



**IPSWICH CITY FOOTBALL CLUB Ltd**

**MEMBERS PROTECTION PLAN<sup>®</sup>**

**Date of Issue: 15<sup>th</sup> January 2006**

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**FOREWORD**
**EXECUTIVE COMMITMENT**

As Chairman of the Ipswich City Football Club Ltd I have the authority to ensure that all member protection related activities undertaken by the Club are carried out as prescribed in this Members Protection Plan (MPP) and associated Management Plans.

I hereby attest that I will ensure that this MPP and any referenced Procedures, Plans or Instructions fully describe the Clubs member management system and its methods for ensuring ongoing compliance with the requirements defined in relevant Regulations and Legislation.

G.K Panlook  
Mr  
Chairman  
Ipswich City Football Club Ltd

15<sup>th</sup> January 2006

**AMENDMENT STATUS**

| <b>Date</b>               | <b>Version</b> | <b>Change</b>   | <b>Implemented By</b> |
|---------------------------|----------------|-----------------|-----------------------|
| 15 <sup>th</sup> Jan 2006 | 1.0            | Initial Release | Gary Panlook          |
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## **POLICY STATEMENT**

The safety of members is an important part of the Club's broader management system. The Ipswich City Football Club Ltd (ICFC) recognises they have legal obligations in relation to harassment, discrimination and child protection. They also have moral obligations in relation to establishing standards of appropriate behaviour and in providing safe, respectful and appropriate environments.

The issue of providing safe, respectful sporting environments is so important that the ICFC has introduced this Member Protection Plan (MPP) to provide guidance for all within the Club.

## **PURPOSE**

This Member Protection Plan (policy) aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

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

The ICFC Board has endorsed this policy. The policy starts on 15<sup>th</sup> January 2006 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the policy and its attachments can be obtained from our website or from the Member Protection Officer (MPO).

## **OBJECTIVE**

The objective of this Plan is to ensure that:

- Member records are created/captured as required by law;
- there is a single, operational standard for the creation/capturing of such records, their maintenance, storage, destruction or archiving across the Club;
- individual staff, and volunteers understand their respective responsibilities;
- the meaning of the term "member welfare" is understood consistently across the Club; and
- the safeguarding of personal records through appropriate access/security arrangements is understood and observed by all individuals.

## **SCOPE**

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;

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- Athletes and players;
  - Referees, umpires and other officials;
  - Members, including life members;
  - Member associations;
  - Affiliated clubs and associated organisations;
  - Any other person or organisation that is a member of or affiliated to the ICFC.
  - Parents, guardians, spectators and sponsors to the full extent that is possible.

Individual members are responsible for observing the Club's MPP, which has been prepared to enable the Club to comply with the identified regulations. If further explanation is required, please contact the Club Board or Member Protection Officer.

This Plan does not apply to the behaviour of players, coaches, managers or other game officials involved in the "on field" conduct of the game, where penalties are imposed as a result of participating directly in that game.

This policy will continue to apply to a person even after they have ceased their association or employment with ICFC if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

## **QUEENSLAND CHILD PROTECTION REQUIREMENTS**

### **Background**

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In Queensland, child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation.

Please be aware that state child protection requirements also apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated clubs takes junior players into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

### **Protection Requirements**

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au) or contact 1800 113 611. This information was updated on 1 June 2005. In Queensland the Commission for Children and Young People and Child Guardian Act 2000 requires people who work with children under 18 years of age in certain categories of paid or voluntary employment or those who operate child-related businesses, to undergo a Working with Children Check. The Working with Children Check is a comprehensive assessment of a person's suitability to work with children based on their criminal history and certain professional disciplinary information, if any. Those found suitable to work with children and young people are issued with a suitability card, or blue card. The blue card must be renewed every two years.

### **Association and Club Requirements**

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QLD State Association and affiliated clubs are responsible for applying to the Queensland Commission for Children and Young People and Child Guardian (CCYPCG) for Working With Children Checks on employees and volunteers who work with children or young people. People carrying on a regulated business are responsible for applying for their own Working with Children Check. These requirements apply despite the existence or absence of this Member Protection Plan.

