



# Member Protection Policy Version 8

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ASC

SOFTBALL AUSTRALIA LIMITED

ACN 092 181 318

Level 1 | Suite 2 | 273 Wellington Street | Collingwood VIC 3066 | Australia

t: +61 3 9417 0022 | f: +61 3 9417 3399 | e: [info@softball.org.au](mailto:info@softball.org.au) | w: [www.softball.org.au](http://www.softball.org.au)



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## **Preface**

Softball Australia's Member Protection Policy is an essential tool in the organisation's risk management strategy. The Policy has been developed in conjunction with the ASC as a resource for the protection of our members, including:

- Member States
- affiliated associations and clubs
- individuals, including players, administrators, coaches and officials

Member protection involves:

- protecting members from harassment, discrimination, vilification, abuse and other forms of inappropriate behaviour
- ensuring the right people are involved in our organisation and in the sport

The safety and well-being of every member in the Australian softball community is integral to the future of our sport. We need to have practices and procedures that create safe, welcoming and enjoyable environments.

We must meet legislative requirements, such as anti-discrimination and child protection laws, identify the potential for any incidents relating to harassment and abuse of our members and develop strategies to reduce the likelihood or severity of its occurrence.

The cooperation of Member States, associations and clubs to effectively communicate and implement this Policy across all members is critical. Softball Australia takes all matters in relation to member protection seriously and will educate, enforce and assist with its delivery and implementation.

### **Chet Gray**

Chief Executive Officer  
Softball Australia Limited  
August 2015



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

### **1 Introduction**

Our Mission:	To grow softball; for all; for life; together
Our Vision:	By 2017, to be a thriving, innovative and inclusive sport with at least 5% annual growth
Our Values:	We are inclusive, innovative, collaborative, professional and act with integrity

### **2 Purpose of this Policy**

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

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

This Policy has been endorsed by the Softball Australia Directors and has been incorporated into relevant Regulations and Procedures. This Policy starts on 28 July 2015 and will operate until replaced.

The current Policy and its attachments can be obtained from our website at [www.softball.org.au](http://www.softball.org.au).

### **3 Who is bound by this Policy?**

This Policy applies to the following people operating at or representing the national, state, association or club level, whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to boards, committees and sub-committees of Softball Australia, Member States and affiliated associations and clubs
- employees of Softball Australia, Member States and affiliated associations and clubs
- members of the Softball Australia Executive



- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- coaches and assistant coaches
- athletes and players
- referees, umpires and other officials
- members, including life members of Softball Australia
- athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Softball Australia
- officials appointed or elected by Softball Australia, Member States and affiliated associations and clubs, including:
- any other person or organisation who or which is a member of or affiliated with Softball Australia, Member States and affiliated associations and clubs

This Policy will continue to apply to a person even after he or she has stopped their association or employment with Softball Australia, Member States and affiliated associations and clubs if disciplinary action against that person has begun.

## **4 Organisational responsibilities**

Softball Australia, Member States and affiliated associations and clubs must:

- 4.1 adopt, implement and comply with this Policy
- 4.2 ensure that the Constitution, Regulations or other rules and policies include the necessary clauses for this Policy to be enforceable
- 4.3 publish, distribute and promote this Policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 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 all people and organisations to whom this Policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations (eg Member Protection Information Officers (MPIO) (an up-to-date list of MPIOs for softball is available by request from [integrity@ausport.gov.au](mailto:integrity@ausport.gov.au)).



- 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 contents of this Policy and complying with the codes of behaviour it sets out
- 5.2 consent to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involved regular unsupervised contact with a child or young person under the age of 18
- 5.3 placing the safety and welfare of children above other considerations
- 5.4 being accountable for their behaviour
- 5.5 following the steps outlined in this Policy for making a complaint or reporting possible child abuse
- 5.6 complying with any decisions and/or disciplinary measures imposed under this Policy

## **6 Position statements**

### **Child protection**

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

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

### **6.1 Identify and analyse risk of harm**

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

### **6.2 Develop codes of behaviour**

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



These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour (refer to the attachments in PART B: CODES OF BEHAVIOUR).

### **6.3 Choose suitable employees and volunteers**

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements (refer to the attachments in PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS).

