



## MEMBER PROTECTION POLICY

2015



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# INTRODUCTION

Touch Football Australia encourages participation in our sport, in any capacity, by all members of the community – without reference to age, ability, income, education, sexual preference, race or religion.

Our commitment to provide an environment safe for children, that is free from harassment, discrimination and abuse for everyone, and promotes inclusion, respectful and positive behaviour and values.

Not only does inclusion cover the more obvious physical barriers to participation encountered by people with disabilities, it also extends to the less obvious barriers which are sometimes encountered by people due to the above mentioned factors, which are of equal, if not greater, significance.

Inclusion will only work if all stakeholders under the Touch Football Australia umbrella embrace the idea of including people of **ALL AGES AND ABILITIES** and move forward with the understanding that all members of the community have a role to play in the success of the organisation and sport itself.

Harassment and abuse within sport can have a devastated effect on not only individuals, but the sport itself. Therefore through our Member Protection policy we are looking to educate, communicate and support a positive environment for all of our participants.

The role that every person plays to make an organisation a success, and success should not only be measured by the results on the board, but the feel and atmosphere around the organisation.

In line with the values associated with inclusion, Touch Football Australia will make a commitment to the following principles:

- Touch Football Australia will familiarise members with our services and volunteers and do whatever possible to help them to feel like they belong.
- When considering people's input into the association or our activities, we will focus on their abilities and not on their limitations. We will acknowledge people's skills and attributes in all areas of our operations such as playing, administrating, coaching, general assistance, organising, fundraising and supporting.
- We will acknowledge that while some people have specific needs and may require assistance in some areas of the participation (i.e. people with disabilities), their involvement in other areas of competence will not be met with unusual or extraordinary treatment. Touch Football Australia will regard every person as an active and contributing participant.

Given the importance of sport and recreation to the larger community, we agree that it is of utmost importance to Touch Football Australia that all members of the community, regardless of age, sex, race, socio-economic status, ability and geographical location have access to the range of opportunities that we provide.

All members are encouraged to read the information contained in the Play by the Rules website [www.playbytherules.net.au](http://www.playbytherules.net.au).

All critical volunteers including affiliate's committee members, Board of Management members, Touch Football Australia appointed officials and various state based sub-committee members will also be strongly encouraged to participate in and complete the online training available on that website to further assist in ensuring these values are upheld.



Colm Maguire

Chief Executive Officer – Touch Football Australia

# VERSION CONTROL REGISTER

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## DISCLAIMER

The preparation of this document is in no way a commitment from Touch Football Australia to provide funds or make any other contribution now or in the future.

Touch Football Australia policies and procedures are living documents which reflect progress in administrative requirements and industry standards. As such these documents to maintain currency, policy and procedures are periodically reviewed and updated. It is important the reader ensure they are reading and using the most up to date version. To confirm the version, please contact Touch Football Australia at [www.touchfootball.com.au](http://www.touchfootball.com.au)

Touch Football Australia also welcomes suggestions or improvements to our policies and procedures, especially if a reader identifies any inaccuracies or ambiguities.

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# PART A: NATIONAL MEMBER PROTECTION POLICY

## 1. INTRODUCTION

To develop and service the sport of Touch Football for the enjoyment of all.

## 2. PURPOSE OF POLICY

This *National Member Protection Policy* (“policy”) aims to assist Touch Football Australia (TFA) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, TFA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the TFA Board of Management and has been incorporated into our By-Laws. The policy starts on 1 January 2015 and will operate until replaced.

Copies of the current policy and its attachments can be obtained from the TFA website at [www.touchfootball.com.au](http://www.touchfootball.com.au) or by contacting the TFA office on 02 6212 2800.

*This policy is supported by Affiliated bodies that have adopted and implemented this policy.*

## 3. WHO IS BOUND BY THIS POLICY

This national policy applies to the following people operating at any level of Touch Football, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 Persons appointed or elected to boards, committees and sub-committees;
- 3.2 Employees of Touch Football Australia;
- 3.3 Members of the Touch Football Australia Board of Management;
- 3.4 Support personnel including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 Coaches and assistant coaches;
- 3.6 Athletes;
- 3.7 Referees and other officials;
- 3.8 Selectors and Talent Identification officials;
- 3.9 Members, including life members of TFA;
- 3.10 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by TFA;

- 3.11 Any other person or organisation that is a member of or affiliated with TFA;
- 3.12 Parents, guardians, spectators and sponsors who or which agrees in writing, whether on a ticket, entry form or otherwise, to be bound by this policy; and/ or
- 3.13 Any other person to whom the policy may apply.