All our volunteers and employees that work with children or young people in the following categories of employment must apply for a blue card:

### **Employees**

Club Officials who work, or are likely to work, with children and young people **must** undergo a criminal history check where they are likely to be in contact with children:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month over six months

Paid employees can begin or continue to work in regulated employment while waiting for the outcome of their blue card application. People working in regulated employment, which is 'one-off' or on a short-term basis (where the duration of their employment is less than that listed above) are not required to undergo a criminal history check.

If the Club knows or reasonably suspects that an employee who is not retrospectively checked has a criminal history relevant to the working with children or young people, the Club can apply for a blue card for that person. The application form for this is a 'Current Employee Blue Card application form.

The strategy caters for the following types of employees:

- A person who has started work pending the outcome of their Blue Card application
- A blue card holder
- A person in regulated employment who is not required to hold a Blue Card, and
- A person who the Commissioner is reassessing.

Volunteers working with children in our Club must have a criminal history check. Application forms for us to apply for a suitability notice for a volunteer can also be downloaded from [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au). Screening for volunteers is free.

### **Exemptions**

The following people are exempt from the Working with Children Check:

- Children under 18 who are volunteers
- Parents who volunteer their services or conduct activities through the ICFC or are involved in sport and active recreation activities where their child is also a member of the Club.

### **Businesses**

A person carrying on the following regulated businesses within ICFC must also apply for a Blue Card:

- Private teaching, coaching or tutoring,
- Education programs conducted on behalf of the Club,
- Any person or organisation that the Club deems must hold a Blue Card.

### **Blue Card Processing**

A blue card is issued to people who pass a Working with Children Check, which is carried out by the Queensland Commission for Children and Young People and Child Guardian. The Commission is an independent statutory authority which promotes and protects the rights, interests and wellbeing of children and young people in Queensland, especially those most vulnerable. Under the *Commission for Children and Young People and Child Guardian Act (2000)*, people who work with children under 18 in particular businesses or categories of paid or voluntary employment, must undergo employment screening.

### **Requirements**

All club officials, ie. Board, Committee, Coaches, Managers and Volunteers will have to complete the application process outlined below, consenting to a criminal history check so that a suitability check may be carried out. Authorised members must be in possession of the “Blue Card” and a positive notice prior to commencing any placement or activity in any Club role.

This is the key element in the process that will result in a determination that the member is either “suitable” or “unsuitable” to work with children. Members who are deemed “unsuitable” will not be able to undertake a role or have any official duties on behalf of the Club.

### **Application Procedure**

Collect a form from the Club Member Protection (MPO) Officer or from the [Commission's website](#). Please ensure that the form you are completing has a large **V** in the top corner. Complete Parts C and D of the application form disclosing all relevant information. Collate the required proof of identity as stated in part B. Take the completed application form and the original proof of identity documents to the Club's MPO.

The application will be processed by the MPO. If complete and correct the application will be forwarded to the Commission for processing.

### **Application Renewal Procedure**

It is the responsibility the MPO to maintain records of “Blue Card” currency, however, the currency of their “Blue Card” as well as the responsibility to inform the Commission within 14 days of any changes to their details is the responsibility of the member. Failure to provide this information is an offence.

Approximately 16 weeks prior to expiry you will receive a renewal notice and renewal application form. However you may also download a renewal form from the [Commission's website](#). Please ensure that the form you are completing has a large **V** in the top corner. Complete Parts C and D of the application form disclosing all relevant information. Collate the required proof of identity as stated in part B. Take the completed application form and the original proof of identity documents to the Club's MPO. If complete and correct the application will be forwarded to the Commission for processing.

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**FOOTBALL ASSOCIATIONS REQUIREMENTS****Soccer Queensland (TBD)****Brisbane Men's Soccer (TBD)****Brisbane Women's Soccer (TBD)****Brisbane Southern Districts Soccer Association (TBD)****CLUB REQUIREMENTS****Code Of Behaviour**

ICFC requires every individual and organisation bound by this policy to:

- Be ethical, fair and honest in all their dealings with other people;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with the Club's constitution, rules and policies including this member protection policy;
- Operate within the rules and spirit of the sport;
- Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- Be responsible and accountable for their conduct; and
- Abide by the relevant Role-Specific Codes of behaviour outlined in Attachment A of this policy.

**Specified Responsibilities*****Organisational Responsibilities***

The ICFC must:

- Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- Monitor and review this Plan at least annually.