### **6.4 Support, train, supervise and enhance performance**

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

### **6.5 Empower and promote the participation of children**

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

### **6.6 Report and respond appropriately to suspected abuse and neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under State and Territory laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected (refer to the attachments in PART E: REPORTING REQUIREMENT AND DOCUMENTS).

Further, if any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in breach of this Policy, he or she may make an internal complaint (refer to the attachments in PART D: COMPLAINT HANDLING PROCEDURES).

### **Taking images of children**

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





To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

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

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

### **Anti-discrimination and harassment**

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

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

### **Discrimination**

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state/territory or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of terms.

Discrimination can be either direct or indirect.

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

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

### **Harassment**

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

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



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

### **Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the "Definitions" set out in the Dictionary of terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation (refer to the attachments in Part D of this Policy).

### **Intimate relationships**

Softball Australia understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this Policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

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

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

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

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

- the relative age and social maturity of the athlete
- any potential vulnerability of the athlete
- any financial and/or emotional dependence of the athlete on the coach or official



- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career
- the extent of power imbalance between the athlete and coach or official, and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

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

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional, we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been harassed, they are encouraged to seek information and support from the MPIO. Our complaints procedure is outlined in PART D: COMPLAINT HANDLING PROCEDURES of this Policy.

## **Pregnancy**

Softball Australia is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

Softball Australia will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with Softball Australia.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint (refer to the attachments in PART D: COMPLAINT HANDLING PROCEDURES).

## **Gender identity**

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female.



Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

### **Gender identity discrimination and harassment**

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity (see definition in Dictionary of terms).

Softball Australia is committed to providing a safe, fair and inclusive sporting environment, all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual (refer to the attachments in PART D: COMPLAINT HANDLING PROCEDURES of this Policy).

We expect all people bound by this Policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy because of their gender identity, they may make a complaint.

### **Participation in sport**

Softball Australia recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

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.

### **Intersex status**

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status (see Dictionary of terms).

Softball Australia is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.



## **Responsible service and consumption of alcohol**

Softball Australia is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state/territory associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events be provided for young people and families
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

## **Smoke-free environment**

Softball Australia is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

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

## **Bullying**

Softball Australia is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

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

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.



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

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

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. Softball Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been bullied by another person or organisation bound by this Policy, he or she may make a complaint (refer to the attachments in PART D: COMPLAINT HANDLING PROCEDURES).

### **Social networking**

Softball Australia acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

In particular, social media activity, including, but not limited to postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate
- must not contain material which is inaccurate, misleading or fraudulent
- must not contain material which is in breach of laws, court orders, undertakings or contracts
- should respect and maintain the privacy of others, and
- should promote the sport in a positive way.



## 7 Complaints procedures

### Handling complaints

Softball Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

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

In the first instance, complaints should be reported to the MPIO, and Softball Australia or Member State CEO.

If a complaint relates to behaviour or an incident that occurred at the:

- State and Territory level, or involves people operating at the State and Territory level, then the complaint should be reported to and handled by the relevant State and Territory association in the first instance
- 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 which occurred at the national level, as well as serious cases referred from the state/territory and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the CEO (or nominee) of Softball Australia should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

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

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

### Improper complaints and victimisation

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

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the CEO (or nominee) of Softball Australia, considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to an Independent Tribunal for review and appropriate action, including possible disciplinary action against the Complainant.



## Mediation

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

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a Complainant wishes to resolve the complaint with the help of a mediator, the CEO (or nominee) of Softball Australia, will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in

Attachment D2: Mediation.

## Tribunals

A Tribunal may be convened to hear a formal proceeding:

- referred to it by the CEO (or nominee) of Softball Australia
- referred to it or escalated by a Member State and Territory because of the serious nature of the complaint, because it was unable to be resolved at the state/territory level or because the policy of the state/territory association directs it to be
- for an alleged breach of this Policy.

Our Tribunal procedure is outlined in Attachment D4: Tribunal procedures.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4: Tribunal procedures.

