

Hills Football League Inc.



**MEMBER PROTECTION POLICY**

**VERSION 1**

**February 2011**

<b>PREFACE .....</b>	<b>5</b>
<b>GLOSSARY OF TERMS.....</b>	<b>6</b>
<b>PART A: SANFL MEMBER PROTECTION POLICY.....</b>	<b>9</b>
1. Purpose of this policy.....	9
2. Who this Policy Applies To.....	9
3. Responsibilities of the Organisation.....	9
4. Individual Responsibilities.....	10
5. Position Statements.....	10
<b>5.1 Child Protection</b>	<b>10</b>
5.1.1 Identify and Analyse Risk of Harm.....	10
5.1.2 Develop Codes of Conduct for Adults and Children .....	10
5.1.3 Choose Suitable Employees and Volunteers.....	10
5.1.4 Support, Train, Supervise and Enhance Performance .....	11
5.1.5 Empower & Promote the Participation of Children In Decision-Making And Service Development.....	11
5.1.6 Report and Respond Appropriately To Suspected Abuse and Neglect .....	11
<b>5.2 Taking Images of Children</b>	<b>11</b>
<b>5.3 Anti-Discrimination and Harassment</b>	<b>11</b>
<b>5.4 Sexual Relationships</b>	<b>11</b>
<b>5.5 Pregnancy</b>	<b>12</b>
<b>5.6 Gender Identity</b>	<b>12</b>
6. Complaints Procedures.....	12
<b>6.1. Complaints</b>	<b>13</b>
<b>6.2. Vexatious Complaints &amp; Victimisation</b>	<b>13</b>
<b>6.3. Mediation</b>	<b>13</b>
<b>6.4. Tribunals</b>	<b>14</b>
7. What is a Breach of this policy.....	14
8. Disciplinary Measures .....	14
<b>8.1 Individual</b>	<b>14</b>
<b>8.2 Organisation</b>	Error! Bookmark not defined.
<b>8.3 Factors to consider</b>	<b>15</b>
<b>PART B – CODES OF BEHAVIOUR.....</b>	<b>16</b>
B.1 Players.....	16
B.2 Coaches' Code of Conduct (as signed by accredited coaches).....	16
B.3 Parents/Spectators.....	17
B.4 Administration/Officials.....	17
<b>PART C – WORKING WITH CHILDREN CHECK REQUIREMENTS .....</b>	<b>18</b>
C.1 Identifying affected positions .....	18
C.2 Procedures.....	18
<b>C.2.1 Obtaining a National Police Certificate (NPC)</b>	<b>19</b>
<b>C.2.2 Existing Hills Football League Inc. Staff</b>	<b>19</b>
<b>C.2.3 New Staff</b>	<b>19</b>
<b>C.2.4 Existing Members and Volunteers</b>	<b>19</b>

<b>C.2.5 New Member and Volunteers</b>	<b>20</b>
<i>C.3 Accepting “other evidence”</i>	<i>20</i>
<i>C.4 Assessing criminal history information</i>	<i>20</i>
<i>C.5 Ensuring procedural fairness if a person has a criminal history</i>	<i>22</i>
<b>C.5.1 Existing staff, members and volunteers</b>	<b>22</b>
<b>C.5.2 New staff, members and volunteers</b>	<b>22</b>
<i>C.6 Records management</i>	<i>22</i>
<i>C.7 Exemptions from the requirement to conduct criminal history assessments</i>	<i>23</i>
<b>PART D – COMPLAINT HANDLING PROCEDURES</b>	<b>24</b>
<i>D.1 Complaints Procedure</i>	<i>24</i>
<b>D.1.1 Overview</b>	<b>24</b>
<b>D.1.2 Internal Procedure</b>	<b>24</b>
<b>D.1.3 External Procedure</b>	<b>25</b>
<i>D.2 Process for dealing with members charged with, or under investigation for, a criminal offence</i>	<i>25</i>
<b>PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS</b>	<b>27</b>
<i>E.1 CRIMINAL HISTORY ASSESSMENT FORM</i>	<i>27</i>
<i>E.2 CRIMINAL HISTORY ASSESSMENT REGISTER</i>	<i>28</i>
<i>E.3 CONFIDENTIAL RECORD OF INFORMAL COMPLAINT</i>	<i>29</i>
<i>E.4 CONFIDENTIAL RECORD OF FORMAL COMPLAINT</i>	<i>30</i>
<i>E.5 CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION</i>	<i>32</i>
<i>E.6 USE OF IMAGE TEMPLATE</i>	<i>34</i>
<i>E.7 COMPLAINTS TRIBUNAL PROCEDURE</i>	<i>35</i>

#### REVIEW HISTORY OF SANFL MEMBER PROTECTION POLICY

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>

## PREFACE

*The Hills Football League Inc. is committed to providing an environment safe for children that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behavior and values.*

*This policy provides a code of behavior forming the basis of appropriate and ethical conduct which everyone must abide by.*

*The Hills Football League Inc. is committed to ensuring that everyone associated with the Hills Football League Inc. complies with the policy.*

Signature of CEO and/or President

*Glen Sickerdick*

Hills Football League Inc

Date 12/01/2012

## GLOSSARY OF TERMS

This Glossary of Terms sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated club** means any club which has teams competing in any Affiliated League.

