



Member Protection Policy



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1. Introduction

The Hobart Police and Community Youth Club (**Hobart PCYC**) is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. Hobart PCYC will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Member Protection policy.

Hobart PCYC's Member Protection policy is part of the organisation's proactive and preventative approach to tackling inappropriate behaviour.

Hobart PCYC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by Hobart PCYC and its member bodies. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.

Vision: To be widely recognised in the community as:

- A professional provider of quality programs for the benefit of youth and the Tasmanian community.
- A significant contributor to the health and wellbeing of youth and the broader Tasmanian community.
- A significant contributor to a reduction in the involvement of young people in anti-social and/or criminal behaviour and the increased levels of communication, understanding and mutual respect between police, young people and the community.

Mission: To provide low cost, positive sporting, recreational, educational, social and cultural programs in a safe environment, primarily for "at risk" youth and the broader community.

Values: Respect: We value the contributions all people make to Hobart PCYC and recognise that each person has equal, intrinsic worth and deserves to be treated with dignity and consideration.

Professionalism: We will provide strong leadership and effective management with a commitment to an innovation, flexibility and continuous improvement.

Accountability & Integrity: We are transparent and operate with honesty and hold ourselves accountable for our words and actions and by maintaining the highest standards of ethical and fair behaviour.

People: We foster compassionate and effective working relationships. We will provide support to one another, working co-operatively, in unity, and with open and effective communication to make our environment fun and enjoyable in achieving our shared vision for the growth and development.

Partnerships: We build and foster working partnerships for sustainable mutual outcomes a

2. Purpose Of This Policy

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

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour. As part of this commitment, Hobart PCYC will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Hobart PCYC Management Committee and has been adopted as one of Hobart PCYC's official policies in accordance Hobart PCYC's Constitution. The policy starts on the date it is adopted by the Management Committee and will operate until replaced. This policy and/or its attachments may be amended from time to time by the Hobart PCYC Management Committee. Copies of the policy and its attachments can be obtained from the Reception Desk or the Hobart PCYC website at www.hobartpcyc.org.au.

3. Who This Policy Applies To

This policy applies to the following people, irrespective of whether they are remunerated or not, their role and their level of responsibility (hereafter referred to as **Personnel**):

- Persons appointed or elected to boards, committees and sub-committees;
- Employees, contractors and volunteers of Hobart PCYC;
- Support personnel appointed or elected to teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes;
- Judges and other officials involved in the regulation of the sport;
- Members, including life members;
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Hobart PCYC;
- Facility Users (including those with a Venue Hire agreements);
- Visitors who enter any competition, activity or event (including camps and training sessions) which are held or sanctioned by the Hobart PCYC; or
- Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a membership form, ticket, entry form or otherwise) to be bound by this policy;

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

4. Responsibilities Of The Organisation

Hobart PCYC shall:

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

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

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

6. Position Statements

6.1 Child Protection

Hobart PCYC is committed to the safety and wellbeing of all children and young people accessing our services. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff, contractors and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Hobart PCYC acknowledges that our staff, Members, contractors and volunteers provide a valuable contribution to the positive experiences of children involved in our activities/programs. Hobart PCYC aims to continue this and to take measures to protect the safety and welfare of children by:

(a) Identify and analyse risk of harm

Hobart PCYC 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.

(b) Develop Codes of Conduct for Adults and Children

Hobart PCYC will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children, 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.

(c) Choose Suitable Employees and Volunteers

Hobart PCYC will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

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

Hobart PCYC will ensure that Working with Vulnerable People Checks/criminal history assessments are conducted for employees, contractors and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, Hobart PCYC will ensure that the criminal history information is dealt with in accordance with relevant state requirements.