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 bound by this Policy to do anything contrary to this Policy, including but not limited to:

- 8.1 breaching the codes of behaviour (refer PART B: CODES OF BEHAVIOUR)
- 8.2 bringing the sport and/or Softball Australia into disrepute, or acting in a manner likely to bring the sport and/or Softball Australia into disrepute





- 8.3 failing to follow Softball Australia policies (including this Policy) and our procedures for the protection, safety and well-being of children
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.5 victimising another person for making or supporting a complaint
- 8.6 engaging in a sexually inappropriate relationship with a person that he or she supervises, or has 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 Softball Australia information that is of a private, confidential or privileged nature
- 8.9 making a complaint that they know 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
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9 Disciplinary measures**

Softball Australia may impose disciplinary measures on an individual or organisation for a breach of this Policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach, and
- be determined in accordance with our Constitution, Regulations, this Policy and/or the rules of the sport.

### **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 A direction that the individual make a verbal and/or written apology
- 9.2 A written warning



- 9.3 A direction that the individual attend counselling to address their behaviour
- 9.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Softball Australia
- 9.5 A demotion or transfer of the individual to another location, role or activity
- 9.6 A suspension of the individual's membership or participation or engagement in a role or activity
- 9.7 Termination of the individual's membership, appointment or engagement
- 9.8 A recommendation that Softball Australia terminate the individual's membership, appointment or engagement
- 9.9 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
- 9.10 A fine
- 9.11 Any other form of discipline that the Directors consider appropriate.

### **Organisation**

If a finding is made that a Member State or Territory or affiliated association or club has breached its own or this Policy, one or more of the following forms of discipline may be imposed by an independent Tribunal.

- 9.12 A written warning
- 9.13 A fine
- 9.14 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
- 9.15 A direction that any funding granted or given to it by Softball Australia cease from a specified date
- 9.16 A direction that Softball Australia cease to sanction events held by or under the auspices of that organisation
- 9.17 A recommendation to the national body and/or the association that its membership of Softball Australia be suspended or terminated in accordance with the relevant constitution or rules
- 9.18 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

### **Factors to consider**

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



- the nature and seriousness of the breach
- if the person knew, or should have known that the behaviour was a breach of the Policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the Policy)
- any other mitigating circumstances.

## 10 Dictionary of terms

This Dictionary sets out the meaning of words used in this Policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities 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 those clubs or organisations which are a member of, or affiliated with a member association.

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

**Child abuse** involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, by hurting a child or a child's development (eg hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- **sexual abuse** by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (eg sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations)
- **emotional abuse**, by ill-treating a child (eg humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child)
- **neglect** eg failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury.



**Complaint** means a complaint made under clause 7 of this Policy.

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

**Complaint handler/manager** means the person appointed under this Policy to investigate a complaint.

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- 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 protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

**Examples of discrimination** are available on the Play by the Rules website:

[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state, territory and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant



- 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 activity.

**Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "**Discrimination**").

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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "**Vilification**").

**Intersex** means a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of a female or male

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member State** means a legal entity representing a state admitted to Softball Australia as a Member State in accordance with clause 5.3 of its Constitution.

**Member** means a member of Softball Australia in accordance with clause 5 of its Constitution.

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

**Natural justice** (or procedural fairness) requires that:

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions must be considered
- no person may judge their own case
- the decision-maker(s) must be unbiased, fair and just
- the penalties imposed must be fair.

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

**Policy** means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (eg coaches, officials, umpires).



**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays 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. Because of differences under state and territory laws, this can include but is not limited to:

- 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 unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (eg anti-discrimination) or under this Policy, or for supporting another person to make complaint.

**Vilification** involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “**Discrimination**”.



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

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

To achieve this, we require certain standards of behaviour of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values:

- to act within the rules and spirit of our sport
- to display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment
- to prioritise the safety and well-being of children and young people involved in our sport
- to encourage and support opportunities for participation in all aspects of our sport.

