **Attachment B3: Officials Code of Behaviour**

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

#### **Attachment B4: Administrators Code of Behaviour**

Act honestly, in good faith and in the best interests of the sport as a whole;

Ensure that any information acquired or advantage gained from the position is not used improperly;

Conduct your responsibilities with due care, competence and diligence;

Do not allow prejudice, conflict of interest or bias affect your objectivity.

Involve young people in planning, leadership, evaluation and decision-making related to the activity.

Give all young people equal opportunities to participate.

Create pathways for young people to participate in sport, not just as an athlete, but as a coach, judge, administrator, etc.

Ensure that rules, equipment, and training schedules are modified to suit the age, ability and maturity level of young players.

Provide quality supervision and instruction for young athletes.

Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.

Help coaches and officials highlight appropriate behavior and skill development, and help improve the standards of coaching and officiating.

Ensure that everyone involved in junior sport emphasis fair play, rather than winning at all costs.

Give a code of behavior sheet to spectators, officials, parents, coaches, athletes and the media and encourage them to follow it.

Remember, you set an example. Your behavior and comments should be positive and supportive.

Support implementation of the National Junior Sport Policy.

Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## **Attachment B5: Parents Code of Behaviour**

Encourage children to participate and have fun;

Focus on the child's effort and performance rather than winning or losing;

Never ridicule or yell at a child for making a mistake or losing a competition.

Remember that children participate in sport for their enjoyment, not yours.

Encourage children to participate, do not force them.

Focus on your child's efforts and performance rather than whether they win or lose.

Encourage children to play according to the rules and to settle disagreements without resorting to hostility or violence.

Remember that children learn best by example. Appreciate good performance and skilful moves by all participants.

Support all efforts to remove verbal and physical abuse from sporting activities.

Respect officials' decisions and teach children to do likewise.

Show appreciation for volunteer officials and administrators. Without them your child could not participate.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## **Attachment B6: Spectators Code of Behaviour**

Respect the performance and efforts of all people;

Reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes.

Remember that young people participate in sport for their enjoyment and benefits, not yours.

Applaud good performances and efforts from all individuals and teams. Congratulate all participants on their performance, regardless of the competition's outcome.

Respect the decision of officials and teach young people to do the same.

Never ridicule or scold a young athlete for making a mistake. Positive comments are motivational.

Condemn the use of violence in any form, whether it is by spectators, coaches, officials or athletes.

Encourage athletes to follow the rules and the officials' decisions.

Do not use foul language, sledge or harass athletes, coaches or officials.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## **Attachment B7: Media Code of Behaviour**

Provide coverage of young people's competitive and non-competitive sport as well as reporting adult sport. Be aware of the difference among adult sport, professional sport and modified sports programs for young people.

Do not highlight isolated incidents of inappropriate sporting behavior.

Focus on a young athlete's fair play and honest effort.

Do not place unfair expectations on young people. They are not miniature professionals.

Describe and report on the young people participating in organised sport.

Focus on the abilities and not the disabilities of young people.

Familiarise yourself with the National Junior Sport Policy.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

*Acknowledgement:*

*With thanks to Australian Sports Commission 2007 for Originating Source Material.*

## **PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **Background**

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organizations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC & child protection requirements apply regardless of our ISA, state or club member protection policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania
- State/Territory specific requirements
- Attachment C1: ISA National Child Protection Screening Requirements
- Attachment C2: Ice Skating Australia Member Protection Declaration
- Attachment C3: Queensland Child Protection Requirements
- Attachment C4: New South Wales Working With Children Check Requirements
- Attachment C5: Western Australia Child Protection Requirements
- Attachment C6: Victoria Child Protection Requirements
- **Error! Reference source not found.**

## Attachment C1: ISA National Child Protection Screening Requirements

The screening required under this policy is carried out under the provisions of the respective State's and Territory's Legislation. ACT and Tasmania are presently without Working With Children Checks.

The membership of Ice Skating Australia Inc (ISA) consists of a number of Members all of whom are State or Territory Associations affiliated with ISA, "Member(s)".

Each "Member", i.e. State or Territory Association will of necessity comply with their own, State or Territory Legislation.

This attachment sets out the screening process for people in ISA who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years where there is NO Working With Children Check requirement in their state or territory.

The ISA will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If we are unsatisfied they will not be appointed to the role or position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If we are unsatisfied they will not be appointed to the role or position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

**Attachment C2: Ice Skating Australia Member Protection Declaration**

The ISA has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with ISA activities. As part of this duty of care and as a requirement of the ISA’s Member Protection Policy, the ISA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves regular contact with people under the age of 18 years.