(d) Support, Train, Supervise and Enhance Performance

Hobart PCYC will ensure that contractors, volunteers and employees who work with children have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

(e) Empower and Promote the Participation of Children in Decision-Making and Service Development

As far as practicable and where appropriate, Hobart PCYC will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

(f) Report and Respond Appropriately To Suspected Abuse and Neglect

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

Hobart PCYC will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment D1 of this policy. This will explain what to do about the behaviour and how Hobart PCYC will deal with the problem.

6.2 Taking Images of Children

Images of children can be used inappropriately or illegally. Hobart PCYC requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. Hobart PCYC also requires the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

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

6.3 Anti-Discrimination and Harassment

Hobart PCYC 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.

(a) 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 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 set out in Hobart PCYC's Bullying Policy and Definition 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.

(b) 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 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.

(c) Prohibition against Discrimination and Harassment

We prohibit all forms of harassment and discrimination based on the characteristics listed in the "Definitions" section of this policy and those in Hobart PCYC's Bullying Policy.

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.)

More information can be obtained in Hobart PCYC's "Bullying and Grievance Policies" available at the Reception Desk.

6.4 Sexual Relationships

Hobart PCYC understands that consensual intimate relationships (including, but not limited to sexual relationships) between personnel and adult Club members/participants 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 Hobart PCYC personnel and an adult Club members/participants, that relationship will be managed in an appropriate manner.

All personnel are required to conduct themselves in a professional and appropriate manner in all interactions with Club members/participants. In particular, they must ensure that they treat Club members/participants 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 personnel and the adult Club members/participants they coach should be avoided as they can have harmful effects on the Club member/participant involved, on other Club members/participants and personnel 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 between personnel and the Club member/participant (particularly in relation to the example of a coach and an athlete).

We recommend that if a Club member/participant attempts to initiate an intimate relationship, the member of personnel should discourage the approach and explain to why such a relationship is not appropriate. The matter should also be reported to the General Manager for guidance.

If a consensual intimate relationship does exist or develop between an adult Club member/participant and a member of personnel, it is expected that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the member of personnel has with Club member/participant and/or other Club members/participants. Any such relationships must be reported to the General Manager at the earliest opportunity.

In assessing the appropriateness of an intimate relationship between a member of personnel and an adult Club member/participant, relevant factors include, but are not limited to:

- the relative age and social maturity of the Club member/participant;
- any potential vulnerability of the Club member/participant;
- any financial and/or emotional dependence of the Club member/participant on the member of personnel;
- the ability of the member of personnel to influence the progress, outcomes or progression of the Club member/participant's performance and/or career;
- the extent of power imbalance between the Club member/participant and member of personnel; and
the likelihood of the relationship having an adverse impact on the Club member/participant and/or other Club members/participants.

It will often be difficult for a member of personnel involved in an intimate relationship with an adult Club member/participant to make an objective assessment of its appropriateness and accordingly they must seek advice from the MPIO or the Hobart PCYC General Manager to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a member of personnel and an adult Club member/participant is inappropriate or unprofessional we may take disciplinary action against the member of personnel up to and including dismissal. Action may also be taken to stop the coaching relationship with the Club member/participant. 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, or other Hobart PCYC General Manager. Our complaints procedure is outlined in attachments 11 and 13 of this policy and/or Hobart PCYC's Grievance Policy.

6.5 Pregnancy

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

While many sporting activities are safe for 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. Those risks will depend on the nature of the activity and the particular pregnant woman's circumstances. Hobart PCYC will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in activities/programs.

Hobart PCYC recommends that pregnant women wanting to participate in our activities/programs consult with their medical advisors, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. Hobart PCYC will only require pregnant women to sign a disclaimer if Hobart PCYC requires other participants to sign one in similar circumstances. Hobart PCYC will not require women to undertake a pregnancy test.

6.6 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender identity/transition.

Hobart PCYC will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender, transsexual, who is thought to be transgender or has an association with someone who has or is assumed to be transgender or transsexual. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Definition of Terms and include trans, transgender and gender diverse.

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity.