## **ATTACHMENTS**

- Attachment B1: General Code of Conduct
- Attachment B2: Coach's Code of Conduct
- Attachment B3: Official's Code of Conduct
- Attachment B4: Player's Code of Conduct
- Attachment B5: Administrator's Code of Conduct
- Attachment B6: Parent/Guardian Code of Conduct
- Attachment B7: Spectator's Code of Conduct





## Attachment B1: General Code of Conduct

In addition to Softball Australia's values and the codes of conduct for specific roles, all members, parents, guardians, spectators and others involved with Softball Australia, a Member State or Territory or an affiliated association or club must meet the following requirements in regard to their conduct in any role or during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 3 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.
- 4 Be professional in your appearance and manner and accept responsibility for your actions.
  - Display high standards in language, manner, punctuality, preparation and presentation
  - Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
  - Maintain high standards of personal appearance and behaviour
  - Encourage others to demonstrate the same qualities
- 5 Be fair, considerate, impartial and honest in all dealing with others.
- 6 Make a commitment to providing quality service.
- 7 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 8 Be aware of, and maintain an uncompromising adhesion to Softball Australia standards, policies, regulations and procedures.
- 9 Operate within the rules of softball including national and international guidelines which govern Softball Australia, the Member State and affiliated association and club.
- 10 Understand your responsibility if you breach, or are aware of any breaches of this Code.
- 11 Do not use your involvement with Softball Australia, a Member State or an affiliated association or club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Softball Australia, the Member State or an affiliated association or club.



- 12 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 13 Provide a safe environment for the conduct of the activity.
- 14 Show concern and caution towards others who may be sick or injured.
- 15 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.



## Attachment B2: Coach's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as a coach appointed by Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

- 1 Respect the rights, dignity and worth of, and refrain from any discriminatory practices against, any person regardless of age, gender, ethnic origin, religion or ability.
- 2 Endeavour to ensure players' time spent with you is a positive experience.
- 3 Respect the talent, developmental stage and goals of each individual player.
- 4 Treat each player as an individual and help them reach their full potential.
  - Provide training programs that are planned and sequential and suitable for the age, experience and ability of the players
  - Be fair, considerate and honest with players
- 5 Be reasonable in your demands on your players' time and ensure there is an appropriate balance between sporting involvement, education and career objectives.
- 6 Implement clear rules for players in training and general conduct.
- 7 Be professional in your appearance and manner and accept responsibility for your actions.
  - Display high standards in language, manner, punctuality, preparation and presentation
  - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
  - Encourage your players to demonstrate the same qualities.
- 8 Make a commitment to providing a quality service to your players, your affiliated club, association and state, and to Softball Australia, by continually improving your coaching knowledge and skill.
  - Maintain and improve your NCAS accreditation
  - Seek continual self-improvement through performance appraisal and ongoing education
- 9 Operate within the rules and spirit of the sport.
  - Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies



- Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies
- 10 Ensure physical contact with players is appropriate to the situation and necessary for the player's skill development. Inappropriate physical contact is a form of sexual harassment.
  - 11 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.
  - 12 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.
  - 13 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.
  - 14 Refrain from initiating a relationship with a player and also discourage, in a sensitive manner, an attempt by a player to initiate a sexual relationship with you.
  - 15 Provide a safe environment for training and competition. Ensure that equipment and facilities meet safety standards and are appropriate for the age and ability of the players.
  - 16 Show consideration and caution towards sick and injured players.
    - Provide a modified training program where appropriate
    - Allow further participation in training and competitions only when appropriate
    - When necessary, follow the advice of a reputable doctor or physiotherapist when determining when a sick or injured player is ready to recommence training or competition.



### Attachment B3: Official's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as an official appointed by Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

- 1 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 2 Place the safety and welfare of the players/participants above all else.
- 3 Be fair and impartial.
- 4 Avoid any situation which may lead to a conflict of interest.
- 5 Be courteous, respectful and open to discussion and interaction.
- 6 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.
- 7 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.
- 8 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 9 Make a commitment to providing a quality service to softball, to your affiliated club, association and state, and to Softball Australia by continually improving your officiating knowledge and skill.
  - Maintain and improve your accreditation
  - Seek continual self-improvement through performance appraisal and ongoing education
- 10 Be professional in your appearance and manner and accept responsibility for your actions.
  - Display high standards in language, manner, punctuality, preparation and presentation
  - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
  - Encourage others to demonstrate the same qualities
- 11 Operate within the rules and spirit of the sport.



- Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies
  - Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies
- 12 Value the individual in sport.
- 13 Do not tolerate acts of aggression.
- 14 Encourage inclusivity and access to all areas of officiating.
- 15 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.