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

**Child abuse and neglect** 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). This tends to be a chronic behavioural pattern directed at a child so that a child's self esteem and social competence are undermined or eroded over time.
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause 7.1.

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

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

**Criminal History Assessment** is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the *Children's Protection Act 1993*.

**Criminal History Report** refer to definition of "police check"

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;

- Social origin;
- Trade union membership/activity.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

### Examples of Discrimination

- Age: A club refuses to allow an older person to coach a team simply because of age.
- Breastfeeding: A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- Disability: A junior player is overlooked because of mild epilepsy.
- Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.
- Homosexuality: An athlete is ostracised from her team after it becomes known that she is a lesbian.
- Marital Status: A player is deliberately excluded from team activities and social functions because she is single
- Pregnancy: A woman is dropped from a squad when she becomes pregnant.
- Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- Sex: Specialist coaching is only offered to male players in a mixed team.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

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

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

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

It is also a breach of discrimination law to victimize a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracized by her male coach for complaining about his sexist behavior or for supporting another player who has made such a complaint.

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

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

**Member** means any; player, coach, assistant coach, team official, umpire, match official or individual in a prescribed position in any Affiliated League or club.

**Member Protection Information Officer (MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy.

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

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

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

### **1. Purpose of this policy**

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviors within our League. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport in the Hills Football League Inc. of his or her legal and ethical rights and responsibilities and the standards of behavior that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behavior from our sport. As part of this commitment, the Hills Football League Inc. will take disciplinary action against any person or organization bound by this policy if they breach it.

This policy has been endorsed by the SANFL and has been incorporated into the League's Constitution. The policy starts on April 1, 2012 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the League website at [www.hillsfootballleague.sportingpulse.net](http://www.hillsfootballleague.sportingpulse.net)

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

This policy applies to the following people, whether they are acting in a paid or unpaid/voluntary capacity, in Hills Football League Inc. or and Club associated with Hills Football League Inc.:

Persons appointed or elected to boards, committees and sub-committees

Employees of Hills Football League Inc.

Members of the SANFL

Support personnel appointed or elected to Representative teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers)

Representative team coaches and assistant coaches

Representative players

All umpires and other officials involved in the regulation of the sport

Members, including life members of the Hills Football League Inc.

Players, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the Hills Football League Inc.

All Clubs associated with Hills Football League Inc. are required to adopt and implement this policy and to provide proof to the Hills Football League Inc. of the approval of the policy by the relevant board in accordance with its constitution.

This policy will continue to apply to a person, even after they have stopped their association or employment with the Hills Football League Inc., if disciplinary action against that person has commenced.

### **3. Responsibilities of the Organisation**

The Hills Football League Inc., and all associated clubs must:

- 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 [e.g. Member Protection Information Officers (MPIOs)]
- Monitor and review this policy at least annually

## 4. 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 our screening requirements and any South Australian 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
- Complying with any decisions and/or disciplinary measures imposed under this policy

## 5. Position Statements

### 5.1 Child Protection

The Hills Football League Inc. is committed to the safety and wellbeing of all children and young people participating in, officiating or associated in any way with football in South Australia. 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 and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

The Hills Football League Inc. acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Our aim is to continue this and to take measures to protect the safety and welfare of children participating in our sport through the following mechanisms:

#### 5.1.1 Identify and Analyse Risk of Harm

The Hills Football League Inc. will implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly our sport and all associated environments are and to determine what additional strategies are required to minimize and prevent risk of harm to children because of the action of an employee, volunteer or another child.

#### 5.1.2 Develop Codes of Conduct for Adults and Children

The Hills Football League Inc. will ensure that all associated clubs have established codes of conduct that specify standards of behavior and care when dealing and interacting with children. The Hills Football League Inc. will also implement a code of conduct to address appropriate behavior between children.

The code(s) of conduct will set out professional boundaries, ethical behavior and unacceptable behavior. (See Part B)

#### 5.1.3 Choose Suitable Employees and Volunteers

The Hills Football League Inc. will take 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 minimize the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The Hills Football League Inc. will ensure that criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.<sup>1</sup>

If a criminal history report is obtained as part of their screening process, the Hills Football League Inc. will ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief Executive, Department for Families and Communities.<sup>2</sup> (See Part C)

---

<sup>1</sup> Children's Protection Act 1993 Section 8B.

<sup>2</sup> Families and Communities (2007) *Child Safe Environments: Principles of Good Practice & Suggested Implementation Guidelines and Indicators*. Adelaide: DFC.

