



***Sutherland Shire Football Association  
Member Protection Policy***

**VERSION 2  
*April 2019***

## **CONTENTS**

### ***Preface***

### **Review history**

## **PART A – SSFA MEMBER PROTECTION POLICY**

1. Introduction
2. Purpose of this policy
3. Who is bound by this policy?
4. Organisational responsibilities
5. Individual responsibilities
6. Position statements
  - 6.1 Child protection
  - 6.2 Taking of images of children
  - 6.3 Anti-discrimination and harassment
  - 6.4 Intimate relationships
  - 6.5 Pregnancy
  - 6.6 Gender identity
  - 6.7 Responsible service and consumption of alcohol
  - 6.8 Smoke-free environment
  - 6.9 Cyber bullying
  - 6.10 Social networking sites
7. Complaints procedures
  - 7.1 Handling complaints
  - 7.2 Vexatious complaints and victimisation
  - 7.3 Mediation
  - 7.4 Tribunals
8. What is a breach of this policy?
9. Disciplinary measures
  - 9.1 Individuals
  - 9.2 Organisations
  - 9.3 Factors to consider
10. Dictionary of terms

## **PART B – ROLES OF THE MEMBER PROTECTION OFFICER**

## **PART C - CODES OF BEHAVIOUR**

## **PART D – WORKING WITH CHILDREN CHECK REQUIREMENTS**

- D Working with Children Check requirements

## **PART E – PROCEDURES**

- E1. Complaints procedure
- E2. Child Abuse Allegations procedure
- E3. Mediation procedure
- E4. Investigations procedure

## **PART F – ATTACHMENTS: REPORTING DOCUMENTS**

- F1. Record of informal complaint
- F2. Record of formal complaint
- F3. Confidential record of child abuse allegation

## **PREFACE**

This Member Protection policy is based on the principle that all sporting organisations have legal obligations to their members, participants, officials and the community in relation to harassment, discrimination and child protection under anti-discrimination and child protection laws. Sutherland Shire Football Association also has a moral and professional obligation to establish appropriate standards of behaviour and ensure that sporting activities and environments under its control are safe, fair, respectful and accessible. Increasingly Insurance Companies are also requiring comprehensive risk management plans that include policies and procedures to address harassment, discrimination and child protection.

This Member Protection policy aims to ensure that core values and positive behaviours are maintained within the SSFA. As a policy, it helps ensure that everyone involved with SSFA is aware of their legal and moral rights and responsibilities and that appropriate behaviour will be addressed

Mr Matt Brady

President Sutherland Shire Football Association

February 2019

## **Review history of SSFA Member Protection Policy**

1. February 2006 SSJSFA Member Protection Policy created and endorsed
2. This policy of April 2019 replaces the original.

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

### **1. Introduction**

Sutherland Shire Football Association is committed to providing opportunities for participation in football activities under its' control. SSFA is committed to ensuring the health, safety and welfare of all members.

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

This *SSFA Member Protection Policy* aims to assist *all members of the SSFA* 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 bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The procedures in 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 *SSFA* 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 Executive Committee of SSFA* and is incorporated within our constitution, rules, regulations and by laws.

The current policy and its attachments can be obtained from our website at: "[shirefootball.com.au](http://shirefootball.com.au)".

*This policy is supported by Member Protection Policies that have been adopted and implemented by our affiliated clubs.*

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

This policy should apply to as many persons as possible who are involved with the activities of *Sutherland Shire Football Association* whether they are in a paid or unpaid/voluntary capacity and including:

- 3.1 persons appointed or elected to *SSFA* boards, committees and sub-committees
- 3.2 employees of *SSFA*;
- 3.3 members of the *SSFA* Executive;
- 3.4 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 coaches and assistant coaches;
- 3.6 players;
- 3.7 referees, umpires and other officials;
- 3.8 members, including life members of *SSFA*;
- 3.9 players, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by *SSFA* and
- 3.10 *any other person to whom the policy may apply.*
  
