

## Townsville Basketball

# Member Protection Policy

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# Member Protection Policy

## 1. Introduction

Townsville Basketball Inc. (TBI) aims to be the leading sporting association providing an inclusive, safe and well governed environment for all to grow and develop in the community.

## 2. Our Commitment

Townsville Basketball is committed to creating a safe and supportive environment for all, as such the organisation has embedded a culture of child and member protection in all we do. Townsville Basketball, as a member of Basketball Australia & Basketball Queensland, is bound by the [Basketball Australia Member Protection By-Law](#) which details our commitment to child and member protection.

The Basketball Australia Member Protection By-Law contains Position Statements and Codes of Behaviour outlining the expected standards for all stakeholders.

We demonstrate our capability to enact our commitment to child and member protection by having human resource policies enabling us to recruit staff who will contribute to a creating a safe and supportive environment and manage staff to ensure expected standards of behaviour are upheld. This capability is evidenced through:

- Townsville Basketball Workplace Policies
- Representative team coach and manager selection policy
- Position Descriptions – paid & voluntary staff

## 3. Purpose of our policy

The main objective of our Member Protection Policy (policy) is to maintain responsible behaviour and the making of informed decisions by participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

## 4. Who our policy applies to

Our policy applies to everyone involved in the club including committee members, administrators, coaches, officials (umpires/referees/technical officials), players, parents and spectators.

## 5. Extent of our policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs at practice, in the club facility, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

## 6. Club responsibilities

We will:

- implement and comply with our policy;
- promote our policy to everyone involved in our club;
- promote and model appropriate standards of behaviour at all times;

- respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to our [district/region/state or national body].

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that our state or national body request to be referred to them.

## 7. Individual responsibilities

Everyone associated with our club must:

- comply with the standards of behaviour outlined in our policy;
- treat others with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines 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.

## 8. Protection of Children

### 8.1 Child Protection

Townsville Basketball Inc. (TBI) is committed to the safety and wellbeing of all children and young people accessing our service. 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.

Townsville Basketball acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. TBI aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **8.1.1 Identify and Analyse Risk of Harm**

TBI will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

#### **8.1.2 Develop Codes of Conduct for Adults and Children**

TBI will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

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

#### **8.1.3 Choose Suitable Employees and Volunteers**

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

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

TBI will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, TBI will ensure that the criminal

history information is dealt with in accordance with relevant Queensland legislative requirements. (See Part C)

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

TBI 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.

#### ***8.1.5 Empower and Promote the Participation of Children in Decision-Making And Service Development***

TBI, where appropriate, will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

#### ***8.1.6 Report and Respond Appropriately to Suspected Abuse and Neglect***

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

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

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how TBI will deal with the problem.

## **8.2 Supervision**

Members under the age of 16 must be supervised at all times by a responsible adult. Our club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 16 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

Parents must turn up on time to collect their child for reasons of courtesy and safety. If it appears a member will be left alone at the end of a training session with just one child, they will ask another member to stay until the child is collected.

## **8.3 Transportation**

Parents/guardians are responsible for transporting their children to and from club activities (e.g. practice and games). Where TBI makes arrangements for the transportation of children (e.g. for away or overnight trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and appropriate safety measures are available (e.g. fitted working seatbelts)

## **8.4 Taking Images of Children**

Images of children can be used inappropriately or illegally. The club requires that members, 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 the club uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

## 9. Anti-harassment, Discrimination and Bullying

Our club 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 are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

Our club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the club (see Responding to Complaints).

## 10. Inclusive practices

Our club is welcoming and we will seek to include members from all areas of our community.

### 10.1 People with a disability

Where possible we will include people with a disability in our teams and club. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

### 10.2 People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in our club and where possible will accommodate requests for flexibility (e.g. modifications to uniforms).

### 10.3 Sexual & Gender Identity

All people, regardless of their sexuality, are welcome at our club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

### 10.4 Pregnancy

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. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

TBI observes the [Basketball Australia Pregnancy Guidelines](#) (2009)

## 11. Responding to Complaints

### 11.1 Complaints

Our club takes all complaints about on and off-field behaviour seriously. Our club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- All complaints will be taken seriously; both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- Irrelevant matters will not be considered; decisions will be unbiased and fair; and
- Any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to Basketball Queensland.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club will need to report the behaviour to the police and/or relevant government authority.

### 11.2 Complaint Handling Process

When a complaint is received by our club, the person receiving the complaint (e.g. President, Operational staff member) will:

- Listen carefully and ask questions to understand the nature and extent of the problem; ask what the complainant would like to happen;
- Explain the different options available to help resolve the problem;
- Take notes; and
- Maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- Supporting the person complaining to talk to the person being complained about
- Bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- Gathering more information (e.g. from other people that may have seen the behaviour);
- Seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- Referring the complaint to our [district, regional, state or national] association; and/or
- Referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to our [district, regional, state or national] association and an investigation is conducted, the club will:

- Co-operate fully; ensure the complainant and respondent are not victimised;
- Where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- Act on our [district, regional, state or national] association's recommendations.

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

### **11.3 Disciplinary Measures**

Our club will take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our 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;
- Be determined by our Constitution, By Laws and the rules of Basketball.

Possible measures that may be taken include:

- Verbal and/or written apology;
- Counselling to address behaviour;
- Withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club;
- Suspension or termination of membership, participation or engagement in a role or activity; de-registration of accreditation for a period of time or permanently;
- A fine; or
- Any other form of discipline that our club considers reasonable and appropriate.

### **11.4 Appeals**

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by our club. Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/club.

## Attachment 1.1 Member protection declaration

Our club has a duty of care to all those associated with our club. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I ..... (name)  
of .....(address)  
born ...../...../.....

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. 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.
4. To my knowledge there is no other matter that the club may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President of the club immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the *State/Territory* of

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

Signature .....

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### Parent/Guardian Consent (in respect 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: .....

## Attachment 1.2 Working with Children Check requirements

The following information was updated in April 2011. It is subject to change at any time.

### Queensland

A person will need a Working with Children Check, also known as the blue card, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the Commission for Children and Young People and Child Guardian Act 2000. Once a person is checked and approved they are issued with a "blue card."

Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

- People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

- A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.
- In addition to obligations regarding the blue card, employers must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms visit the [Commissioner for Children and Young People](#) or telephone 1800 113 611

Attachment 2  
Codes of behaviour  
[Townsville Basketball Codes of Behaviour](#)

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Attachment 3  
Reporting forms

Record of complaint

Name of person receiving complaint		Date:     /     /
Complainant's Name		
Complainant's contact details		
Complainant's role/status in Club	Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official ..... <input type="checkbox"/>	
Name of person complained about	Over 18 <input type="checkbox"/> Under 18 <input type="checkbox"/>	
Person complained about role/status in Club	Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official ..... <input type="checkbox"/>	

Location/event of alleged issue	
Description of alleged issue	
<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p>Harassment or Discrimination</p> <p>Sexual/sexist</p> <p>Selection dispute</p> <p>Coaching methods</p> <p>Sexuality</p> <p>Personality clash</p> <p>Verbal abuse</p> <p>Race</p> <p>Bullying</p> <p>Physical abuse</p> <p>Religion</p> <p>Disability</p> <p>Victimisation</p> <p>Pregnancy</p> <p>Child Abuse</p> <p>Unfair decision</p> <p>Other</p> <p>.....</p>
What they want to happen to fix issue	
Information provided to them	
Resolution and/or action taken	
Follow-up action	