#### **Attachment B4: Player's Code of Conduct**

In addition to Softball Australia's values and general Code of Conduct, as a player or participant in any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Participate within the competition conditions and rules and in the spirit of fair play.
- 3 Accept victory and defeat with dignity.
- 4 Comply with umpires' decisions in a professional and respectful manner.
- 5 Cooperate with all official requests to promote softball in a professional manner.
- 6 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 7 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.
- 8 Be professional in your appearance and manner and accept responsibility for your actions.
  - Display high standards in language, manner, punctuality, preparation and presentation
  - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
  - Maintain high standards of personal appearance and behaviour
  - Encourage others to demonstrate the same qualities
- 9 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 10 Refrain from initiating a relationship with your coach.
- 11 Do not tolerate acts of aggression.
- 12 Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner.
- 13 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.



## Attachment B5: Administrator's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as an administrator for Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 3 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.
- 4 Be professional in your appearance and manner and accept responsibility for your actions.
  - Display high standards in language, manner, punctuality, preparation and presentation
  - Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
  - Maintain high standards of personal appearance and behaviour
  - Encourage others to demonstrate the same qualities
- 5 Be fair, considerate, impartial and honest in all dealing with others.
- 6 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 7 Do not tolerate acts of aggression.
- 8 Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner.
- 9 Resolve conflicts fairly and promptly through established procedures.
- 10 Maintain a safe environment for you and others.
- 11 Be aware of, and maintain an uncompromising adherence to Softball Australia standards, policies, regulations and procedures.
- 12 Be aware of your legal responsibilities.
- 13 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.





### **Attachment B6: Parent/Guardian Code of Conduct**

In addition to Softball Australia's values and general Code of Conduct, as a parent or guardian of any person involved with Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Remember that your child participates in sport for their own enjoyment, not yours.
- 2 Focus on your child's efforts and performance rather than winning or losing.
- 3 Never ridicule or yell at your child and other children for making a mistake or losing a competition.
- 4 Show appreciation for good performance and skilful plays by all players, including opposing players.
- 5 Respect the decisions of officials and coaches and teach young people to do the same.
- 6 Do not physically or verbally abuse anyone associated with the sport (player, coach, umpire etc).
- 7 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- 8 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.



## **Attachment B7: Spectator's Code of Conduct**

In addition to Softball Australia's values and general Code of Conduct, as a spectator involved with Softball Australia, a Member State or an affiliated association or club activity must meet the following requirements in regard to your conduct during that activity.

- 1       Applaud good performance and efforts from all players and teams. Congratulate all players on their performance regardless of the game's outcome.
- 2       Respect the decisions of officials and coaches and teach young people to do the same.
- 3       Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- 4       Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
- 5       Show respect for your team's opponents. Without them there would be no game.
- 6       Encourage players to follow the rules and the officials' decisions.
- 7       Do not use violence, harassment or abuse in any form (ie do not use foul language, sledge or harass players, coaches, umpires, officials or other spectators).
- 8       Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.



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

We are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

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

Working with Children Check laws are currently in place in the Australian Capital Territory, New South Wales, Northern Territory, South Australia, Queensland, Western Australia and Victoria.

**Note:** Working with Children Check laws are currently being introduced in Tasmania. The revised process now in place in Tasmania commenced 1 July 2014 and will be fully implemented the end of 2016. Details of the changes in Tasmania can be found at [http://www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Softball Australia including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### **ATTACHMENTS**

- Attachment C1: Employment Screening Requirements (for Tasmania)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements



**Attachment C1: Member Protection Declaration**

Softball Australia has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, Softball Australia must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years of age.

I ..... (name) of .....  
..... (address) born ...../...../..... sincerely declare:

- 1 I do not have any criminal charge pending before the courts.
- 2 I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or other crimes eg narcotics, driving offences.
- 3 I am not a prohibited person under the Commission for Children and Young People Act 1998 and I understand that it is an offence for a prohibited person to seek child-related employment.
- 4 I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence eg narcotics, driving offences.
- 5 I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
- 6 I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
- 7 To my knowledge there is no other matter that Softball Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
- 8 I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of .....

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

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

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 C2: Working with Children Check Requirements**

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: <http://www.playbytherules.net.au>.