#### **5.1.4 Support, Train, Supervise and Enhance Performance**

The Hills Football League Inc. will ensure that volunteers and employees who work with children or their records 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.

#### **5.1.5 Empower & Promote the Participation of Children In Decision-Making And Service Development**

The Hills Football League Inc. will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

#### **5.1.6 Report and Respond Appropriately To Suspected Abuse and Neglect**

The Hills Football League Inc. will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

The Hills Football League Inc. will make all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to their obligation as a mandated notifier, if any person feels another person or organization 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 behavior and how the Hills Football League Inc. will deal with the problem.

### **5.2 Taking Images of Children**

The Hills Football League Inc. acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

The Hills Football League Inc. requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If, following reasonable consideration, written permission is deemed necessary for the use of an image, this permission should be obtained from the child's parent/guardian using the template included in Part E.

### **5.3 Anti-Discrimination and Harassment**

The Hills Football League Inc. opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 10], are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment D1 of this policy. This will explain what to do about the behaviour and how the Hills Football League Inc. will deal with the problem.

### **5.4 Sexual Relationships**

The Hills Football League Inc. takes the view that intimate relationships (whether or not of a sexual nature) between coaches and athletes, while not necessarily constituting harassment, can have harmful effects on the athlete, on other athletes and on the sport's public image. Such relationships may be

perceived to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status, influence and dependence.

Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that an athlete attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The coach or athlete may wish to approach the Hills Football League Inc.'s MPIO if they feel harassed. Our complaints procedure is outlined in Attachment D1 of this policy.

### **5.5 Pregnancy**

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

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

The Hills Football League Inc. recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

### **5.6 Gender Identity**

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behavior which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [clause 10].

The Hills Football League Inc. recognizes that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Hills Football League Inc. will facilitate transgender persons participating in our sport with the gender with which they identify.

The Hills Football League Inc. also recognizes there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, the Hills Football League Inc. will seek advice on the application of those laws in the particular circumstances.

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

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. Complaints Procedures**

The grievance procedure set out in this rule applies to disputes under these rules between a Member and:

- another Member or
- the Association.

The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.

If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute to the State Sport Dispute Centre for resolution. Hills Football League Inc. may also refer the dispute to the State Sport Dispute Centre.

South Australia is the only state which has in place a State Sport Dispute Centre as an alternative to resolving Grievance matters. It is recommended that clubs allow matters to be elevated to the regional or state level and that the option to refer matters is considered as an alternative to referring matters to the NSO.

The State Sport Dispute Centre is operated by the South Australian Sports Federation (Sport SA).

### **6.1. Complaints**

The Hills Football League Inc. aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the MPIO.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should; if not, then if the State body can deal with the complaint, then it should). Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level. Therefore, if a complaint relates to:

- behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- Behaviour or an incident that occurred at the club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

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

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment D1.

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

### **6.2. Vexatious Complaints & Victimisation**

The Hills Football League Inc. aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. 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 for appropriate action which may include disciplinary action against the complainant.

The Hills Football League Inc. 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.

### **6.3. Mediation**

The Hills Football League Inc. aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are *not able* to negotiate on behalf of the complainant and/or the respondent.

## 6.4. Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by the MPIO;
- because of the serious nature of the complaint, or unable to be resolved at the local level, or the state policy directs it to be; and/or
- for an alleged breach of this policy

If the standard Tribunal Process is not able to hear a complaint of this nature, a special Complaints Tribunal may be convened. Our Complaints Tribunal procedure is outlined in Attachment E7.

A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision.

The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in attachment D5.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

## 7. What is a Breach of this policy

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

- Breaching the Codes of Behaviour (attachment B to this policy);
- Bringing the sport and/or the Hills Football League Inc. into disrepute, or acting in a manner likely to bring the sport and/or the SANFL into disrepute;
- Failing to follow Hills Football League Inc. policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;
- 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 Hills Football League Inc. 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.

## 8. Disciplinary Measures

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

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

### 8.1 Individual

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

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counseling to address their behavior;
- A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the Hills Football League Inc.;

- 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 the Hills Football League Inc. terminate the individual's membership, appointment or engagement;
- In the case of a coach or official, a direction that the relevant organization de-register the accreditation of the coach or official for a period of time or permanently;
- A fine;
- Any other form of discipline that the Tribunal considers appropriate.

## **8.2 Organization**

If a finding is made that any club associated to Hills Football League Inc. has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Tribunal:

- A written warning;
- A fine;
- A direction that any rights, privileges and benefits provided to that organization by the state body or other peak association be suspended for a specified period;
- A direction that any funding granted or given to it by the Hills Football League Inc. or state body cease from a specified date;
- A direction that the Hills Football League Inc. cease to sanction events held by or under the auspices of that organization;
- A recommendation to the club that its membership of the Hills Football League Inc. be suspended or terminated in accordance with the relevant constitution or rules; and/or
- Any other form of discipline that the national body or peak organization considers reasonable and appropriate.