- 3.11 *This policy will continue to apply to a person even after he or she has stopped their association or employment with SSFA, if disciplinary action against that person has begun.*
  
- 3.12 member Associations
- 3.13 *affiliated clubs and associated organisations.*
- 3.14 *other associations, e.g. Coaches Association, Players Association, etc.*

#### **4. Organisational responsibilities**

*Sutherland Shire Football Association and other relevant organisations if required (e.g. affiliated clubs) must:*

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that this policy is enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy
- 4.4 promote and model appropriate behavior
- 4.5 deal with any complaints made under this policy in an appropriate manner
- 4.6 deal with any breaches of this policy in an appropriate manner
- 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 of inappropriate behavior *e.g. Member Protection Officers*
- 4.10 monitor and review this policy at least annually.

#### **5. Individual responsibilities**

Individuals bound by this policy must:

- 5.1 make themselves aware of the contents of this policy;
- 5.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
- 5.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour: and,
- 5.6 comply with any decisions and/or disciplinary measures imposed under this policy.

#### **6. Position statements**

##### **6.1 Child protection**

SSFA 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 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.

##### **6.1.1 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 Association 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.

### **6.1.2 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 behavior. (Refer to Part C of this policy.)

### **6.1.3 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 Part D of this policy.)

### **6.1.4 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.

### **6.1.5: 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.

### **6.1.6: 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 laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to Part E2 of this policy.)

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 to us. (Refer to part E1 of this policy.)

## **6.2 Taking images of children**

There is a risk that Images of children may be used inappropriately or illegally. *SSFA* requires that individuals and clubs, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that 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 child's 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 clubs to do likewise.

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

SSFA 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.

**6.3.1 Discrimination** Unlawful discrimination involves the less favourable treatment of a person based on one or more of the personal characteristics protected by state 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.

### **6.3.2 Harassment**

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

The offensive behaviour does not have to take place numerous 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.

### **6.3.3 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 Part E of this policy.)

### **6.4 Intimate relationships**

SSFA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult players 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 player, 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 players. They must ensure that they treat players in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

SSFA take the position that consensual intimate relationships between coaches or officials and the adult players they coach should be avoided as they can have harmful effects on the player involved, on other players 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 player.

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

If a consensual intimate relationship does exist or develop between an adult player 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 player and/or other players. In assessing the appropriateness of an intimate relationship between a coach or official and an adult player, relevant factors include, but are not limited to:

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

It will often be difficult for a coach or official involved in an intimate relationship with an adult player to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from *the Member Protection Officer, General Manager* or the SSFA Football Manager 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 player 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 player. 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 Member Protection Officer, General Manager or the Football Manager*. Our complaints procedure is outlined in Part E of this policy.

## **6.5 Pregnancy**

SSFA 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.

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

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

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 Part E of this policy.)

## **6.6 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.

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

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

*SSFA* 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, with dignity and respect. 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.

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.

### **6.6.2 Participation in sport**

*SSFA* 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 based on 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.

### **6.6.3. Intersex status**

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

*SSFA* 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.

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

SSFA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that affiliated 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.

### **6.8 Smoke-free environment**

SSFA 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 shall apply to coaches, players, trainers, officials and volunteers;
- social events shall 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.

### **6.9 Bullying**

SSFA 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. SSFA 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 or SSFA General manager or MPIO.

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

### **6.10 Social networking**

SSFA 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.

Social media activity includes, but is 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**

### **7.1 Handling complaints**

SSFA 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 there has been any other breach of this policy.

In the first instance, complaints should be reported to the *General Manager, Football Manager or MPO*.

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

- *Association level, or involves people operating at the Association level, then the complaint should be reported to and handled by Sutherland Shire Football 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 state or national level, as well as serious cases referred from the SSFA and affiliated clubs, should be dealt with by FNSW or FFA.*

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the *Member Protection Officer, General Manager or Football Manager* 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 Section F of the Constitution and in Part E of this document

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

## **7.2 Improper complaints and victimisation**

SSFA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person 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 *Member Protection Officer, General Manager, Football manager or other appointed official* considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the *SSFA Judiciary Committee* for review and appropriate action, including possible disciplinary action against the complainant.