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

### **Australian Capital Territory**

Contact the Office of Regulatory Services

Website: [http://www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wvvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wvvp)

Phone: 02 6207 3000

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

Phone: 08 84 636 468

### **Tasmania**

Contact the Department of Justice, Tasmanian Government

Website: [http://www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13



### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

### ***Travelling to other states or territories***

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work-related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.



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

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

We will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this Policy, seek to ensure that no-one is victimised for making, supporting or providing information about a complaint.

### **ATTACHMENTS**

- Attachment D1: Complaints procedure
- Attachment D2: Mediation
- Attachment D3: Investigation procedure
- Attachment D4: Tribunal procedure



## Attachment D1: Complaints procedure

Softball Australia aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will keep all complaints confidential.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

### *Informal approaches*

#### **Step 1: Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

#### **Step 2: Contact a Member Protection Information Officer**

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

An up-to-date list of MPIOs for softball is available by request from [integrity@ausport.gov.au](mailto:integrity@ausport.gov.au).

The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (eg a mediator) to help you resolve the problem, if necessary





- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

### **Step 3: Decide how to resolve the problem**

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 resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

### **Formal approaches**

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

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the MPIO, Complaints Manager and Softball Australia or Member State CEO
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the CEO (or nominee), will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- to refer the matter to the **police or other appropriate authority**, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the CEO (or nominee), will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint



- your wishes, and the wishes of the Respondent, regarding how the complaint should be handled
- the relationship between you and the Respondent (eg an actual or perceived power imbalance between you and the Respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO (or nominee), is the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is 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, including disciplinary action in accordance with this Policy.

#### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3: Investigation process.

Following the investigation, a written report will be provided to the CEO (or nominee) of Softball Australia, who will determine what further action to take.

If the complaint is referred to **mediation**, we will follow the steps outlined in

- Attachment D2: Mediation or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4: Tribunal procedures
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.
- Any costs relating to the complaint process set out in this Policy (eg investigation, mediation and/or a tribunal hearing) are to be met by Softball Australia or the relevant Member State, association or club, unless otherwise stated.

#### **Step 6: Reconsidering a complaint or appealing a decision**

If mediation is unable to resolve the matter, you may request that the CEO (or nominee) reconsider the complaint in accordance with Step 3.



You or the Respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4: Tribunal procedures.

### **Step 7: Documenting the resolution**

The CEO (or nominee) of Australia as MPIO will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/club level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored by Softball Australia and a copy stored by the state association.

### ***Approaching external organisations***

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from our organisation (eg an MPIO) will be available to support you during the process. It is also common to have a legal representation, particularly if the complaint goes to a formal hearing.

**Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:**

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.



## Attachment D2: Mediation

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the Mediator – and work out a mutually agreeable solution.

The Mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

- 1 The CEO (or nominee) of Softball Australia will appoint a mediator to help resolve the complaint. This will be done under the direction of Softball Australia and in consultation with the Complainant and the Respondent(s).
- 2 The mediator will talk with the Complainant and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the Mediator will prepare an agenda of issues to be discussed.
- 3 All issues raised during mediation will be treated confidentially. We also respect the rights of the Complainant and the Respondent(s) to pursue an alternative process if the complaint is not resolved.
- 4 If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the Complainant and the Respondent(s). We expect the parties involved to respect the terms of the agreement.
- 5 If the complaint is not resolved by mediation, the Complainant may:
  - write to the CEO (or nominee) to request that the CEO (or nominee) of Softball Australia reconsider the complaint in accordance with Step 3
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.



### Attachment D3: Investigation process

There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

- 1 We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
  - interview the Complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - mischievous, vexatious or knowingly untrue.
  - provide a report to the CEO documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
- 2 We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
- 3 The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (eg MPIO or other person).
- 4 The Complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D4: Tribunal procedures.



## Attachment D4: Tribunal procedures

We will follow the steps set out below to hear formal complaints made under this Policy.

### Preparing for a Tribunal hearing

- 1 A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by the CEO. The number of Tribunal panel members required to be present throughout the hearing will be a minimum of three.
- 2 The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent the CEO relating to the complaint/allegations.
- 3 The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
- 4 The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
- 5 The CEO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
  - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
  - an outline of any possible penalties that may be imposed if the complaint is found to be true
  - that legal representation will not be allowed. If the respondent is a minor, he or she should have a parent or guardian present.