***Individual Responsibilities***

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- Consenting to a national police check if the individual holds or applies for a specific role;
- Complying with all other requirements of this policy;
- Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- Understanding the possible consequences of breaching this policy.

## **CLUB POSITION / POLICY**

### **Child Protection Policy**

Every person and organisation bound by this Plan must always place the safety and welfare of children above all other considerations.

ICFC acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. ICFC aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to work with, have regular contact with, direct and unsupervised contact with children. (Screening procedures are outlined in this plan);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (our complaints procedure is outlined in this plan); and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

ICFC requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the Club's MPO and where necessary, the police or relevant government agency. Descriptions of the sorts of activity that may be abuse are provided in this Plan.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in this Plan.

If anyone bound by this Plan reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the MPO and/or relevant government department for youth, family and community services.

### **Anti-Discrimination and Harassment Policy**

ICFC aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

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ICFC recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

ICFC prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.

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 this Plan. This will explain what to do about the behaviour and how the Club will deal with the problem.

### **Sexual Relationships Policy**

ICFC takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. ICFC also takes the view that such relationships while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence. ICFC's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, ICFC will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the MPO if they feel harassed.

The law is always the minimum standard for behaviour within the ICFC and therefore sex with a child is a criminal offence.

### **Anti Disability Policy**

More and more people are participating in sport and recreation throughout a wide spectrum of activities, from coaching and officiating at a local sporting club, to playing professionally in an international competition. Every participant in sport has the right to participate in an environment that is fun, rewarding, safe and healthy, and to be treated with respect, dignity and fairness. If all participants are to have this opportunity, people with a disability must also be considered.

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The ICFC is bound by the disability policies and rulings of the associations from which membership is sought.

Active Australia a program sponsored by the Australian Sports Commission, have produced a guide for "Harassment Free Sport - Anti-Disability Discrimination" to aid organisations manage what is a difficult area of law to document as discrimination varies from person to person. The ICFC will enforce the guideline of this guide that should be read in conjunction with this Plan.

## **IMAGES OF CHILDREN (PHOTOGRAPHY)**

### **Background**

There have been concerns about the risks posed directly and indirectly to children and young people through the use of photographs on sports web sites and other publications. Additionally images can be used or adapted for inappropriate use. The end result is that in spite of the best intentions on the part of the publisher, children can end up being the victims of abuse. ICFC staff and members need to be aware of these potential risks and take appropriate steps to address them.

### **Parental Permission To Photograph And/Or Video**

The Ipswich City Council owns the property occupied and used by the Club including the surrounding areas. As public property, the Clubs powers are limited to members and their families. The Club has no lawful power to prohibit any Photos and/or Video of individuals, other teams, members of the public or other. In addition, the Club may authorise the taking of photographs and/or video for promotional, marketing and/or resale purposes.

Should parents, guardians or members have specific reason that would prohibit photographs and/or video of individuals, teams, family members or other, you must express these concerns to the Club MPO.

A permission to photograph form for parents or guardians has been provided at Attachment C. Although permission to Photograph and/or Video has a beginning and an "end/expiration" date, the Parent(s) can revoke the document at any time even before the end date.

### **General Guidelines**

#### ***Acquiring Images***

- Where possible, permission needs to be obtained from the athletes parent / guardian prior to taking their image. Ensure that they are aware of the way in which the image may be used.
- Request that professional photographers and/or spectators taking photographic / video images register their intent with the Club's MPO.
- Clearly outline to professional photographers that all images taken will remain the property of the Club, and can not be used or sold for any other purpose. Clearly outline that all negatives / proofs / digital data / work product etc need to be destroyed or given to the Club as agreed when the photo opportunity was approved.
- Clearly outline and publicise what is considered appropriate behaviour and content to those taking photographic / video images.
- Do not allow unsupervised or individual access to athletes.

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- Do not approve photo / video sessions outside the event venue or at an athletes home.
  - Provide details of who to contact if concerns or complaints of inappropriate photographic behaviour or content are raised.

