

Bowls ACT

Member Protection Policy

Effective February 12, 2021



BOWLS ACT MEMBER PROTECTION POLICY

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Preface

Bowls ACT (BACT) is the governing body for the sport of bowls in the Australian Capital Territory and surrounding areas, with the mission to grow the sport of bowls. In pursuing this mission, BACT:

- a) is committed to the health, safety and general wellbeing of all its members and participants.
- b) aims to ensure the core values, good reputation and positive behaviours and attitudes of BACT are maintained.
- c) believes that anyone who works for it, and everyone with whom it deals, has the right to be treated with respect and dignity.
- d) will not tolerate any type of behaviour which will bring the sport of bowls into disrepute, and this policy is a



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PART A: MEMBER PROTECTION POLICY

1. Introduction

Mission

The mission of BACT is to meet the needs of our members and develop the sport of bowls in the ACT and surrounding areas. To achieve our mission, we must:

- give priority to the health and safety of our members;
- be successful on and off the bowling green;
- operate within the Bowls Australia (BA) and BACT legal and policy frameworks;
- be proactive in our management;
- be financially sound with strategic and business plans for financial control, stability, growth and development;
- ensure members are kept fully informed through timely communications;
- support participation by all members of the bowls community;
- work closely with the member bowls clubs to ensure our joint objectives are met;
- recruit volunteers to participate on sub-committees such as Representative and Match; and
- engage effectively with community stakeholders.

2. Purpose of this policy

This Member Protection Policy aims to create a safe, fair and inclusive environment for everyone associated with our sport. It adopts the BA Member Protection Policy (MPP) as its template. Where any terms used in this policy have not been defined, those terms will have the meaning given to them in the BA MPP.

This policy sets out our commitment to ensure that every person covered 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 attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows BACT to take disciplinary action against any person or body bound by this policy if they breach the policy.



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3. Adoption and amendment of policy

This policy has been endorsed by BACT Board. This policy has the same effect as a rule in the Constitution, which will prevail should there be a conflict.

The policy has been listed on the official website. The policy starts on 12/02/2021 and will operate until replaced.

This policy and/or its attachments may be amended from time to time by the BACT Board.

4. Who is bound by this policy

This policy applies to all membership categories under the BACT Constitution and all persons who are covered by the BACT Codes of Conduct.

This policy will continue to apply to a person even after he or she has stopped their association or employment with BACT if disciplinary action against that person has begun.

5. Organizational responsibilities

BACT will:

- a) publish, distribute and promote this policy and the consequences of any breaches of it;
- b) promote and model appropriate standards of behaviour at all times;
- c) deal with any complaints made under this policy in an appropriate manner;
- d) deal with any breaches of this policy in an appropriate manner;
- e) recognise and enforce any penalty imposed under this policy;
- f) use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour - Member Protection Information Officers - MPIO; and
- g) ensure this policy is fit for purpose by keeping it under review.




6. Individual responsibilities

Individuals bound by this policy must:

- a) make themselves aware of its contents;
- b) comply with all relevant provisions of the policy;



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- c) consent to the screening requirements set out in this policy and Working with Vulnerable People registration checks if required;
- d) place the safety and welfare of vulnerable people above other considerations;
- e) be accountable for their behaviour; and
- f) comply with any decisions and/or disciplinary measures imposed under this policy.

7. Position statements

7.1 Vulnerable people

BACT is committed to meeting the requirements of the ACT Working with Vulnerable People (Background Checking) Act 2011. S. 7 of the Act defines a 'vulnerable person' as:

- (a) a child; or
- (b) an adult who is—
 - (i) disadvantaged; and
 - (ii) accessing a regulated activity in relation to the disadvantage.

Examples—disadvantaged

- 1 an adult with a physical or mental disability
- 2 an adult who suffers social or financial hardship
- 3 an adult who cannot communicate, or who has difficulty communicating, in English

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, including vulnerable people.