## **8.3 Factors to consider**

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

- Nature and seriousness of the breach;
- Consequences of the breach
- If the person knew or should have known that the behavior 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.

## **PART B – CODES OF BEHAVIOUR**

The Codes of Behaviour outlined below have been derived from the AFL Next Generation Junior Match Policy.

### **B.1 Players**

- Play by the rules: they are there for the good of all.
- Never argue with an official: if you disagree, discuss the matter with your coach or teacher after the game.
- Control your temper: verbal abuse, racial or religious vilification of other players, and provoking an opponent or the other team are never appropriate.
- Be a good sport: applaud all good plays by your team, opponent or the opposition team.
- Treat all players fairly: treat all players as you would like to be treated. Do not interfere with, bully or take unfair advantage of another player.
- Cooperate willingly: cooperate with your coach, teammates and opponents. Without them there would be no game.
- Play for fun: Play for the 'fun of it' and not just to please parents and coaches.

### **B.2 Coaches' Code of Conduct (as signed by accredited coaches)**

- I will respect the rights, dignity and worth of all individuals within the context of my involvement in Australian Football, including refraining from any discriminatory practices on the basis of race, religion, gender, ethnic background or special ability/disability.
- I will abide by and teach the AFL Laws of the Game and the rules of my club and league/association.
- I will be reasonable in the demands I make on the time commitments of the players in my care, having due consideration for their health and well-being.
- I will be supportive at all times and I will refrain from any form of personal or physical abuse or unnecessary physical contact with the players in my care.
- I will have due consideration for the varying maturity and ability levels of my players when designing practice schedules, practice activities and involvement in competition.
- Where I am responsible for players in the 5-18-year-old age group, I will strive to ensure that all players gain equal playing time. I will avoid overplaying the talented players, aiming to maximise participation, learning and enjoyment for all players regardless of ability.
- I will stress and monitor safety always.
- In recognising the significance of injury and sickness, I will seek and follow the physician's advice concerning the return of injured or ill players to training.
- I will endeavour to keep informed regarding sound principles of coaching and skill development, and of factors relating to the welfare of my players.
- I will at all times display and teach appropriate sporting behaviour, ensuring that players understand and practise fair play.
- I will display and foster respect for umpires, opponents, coaches, administrators, other officials, parents and spectators.
- I will ensure that players are involved in a positive environment where skill learning and development are priorities and not overshadowed by a desire to win.
- I reject the use of performance-enhancing substances in sport and will abide by the guidelines set forth in the AFL Anti-Doping and Illicit Drugs policies.

#### I agree to the following terms:

- I agree to abide by the AFL Coaches' Code of Conduct.
- I acknowledge that the AFL, or a body affiliated with the AFL, may take disciplinary action against me if I breach the code of conduct. I understand that the AFL, or a body affiliated with the AFL, is required to implement a complaints handling procedure in accordance with the principles of natural justice in the event of an allegation against me.
- I acknowledge that disciplinary action against me may include de-registration from the AFL National Coaching Accreditation Scheme.

- Note: The Coaches' Code of Conduct is to be signed and followed as part of the accreditation requirements of the AFL. Coaches should be aware that, in addition to the Code, they may be obliged to sign a further code of conduct/ethics with their club and/or league.

### **B.3 Parents/Spectators**

- Remember children play sport for their enjoyment, not yours.
- Encourage children to participate, do not force participation upon them.
- Focus on your children's efforts and self-esteem rather than whether they win or lose
- Encourage children to always participate according to the rules.
- Never ridicule or yell at children for making a mistake or if their team loses a game.
- Remember children learn best by example – applaud the efforts of all players in both teams.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Show appreciation of volunteer coaches, officials and administrators – without whom your child could not participate.
- Respect umpires' decisions and teach children to do likewise.
- Remember smoking and the consumption of alcohol is unacceptable at junior sport.