### *Displaying Images*

- Consider using models or illustrations for promotional / advertising purposes.
- Permission needs to be obtained from the athletes parent / guardian prior to using their image. Ensure that they are aware of the way in which the image is to be used and how long the image will be displayed when used on a website.
- If the athlete is named, avoid using their image.
- If an image is used, avoid naming the athlete. If this is not possible avoid using both a first name and surname.
- Do not display personal information such as residential address, email address or telephone numbers without gaining consent from a parent / guardian first.
- Do not display information about hobbies, likes / dislikes, school, etc as these can be used as tools by paedophiles or other persons.
- Only use appropriate images of the athlete, relevant to the sport or activity, and suitably clothed. Images of athletes in sports or activities that involve minimal clothing or unusual body positions / poses, which could potentially be misused, should focus on the activity not on a particular child and avoid full face and body shots.
- Reduce the ability for the direct copying of pictures from a website to another source (i.e. disable the 'right mouse click' function)
- Provide details of who to contact if concerns or complaints of inappropriate image use are raised.

## **HEALTHCARE FOR MEMBERS**

### **Background**

It sometimes is necessary for parents to provide permission so that their child can participate in some form of organised activity (i.e. a school trip, excursion, sports team etc...) and to release the organiser of the activity from liability.

A "Parental Permission And Medical Consent with Liability Release" Form allows parents to give consent for their child to participate in a specified activity as defined in the form. This form also grants the organisers of the activity the power to make health care related decisions on behalf of the child should the Club be unable to contact a parent or guardian.

By having this type of document available, the Club will be able to better deal with any types of emergency involving the children and can avoid potential problems should a child be injured or in any other way endangered. Medical personnel such as ambulance staff will also generally feel more comfortable dealing with someone who can provide this type of document should the Club be unable to contact a parent or guardian.

The Permission and Medical Consent with Liability Release Form also releases the Club from any liability, holds them harmless and indemnifies them in the event of injury or damage.

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**Parental Permission To Provide Healthcare**

A permission to provide FirstAid and medical treatment (Healthcare) form for parents or guardians has been provided at Attachment E. Although permission to provide healthcare has a beginning and an "end/expiration" date, the Parent(s) can revoke or amend the document at any time even before the end date.

**General Guidelines*****Club Responsibilities***

- Retain the original of all member forms for a period of two years or until any open actions have been resolved.
- Make available a copy for all Coach's and/or Manager's.
- Take appropriate action to secure all documents.
- Counsel and record all Parents and/or Guardians of the risks and responsibilities should they not approve the Club or its representatives to have such authority to authorise healthcare.
- Provide a list of players that do not have healthcare authority to the Coaches and/or Managers
- Record all incidents where healthcare is provided.

***Coach and/or Manager Responsibilities***

- Ensure that they have a current copy of all players' permission forms.
- Ensure that all permission forms are not made available for unauthorised use.
- Ensure that treatments that are unauthorised are not approved by other than an authorised Parent and/or Guardian.
- Ensure that all personal information is disposed of by appropriate methods.
- Report all incidents where healthcare is provided to the Club's MPO.

***Parent and/or Guardian Responsibilities***

- Approach the Club MPO and provide and/or update the details from any changes of circumstance including but not limited to; medication, personal details, guardianship, current health.
- Where the Club has not been approved to provide healthcare, the Parent and/or Guardian must be in attendance during all activities provided by the Club for which the child participates.

**COMPLAINTS MANAGEMENT****Procedures**

To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, the ICFC will follow and implement the following procedures:

**Complaints Procedure**

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or

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relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, the Club has developed a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process MPO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the Board for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### *Step 1 - Personal Resolution*

As a first step the complainant should try to sort out the problem with the person or people involved if you feel able to do so.

### *Step 2 – Document the Complaint*

If:

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

The MPO will:

- take notes about your complaint (which the MPO will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

### *Step 3 – Decide whether to Progress*

After talking with the MPO you may decide:

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

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If you wish to remain anonymous, the MPO can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that the Club or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

#### *Step 4 – Other Resolutions*

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to the MPO, or
- approach a relevant external agency such as an equal opportunity commission, for advice.

#### *Step 5 – Formalising the Complaint*

If you decide to make a formal complaint in writing under Step 4, the MPO will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the Club. In these cases, the MPO may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the MPO will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable

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behaviour while the complaint process set out in these Procedures is being conducted.