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

6.7 Participation in sport

Hobart PCYC recognises that excluding people from participating in activities/programs because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation 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.

Hobart PCYC is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, Hobart PCYC will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Hobart PCYC.

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.

6.8 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 Definition of Terms).

Hobart PCYC 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 Alcohol Policy

Hobart PCYC is committed to conducting all operations in an alcohol free environment. More information can be obtained in Hobart PCYC's "Alcohol and Drug Policy" available at the Reception Desk.

6.8 Smoking Policy

Hobart PCYC is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse. The following policies should be applied to all activities/programs/events:

- (a) No smoking shall occur at or near any program/activity/event involving persons under the age of 18. This policy shall apply to personnel (including all employees, coaches, Club members, participants, officials, contractors and volunteers);
- (b) All social functions shall be smoke free;
- (c) All personnel (including all employees, coaches, Club members, participants, officials, contractors and volunteers) will refrain from smoking and remain smoke free while involved in any activity connected with Hobart PCYC.

6.9 Bullying

Hobart PCYC 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. More information can be obtained in Hobart PCYC's "Bullying Policy" available at the Reception Desk.

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. Hobart PCYC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Any issues of concern should be directed to the MPIO of the General Manager in a written or verbal statement or a complaint.

Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

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 Websites Policy

Hobart PCYC 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 Hobart PCYC in a positive way.

More information can be obtained in Hobart PCYC's "Social Media Policy" available at the Reception Desk.

7. Complaints Procedures

(a) Handling complaints

Hobart PCYC aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice) and are those outlined in Hobart PCYC's Grievance Policy.

Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the MPIO.

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

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment 11.

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

(b) Vexatious Complaints and Victimisation

Hobart PCYC aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against any person making a complaint.

If at any point in the complaints process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Hobart PCYC Management Committee for appropriate action which may include disciplinary action against the complainant (in line with Hobart PCYC's Grievance Policy).

Hobart PCYC 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.

(c) Mediation

Hobart PCYC 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 to discuss the issues or incident in question and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, where he or she determines it to be appropriate, arrange for a neutral third party mediator where possible. More information on the mediation process is outlined in Attachment D2.

(d) Hobart PCYC Management Committee

The Hobart PCYC Management Committee may be convened to hear a formal complaint/appeal referred to it by the MPIO or the General Manager.

The Management Committee procedure (including appeals process) is outlined in Hobart PCYC's Grievance Policy.

8. Breach of Policy

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

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

9. Disciplinary Measures

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

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with Hobart PCYC's Constitution, policies and procedures.

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

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A withdrawal of any award, placing, record, achievement bestowed or sanctioned by Hobart PCYC,
- A demotion or transfer of the individual to another location, role or activity;
- A suspension of the individual's membership or participation or engagement in a role or activity;
- Termination of the individual's membership, appointment or engagement;
- A recommendation that Hobart PCYC terminates the individual's membership, appointment or engagement;
- In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- Any other form of discipline that Hobart PCYC considers appropriate.

Factors to consider

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

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

10. Definition 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. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant Tasmanian legislation relating to child protection and 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 a club affiliated with the Tasmanian Association of PCYC's.

Club Member means an individual member recognised by Hobart PCYC's Constitution.

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

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

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

Complaint means a complaint made Hobart PCYC's Rules, Policies or Procedures.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under Hobart PCYC's Rules, Policies or Procedures 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.

Discrimination is unlawful under the [Anti-Discrimination Act 1998](#) (Tas) if it is discrimination on the basis of one or more of the characteristics listed in the Act (these characteristics are called 'attributes')

The attributes listed in the Act are:

- Age
- Race
- Disability
- Irrelevant medical record
- Gender
- Gender identity
- Intersex
- Breastfeeding
- Pregnancy
- Sexual orientation
- Relationship status
- Lawful sexual activity
- Marital status
- Family responsibilities
- Parental status
- Irrelevant criminal record
- Religious belief or affiliation
- Religious activity
- Political belief or affiliation
- Political activity
- Industrial activity
- Association with a person who has or is believed to have any of the other attributes.