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

This policy also applies to the following associations:

- 3.14 Member associations;
- 3.15 Affiliated clubs and associated organisations;
- 3.16 Any other associations, such as Coaches Association, Players Association, etc.

Affiliated associations are required to adopt and implement this policy and to provide proof to Touch Football Australia, through their State office, of the approval of the policy by the relevant board in accordance with its constitution. Affiliated associations must also undertake to ensure that individual Members are bound by this policy and are made aware of this policy and what it says.

#### **4. RESPONSIBILITIES OF THE ORGANISATION**

Touch Football Australia and other affiliated associations must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to all persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour e.g. Member Protection Information Officers (MPIOs);
- 4.10 Monitor and review this policy at least annually.

#### **5. INDIVIDUAL RESPONSIBILITIES**

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any state/territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;

- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

## **6. POSITION STATEMENTS**

### **6.1 Child Protection**

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

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

#### **6.1.1: Identify and Analyse Risk of Harm**

TFA 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.

#### **6.1.2: Develop Codes of Conduct**

TFA will develop and promote a code of conduct that sets out the behaviour we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

The code(s) of conduct will clearly set out professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy).

#### **6.1.3: Choose Suitable Employees and Volunteers**

TFA will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

TFA will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

#### **6.1.4: Support, Train, Supervise and Enhance Performance**

TFA will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

### **6.1.5: Empower and Promote the Participation of Children in Decision-Making and Service Development**

TFA will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

### **6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

## **6.2 Taking of Images of Children**

Images of children can be used inappropriately or illegally. TFA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images, through the TFA Membership and Participant Declaration. We require our member associations and clubs to do likewise

## **6.3 Anti-Discrimination and Harassment**

TFA aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms (see clause 10). In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

## 6.4 Sexual Relationships

TFA takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from the Member Protection Information Officer if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

## 6.5 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

TFA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a medical clearance if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

## 6.6 Gender Identity

TFA is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy)

TFA recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent

discrimination laws across the country. If issues of performance advantage arise, we will seek advice on the application of those laws in the particular circumstances.

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

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

## **6.7 Responsible Service and Consumption of Alcohol**

TFA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events will be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served;
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed; and
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

Further guidance on developing an Alcohol Policy is available at:

[www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit)

## **6.8 Smoke-free Environment**

TFA recommends that the following policies be applied to all sporting and social events that we hold or endorse:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any TFA Club, competition or team, on and off the field.

## 6.9 Cyber Bullying

TFA regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements.

Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or Facebook, for example, when the writer may be upset or vulnerable.

TFA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, league or peak sporting body.

## 6.10 Social Networking Websites

TFA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language;
- must not be misleading, false or injure the reputation of another person;
- should respect and maintain the privacy of others;
- should promote the sport in a positive way.

Further guidance on developing a Communications Policy is available at:

[www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit)

## 7. COMPLAINTS PROCEDURE

### 7.1 Handling Complaints

TFA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice. Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the local State Member Protection Information Officer (MPIO) or the CEO, who may then pass onto an appropriate delegated officer.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- local level or involves people operating at the local level, then the complaint should be reported to and handled by the relevant local in the first instance; or

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state office/association in the first instance or after the local level resolution is unable to be found.

Only matters that relate to, or which occurred at, the national level and the most serious cases, or unresolved cases at the local and state level should be referred to the national body.

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

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment *[D1]*.

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

## **7.2 Improper Complaints and Victimisation**

TFA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint. We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the MPIO or CEO delegated individual considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to an independent tribunal for review and appropriate action, including possible disciplinary action against the complainant.

## **7.3 Mediation**

TFA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the CEO, or delegated individual will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment *[D3]*.

## **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- Referred to it by CEO or delegated individual;
- Referred to it or escalated by a state association because of the serious nature of the complaint, or unable to be resolved at the state level, or the state policy directs it to be; and/or
- For an alleged breach of this policy.