## **7.3 Mediation**

SSFA 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 *Member Protection Officer, General Manager, Football Manager or other appointed official* will, in consultation with the complainant, arrange for an independent mediator where possible. We *will not* allow lawyers to participate in the mediation process unless exceptional circumstances exist and both parties agree.

More information on the mediation process is outlined in Attachment E3

## **7.4 Tribunals**

In accordance with *SSFA rules* a Judiciary Committee may be convened to hear a proceeding:

- referred to it by the *General Manger or other appointed official*
- referred to it or escalated by an affiliated club because of the serious nature of the complaint, because it was unable to be resolved at the club level or because this policy or the rules of SSFA directs it to be
- for an alleged breach of this policy.

Our Judiciary Committee procedure is outlined in Section D3 of the SSFA Constitution and Section 3 of the SSFA By Laws.

A respondent may lodge an appeal to the Appeals Committee in respect of a Judiciary decision. The decision of the Appeals Committee is final and binding on the people involved. Our appeals process is outlined in section E of the SSFA Constitution and By Law 4 of the SSFA rules.

Every organisation bound by this policy will recognise and enforce any decision of a Judiciary or Appeals Committee 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 (see Part B of this policy);
- 8.2 bringing the *sport and/or SSFA* into disrepute, or acting in a manner likely to bring the *sport and/or SSFA* into disrepute;
- 8.3 failing to follow SSFA 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 an inappropriate intimate 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 SSFA 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; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 9. Disciplinary measures

SSFA 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 constituent documents, by-laws, this policy and/or the rules of the sport.

## 9.1 Individual

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

- 9.1.1 a direction that the individual makes a verbal and/or written apology;
- 9.1.2 a written warning;
- 9.1.3 a direction that the individual attend counselling to address their behaviour;
- 9.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by SSFA;
- 9.1.5 a demotion or transfer of the individual to another location, role or activity;
- 9.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 termination of the individual's membership, appointment or engagement;
- 9.1.8 a recommendation that SSFA terminate the individual's membership, appointment or engagement;
- 9.1.9 in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a set time period or permanently;
- 9.1.10 a fine;
- 9.1.11 any other form of discipline that *the SSFA Judiciary Committee and/or Executive Committee* considers appropriate.

## 9.2 Organisation

If a finding is made that *an affiliated club* has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by *the SSFA Judiciary Committee or SSFA Executive Committee*.

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

## 9.3 Factors to consider

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

- 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 the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

**Affiliated club** is a member club that has complied with the requirements for affiliation under Section B1 of the Constitution.

**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**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
- **emotional abuse**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

**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 (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

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

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, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people based on their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- 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 sporting activity.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (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”).

**Member** is a person who qualifies under Section B2 of the SSFA Constitution

**Member protection** requires practices and procedures that protect an organisation’s members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting members from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors
- providing education
- promoting and modelling positive behaviour

**Member Protection Officer** means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

**Procedural fairness** requires that:

- the respondent knows the full details of what is being said against him or her and they are given the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

**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, policy and this 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 (e.g. coaches, officials, umpires).

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

**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 commit sexual acts
- incest

- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

**Transgender** ‘Transgender’ is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person ‘affirming’ their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

**Sexual orientation:** The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Gender identity:** The term ‘gender identity’ refers to a person’s deeply held internal and individual sense of gender.

**Gender expression:** The term ‘gender expression’ refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Intersex:** The term ‘intersex’ refers to people who have genetic, hormonal or physical characteristics that are not exclusively ‘male’ or ‘female’. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Victimisation** means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

## **PART B: MEMBER PROTECTION OFFICERS**

A member protection officer is the first point of call in a club or sporting organisation for any enquiries, concerns or complaints about harassment and abuse. The officer provides confidential information and moral support to the person with the concern or who is alleging harassment. The officer is integral to the successful implementation of SSFA's Member Protection Policy.