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

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment C6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

#### *Step 6 – Entity Referred*

If:

- a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to the MPO who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Hearings and tribunals chapter of this plan, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with this Plan or as otherwise agreed by you and the respondent;
- the complaint is referred to a hearings tribunal under **Step 5**, the hearing will be conducted in accordance with this Plan;
- the complaint is referred to the police or other appropriate authority under **Step 5**, the Club will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under **Step 5**, the Club will periodically review these arrangements to ensure that they are effective.

#### *Step 7 - Appeals*

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that MPO reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- under **Step 5**, a decision was made by the MPO;
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- 
- not to take any action; or
  - to take disciplinary action; or

under **Step 6**, a decision was made by a hearings tribunal:

- not to take any action; or
- to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out below.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within the Club, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

### *Step 8 - Records*

MPO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

### **External Considerations**

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from the State equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

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

### **Mediation**

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by ICFC. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:

- After the complainant and respondent have had their chance to tell their version of events to MPO on their own; and
- MPO does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
- Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).

Mediation will not be recommended if:

- The respondent has a completely different version of the events and they won't deviate from these;
- The complainant or respondent are unwilling to attempt mediation; or
- Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.

If mediation is chosen to try and resolve the complaint, the MPO will, in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint. The MPO will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them the MPO has decided to refer the matter to mediation to resolve the complaint. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, the mediator will prepare an agenda of issues for discussion. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.

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

- Write to the Board to request that the MPO reconsider the complaint in accordance with **Step 5**; or
- Approach an external agency such as an anti-discrimination commission.

### **Investigation - General**

If an investigation needs to be conducted the following steps are to be followed:

- A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
- The complainant will be interviewed and the complaint documented in writing.

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- The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
  - The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
  - If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.

The investigator will make a finding as to whether the complaint is:

- substantiated (there is sufficient evidence to support the complaint);
- inconclusive (there is insufficient evidence either way);
- unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
- mischievous, vexatious or knowingly untrue.
- A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to [insert relevant person/tribunal].
- A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
- Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPO).
- The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process.

### **Investigation - Child Abuse**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow:

#### ***Step 1 - Clarify basic details of the allegation***

- Any complaints, concerns or allegations of child abuse should be made or referred to MPO.
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
  - Listen to, be supportive and do not dispute what the child says;
  - Reassure the child that what has occurred is not the fault of the child;
  - Ensure the child is safe;
  - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
  - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

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- Child's name, age and address;
  - Person's reason for suspecting abuse (observation, injury or other); and
  - Names and contact details of all people involved, including witnesses.

***Step 2 – Report allegations of a serious or criminal nature***

Any individual or organisation to which this policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority. If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency. The relevant State authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported. If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

***Step 3 – Protect the child***

The MPO, should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

The MPO, should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

***Step 4 – Further clarify and investigate allegation***

For allegations of a serious or criminal nature (for example, sexual abuse):

Seek advice from the police and relevant government agency as to whether the Club should carry out its own internal investigation (in addition to any police or relevant government agency investigation). If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:

- Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
  - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of the Club if required (example, professional counselling).
  - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
  - Obtain a signed statement and record of interview from the person.
  - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
  - Obtain other information that could assist in making a decision on the allegation.
  - The information collected during the investigation should be made available to the relevant authorities.
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- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation. The investigator should follow the procedure set out below. Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

*Step 5 – Record and analyse all information*

If an internal investigation was conducted under **Step 4**, the investigator will provide a report to the MPO or the Board. The decision-maker(s) will be the Club's Board and will remain separate and at arm's length from the investigator. The Board will consider all the information and determine a finding. The Board will also recommend action and its rationale for the action.

*Step 6 – Undertake disciplinary action*

For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings. If disciplinary action is to be taken;

- follow the procedures outlined in this Plan.
- Implement any disciplinary decision recommended by the Board.
- The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report. Complete the report form in Attachment D to this Plan.
- Retain the original in a secure place and forward a copy to the MPO of the Club.

**Hearings & Appeals Tribunal**

The following Tribunal Hearing Procedure will be followed by hearings tribunals established by the ICFC.

*Tribunal Formation and Notification*

A Tribunal Panel will be constituted following the rules outlined in this Plan, to hear a complaint that has been referred to it by the MPO.

The MPO will organise for a Tribunal to be convened by notifying all Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by MPO relating to the complaint/allegations.

The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.

The minimum number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be three. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint. The Tribunal Panel will comprise at least

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one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment). If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced. If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson.

Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the MPO of the need to reschedule, and the MPO will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.

The MPO or the Tribunal Chairperson will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:

- That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
- Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
- The date, time and venue of the tribunal hearing;
- That they can make either verbal or written submissions to the Tribunal;
- That they may arrange for witnesses to attend the Tribunal in support of their position;
- An outline of any possible penalties that may be imposed if the complaint is found to be true; and
- That legal representation will not be allowed. [If the respondent is considered a minor, they should have a parent or guardian present.]

A copy of any information / documents that have been given to the Tribunal (eg investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all Club activities and events, pending the decision of the Tribunal, including any available appeal process, unless the MPO and the Tribunal believes it is warranted to exclude the respondent(s) from all or some Club activities and events, after considering the nature of the complaint.

The MPO or the Tribunal Chairperson will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:

- That the person has a right to appear at the tribunal hearing to support their complaint;
- Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
- The date, time and venue of the tribunal hearing;
- That they can make either verbal or written submissions to the Tribunal;
- That they may arrange for witnesses to attend the Tribunal in support of their position; and
- That legal representation will not be allowed. [If complainant is considered a minor, they should have a parent or guardian present.]

A copy of any information / documents that have been given to the Tribunal (eg investigation report findings) will also be provided to the complainant.

If the complainant believes the details of the complaint are incorrect or insufficient they should inform the MPO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

#### Tribunal Hearing Procedure

- The following people will be allowed to attend the Tribunal Hearing:
- The Tribunal Panel members;
- The respondent(s);
- The complainant;
- Any witnesses called by the respondent;
- Any witnesses called by the complainant;
- Any parent / guardian or support person required to support the respondent or the complainant.

The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.

If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly.

If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.

The Tribunal Chairperson will inform the MPO of the need to reschedule, and the MPO will organise for the Tribunal Hearing to be reconvened.

The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.

If the respondent(s) agree with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures. The Tribunal only has the powers / authorisation to impose disciplinary measures authorised under our Constitution, Member Protection Plan, the laws of the State and the Commonwealth and through player and membership agreements.

If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made, noting that:

- Brief notes may be referred to.
- The complainant will be allowed to call witnesses.
- The respondent(s) may be allowed to question the complainant and their witnesses.

The respondent(s) will then be asked to respond to the complaint, noting that:

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- Brief notes may be referred to.
  - The respondent will be allowed to call witnesses.
  - The complainant may be allowed to ask questions of the respondent and their witnesses.

Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.

The Tribunal will be allowed to:

- consider any evidence, and in any form, that it deems relevant.
- question any person giving evidence.
- limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.

Photographic and/or Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.

If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.

After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the Club's Constitution, Member Protection Plan will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.

All decisions made by the Tribunal will be based on a majority vote.

The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.

Within 48 hours, the Tribunal Chairperson will:

- Forward to the MPO a copy of the tribunal decision including any disciplinary measures imposed.
- Forward a letter to the respondent(s) reconfirming the Tribunals decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.
- Appeals Procedure

A complainant or a respondent(s) who is not satisfied with a decision described in **Step 7** of the Complaints Procedures can lodge one appeal to the MPO on one or more of the following bases:

- That a denial of natural justice has occurred; or
- That the disciplinary measure(s) imposed is unjust and/or unreasonable.

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A person wanting to appeal must lodge a letter stating their intention; provide payment of a \$50.00 appeal fee and the basis for their appeal with the MPO within 2 calendar days of the relevant decision.

If the letter of appeal is not received by the MPO within the prescribed time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.

Upon receipt of the letter of appeal, the Tribunal Chairperson must convene a special meeting of the Tribunal to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The Tribunal will be able to invite any witnesses to the meeting it believes are required to make an informed decision.

If it is considered that the letter of appeal has not shown sufficient grounds for appeal then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision.

The basis for appeal should be on additional evidence. Should no additional evidence be provided, the Tribunal Chairperson has the authority to terminate proceedings.

If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint. The Board Chairman shall follow the Tribunal Formation and Notification procedures outlined above.

The Tribunal Hearing Procedure shall be followed for the appeal. The decision of the appeal Tribunal will be final.

### **Disciplinary Measures**

Any disciplinary measure imposed by Tribunal Chairperson under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the Club to impose the disciplinary measure.