Our Tribunal procedure is outlined in the [Touch Football Australia Disciplinary Regulations Manual](#), which is also the attachment [D4].

A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in [Touch Football Australia Disciplinary Regulations Manual](#). As above, is attachment [D4]

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

## 8. WHAT IS A BREACH OF THIS POLICY

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

- 8.1 Breaching the Codes of Behaviour (see attachment B to this policy);
- 8.2 Bringing Touch Football and/or TFA into disrepute, or acting in a manner likely to bring Touch Football and/or TFA into disrepute;
- 8.3 Failing to follow TFA policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 Victimising another person for reporting or supporting a complaint;
- 8.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 Disclosing to any unauthorised person or organisation any TFA information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **know** to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

## 9. DISCIPLINARY MEASURES

TFA may impose one or more forms of disciplinary measures if any individual or organisation to which this policy applies breaches this policy.

Any disciplinary measure imposed under this policy must:

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

## 9.1 Individuals

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by TFA;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that TFA terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 A fine; and/or
- 9.1.11 Any other form of discipline that the Organisation considers appropriate.

## 9.2 Organisations

If a finding is made that a TFA member or affiliated organisation has breached its own or this national Member Protection Policy, one or more of the following forms of discipline may be imposed by Tribunal:

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 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;
- 9.2.4 A direction that any funding granted or given to it by the national body or a peak association ceases from a specified date;
- 9.2.5 A direction that TFA and peak associations cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 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
- 9.2.7 Any other form of discipline that the TFA body or peak organisation considers to be reasonable and appropriate.

## 9.3 Factors to consider

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

- The nature and seriousness of the breach;

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

## 10. DICTIONARY OF TERMS

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

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

**Affiliated club** means a local entity that conducts and/or administers Touch Football competitions and which is a Member of the Association as described under **clauses 12 and 15** of the TFA Constitution.

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

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

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

**Complaint** means a complaint made under clause [7] of this policy.

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

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

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

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

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

#### Examples of Discrimination

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

Further information is available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

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

Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under “Discrimination”).

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

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

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

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

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

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

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

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member** means a member for the time being of the Association under clause 12 of the TFA Constitution.

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

**Natural justice (also referred to as procedural fairness)** requires that:

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

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

**Policy, policy and this policy** means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (e.g. Coaches, officials, umpires)

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

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

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

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

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

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

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

## PART B: CODES OF CONDUCT

The Touch Football Australia Code of Conduct reflects our support and implementation of the sport industry principles and values outlined in the Australian Sports Commission's **The Essence of Australian Sport** –principles of fairness, respect, responsibility and safety. This Code aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained and that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

This Code of Conduct has been endorsed by the TFA Board of Management and members of TFA and it may be amended from time to time by the TFA Board of Management or members of TFA. Copies of the Code can be obtained from our website [www.touchfootball.com.au](http://www.touchfootball.com.au) or from TFA by contacting 02 6212 2800.

**This Code of Conduct applies to all individuals and entities involved with Touch Football Australia. The Core Code must be observed by all without exception. The role specific Supplement Codes are to be applied as additional requirements to the Core Code to be observed by individuals performing the state tasks.**

### The Core Code

- operate within the rules, policies, regulations, by-laws and spirit of our sport, promoting fair play over winning at any cost
- encourage and support opportunities for people to learn appropriate behaviours and skills
- support opportunities for participation in all aspects of Touch Football
- treat each person as an individual
- display control and courtesy to all involved with our sport
- respect the rights and worth of every person regardless of their gender, ability, cultural background or religion
- respect the decisions of officials, coaches and administrators in the conduct of our sport
- wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years
- adopt appropriate and responsible behaviour in all interactions, including online activity
- adopt responsible behaviour in relation to alcohol and other drugs
- ensure your decisions and actions contribute to a harassment free environment
- do not tolerate harmful or abusive behaviours
- take reasonable care for his or her own health and safety, and ensure that his or her acts or omissions do not adversely affect the health and safety of others

- act in good faith in the best interests of TFA, act with integrity and objectivity, demonstrate accountability and take responsibility for your actions; do not engage in activities that may bring yourself or TFA into disrepute
- act fairly and impartially, avoid bias, discrimination, caprice or self-interest
- use information appropriately, ensure information gained as a volunteer, coach, official etc, is only applied to proper purposes and is kept confidential
- comply with the *Copyright Act (1968)*, in reference to TFA resources, materials, and works