Member protection officers do not investigate or resolve conflicts or try to bring the complainant and the person complained about together. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The officer may accompany the complainant in anything they decide to do, if it seems appropriate and they are happy to do it. In summary, the member protection officer role involves:

- listening
- providing support (but not taking over)
- providing information and options about what a person might do (but not advice)
- supporting the complainant in taking the matter further if that is what the complainant wants, and the officer feels able to do it
- keeping up-to-date with information on harassment, discrimination and other forms of inappropriate behaviour
- understanding their sport's policies and procedures in relation to harassment and discrimination
- being accessible, approachable and able to maintain confidentiality
- operating regionally as a Member Protection Officer by being available to other sports in the region.

## **PART C: 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 behavior by 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 prioritize 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.

### **General Code of Behaviour**

**A member of Sutherland Shire Football Association, an affiliated club or a person required to comply with the Association's Member Protection policy must meet the following requirements with respect to conduct during any activity held or sanctioned by SSFA.**

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to high standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines.
7. Do not use your involvement with SSJSFA or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of SSJSFA or an affiliated club.

8. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age.
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
10. Be aware of responsibilities under the Child Protection Act and report any matters as required under the mandatory reporting requirements of the Child Protection Act.
11. Refrain from any form of harassment, discrimination or racial vilification of others.
12. Refrain from any behaviour that may bring SSJSFA an affiliated club or football into disrepute.
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. Be a positive role model.

### **Coach Code of Behaviour**

In addition to SSFA's General Code of Behaviour, you must meet the following requirements with respect to your conduct during any activity held or sanctioned by SSFA, a member association or an affiliated club and in your role as a coach appointed by SSFA a member association or an affiliated club:

1. Do not tolerate acts of aggression.
2. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
3. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
4. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
5. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the players in decisions that affect them.
7. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
8. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
9. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.

10. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
11. Avoid situations with your players that could be construed as compromising.
12. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
13. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
14. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
15. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.
16. Be honest and ensure that qualifications are not misrepresented.

### **Player Code of Behaviour**

In addition to the General Code of Behaviour, players must meet the following requirements with respect to their conduct during any activity held or sanctioned by SSFA or an affiliated club.

1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow players and competitors.
4. Care for and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. Avoid intimate relationships with your coach.
7. Conduct yourself in a professional manner relating to language, temper and punctuality.
8. Maintain high personal behaviour standards.
9. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
10. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
11. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

### **Officials/Administrators Code of Behaviour**

In addition to the General Code of Behaviour, all officials/administrators must meet the following requirements with respect to their conduct during any activity held or sanctioned by SSFA or an affiliated club.

1. Place the safety and welfare of the players/participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation which may lead to a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.

### **Parent/Guardian Code of Behaviour**

Parents/Guardians of a player/participant in any activity held by or under the auspices of SSFA or an affiliated club, must meet the following requirements with respect to their conduct during any such activity or event:

- 1 Respect the rights, dignity and worth of others.
2. Remember that your child participates in sport for their own enjoyment, not yours.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance and skillful plays by all players (including opposing players).
6. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age.
7. Respect officials' decisions and teach children to do likewise.
8. Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
9. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
10. Be a positive role model.

### **Spectator Code of Behaviour**

As a spectator in any activity held by or under the auspices of SSJSFA a member association or an affiliated club, you must meet the following requirements with respect to your conduct during any such activity or event:

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

## **PART D: 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. The SSFA must comply with the policy as stipulated under law and FNSW. The FNSW policy is included on the FNSW website at:

["https://42f6uk1prw8cdcjb1vj9lce-wpengine.netdna-ssl.com/wp-content/uploads/2017/12/FNSW-Working-with-Children-Check-Policy-29012018.pdf"](https://42f6uk1prw8cdcjb1vj9lce-wpengine.netdna-ssl.com/wp-content/uploads/2017/12/FNSW-Working-with-Children-Check-Policy-29012018.pdf).

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.