Discrimination on the basis of an attribute is unlawful if it happens in connection with an area of activity that is listed in the Act.

The areas of activity listed in the Act are:

- Employment (paid and unpaid)
- Education and training
- Provision of facilities, goods and services;
- Accommodation (all types)
- Membership and activities of clubs
- Administration of any law of Tasmania or any State Government program
- Awards, enterprise agreements or industrial agreements

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

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

Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal and includes electronic communication.

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

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Intersex means a person with a variation in [sex](#) characteristics including [chromosomes](#), [gonads](#), or [genitals](#) that do not allow an individual to be distinctly identified as [male](#) or [female](#).

Life Member means a person granted life membership of Hobart PCYC under the Hobart PCYC Constitution.

Mediator means an impartial/neutral person appointed to talk through the issues and resolve the matter on mutually agreeable terms.

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

Natural justice (also referred to as procedural fairness) incorporates the following principles:

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

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

This policy means this Member Protection Policy.

Respondent means the person who is being complained about.

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

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

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

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

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

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

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

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

ATTACHMENT 1: GENERAL CODE OF BEHAVIOUR

As a member of Hobart PCYC or a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity/program held or sanctioned by Hobart PCYC in any role you hold within Hobart PCYC:

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, Hobart PCYC's standards, rules, regulations and policies.
6. Do not use your involvement with Hobart PCYC to promote your own beliefs, behaviours or practices where these are inconsistent with those of Hobart PCYC.
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. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
9. Refrain from any form of harassment of others.
10. Refrain from any behaviour that may bring Hobart PCYC into disrepute.
11. Provide a safe environment for the conduct of the activity.
12. Show concern and caution towards others who may be sick or injured.
13. Be a positive role model.
14. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

ATTACHMENT 2: COACHES CODE OF ETHICS

In addition to Hobart PCYC's General Code of Behaviour (Attachment 1), you must meet the following requirements in regard to your conduct during any activity/program held or sanctioned by Hobart PCYC in your role as a coach appointed by Hobart PCYC (paid or unpaid):

Abide by the rules of Hobart PCYC as set forth in its constitution, policies and procedures:

- follow procedures for enforcement of the Code of Ethics;
- accept any judgments made; and
- use the established procedures for challenging a competitive result, contesting a team selection decision, complaining about the conduct of another member, or attempting to change policy of Hobart PCYC.

Direct your observations and recommendations to the appropriate persons for the betterment of Hobart PCYC's operations:

- be constructive with criticisms and direct comments and observations to the relevant individuals to avoid gossip, innuendo and malicious comment; and
- respect the efforts of appointed and elected representatives of Hobart PCYC.

Represent yourself and your coaching status in an honest and professional manner, without bringing the coaching profession or Hobart PCYC into disrepute:

- use your accreditation and coaching status to represent your ability in an honest manner, not to gain unwarranted favours;
- be professional in and accept responsibility for your actions;
- extend professional courtesy to other coaches, athletes and their parents by keeping them informed in matters relevant to athlete's training programs;
- abide by and respect the regulations governing sport and the organisation and individuals administering those regulations;
- be a role model for your sport and the participants/athletes; and
- respect the rights, dignity and worth of every human being within the conduct of your activity/program.