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

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



- 6 The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
- that the person has a right to appear at the Tribunal hearing to support their complaint
  - the 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 either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal hearing)
  - that legal representation will not be allowed. If the Complainant is a minor, he or she should have a parent or guardian present.

A copy of any information/documents given to the Tribunal (eg investigation report findings) will be provided to the complainant.

- 7 If the Complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
- 8 If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (eg anti-discrimination).

#### **Tribunal hearing procedure**

- 9 The following people will be allowed to attend the Tribunal hearing:
- Tribunal panel members
  - the respondent(s)
  - the Complainant
  - any witnesses called by the respondent(s)
  - 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 this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.



- 11 If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
- 12 The Tribunal chairperson will inform the CEO of the need to reschedule the hearing and the CEO will arrange for the Tribunal to be reconvened.
- 13 The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
- 14 If the respondent(s) agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
- 15 If the respondent(s) 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 any witnesses.
- 16 The respondent(s) will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent(s) may call witnesses.
  - The Complainant may ask questions of the respondent(s) and any witnesses.
- 17 The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are 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 new evidence
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.





- 19 Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
- 20 If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
- 21 After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. 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(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any 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. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
- 24 Within 48 hours, the Tribunal chairperson will:
- forward a notice of the Tribunal's decision to the CEO including any disciplinary measures imposed.
  - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, 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 If a Complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to Softball Australia Limited on one or more of the following grounds:
- 26.1 that a denial of natural justice has occurred
- 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 at the mediation or to the Tribunal Hearing
- 27 A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within 21 days of the decision being made. An appeal fee of \$250.00 will be included with the letter of intention to appeal.



- 28 If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
- 29 The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Softball Australia Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The Softball Australia Board may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
- 30 If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
- 31 If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
- 32 The Tribunal hearing procedure will be followed for the Appeal Tribunal.
- 33 The decision of the Appeal Tribunal will be final.



## **PART E: REPORTING REQUIREMENT AND DOCUMENTS**

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this Policy) and stored in a secure place.

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

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

### **ATTACHMENTS**

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Procedure for handling allegations of child abuse
- Attachment E4: Confidential record of child abuse allegation



**Attachment E1: Confidential record of informal complaint**

Name of person receiving complaint		Date:     /     /
Complainant's name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (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 .....	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by the complainant?		
What is the nature of the complaint? (category/basis/grounds)  Tick more than one box if necessary	<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 .....	
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

**This record and any notes must be kept in a confidential place.** Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the CEO (or nominee).



**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 incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<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 heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3-8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: ..... Position: ..... Signature: ..... Date ...../...../.....
Signed by	Complainant: .....  Respondent: .....

**This record and any notes must be kept in a confidential place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Softball Australia and a copy kept with the organisation where the complaint was first made.



### Attachment E3: Procedure for handling allegations of child abuse

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

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

All people working with Softball Australia in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

#### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion
Explain that other people may need to be told in order to stop what is happening	Do not discuss the details with any person other than those detailed in these procedures
Promptly and accurately record the discussion in writing	Do not contact the alleged offender

#### Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this Policy applies, then also report the allegation to the CEO (or nominee) so that he or she can manage the situation.



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

- The CEO (or nominee) will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with Softball Australia.
- The CEO (or nominee) will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO (or nominee) will consider what support services may be appropriate for the alleged offender.
- The CEO (or nominee) will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this Policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by Softball Australia).
- Regardless of the findings of the police and/or child protection agency investigations, Softball Australia will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The CEO (or nominee) of Softball Australia will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in clause 9 of this Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.





**Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258



**Attachment E4: Confidential record of child abuse allegation**

Before completing, ensure the procedures outlined in Attachment E3 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 (eg observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		



Police contacted	Who:  When:  Advice provided:
Government agency contacted	Who:  When:  Advice provided:
President and/or MPIO contacted	Who:  When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name:  Position:  Signature: / /



Signed by	Complainant (if not a child)
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This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.