### **B.4 Administration/Officials**

- Ensure equal participation for all: provide equal opportunities for all regardless of ability, size, shape, sex, age, disability or ethnic origin.
- Suitability of program: ensure that the rules, equipment, length of games and training schedules take into consideration the age, ability and maturity level of the participants.
- Ensure adequate supervision: adequate supervision must be provided by qualified and competent coaches and officials capable of developing appropriate sports behaviour and skills.
- Stress enjoyment: remember children participate for enjoyment. Play down the importance of rewards.
- Arrange adult education: develop improved standards of coaching and officiating with an emphasis on appropriate behaviour and skills.
- Promote fair play: ensure parents, coaches, officials, sponsors, physicians and participants Understand their responsibilities regarding fair play.
- Modify to suit various levels: modify rules and regulations to match the skill level of participants and their needs.
- Promote respect for opponents: condemn unsporting behaviour.
- Maximise enjoyment: publicly encourage rule changes that will reinforce the principle of participating for fun and enjoyment.
- Keep up to date: make a personal commitment to keep informed of the sound principles of Administering recommended football programs for junior players.
- Schedules practice activities and involvement in competition.
- Where I am responsible for players in the 5-18-year-old age group, I will strive to ensure that all players gain equal playing time. I will avoid overplaying the talented players, aiming to maximise participation, learning and enjoyment for all players regardless of ability.
- I will stress and monitor safety always.
- In recognising the significance of injury and sickness, I will seek and follow the physician's advice concerning the return of injured or ill players to training.
- I will endeavour to keep informed regarding sound principles of coaching and skill development, and of factors relating to the welfare of my players.
- I will at all times display and teach appropriate sporting behaviour, ensuring that players understand and practise fair play.
- I will display and foster respect for umpires, opponents, coaches, administrators, other officials, parents and spectators.
- I will ensure that players are involved in a positive environment where skill learning and development are priorities and not overshadowed by a desire to win.
- I reject the use of performance-enhancing substances in sport and will abide by the guidelines set forth in the AFL Anti-Doping and Illicit Drugs policies.

Further information and resources are available through the AFL Kids First program and also at [www.playbytherules.net.au](http://www.playbytherules.net.au)

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

### **Criminal History Assessment/Managing criminal history information of people working with children in South Australia**

A criminal history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk to children who access services from the organization.

The Hills Football League Inc. may conduct a criminal history assessment themselves or apply to a third party (such as the Department for Families and Communities' Screening Unit) for an assessment and letter of clearance.

#### **C.1 Identifying affected positions**

The Hills Football League Inc. undertakes to follow the standards issued by the Department for Families and Communities when conducting criminal history assessments. This includes conducting Criminal History Assessments on any person who is working or volunteering with children. Including, but not limited to;

- People who have regular contact with children and are not directly supervised at all times; or
- People who work in close proximity to children on a regular basis and are not directly supervised at all times; or
- Those who supervise or manage persons who:
  - Have regular contact with children or
  - Work in close proximity to children on a regular basis; or
  - Have access to records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings.

The Hills Football League Inc. will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organization; its affiliated associations and clubs (unless an exemption applies refer to C7 for exemptions).

As a first step, the SANFL has identified all individuals and positions within South Australian football that involve working with children.

These positions are:

##### **SANFL**

- All SANFL Game Development staff, (full-time, part-time or casual)
- All volunteers engaged by SANFL Game Development, including those who receive an honorarium
- Any person engaged as a consultant by SANFL Game Development
- All SANFL Development and Talent staff, (full-time, part-time or casual)
- All volunteers engaged by SANFL clubs, including those who receive an honorarium
- Any person engaged as a consultant by SANFL club

##### **Affiliated League**

- League staff, officials and volunteers who fit one or more of the criteria outlined above

##### **Affiliated League Club**

- All coaches, assistant coaches, team managers, trainers and any other match day official who fit one or more of the criteria as outlined

#### **C.2 Procedures**

The Hills Football League Inc. may conduct these Criminal History Assessments internally. The applicant or person undertaking the check applies to the SA Police for a National Police Certificate (NPC). This NPC is then presented to the Member Protection Information Officer of the Hills Football League Inc. for assessment.

The SANFL has set out the following policy and supporting procedures for obtaining criminal history reports.

#### ***C.2.1 Obtaining a National Police Certificate (NPC)***

1. Volunteers to obtain application form from the SA Police website – [http://www.police.sa.gov.au/sapol/services/information\\_requests/national\\_police\\_certificate.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp)
2. The application must be completed online and then printed. This form cannot be saved
3. Volunteers to go to a local police station or Justice of the Peace (JOP) with their NPC application form, photocopy of documents adding up to 100 points and the original documents to have their identity verified
4. Once identification has been verified by the police or JOP, the volunteer is to lodge the NPC application and their verified photocopied 100 point documentation with the Hills Football League Inc.'s Authorized Officer who will include the VOAN details on the application
5. The Authorized Officer sends the application to The Records Release Unit, SA Police
6. The NPC will be returned to the volunteer. Due to privacy laws the NPC can only be returned to the applicant, and no third parties
7. Volunteer to submit their NPC to their member club secretary, who will forward details to the Hills Football League Inc.'s Authorized Officer, who may copy or keep a record with the permission of the volunteer
8. Hills Football League Inc.'s Authorized Officer to return the NPC to the volunteer via their member club

#### ***C.2.2 Existing Hills Football League Inc. Staff***

1. All staff holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old). (The cost of obtaining this check will be covered by the Hills Football League Inc.. A paid employee is not entitled to a free check using the organization's VOAN)
2. On receipt of the Certificate the original document must be presented to the employee's Line Manager and a copy provided to Human Resources
3. The document will be assessed in accordance with standards C4 and C5 of this document and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the SANFL or Hills Football League Inc..