We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

- a) Identify and analyse risk of harm

We will develop and implement a risk management strategy to identify any additional steps we can take to minimize and prevent the risk of harm to vulnerable people because of the actions of an employee, volunteer or another person.

- b) Develop codes of conduct

We will implement codes of conduct that set out the conduct we expect of members when they deal and interact with vulnerable people involved in our sport

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. Refer to Part B of this policy.



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c) Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with vulnerable people, 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 Vulnerable People Checks are conducted for all employees and members who work with vulnerable people, where an assessment is required by law. Refer to Part C of this policy.

d) Support, train, supervise and enhance performance

We will ensure that all our employees and members who work with vulnerable people have ongoing supervision, support and training.

e) Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and members are able to identify and respond appropriately to children at risk of harm and that they are aware of their legal responsibilities to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. Refer to Part E 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 D of this policy.

7.2 Taking images of children

There is a risk that images of children may be used inappropriately or illegally. BACT requires that individuals and organizations, 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.



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7.3 Anti-discrimination and harassment

BACT is committed to providing an environment in which people are treated fairly and equitably and that is free from all forms of discrimination and harassment.

7.3.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State, Territory or Federal anti-discrimination laws. The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race.

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.

7.3.2 Harassment

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

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

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

7.3.3 Prohibition against discrimination and harassment

BACT prohibits all forms of harassment and discrimination.

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 D of this policy.



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7.4 Intimate relationships

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

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

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

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

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

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

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

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly



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they are encouraged to seek advice from a MPIO or the EO to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

Should it be determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal.

Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties. Should a coach, official or athlete believe they are being, or have been, harassed they are encouraged to seek information and support from a MPIO or the EO. Our complaints procedure is outlined in Part D of this policy.

7.5 Pregnancy

BACT 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.

BACT 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 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.

BACT encourages 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 BACT.

BACT 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.

Should a pregnant woman believe 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 D of this policy.



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7.6 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.

7.6.1 Gender identity discrimination and harassment

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

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

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. Refer to Part D of this policy.

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation. If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

7.6.2 Participation in sport

BACT 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.

BACT are committed to supporting participation in our sport on the basis of the gender with which a person identifies. Should 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.

7.6.3. Intersex status



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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. BACT 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.

7.7 Responsible service and consumption of alcohol

BACT is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. BACT also recommends member clubs follow relevant guidelines regarding the service and consumption of alcohol.

Our policy is that when reasonably practicable:

- 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; and
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

7.8 Smoke-free environment

BACT members will observe all legislative and club requirements on smoking.

7.9 Bullying

BACT is committed to providing an environment that is free from bullying. BACT understands 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:



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- 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. 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.

BACT will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an umpire, teammate, coach, official 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.

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

Refer to
Part D of this policy.

7.10 Social networking




BACT 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.

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, intolerant of religious groups 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.



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8. Complaints procedures

8.1 Handling complaints

BACT 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 MPIO or the EO. Matters should be dealt with at the lowest possible level. If a complaint relates to behaviour or an incident that occurred at:

- club level, or involves people operating at club level, then the complaint should be reported to and handled by the relevant club in the first instance.
- at ACT level, or involves people operating at ACT level, then the complaint should be reported to and handled by BACT in the first instance.
- at national level, or involves people operating at the national level, the complaint should be reported to and handled by Bowls Australia.

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

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organizations may also seek to have their complaint handled by an external agency under relevant legislation.

8.2 Improper complaints and victimisation

BACT aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint. BACT 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, a MPIO or EO 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 BACT Board for review and appropriate action.



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8.3 Mediation

BACT 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 MPIO and/or EO will, in consultation with the complainant, arrange for an independent mediator where possible. The mediation process will be conducted without lawyers.

The mediation process is outlined in Attachment D2 Mediation.

8.4 Disciplinary action

In accordance with the BACT Constitution, the Board will decide whether disciplinary action should be taken in relation to a matter:

- referred by the EO or other nominated official.
- referred by a member club due to the serious nature of the complaint where the complaint was unable to be resolved at the club level.
- involving an alleged breach of this policy.