Exercise a standard of care consistent with your competence and obligations as a coach

- show concern for the health, safety and welfare of athletes and colleagues;
- coach within the limits of your competence as a coach;
- follow Hobart PCYC safety guidelines in respect of the duty of care owed to the athlete;
- provide planned and sequential training programs based on the individual developmental needs of athletes;

- modify the training program for injured athletes based on appropriate medical advice when required; and
- provide a safe environment for participants in training and competition

Provide a quality service to your athletes and to the sport

- maintain or improve your current National Coaching Accreditation scheme accreditation;
- seek continual improvement through performance appraisal and ongoing coach education;
- honour the responsibilities given to a coach by keeping all relevant qualifications up to date; and
- work to ensure athletes' time spent with you is a positive experience

Promote and assist in the development of the coaching profession

- assist others to develop good attitudes, skills and knowledge relating to the sport; and
- promote and assist in the education of other coaches

Put athletes' welfare first; making decisions based on the best interests of your athletes' sporting, education and vocational careers

- acknowledge the individual talents and potential of athletes; and
- maintain a balanced emphasis of sporting involvement within educational and career objectives

Show leadership, and support efforts to remove the abuse of drugs in sport

- abide by the regulations of the relevant national and international sporting and government bodies; and
- respect the health and dignity of athletes to compete on the basis of their abilities; within the rules of the sport of gymnastics

Encourage, by example, the removal of any form of personal abuse or inappropriate discrimination

- refrain from verbal, physical or emotional abuse;
- refrain from any form of sexual harassment towards athletes and colleagues;
- refrain from using the influence of a coaching position to encourage inappropriate intimacy between coach and athlete;
- refrain from any discriminatory practices on the basis of race, religion, ethnic background, or special ability/disability of athletes; and
- be alert to any forms of abuse towards your athletes from other sources whilst they are in your care

Ensure physical contact with athletes is appropriate and necessary for the athletes' skill development

- ensure spotting methods and philosophy are consistent with established gymnastics principles; and
- ensure spotting is used only to facilitate learning or safe performance

ATTACHMENT 3: JUDGES CODE OF ETHICS

In addition to Hobart PCYC's General Code of Behaviour (Attachment 1), you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Hobart PCYC and in your role as an official appointed by Hobart PCYC.

In order to present a professional image and to judge objectively and accurately, all judges should:

In General:

- understand and abide by the Judge's Oath (relevant to any particular sport);
- be fully conversant with the relevant Judging Code and/or any other published rules and regulations pertaining to the standard of the sport being judged;
- actively maintain technical knowledge of the sport being judged;
- attend all pre-competition judge's meetings;
- dress in a tidy fashion benefiting the status and image of a judge;
- be punctual for all official events;
- avoid the use of derogatory language; and
- be prepared to counsel athletes and coaches regarding the athlete's performance after competitions

When travelling with a team:

- report any significant outcomes from the pre-competition meetings to the team coach;
- be available to attend training sessions to advise on judging matters;
- emphasise the spirit of the sport rather than the errors;
- compliment and encourage all competitors;
- be accountable for one's own judging performance; and

At competitions:

- dress in the standard judge's uniform for competition;
- be prepared for the competition by having all personal judging equipment and accessories readily available and by being conversant with the apparatus and exercises;
- be co-operative with competition organisers, floor managers, announcers and head judges;
- be quick and accurate in determining scores;
- be co-operative in judges' conferences and assist the head judge to arrive at the final score;
- be prepared to justify scores in a judge's conference; and
- be consistent, objective and courteous at all times

ATTACHMENT 4: PARTICIPANT CODE OF BEHAVIOUR

In addition to Hobart PCYC's General Code of Behaviour (Attachment 1), all Club members and participants must meet the following requirements in regard to conduct during any activity/program/event held or sanctioned by Hobart PCYC:

1. Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow participants 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. At all times 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 at all times.
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 the development of programs to adequately prepare you for competition at the highest level.

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ATTACHMENT 5: BOARD MEMBER ETHICS

Board Members of Hobart PCYC will:

General Conduct

- at all times conduct themselves with the courtesy and respect of others.

Board members' duties

- discharge their fiduciary duties in the best interests of the members of Hobart PCYC as a whole.
- acknowledge that they represent only the Board of Hobart PCYC and do not and cannot represent other individual /organisations (including any with which they have been previously been involved and/or associated).
- conduct themselves independently and free from undue influence at all times.
- act in good faith at all times.
- exercise due care and diligence in all matters.
- meet Hobart PCYC's state and federal statutory obligations.