#### ***C.2.3 New Staff***

1. All new staff selected to fill a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old). (The cost of obtaining this check will be covered by the Hills Football League Inc. A paid employee is not entitled to a free check using the organization's VOAN)
2. On receipt of the check the original document must be presented to the employee's Line Manager and a copy provided to Human Resources (Using a 100-point check, the Hills Football League Inc. will establish the true identity of the applicant.)
3. The document will be assessed in accordance with standard C4 and C5 of this document and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the SANFL or Hills Football League Inc..

#### ***C.2.4 Existing Members and Volunteers***

1. All existing members and volunteers holding a prescribed position must obtain a National Police Check by making application to the South Australian Police (or present an appropriate document that is less than three years old). The cost of obtaining this check will be met by using the SANFL's VOAN.
2. On receipt of the check the original document must be presented to the Hills Football League Inc.
3. The document will be assessed in accordance with standard C4 and C5 of this document and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the SANFL or Hills Football League Inc..

### **C.2.5 New Member and Volunteers**

1. All new members or volunteers to fill a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old). The cost of obtaining this check will be met by using the organization's VOAN
2. On receipt of the check the original document must be presented to the employee's Line Manager and a copy provided to Human Resources Using a 100-point check, the Hills Football League Inc. will establish the true identity of the applicant.
3. The document will be assessed in accordance with standard C4 and C5 of this document and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the SANFL or Hills Football League Inc..

### **C.3 Accepting "other evidence"**

The Hills Football League Inc. will, in lieu of undertaking a criminal history screening check as set out in C2, accept the following forms of evidence (obtained within the last three years) to assess a person's suitability to work with children.

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the DFC Screening Unit; Department of Education and Children's Services (DECS) or Catholic Education Office.
- An interstate working with children check, from: Queensland, Victoria or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable the Hills Football League Inc. to establish the true identity of the applicant.<sup>3</sup>

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

### **C.4 Assessing criminal history information**

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

The Hills Football League Inc. and the SANFL believe the following categories of criminal convictions present a *prima-facie risk of harm* to children.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for the Hills Football League Inc., or its associated clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions.

The Hills Football League Inc. and the SANFL believes that there can be a presumption that there is a risk of harm to children but further assessment is necessary before a decision to exclude a person can be made.

---

<sup>3</sup> A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver's License, employee identification card, Centrelink card or student identification card.

These types of criminal offences include:

- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).
- In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions.

Any such person will be asked to make further application to the DFC Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant.

The decision of this process will be deemed to be final and binding on all parties.

## **C.5 Ensuring procedural fairness if a person has a criminal history**

### ***C.5.1 Existing staff, members and volunteers***

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

Prior to a decision being made, the Hills Football League Inc. will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

Staff (who are also members of the Hills Football League Inc., or its associated clubs), members and volunteers may request:

- that the final assessment be referred to the Screening Unit (if it has not already been done). This decision shall be final and binding.
- where this has already been done, to make an appeal under the process set out in Part D of this policy.
- To be advised of any other avenues of appeal (if applicable).

Existing employees who are not also members of the Hills Football League Inc. or its associated clubs may refer to the dispute resolution process set out by the relevant Enterprise Agreement or Industrial Award for dispute resolution.

### ***C.5.2 New staff, members and volunteers***

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The Hills Football League Inc. will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

## **C.6 Records management**

The Hills Football League Inc. will take specific actions to store and record information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorized access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

The Hills Football League Inc. will retain the following information regarding their decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The Hills Football League Inc. will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and criminal history assessment template (where applicable) will be used to record this information (see Part E).

### **C.7 Exemptions from the requirement to conduct criminal history assessments**

In accordance with guidelines the Hills Football League Inc. and the SANFL has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the Hills Football League Inc. or associated clubs which involves the care of children in overnight accommodation.

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organization that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

## PART D – COMPLAINT HANDLING PROCEDURES

### D.1 Complaints Procedure

#### D.1.1 Overview

This procedure has been developed to ensure that complaints about inappropriate behavior described in this policy are addressed sensitively, consistently, fairly and confidentially.

A complaint may be reported about an individual or group behavior informally or formally. It may be about an act, behavior, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

Complaints should be reported to the Hills Football League Inc..

#### D.1.2 Internal Procedure

##### Self Resolution

Self resolution may be appropriate where the alleged harasser or bully is oblivious to the impact of their behavior towards the complainant. If the complainant feels it is appropriate they can attempt to resolve the issue directly with the alleged harasser, without the assistance of the Hills Football League Inc. by speaking directly to the person/s involved and asking them to stop the offensive behavior immediately.

##### Resolve the Complaint Informally

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, individual/s should talk with an appointed person of the Hills Football League Inc..