Section 9 and Section 10 of the Constitution are relevant in this regard, as is the BACT Disciplinary Policy.

9. Disciplinary measures

BACT may impose disciplinary measures on a Member for a breach of this policy in accordance with the BACT Constitution and Disciplinary Policy.



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PART B: CODES OF CONDUCT

BACT has adopted Codes of Conduct. Our Codes are underpinned by the following core values:

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

Relevant documents

BACT Codes of Conduct

PART C: EMPLOYMENT SCREENING/WORKING WITH VULNERABLE PEOPLE CHECK REQUIREMENTS

Attachments

Attachment C1: Member Protection Declaration

Attachment C2: Working with Vulnerable People Check requirements



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PART D: COMPLAINT HANDLING PROCEDURES

BACT will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously. BACT will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our Constitution and Policies.

BACT 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.

Attachments

Attachment D1: Complaints procedure
Attachment D2. Mediation
Attachment D3. Investigation procedure

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

BACT 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), stored in a secure place and only accessed by authorised persons.

BACT will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity. In addition, BACT will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

Attachments

Attachment E1: Record of informal/formal complaint
Attachment E2: Handling an allegation of child abuse



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MEMBER PROTECTION DECLARATION

BACT has a duty of care to all those associated with our organisation and to the individuals and organizations to whom this policy applies. Our Member Protection Policy requires that we check the background of each person who engages with vulnerable people, including where a person has regular unsupervised contact with children and young people under the age of 18 years.

I (name) of

..... (address)

DATE OF BIRTH/...../.....

sincerely declare:

I do not have any criminal charge pending before the courts.
I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or drug related offences.
I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or drug related offences.
I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
To my knowledge, there is no other matter that BACT may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
I will notify the EO or nominated official of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory ofon/...../.....(date)

Signature

Consent of parent/guardian (on behalf of a person under the age of 18 years)

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

Name:

Signature:

Date:



WORKING WITH VULNERABLE PEOPLE REQUIREMENTS

Members should be aware of the ACT Working with Vulnerable People (Background Checking) Act 2011.

People who work or volunteer in junior or disability sports in the ACT must hold a WWVP positive registration. ACT sporting clubs and associations involved in junior or disability sports must ensure their employees and volunteers (including coaches) hold a current WWVP registration. See the following link:

[Working with vulnerable people \(WWVP\) registration \(act.gov.au\)](https://www.act.gov.au/working-with-vulnerable-people)

Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of sporting organizations must comply with the legislative requirements of that particular state or territory. You will need to check the relevant requirements of that state or territory in relation to working with vulnerable people.



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COMPLAINTS PROCEDURE

BACT 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. BACT 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 to 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.

BACT will provide informal and formal procedures to deal with complaints. Individuals and organizations can also make complaints to external organizations under 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 Information Officer

We encourage you to talk with our Member Protection Information Officer (MPIO) or EO 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 MPIO or EO 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;



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- 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 MPIO or EO, 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 EO; or
- 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 EO will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to investigate the complaint;
- to refer the complaint to the 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 is completed.



In dealing with your formal complaint, the EO will take into account:

- 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.

If the EO is the appropriate person to handle the complaint, he or she 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. This action may include not taking any further action, referring the matter for investigation or disciplinary action in accordance with this policy.

Such decision is to be made by the EO in consultation with the BACT Board.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. The BACT investigations procedure is outlined in Attachment D3. Following the investigation, a written report will be provided to the EO.

If the complaint is referred to mediation, BACT will follow the steps outlined in Attachment D2 or as agreed by the complainant, the respondent and the mediator.

If the complaint is referred to the police or another external agency, BACT will provide all reasonable assistance required by the police or the agency.



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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 EO reconsider the complaint in accordance with Step 3.

Step 7: Documenting the resolution

The EO will record the complaint, the steps taken to resolve it and the outcome. BACT will then store this information in a confidential and secure place.