Conflicts

- avoid any conflict of interest which may arise when:
 - (i) a board director or his/her immediate family or business stand to gain financially from any business dealings, programs or services provided to Hobart PCYC.
 - (ii) a board director offers a professional service to Hobart PCYC.
 - (iii) a board director stands to gain professionally or personally from any knowledge derived from his or board position if that knowledge is used for personal or professional advantage.
 - (iv) a board director holds a position in another gymnastics organisation which deals with Hobart PCYC.
- disclose upon election and annually thereafter during their term of appointment all interests in the Hobart PCYC Register of Interests.
- it shall be incumbent on and a duty of each Director to disclose any conflict or potential conflict as they arise.
- during the course of a board meeting or any other meeting involving Hobart PCYC interests, seek the consent of the meeting to address the meeting subject to the disclosure and that request will be considered by the Board which may or may not allow the member to speak and may or may not require the member to absent him or herself from the meeting room.

Further obligations

- not act independently of Hobart PCYC without the consent of the Board.
- participate fully and constructively in the deliberations and decisions of the Board and communicate openly to achieve Hobart PCYC's goals.

Member Protection Policy

ATTACHMENT 6: PARENT/GUARDIAN CODE OF BEHAVIOUR

As a parent/guardian of a participant in any activity/program/event held by or under the auspices of Hobart PCYC, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others, regardless of their gender, ability, cultural background or religion.
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 by all participants (including opposing participants).
6. Show appreciation for volunteers, coaches, judges and administrators.
7. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
8. Respect officials' decisions and teach children to do likewise.
9. Do not physically or verbally abuse or harass anyone associated with the sport (participant, coach, judge, etc).
10. Be a positive role model.
11. Allow fellow parents the respect they deserve in their viewing or involvement in their child's participation.
12. Be aware of the repercussions that any breaches of this code of behaviour may incur.

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ATTACHMENT 7: SPECTATOR CODE OF BEHAVIOUR

As a spectator of any activity/program/event held by or under the auspices of Hobart PCYC, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others, regardless of their gender, ability, cultural background or religion.
2. Focus on the participants' efforts and performance rather than winning or losing.
3. Never ridicule or yell at participants for making a mistake or not winning a competition.
4. Show appreciation for good performance by all participants (including opposing participants).
5. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
6. Respect officials' decisions and teach others to do likewise.
7. Do not physically or verbally abuse or harass anyone (participant, coach, judge, administrator, etc). Report those that do to the relevant party.
8. Be a positive role model.
9. Check on the appropriate event, club or state bodies' policy on photography of participants before taking photos or videos.
10. Allow fellow spectators the respect they deserve in their viewing of the class/event.
11. Be aware of the repercussions that any breaches of this code of behaviour may incur.

ATTACHMENT 8: WWVP REQUIREMENTS

Background

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

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

Working with Vulnerable People Registrations (WWVP) are required by law and Hobart PCYC policy. They aim to prevent people who pose a risk from working with children as paid employees or volunteers.

These laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children.

Employment screening and WWVP 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.

Hobart PCYC will meet the requirements of the relevant Tasmanian WWVP laws.

Any staff or volunteers 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. For example, if undertaking an interstate excursion to New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

Detailed information, including the forms required to complete a WWVP Registration are available from the Department of Justice website: www.justice.tas.gov.au/working_with_children or by Phone: 1300 135 513

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

The state WWVP requirements apply regardless of Hobart PCYC's Member Protection Policy.

More information on Hobart PCYC's WWVP requirements can be found in our Recruitment and Child Protection policies.

ATTACHMENT 9: EMPLOYMENT SCREENING REQUIREMENTS

Under the *Registration to Work with Vulnerable People Act 2013* (Tas) it is mandatory for all people working or volunteering in the sport and recreation sector in Tasmania to hold a Working with Children Registration by 1 April 2015.