## Review history of Softball Australia's Member Protection Policy

Version	Date	Updates
One	December 2001	<ul style="list-style-type: none"> <li>• Template developed</li> </ul>
Two	November 2004	<ul style="list-style-type: none"> <li>• Template rewritten to reduce legalese and make it easier for sporting organisations to review and revise their policies</li> <li>• Sample codes of conduct, record keeping information and policy position statements on child protection, harassment and sexual relationships developed</li> <li>• Child Protection requirements revised to reflect changes to child protection legislation</li> <li>• Complaints handling procedures reviewed and expanded to provide sports with more options for managing complaints.</li> </ul>
Three	June 2005	<ul style="list-style-type: none"> <li>• QLD Child Protection requirements updated to reflect changes in legislation</li> <li>• Information on WA Child Protection requirements added to reflect new legislation</li> </ul>
Four	May 2006	<ul style="list-style-type: none"> <li>• Part B restructured to allow new attachments to be added more</li> <li>• Reference to The Essence of Australian Sport added</li> <li>• Amendments to the Dictionary (discrimination and harassment)</li> <li>• Minor amendment to the Anti-discrimination and harassment Policy Statement</li> <li>• Second version of suggested wording for Sexual Relationships Policy Statement added</li> <li>• Suggested wording for Pregnancy Policy Statement added</li> <li>• Suggested wording for Gender Identity Policy Statement added</li> <li>• Ability for sports to include reference to other relevant existing policies (7.6)</li> <li>• QLD and NSW Child Protection attachments updated to reflect changes in legislation (Part B)</li> <li>• Information on SA and VIC Child Protection requirements added to reflect new legislation (Part B)</li> <li>• Minor changes to wording to investigation of child abuse procedures (Part C)</li> </ul>
Five	July 2009	<ul style="list-style-type: none"> <li>• Template modified to provide a national version and an alternative (condensed) club version</li> </ul>



Version	Date	Updates
		<ul style="list-style-type: none"> <li>• Inclusion of clause on taking images of children (6.2)</li> <li>• Reference to cyber bullying included (6.3)</li> <li>• Refinement to wording in all clauses (to provide greater clarity)</li> <li>• Revised and condensed working with children check/child protection attachment (to cover amendments to child protection laws)</li> <li>• General Code of Behaviour removed from core policy (to reduce confusion with Code of Behaviour attachment)</li> <li>• Numbering of attachments re-ordered (Codes of Behaviour moved from attachment D to attachment B)</li> </ul>
Six	July 2011	<ul style="list-style-type: none"> <li>• Inclusion of expanded Part C (updated May 2011)</li> </ul>
Seven	January 2014	<ul style="list-style-type: none"> <li>• Introduction to the template shortened and simplified</li> <li>• Template rewritten in plain language to make it easier for sporting organisations to review and update their policies</li> <li>• Links to relevant resources included in the template; for example, links to guidance on developing an Alcohol Policy or a Communications Policy on the Play by the Rules website</li> <li>• Dictionary of terms shortened and simplified</li> <li>• Short introductions included in the template to Part B: Codes of Behaviour; Part C: Working with Children Check Requirements; Part D: Complaint Handling Requirements; and Part E: Reporting Requirements and Documents/Forms</li> <li>• All attachments rewritten in plain language and links to fact sheets and other relevant information included, as appropriate</li> <li>• Information in Part C: Working with Children Check Requirements edited and contact details and links included for relevant government agencies in each state and territory</li> </ul>
Eight	June 2015	<ul style="list-style-type: none"> <li>• Revised and expanded Dictionary of terms.</li> <li>• Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission.</li> <li>• Large scale amendments to Section 6 to more accurately reflect current terminology.</li> <li>• Tribunal Processes amended.</li> <li>• Complaints Procedure amended.</li> </ul>



Version	Date	Updates
		<ul style="list-style-type: none"> <li>• All Attachments amended to reflect up-to-date and practical language.</li> <li>• Part C: amended to reflect mandatory requirements in Tasmania.</li> <li>• Included additional information regarding Tasmania's WWC requirements in Part C.</li> <li>• Included contact details for Tasmania in Attachment C3: Working with Children Check Requirements.</li> </ul>
	14 April 2016	<ul style="list-style-type: none"> <li>• Removed C1: Employment Screening Requirements (Tasmania Only).</li> <li>• Renumbered C2 and C3 accordingly.</li> <li>• Inserted Attachment E4: Confidential record of child abuse allegation.</li> </ul>