I .....(name) of .....

.....(address) born ...../...../.....

Sincerely declare:

I do not have any criminal charge pending before the courts.

I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.

I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.

I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.

I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.

To my knowledge there is no other matter that the ISA may consider to constitute a risk to its Members, employees, volunteers, athletes or reputation by engaging me.

I will notify the President or Secretary of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses [1 to 6] above has changed for whatever reason.

Declared at .....

on ...../...../.....(date) Signature .....

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

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

Name:.....

Signature:.....

Date: .....

### Attachment C3: Queensland Child Protection Requirements

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*, for at least:

- Eight Consecutive days; or
- Once a week for each week during a period of four weeks; or
- Once a fortnight for each fortnight during a period of eight weeks; or
- Once a month for each month during a period of six months

Blue cards are issued by the Commission for Children and Young People and Child Guardian once it has carried out the Working with Children Check to see if a person is eligible to work in the areas of child-related work covered by the Commission's Act. If a person is eligible, they are issued a positive notice letter and a blue card.

Volunteers and paid employees employed in sporting organizations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

As a result of changes to the blue card system as at the 1<sup>st</sup> April and 1<sup>st</sup> July 2011 it is compulsory for employers/organizations to notify the Commission if they employ someone who already holds a blue card.

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires. Blue cards issued for applicants received after **1 April 2010** will now be valid for **three years** instead of two.

Volunteers who are under 18 years of age do not require a Blue Card; however, employees under 18 years of age do require a blue card.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card:

- [www.ccytg.qld.gov.au](http://www.ccytg.qld.gov.au)
- 1800 113 611

## Attachment C4: New South Wales Working With Children Check Requirements

All organizations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a [Prohibited Employment Declaration](#) which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Applicants applying for paid positions need to sign a **Background Check Consent Form**, and then submit a **Background Check Request Form** to the approved screening agency for them to conduct the WWC check.

As of 1<sup>st</sup> March 2010 the Approved Screening Agency is the **NSW Commission for Children and Young People**.

Sporting organizations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organizations should register with [NSW Sport and Recreation](#), the NSW Commission for Children and Young People providing a contact who will receive the information on the background checks. Online WWC Check forms and employer guidelines are available

All paid and unpaid applicants for child-related employment need to sign a **Prohibited Employment Declaration**, which confirms that they are not a prohibited person.

People not eligible for the WWC Checks can apply for a National Police Check through NSW Police (visit [www.police.nsw.gov.au](http://www.police.nsw.gov.au))

Any relevant employment proceedings should be reported to the Commission for Children and Young People for any paid or unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children.

There is no age at which WWC Checks become mandatory for employees in a child-related employment, so all employees in such settings, including people under 18 years of age, are required to obtain a WWC Check.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months. People returning from leave into the same child related employment do not need to be rechecked. Existing employees are only checked if they are recruited to a new position with a different range of child-related contact, within the organization.

For more information, including the required forms:

- [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or 02 9286 7219
- [www.dsr.nsw.gov.au/children/resources.asp](http://www.dsr.nsw.gov.au/children/resources.asp) or 02 9006 3700
- [www.check.kids.nsw.gov.au](http://www.check.kids.nsw.gov.au)

## **Attachment C5: Western Australia Child Protection Requirements**

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-ordinators.

For more information:

- [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

## **Attachment C6: Victoria Child Protection Requirements**

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching).

There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

People under 18 years of age do not require a WWC Check Card.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless Style Assessment Notice). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or 1300 652 879

## Attachment C7: South Australia Child Protection Requirements

From 1<sup>st</sup> January 2012 recreation and sporting organizations are required to conduct criminal history assessments for people working with children.

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

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

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

### Procedure for conducting criminal history assessments:

#### Option 1

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

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from [http://www.police.sa.gov.sapol/services/information\\_requests/national\\_police\\_certificate.isp](http://www.police.sa.gov.sapol/services/information_requests/national_police_certificate.isp)

On receipt of the NPC the applicant must present the letter for viewing and recording to the State Sporting Organization.

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

Where an individual does have a criminal history, the State Sporting Organization must assess this information in accordance with Standard 5 of the ***Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.***  
<http://www.dcsi.sa.gov.au/pub/Default.saspx?tabid+281>

#### Option 2

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

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

#### Other evidence (optional)

Where appropriate the State Sporting Organization may utilize a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

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

Acceptance of other forms of evidence is at the discretion of the State Sporting Organization and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

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

#### **Exemptions from the requirements to conduct criminal history assessment**

- **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 organization 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.**

These exemptions do not apply if the function or event involves the care of children in overnight accommodation.