This attachment explains the procedures Hobart PCYC will use to screen the people associated with our organisation who work, coach or have regular unsupervised contact with children and young people under the age of 18 years.

1. We will identify all positions where people work, coach or have regular unsupervised contact with children and young people under the age of 18 years.
2. Before a person is offered such a position, we will ask him or her to complete a Participant Protection Declaration (*see Hobart PCYC Recruitment Policy*).
3. If a person is unable to provide a Participant Protection Declaration, or if he or she cannot satisfactorily answer the questions in the Participant Protection Declaration, we will ask that person to provide an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not satisfied of the person's suitability to work with children and young people, we will not appoint them to the position.
4. Where possible, we will check a person's referees (verbal or written) about his or her suitability for the position.
5. We will ask each person to sign a consent form for a national police check and explain why our policy requires a police check to be undertaken.
6. If a person does not agree to a national police check, we will make an assessment about his or her suitability to work with children and young people.
7. If the national police check indicates that a "relevant offence" has been recorded, we will ask the person to provide an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not satisfied of the person's suitability to work with children and young people, we will not appoint them to the position.
8. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
9. We will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her. The records of all people appointed to our organisation will be kept on file in a secure location.

Member Protection Policy

ATTACHMENT 10: MEMBER PROTECTION DECLARATION

Information

Hobart PCYC requires a completed Participant Protection Declaration in order to satisfy our duty of care to all those associated with our operations. This applies to all those who undertake any work, coaching or regular unsupervised contact with people under the age 18 years.

Declaration:

I sincerely declare that:

- I have a current WWVP Registration.
- I do not have any criminal charges pending before the courts.
- I do not have any criminal convictions or findings of guilt for sexual offences, acts of violence, drugs or offences related to children.
- I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body that have alleged sexual misconduct or harassment, acts of violence, other forms of harassment, drugs or child abuse.
- To my knowledge, there is no matter that Hobart PCYC may consider to constitute a risk to its members, employees, volunteers or reputation by engaging me.
- I will notify Hobart PCYC immediately upon becoming aware that any of the matters set out in this declaration have changed.

I have read and understood this declaration and I accept the offer of employment/volunteer engagement with Hobart PCYC on the terms contained in it.

By signing this document, I acknowledge that I have been given sufficient opportunity to seek external advice and that I am entirely satisfied with the content of said document.

Name: _____
(Please print)

Signature: _____ Date: ____ / ____ / ____

Parent/Guardian Consent:

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: _____
(Please print)

Signature: _____ Date: ____ / ____ / ____

Member Protection Policy

ATTACHMENT 11: COMPLAINT HANDLING PROCEDURES

Hobart PCYC 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 informal process to resolve the matter, along with access to an external complaint handling body, based on 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 and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, appeals and disciplinary measures, Hobart PCYC will follow the procedures set out below.

COMPLAINTS PROCEDURE

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

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

If you wish to remain anonymous, Hobart PCYC may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that Hobart PCYC is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

(A) INFORMAL APPROACHES

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

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

Step 2: Contact the GM or Member Protection Information Officer

Talk with the General Manager or the Member Protection Information Officer (MPIO) if:

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

The GM or MPIO will:

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

Step 3: Outcomes from initial contact

After talking with the GM or MPIO, you may decide:

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

(B) FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the GM or MPIO; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the GM or MPIO will decide whether:

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

In making the decision(s) outlined above, the GM or MPIO will take into account:

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

If the GM or MPIO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

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

Step 5: Investigation of the complaint

- A person appointed under Step 4 (or other authorised person) will conduct an investigation and provide a written report to the Hobart PCYC General Manager and/or Board who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Section 4 of this attachment or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to Hobart PCYC Board, the hearing will be conducted in accordance with Hobart PCYC's Grievance Policy.
- If the complaint is referred to the police or other appropriate authority, Hobart PCYC will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to the General Manager or Hobart PCYC Board.