### **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 state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in NSW

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

## **PART E: PROCEDURES**

### **E1 COMPLAINT HANDLING PROCEDURES**

---

SSFA is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will endeavour to deal with complaints on a confidential basis.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with 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 deal with complaints. Individuals and organisations can also make **complaints 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 and comfortable 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 Officer**

We encourage you to talk with one of our Member Protection Officers, General Manager, Football Manager or other designated official if

- step 1 (above) is not appropriate;
- 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 address your concern; or
- the concern continues after you approached the other person.

The names and contact details for our MPO are available through the SSFA General Manager or SSFA Office.

The MPO *or designated official* will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

##### **Step 3: Decide how to address your concern**

After talking with the MPO *or designated official*, 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; or

- 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 *General Manager and/or Member Protection Officer*.
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the *General Manager in consultation with the MPO* 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 and if so, may refer the complaint to the SSFA Executive Committee who may decide
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **Judiciary Committee 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 dealing with your formal complaint, SSFA officials involved will consider:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate 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 (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

SSFA persons dealing with the complaint will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or 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 *section E4*.

Following the investigation, a written report will be provided to *the SSFA Executive Committee and/or Judiciary Committee*

- If the complaint is referred to **mediation**, we will follow the steps as agreed by you, the respondent and the mediator.

- If the complaint is referred to a **Judiciary Committee hearing**, the hearing will be conducted according to the steps outlined in *Rule 3 of the SSFA By Laws* and section 3 of the SSFA Constitution.
- 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 incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by SSFA unless otherwise determined by the SSFA Executive Committee*

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

If the matter is referred to mediation and is not resolved at mediation, you may request that the SSFA reconsider the complaint in accordance with Step 3.

In accordance with *SSFA rules* you or the respondent(s) may also appeal a decision made at a Judiciary hearing. The grounds and process for appeals are set out in *Section E of the SSFA Constitution and By Law 4* of the SSFA rules

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

A record of the complaint, the steps taken to resolve it and the outcome must be stored in a confidential and secure place. If the complaint was dealt with at the state 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 information will be stored by FFA and a copy stored by SSFA and the state association.

## **Approaching external organisations**

If you feel that you have been harassed or discriminated against, you can seek advice from the NSW 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.

The commission may investigate your complaint. The commission may also 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.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPO) will be available to support you during the process. You may also wish 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"](http://www.playbytherules.net.au/resources/quick-reference-guide).

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

## **E2: 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 SSFA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### **Step 1: Receive the allegation**

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

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

### **Step 2: Report the allegation**

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the 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 *General Manager and/or the MPO* of SSFA so that he or she can manage the situation.

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

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

### Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by SSFA)
- SSFA will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in *Clause 9* of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services “ <a href="http://www.service.nsw.gov.au">www.service.nsw.gov.au</a> ” Ph: 132 111 Office of Children’s Guardian <a href="http://www.kids.nsw.gov.au">www.kids.nsw.gov.au</a> .

## **E3: MEDIATION PROCEDURES**

---

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

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 discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The *General Manager or other designated official* will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of *SSFA* and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with *SSFA* acting as mediator.
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, where appropriate the mediator may seek to ensure the parties execute 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 and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to *the SSFA General Manager or other designated official* to request that the *General Manager or other designated official* reconsider the complaint; and
  - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter or refer the matter back to the *SSFA Executive Committee* for an alternative solution

We recognise that there are some **situations where mediation may 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 there is a real or perceived power imbalance between the people involved;
- matters that involve serious allegations.

## **E4: INVESTIGATION PROCEDURES**

---

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

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

1. We will provide a verbal and/or written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
  - 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;
  - make a finding as to whether the complaint is:
    - **substantiated** (there is evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way);
    - **unsubstantiated** (there is evidence to show that the complaint is unfounded);
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to *the SSFA Executive Committee and/or Judiciary Committee* documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. *MPO or another person*)).



## F2: 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/position	<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 .....
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<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 .....
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: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

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

**Attachment F3: 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 (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: 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)

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.