For more information, visit:

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

## **Attachment C8: Northern Territory Child Protection Requirements**

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organizations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

From 1 July 2011, it will be mandatory for employees and volunteers aged 15 years and over who have contact or potential contact with children to hold a Working With Children Clearance Notice ("WWC Clearance Notice"). WWC Clearance Notices are designed to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work. People who receive a WWC Clearance Notice will receive an Ochre Card which acts as proof that you hold a WWC Clearance Notice.

The Children Clearance Screening has three components:

1. A National Police Records Check;
2. Employment History; and
3. Other material.

It is the responsibility of the person who wants to work or volunteer with children to apply for the WWC Clearance Notice and ensure that it remains valid.

For more information:

- Visit: <http://www.workingwithchildren.nt.gov.au>; or
- Call: 1900 SAFE NT (1800 723 368)

**Attachment C9: Tasmania Child Protection Requirements**

At present there is no legislation in Tasmania that identifies broad categories of child-related work and mandates for employees or volunteers to undergo a Working With Children Check. However, the Department of Education administers a safety screening program for employers, individuals and students engaged in the childcare industry. Information and application forms are available on the Department's website (visit: [www.education.tas.gov.au/dept/employment/applying\\_for\\_a\\_job/employment\\_pre-requisites/childcarescreening](http://www.education.tas.gov.au/dept/employment/applying_for_a_job/employment_pre-requisites/childcarescreening)).

Police Checks can be obtained from the Tasmanian Police Department (visit: [www.police.tas.gov.au/permits/criminal-history](http://www.police.tas.gov.au/permits/criminal-history)).

## **PART D: COMPLAINT HANDLING PROCEDURES**

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### **Attachment D1: Complaints Handling Procedure**

A complaint can be about an act, behavior, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary.

They may be about individual or group behavior; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, ISA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organizations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the ISA MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the ISA Executive or such other Tribunal as the Executive may chose or may be in place for appropriate action.

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.

### **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 or ISA Complaints Officer or ISA President, 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.
- A list of our sport's MPIOs is available at [www.isa.org.au](http://www.isa.org.au)

The MPIO or other ISA Officer, will:

- take confidential notes about your complaint, which they will keep in a secure & confidential place;
- 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 strict confidentiality.

#### **Step 3: Outcomes from initial contact, after talking with the MPIO.**

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 an MPIO); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator or an ISA Councillor); or
- to seek a formal approach.

If you wish to remain anonymous, the ISA can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that you or the ISA may be required to

provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

## **FORMAL APPROACHES**

### **Step 4: Making a Formal complaint**

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

Make a formal complaint in writing to the ISA Complaints Officer who until another suitable person is appointed shall be the ISA President who has the authority to review and adjudicate on these matters. Or

- The ISA Complaints Officer / ISA President will assist you or you may personally approach a relevant external agency such as an anti-discrimination commission, for advice.

If you decide to make a formal complaint in writing, the ISA Complaints Officer/ISA President will, on receiving the formal complaint and based on the material you have provided, 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. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the ISA. In these cases, the ISA Complaints Officer / ISA President may determine that the complaint does not warrant a formal resolution procedure;  
to appoint a person to investigate (gather more information on) the complaint;  
to refer the complaint to an informal or formal mediation session;  
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 administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, ISA Complaints Officer / ISA President will take into account:

whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;  
whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;  
your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;  
whether, due to the nature of the complaint, the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent).  
the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;  
whether the facts of the complaint are in dispute; and  
the urgency of the complaint, including the likelihood that you will be subject to further unacceptable behavior while the complaint process set out in these Procedures is underway.

If ISA Complaints Officer/ ISA President is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;  
decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or

Determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment D6: Disciplinary Measures, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

### **Step 5: Investigation of the complaint**

- A person appointed under Step 3 will conduct an investigation in accordance with attachment D3 and provide a written report to ISA Complaints Officer / ISA President 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, ISA 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 ISA unless otherwise decided by the particular tribunal.

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

If, under the formal complaint process, mediation is unsuccessful, you may request that the ISA Complaints Officer / ISA President 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**

The ISA Complaints Officer / ISA President will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state 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. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

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

## Attachment D2: Mediation

Mediation is a process 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 ISA.