### ***Individual's***

Subject to contractual and employment requirements, if a finding is made that an individual has breached the Club's Member Protection Plan (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by:

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour attendance at which must be evidenced;
- A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the Club
- 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;

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- Recommend that the Club terminate the individual's membership, appointment or engagement;
  - In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
  - Any other form of discipline that the Club considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

### *Organisations*

If a finding is made that a Club member or affiliated organisation has breached the Club's Member Protection Plan (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Board:

- A written warning;
- A monetary fine, (where contract provisions apply);
- A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- A direction that any funding granted or given to it by the Club, national body or a peak association, cease from a specified date;
- A direction that the Club, national body and peak associations cease to sanction events held by or under the auspices of that organisation;
- A recommendation to the national body and/or the association that its membership of the national body or peak association 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 organisation considers being appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

### *Factors To Consider When Imposing Discipline*

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

- If the individual is a parent and/or spectator (ability to enforce a penalty may be difficult);
- Nature and seriousness of the behaviour or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- Level of contrition of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

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## RECORDS AND REPORTING

Reporting and records are necessary to assist in consistency and accuracy in following procedure and reporting on the issues covered by the ICFC Member Protection Plan. Attachment D provides forms for reporting and recording of complaints.

### General Principles

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainants own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

### Mandatory Forms

To further assist in consistency and accuracy in following procedure and reporting on the issues covered by the ICFC Member Protection Plan, the following documents are to be used:

|                |  |
|----------------|--|
| Attachment D-1 | Confidential Record of Informal Complaint – to be used by MPOs or others who receive a complaint or allegation                 |
| Attachment D-2 | Confidential Record of Formal Complaint – to be used when a formal complaint is received by Club                               |
| Attachment D-3 | Confidential Record of Child Abuse Allegation – to be used by MPOs or others who receive complaints/allegations of child abuse |
| Attachment D-4 | Record of Mediation – to be used by those who conduct a mediation  |
| Attachment D-5 | Record of Tribunal Decision  |

## ENFORCEMENT

Government statutes and rules of association with governing bodies bind the Club. Where such authorities provide a ruling either by executing statutes or through formal assessment, the ICFC will implement their rulings. This does not prohibit the Club from appealing such decisions in its own right or on behalf of a member.

Where a member is found to have breached Government statutes, Association and/or Club policy, the findings will be reported to the authorities where appropriate and the findings of the review are to be implemented immediately.

ICFC Business Rule #1 (Refusal of Position Nomination) must be read in conjunction with the Plan.

## **TRAINING AND EDUCATION**

Appropriate training shall be provided for personnel with member protection responsibilities. Club members are to be identified in two categories:

- Member Protection staff – Will attend all compulsory training in accordance with State, local Council and association requirements. In addition the MPO will be afforded formal education at the Club's expense should such additional education be deemed appropriate by the Board.
- Board, Committees, Coaches, Managers, Volunteers and Members (Officials) – All Officials will be advised through their sign on packages of their responsibilities and of the existence of the Member Protection Plan and its availability for review.

## **COMMUNICATION**

To ensure maximum availability and access, a current version of the MPP is to be placed on the Club's website in PDF format.

The MPO is responsible for ensuring all members of the Club are informed of theirs and the Club's responsibilities. This may be achieved through:

- Additions in newsletters,
- Signage at the Club,
- Briefings at Club Functions,
- Documentation on the Club's website.

## **RISK MANAGEMENT STRATEGIES**

Recent amendments to the Act now require organisations and people carrying on regulated businesses to develop and implement a risk management strategy to promote the wellbeing of children and protect them from harm. Although employment screening is a vital child protection mechanism, the blue card is not a guarantee of a person's safety around children and is no substitute for an appropriate range of risk management strategies. Risk management allows the Club to identify and assess possible sources of harm, and take steps to decrease or prevent it from occurring. It must include evidence of procedures, processes and documents which show an organisation's commitment to maintaining the safety and wellbeing of children and young people.

The key elements an organisation needs to consider in creating a risk management strategy include:

- a child protection policy, which outlines:
- a Code of Conduct
- recruitment, training and management procedures for staff

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- reporting guidelines and directions for handling disclosures or suspicions of harm, and
  - consequences to staff for non-compliance with the policy

Communication and support strategies, such as:

- information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
- training materials and communication strategies which help staff, volunteers and parents identify risks of harm

Documentation of risk management processes including:

- registers of staff
- strategies and plans for high-risk and special events
- complaints registers, and
- forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.