Informal procedures that may be auctioned by the appointed person of the Hills Football League Inc. could include the following:

- Provide possible options/methods for the complainant to resolve the problem and/or make a referral to an appropriate person to help the complainant resolve the problem eg: a mediator.
- explain how the Hills Football League Inc. complaints procedure works;
- act as a support person;
- privately speak with the alleged offender on behalf of the complainant
- inform the relevant government authorities and/or police if required by law to do so

##### Resolve the Complaint Formally

Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the complainant wishes to make a formal complaint from the outset. Formal complaints can be lodged with the Hills Football League Inc.. Both parties involved in a formal complaint have a number of rights and responsibilities which are detailed below:

Complainant's Rights	Respondent's Rights
<ul style="list-style-type: none"><li>• Have the complaint investigated and if necessary conciliated</li><li>• Have support/representation if requested</li><li>• Express views and opinions without intimidation from others</li><li>• Discontinue a complaint</li><li>• Have the situations remedied</li><li>• Privacy</li></ul>	<ul style="list-style-type: none"><li>• Have natural justice</li><li>• Not be discriminated against</li><li>• Not be dismissed unfairly, harshly or unreasonably</li><li>• Privacy</li><li>• Have support/representation if requested</li><li>• Not be defamed</li><li>• Not be the subject of unfounded or malicious complaints</li></ul>

A formal procedure will be followed as appropriate for each individual complaint which may include one or more of the following steps:

- document full information from the complainant about the complaint and how they want it resolved;
- put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;

- decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- Determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

**NB: Where a complaint relates to an allegation of child abuse the matter will immediately be referred to the police or relevant state government authority.**

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp)

#### Appeal Process

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the Hills Football League Inc., the complaint may be referred to the SANFL Game Development Department or Community Football League for further consultation. If necessary an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

#### **D.1.3 External Procedure**

There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sought from the State or Territory Equal Opportunity Commission without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the police or relevant state government department responsible for issues of child welfare should be notified.

### **D.2 Process for dealing with members charged with, or under investigation for, a criminal offence**

This process sets out the procedure that the Hills Football League Inc. will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.

#### **D.2.1 Procedure**

##### Risk Assessment

In the event that the Hills Football League Inc. becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of SANFL or senior appointed officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children;
- Recognize that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;
- Consider all matters on an individual basis and include an assessment of all relevant circumstances;
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;
- Not compromise any police investigations or evidence.

##### Outcome

Where the outcome of the risk assessment is that protective action is necessary, the Hills Football League Inc. may:

- Control or supervise contact between the member and children

- Prevent contact between the member and children
- Remove the member from duties until the outcome of the investigation or charge is known;
- Take any other action that is necessary and reasonable in the circumstances.

#### Voluntary removal of member pending outcome of charge or investigation

Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, the Hills Football League Inc. will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

#### Resolution to suspend or remove member

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, the Hills Football League Inc. will put forward a resolution to the relevant committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the relevant committee's minutes and then implemented.

The outcome recorded in the committee minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

#### Glossary

*Relevant criminal offence:* means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

*Natural justice:* means observing the following principles:

- people are entitled to be informed of allegations made against them
- all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
- during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
- decision-makers act fairly and impartially.

*Offence that indicates a prima-facie risk of harm:* has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

*Offence that potentially indicates unsuitability to work with children:* Has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

*Member:* means a member of the Hills Football League Inc..

*Risk assessment:* in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*).

## PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS

### E.1 CRIMINAL HISTORY ASSESSMENT FORM

<b>Name of person</b>	
<b>Description of position that the person occupies or will occupy</b>	
<b>The person provided, or consented to providing, acceptable evidence relating to their criminal history</b>  <i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i>  <b>See Standards 1 – 4</b>	<p><i>Yes Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p><i>No A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
<b>Date evidence requested</b>	
<b>Date evidence received</b>	
<b>The police certificate or other evidence disclosed no convictions</b>	
<b>The police certificate or other evidence disclosed a conviction requiring further assessment</b>	
<b>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</b>  <b>See Standard 5</b>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>
<b>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</b>  <b>See Standard 5</b>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>

**Name of Assessor (s):** \_\_\_\_\_

**Position/Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

## E.2 CRIMINAL HISTORY ASSESSMENT REGISTER

Name	Position	Police Certificate Reference Number (or other acceptable evidence)	Date of certificate or other evidence*	Date for renewal**

\* This date refers to the day that the police certificate or other evidence was received and not the day the assessment was completed.

\*\* The date of renewal is a maximum of three years from the day the police certificate or other evidence was issued.