In appropriate circumstances (and as determined solely at the discretion of the General Manager) the Complainant may be liable for any costs or disbursements relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings).

Step 6: Reconsideration of initial outcome/investigation or appeal

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

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy.

Step 7: Documenting the resolution

Hobart PCYC will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.

(C) EXTERNAL APPROACHES

There are a range of other options available depending on the nature of your complaint. For examples, if you feel that you have been harassed or discriminated against, you can seek advice from the Tasmanian Equal Opportunity Tribunal (EOT) without being obliged to make a formal complaint. If the EOT advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the EOT.

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

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

(D) MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. The procedure for mediation that will be followed by Hobart PCYC is in accordance with the Grievance Policy.

A copy of the Grievance Policy is available from Hobart PCYC's Reception Desk.

(E) INVESTIGATION PROCESS

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

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
 - 1.5 Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to the Hobart PCYC General Manager and/or Board documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.

2. Hobart PCYC will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision arrived at based on the investigation. Information on our appeals process is in section F of this attachment.

(F) DISCIPLINARY PROVISIONS, HEARINGS & APPEALS PROCEDURE

The disciplinary provisions in the policy and the Hobart PCYC Grievance Policy will be followed in relation to the application of sanctions (including terminations) and the hearing of appeals. A copy of the Grievance Policy is available from Hobart PCYC's Reception Desk.

Member Protection Policy

ATTACHMENT 12: NOTIFICATIONS/MANDATORY REPORTING

TASMANIA

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers
- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time.

Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: http://www.dhhs.tas.gov.au/children/child_protection_services

Member Protection Policy

ATTACHMENT 13: REPORTING FORMS

Hobart PCYC 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.

Member Protection Policy

13A - CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: //
Complainant's Name		
Complainant's Age	Over 18 <input type="checkbox"/>	Under 18 <input type="checkbox"/>
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other:	
Location/event of alleged issue		
Facts as stated by Complainant (Please attach additional comment sheet if necessary).		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment <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 they want to happen to fix issue		
What information provided		
What they are going to do now		

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the General Manager of Hobart PCYC.

Member Protection Policy

13B - CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name		Date Formal Complaint Received: / /
Complainant's Name	Over 18 <input type="checkbox"/> Under 18 <input type="checkbox"/>	
Complainant's contact details	Phone:	
	Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other:	
Name of person complained about (respondent)	Over 18 <input type="checkbox"/> Under 18 <input type="checkbox"/>	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other:	
Location/event of alleged issue		
Description of alleged Issue (Please attach additional sheets if required).		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other:	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation -	
Were both parties present -	
Terms of Agreement -	
Any other action taken	
If went to appeals tribunal: Decision	
Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name:
	Position:
	Signature: _____ Date: / /
Signed by:	Complainant: _____ Date: / /
	Respondent: _____ Date: / /

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to the General Manager/Management Committee, the original must be forwarded to whatever level the complaint was made.

Member Protection Policy

ATTACHMENT 14: 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.

Other contacts are:

Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au.

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

All people working with Hobart PCYC 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 General Manager so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The General Manager 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 Hobart PCYC.
- The General Manager will consider what services may be most appropriate to support the child and his or her parent/s.
- The General Manager will consider what support services may be appropriate for the alleged offender.
- The General Manager will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- (a) 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 Hobart PCYC).
- (b) Regardless of the findings of the police and/or child protection agency investigations, Hobart PCYC 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.
- (c) The General Manager of Hobart PCYC 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.
- (d) If disciplinary action is recommended, Hobart PCYC will follow the procedures set out in our Member Protection Policy.
- (e) We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Member Protection Policy

ATTACHMENT 15: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment D4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other:	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (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:
GM contacted	Who:
	When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name:
	Position:
	Signature: Date: / /
Signed by Complainant (if not a child)	Signature: Date: / /

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