1. If mediation is chosen, the MPIO or other designated person will, under the direction of the ISA and in consultation with the complainant and the respondent(s), arrange for a mediator.
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 ISA Complaints Officer or ISA President to request that the ISA Complaints Officer or ISA President 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 the ISA Complaints Officer / ISA President 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 Attachment D5.

## Attachment D4: Procedure For Handling Allegations Of Child Abuse

Any individual or organisation to which this policy applies, must immediately report any Child Abuse incident of a serious or a criminal nature to the applicable State or Territory Police Service and other appropriate authority.

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 in the ISA 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:

- Ensure the Child is Safe!
- 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.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

- Child's name, age and address;
- Person's reason for suspecting abuse (observation, injury or other); and
- Names and contact details of all people involved, including witnesses.

### 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 ISA Complaints Officer or ISA President 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 ISA Complaints Officer or ISA President will assess the risks and take interim action to ensure the child's/children's safety. Action the ISA 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. *Please be aware it is not the MPIO's role to undertake action such as redeploying someone and seek legal advice if person is in a paid employment.*
- The ISA Complaints Officer or ISA President will consider the kind of support that the child/ren and parents may need (e.g. counselling, help lines, support groups).
- The ISA Complaints Officer or ISA President or MPIO will address the support needs of the alleged offender.
- The ISA Complaints Officer or ISA President or 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 ISA)
- Irrespective of the findings of the child protection and/or police inquiries, the ISA 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 ISA President and/or Tribunal or Tribunal Chairperson who 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 Attachment D6 of the policy will be followed.
- If disciplinary action is taken, the ISA will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

## Attachment D5: Hearings & Appeals Tribunal Procedure

This procedure will be followed by Hearings Tribunals established by the ISA to hear national member protection related complaints and/or complaints of a serious nature referred by a State or Territory Member.

### Preparation for Tribunal Hearing

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

6. The ISA Complaints Officer or ISA President 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 ISA Complaints Officer or ISA President as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

## Tribunal Hearing Procedure

9. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal members;
  - The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;
  - Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the ISA Complaints Officer or ISA President of the need to reschedule, and the ISA Complaints Officer or ISA President and the Tribunal Chairperson 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 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 that there is any unreasonable or intimidatory behavior from anyone, the Chairperson may stop 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.
24. Within 48 hours, the Tribunal Chairperson will:
  - Forward to the ISA President 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 the ISA 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 ISA Complaints Officer or ISA President /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 ISA Secretary within 7 days of the relevant decision. An appeal fee of \$200 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the ISA 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 copy of tribunal decision report will be forwarded to the ISA President to review and decide whether there are sufficient grounds for the appeal to proceed. The ISA President 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. No person from the original Tribunal may act on the Appeal Tribunal.
33. The decision of an Appeal Tribunal will be final.

## **Attachment D6: Disciplinary Measures**

Any disciplinary measure imposed by The ISA Complaints Officer / ISA President under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the ISA Complaints Officer / ISA President or Tribunals to impose the disciplinary measure.

### **Individual**

Subject to contractual and employment requirements, if a finding is made that an individual has breached the ISA's Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by The ISA Complaints Officer / ISA President or Tribunals:

- 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 behavior;
- A withdrawal of any awards, placing, records, and achievements bestowed in any competitions, activities or events held or sanctioned by the ISA.
- 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;
- Recommend that the ISA or applicable State Association 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;
- Any other form of discipline that The ISA Complaints Officer / ISA President or Tribunals considers appropriate.
- When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

### **Organisations**

If a finding is made that an ISA affiliated organisation has breached the ISA Member Protection Policy (including the Codes of Behavior), one or more of the following forms of discipline may be imposed by the ISA Complaints Officer / ISA President, Tribunals or the ISA Council

- A written warning;
- A monetary fine;
- A direction that any rights, privileges and benefits provided to the organisation by the ISA or other peak association be suspended for a specified period;
- A direction that any funding granted or given to it by the ISA cease from a specified date;
- A direction that the ISA cease to sanction events held by or under the auspices of that organisation;
- A direction its membership of the ISA be suspended or terminated in accordance with the relevant constitution or rules; and/or
- Any other form of discipline that the ISA considers appropriate.
- When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

**Factors to consider when imposing discipline**

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

- Nature and seriousness of the behavior or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behavior was a breach of the policy;
- Level of contrition of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or
- If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.



## PART E: REPORTING DOCUMENTS

### 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. 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).

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## PART E: REPORTING DOCUMENTS

### Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment D4 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, of person complained about	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Witnesses (if more than 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: Their Contact details: Advice provided:	

Government agency contacted	Who: When: Their Contact details: Advice provided:
ISA President 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.

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