If a child is harmed in some way, the ICFC may be required to prove staff took 'reasonable steps' to prevent 'foreseeable harm'.

To ensure all organisations support the MPP, a clause is to be included in all agreements that the Club generates.

To ensure that all members are aware of their responsibilities, member and player induction packages are to include as a minimum, reference to the MPP and where it may be viewed.

## DEFINITIONS

**Accountability** - the principle that individuals, organisations, and the community are responsible for their actions and may be required to explain them to others.

**Archive** - those records that are no longer active but appraised as having continuing or permanent value.

**Capture** - the process of determining that a record should be made and kept, including records created internally and those received by the Club from external sources. It involves deciding which documents are captured, which in turn implies decisions about who may have access to those documents and generally how long they are to be retained.

**Club Official** – Any member of the Club's Board and Committees or any person approved to be a Coach, Manager or a Volunteer.

**Complainant(s)** – Individual or individuals making a complaint.

**Disability:** 'Restriction or lack of ability to perform an activity in the manner or within the range considered "normal" for a human being' eg inability to catch, difficulty in following visual instruction.

**Discrimination** – Unfavorable treatment based on race, sex etc. prejudice.

**Disposal** - the removal of records from the Club once they have reached the inactive phase, and their subsequent destruction, or permanent retention as Commonwealth archives.

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**Disposal Authority** - the Club's policy for the retention and disposal of records, as approved by relevant Acts or the Board.

**Documents** - a standardised and consistent approach to the performance of activities conducted by the business. Examples of Documents include (note, not definitive, authoritative or exhaustive): Management Plans, Manuals, guidance information, Drawings, Procedures, Instructions, acceptance criteria, reference materials, Statutory Regulations, Standards, Codes of Practice, Specifications, Proposals, Proposal Responses, or correspondence.

**Electronic Records** - records communicated in electronic format and maintained by means of electronic equipment.

**Ephemeral Records** - documents that have only short-term value to the Club with little or no ongoing administrative, fiscal, legal, evidential, or historical value.

**Evidence** - information that proves a fact and supports the business activity and actions.

**Handicap** - 'A disadvantage for a given individual resulting from an impairment or a disability that limits or prevents the fulfillment of a role that is normal (depending on age, sex, social and cultural factors) for that individual' eg perceived as being unable to play soccer, limited access to physical education opportunities.

**Harassment** – Behaviour that, offends, humiliates, intimidates or creates a hostile environment.

**Impairment** - 'Loss or "abnormality" of psychological, physiological, or anatomical structure or function' eg loss of a limb, legally blind.

**Preservation** - the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

**Records** - evidence of compliance and performance and means any record of information however recorded, and includes:

- any thing on which there is writing or Braille;
- a map, plan, diagram or graph;
- a drawing, pictorial or graphic work, or photograph;
- anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- anything on which information has been stored or recorded, either mechanically, magnetically, or electronically;

**Record Keeping** - the making and maintaining of complete, accurate and reliable evidence of business transactions in the form of recorded information.

**Records Continuum** - the whole extent of a record's existence. Refers to a consistent and coherent regime of management processes from the time of creation of records, through to the preservation and use of records as archives.

**Registration** - the act of giving a record a unique identity in a formal record keeping system.

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**Respondent(s)** – An individual or individuals to whom must respond to a complaint.

**Retention Period** - in relation to a record, the period for which the record

**Tribunal** – A board appointed to adjudicate in some matter

**Vicarious Liability** – A general legal principle that an individual is personally responsible for his or her own unlawful acts.

**Volunteer** - A volunteer is a person who is employed by another person not for financial reward but who may receive reimbursement for out of pocket expenses.

## ACCRONYMS

CCYPCG - Children and Young People and Child Guardian

ICFC – Ipswich City Football Club

MPO – Member Protection Officer

## REFERENCES

1. Commission for Children and Young People and Child Guardian

[www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

2. Australian Sports Commission

“Harassment Free Sport – Anti-disability Discrimination” Pamphlet: ISBN 1 74031 018 9

3. ICFC Business Rule #1

“Refusal of Position Nomination”