### E.3 CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date:        /        /
Complainant's Name		
	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Role/Status	<input type="checkbox"/> Administrator <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 <input type="checkbox"/> Official <input type="checkbox"/> Other .....	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment                      or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/Sexist <input type="checkbox"/> Selection Dispute <input type="checkbox"/> Coaching Methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality Clash <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Bullying <input type="checkbox"/> Physical Abuse <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 Tribunal – refer PAWA Constitution* ]

#### E.4 CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name			Date Formal Complaint Received:  / /																											
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18																													
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)																														
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18																													
Respondent's Role/Status	<input type="checkbox"/> Administrator (volunteer)	<input type="checkbox"/> Parent																												
	<input type="checkbox"/> Athlete/Player	<input type="checkbox"/> Spectator																												
	<input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel																												
	<input type="checkbox"/> Employee (paid)	<input type="checkbox"/> Official																												
	<input type="checkbox"/> Other .....																													
Location/event of alleged issue																														
Description of alleged issue																														
Nature of complaint (category/basis/grounds)  Can tick more than one box	<table border="0"> <tr> <td><input type="checkbox"/> Harassment</td> <td>or</td> <td><input type="checkbox"/> Discrimination</td> </tr> <tr> <td><input type="checkbox"/> Sexual/Sexist</td> <td></td> <td><input type="checkbox"/> Selection Dispute</td> </tr> <tr> <td><input type="checkbox"/> Coaching Methods</td> <td></td> <td><input type="checkbox"/> Sexuality</td> </tr> <tr> <td><input type="checkbox"/> Personality Clash</td> <td></td> <td><input type="checkbox"/> Verbal Abuse</td> </tr> <tr> <td><input type="checkbox"/> Race</td> <td></td> <td><input type="checkbox"/> Religion</td> </tr> <tr> <td><input type="checkbox"/> Bullying</td> <td></td> <td><input type="checkbox"/> Physical Abuse</td> </tr> <tr> <td><input type="checkbox"/> Disability</td> <td></td> <td><input type="checkbox"/> Victimisation</td> </tr> <tr> <td><input type="checkbox"/> Pregnancy</td> <td></td> <td><input type="checkbox"/> Child Abuse</td> </tr> <tr> <td><input type="checkbox"/> Unfair Decision</td> <td></td> <td><input type="checkbox"/> Other .....</td> </tr> </table>			<input type="checkbox"/> Harassment	or	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Sexual/Sexist		<input type="checkbox"/> Selection Dispute	<input type="checkbox"/> Coaching Methods		<input type="checkbox"/> Sexuality	<input type="checkbox"/> Personality Clash		<input type="checkbox"/> Verbal Abuse	<input type="checkbox"/> Race		<input type="checkbox"/> Religion	<input type="checkbox"/> Bullying		<input type="checkbox"/> Physical Abuse	<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 .....
<input type="checkbox"/> Harassment	or	<input type="checkbox"/> Discrimination																												
<input type="checkbox"/> Sexual/Sexist		<input type="checkbox"/> Selection Dispute																												
<input type="checkbox"/> Coaching Methods		<input type="checkbox"/> Sexuality																												
<input type="checkbox"/> Personality Clash		<input type="checkbox"/> Verbal Abuse																												
<input type="checkbox"/> Race		<input type="checkbox"/> Religion																												
<input type="checkbox"/> Bullying		<input type="checkbox"/> Physical Abuse																												
<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 Tribunal:		
Decision		
Action Recommended		
If mediated:		
Date of mediation		
Were both parties present?		
Terms of agreement		
Any other action taken?		
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3-8 months to resolve <input type="checkbox"/> More than 8 months to resolve	
Completed by	Name:	
	Position:	
	Signature:	
	Date:	/ /
Signed by	Complainant:	
	Respondent:	

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

## E.5 CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Complainant's Name			Date Formal Complaint Received:  / /
Role/Status in sport			
Child's Name		Age	
Child's Address			
Name of person complained about (respondent)			
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 .....		
Witnesses  (if more than 3 witnesses, attach details to this form)	Name		
	Contact Details:		
	Name:		
	Contact Details:		
	Name:		
	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:	
CEO 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 (if not a child)	Complainant:	

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.

## IMAGE WAIVER AGREEMENT

### For applicants under 18 years

As the parent/guardian of \_\_\_\_\_, I give permission for the South Australian National Football League to use photographs, videos or audio of him/her taken at the **[INSERT EVENT NAME AND DATE HERE]** in official SANFL print and online publications.

The use of the photographs/video/audio will be for the promotion and marketing of the Hills Football League Inc. -affiliated program in which he/she is involved.

The Hills Football League Inc. may publish, republish or otherwise transmit the images in any medium for the purposes stated above.

I give permission for my child's full name (first name and surname) to be used in conjunction with the image should the occasion arise.

I further release the Hills Football League Inc. from any claims or remuneration associated with any form of damage, foreseen or unforeseen, associated with the use of the image.

I agree that the law of the State of South Australia will apply to this Agreement.

I acknowledge that \_\_\_\_\_ is a minor and certify that I have given my consent freely and this Agreement was willingly signed.

<b>DATE:</b>	:
<b>SIGNED BY PARENT/GUARDIAN:</b>	:

## **E.7 COMPLAINTS TRIBUNAL PROCEDURE**