Approaching external organizations

If an individual feels that they have been harassed or discriminated against, they can seek advice from their State or Territory Anti-Discrimination or Equal Opportunity Commission. There is no obligation to make a formal complaint. However, if the Commission advises that the issue appears to be within its jurisdiction, they may choose to lodge a formal complaint with the Commission.

The Commission may investigate the 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 a complaint is lodged with the Commission, an appropriate person e.g. an MPIO will be available for support during the process. It is common to have legal representation, particularly if the complaint goes to a formal hearing.

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



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MEDIATION

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.

The EO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of BACT 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 BACT acting as mediator.

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.

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. 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. If the complaint is not resolved by mediation, the complainant may:

- write to the EO to request the complaint be reconsidered.
- approach any relevant external agency, such as an antidiscrimination or equal opportunity commission, to resolve the matter.

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.



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INVESTIGATION PROCESS

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 as well as possible findings and recommendations. Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person. Should BACT decide that a complaint should be investigated, we will follow the steps outlined below.

BACT will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. 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 sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
 - mischievous, vexatious or knowingly untrue.
- provide a report to the EO documenting the complaint, the investigation process, the evidence, and, if requested, any findings and recommendations.

BACT will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser MPIO or other person.

However, a person cannot be a support person if he or she has been admitted as a lawyer.



ATTACHMENT E1

RECORD OF FORMAL / INFORMAL COMPLAINT (Please cross out as applicable)

Name of person receiving complaint

Date: dd/mm/yyyy

Complainant's Name

Over 18 Under 18

Role/status (Tick more than one box if necessary)

- Administrator (volunteer)
- Parent
- Athlete/player
- Spectator
- Coach/Assistant Coach
- Support Personnel
- Employee (paid)
- Other
- Official

.....

When/where did the incident take place?

.....

What are the facts relating to the incident, as stated by complainant?

.....

What is the nature of the complaint? (category/ basis/grounds)

.....

Tick more than one box if necessary

- Harassment
- Discrimination
- Sexual/sexist
- Selection dispute
- Coaching methods
- Sexuality



- Personality clash
- Verbal abuse
- Race
- Bullying
- Physical abuse
- Religion
- Disability
- Victimisation
- Pregnancy
- Child abuse
- Unfair decision
- Other

.....

What does the complainant want to happen to resolve the issue?

.....

What other information has the complainant provided?

.....

What is the complainant going to do now?

.....

This record and any notes must be kept confidential and secure. If the issue becomes a formal complaint, this record is to be given to the EO.



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, or 131 444

Fact sheets on reporting allegations of child abuse in different states and territories are available at 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 BACT 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.

- a) Make sure you are clear about what the child has told you.
- b) Do not challenge or undermine the child.
- c) Reassure the child that what has occurred is not his or her fault.
- d) Do not seek detailed information, ask leading questions or offer an opinion.
- e) Explain that other people may need to be told in order to stop what is happening.
- f) Do not discuss the details with any person other than those detailed in these procedures. Promptly and accurately record the discussion in writing.
- g) 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 BACT EO so that he or she can manage the situation.



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Step 3: Protect the child and manage the situation

The EO or nominated 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 BACT.

The EO or nominated official will consider what services may be most appropriate to support the child and his or her parent/s.

The EO or nominated official will consider what support services may be appropriate for the alleged offender.

The EO or nominated 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) a criminal investigation (conducted by the police);
- b) a child protection investigation (conducted by the relevant child protection agency);
- c) a disciplinary or misconduct inquiry/investigation conducted by BACT.

BACT 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.

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:

Australia Capital Territory

ACT Police
Non-urgent police assistance

Ph: 131 444

www.afp.gov.au

Office for Children, Youth and Family Services

<https://www.communityservices.act.gov.au/ocyfs>

Address GPO Box 158 Canberra ACT 2601

Housing ACT Locked Bag 3000, Belconnen ACT 2616

Email CSD@act.gov.au

General Enquires National Relay Service phone 133 677 then ask for 133 427



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