### **Volunteers Code**

- use volunteer positions appropriately, do not use the position as an important volunteer to seek an undue advantage for yourself, family members or associates, or to cause detriment to TFA; ensure that volunteers decline gifts or favours that may cast doubt on your ability to apply independent judgement
- avoid real or apparent conflicts of interest
- act in a financially responsible manner
- exercise due care, diligence and skill, ascertain all relevant information, make reasonable enquiries, and understand the financial, strategic and other implications of decisions
- demonstrate leadership and stewardship, promote and support the application of TFA's structure and values
- comply with the TFA Constitution and all legislative and regulatory requirements for the position
- ensure adequate protection of Touch Football Australia's intellectual property

### **Athletes Code**

- give your best at all times
- participate for your own enjoyment and benefit
- refrain from any behaviour that may bring TFA, a member association or an affiliated club into disrepute
- exhibit exemplary sportsmanship at all times

### **Coaches Code**

- place the safety and welfare of athletes above all else
- Be aware of and support the sport's injury management plans and return to play guidelines
- help each person (athlete, official etc) reach their potential - respect the talent, developmental stage and goals of each person and compliment and encourage with positive and supportive feedback
- promote respect for the ability of your opponents, referees and all officials

- any physical contact with a person should be appropriate to the situation and necessary for the person's skill development
- commit to providing a quality service to your athletes
- embrace your position as a positive role model for your sport and athletes
- be honest and do not allow your qualifications to be misrepresented
- obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of participants

#### **Officials Code**

- place the safety and welfare of the athletes above all else
- commit to providing a quality service to participants
- be consistent and impartial when making decisions
- address unsporting behaviour and promote respect for all people
- avoid any situation which may lead to a conflict in interest
- obtain appropriate qualifications and keep up-to-date with the latest refereeing practices and the principles of growth and development of participants

#### **Administrators Code**

- act honestly, in good faith and in the best interests of the sport as a whole
- ensure that any information acquired or advantage gained from the position is not used improperly
- conduct your responsibilities with due care, competence and diligence
- do not allow prejudice, conflict of interest or bias to affect your objectivity

#### **Parents Code**

- encourage children to participate and have fun
- provide a model of good sportsmanship for your child to copy
- focus on the child's effort and performance rather than winning or losing
- never ridicule or yell at a child for making a mistake or losing a competition

#### **Spectators Code**

- respect the performances and efforts of all people
- reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes

**Touch Football Australia has implemented a Responsibility Code, with is an educational tool that summaries this Code of Conduct, this can be found at [www.touchfootball.com.au](http://www.touchfootball.com.au)**

## PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

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

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

TFA, including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### ATTACHMENTS

- Attachment C1: Working with Children Check requirements

## **Attachment C1: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net).

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

### **Australian Capital Territory**

Contact the Office of Regulatory Services (ORS):

Website: [www.ors.act.gov.au/](http://www.ors.act.gov.au/)

Phone: (02) 6207 3000

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

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

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)

Phone: 08 8463 6468.

### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

### **Tasmania**

Contact the Department of Justice

Website [http://www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 135513

### **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisation's must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

## PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

### ATTACHMENTS

- Attachment D1: Complaints procedure
- Attachment D2. Investigation procedure
- Attachment D3. Mediation
- Attachment D4. Tribunal procedure – [TFA Disciplinary Regulations Manual](#)

## Attachment D1: COMPLAINTS PROCEDURE

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TFA aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will keep all complaints confidential.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

### 1. INFORMAL APPROACHES

**Step 1: Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

**Step 2: Contact a Member Protection Information Officer**

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

The names and contact details for our MPIOs are available at [www.touchfootball.com.au](http://www.touchfootball.com.au)

The MPIO will:

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

### Step 3: Decide how to resolve the problem

After talking with the MPIO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

## 2. FORMAL APPROACHES

### Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

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

After receiving a formal complaint, and based on the material you provide, the CEO or their delegated individual will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- to refer the matter to the **police or other appropriate authority**, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the CEO/delegated individual will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO/delegated individual is the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- refer the complaint to the relevant local or state level to resolve in the first instance
- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is 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, including disciplinary action in accordance with this policy.

### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in *[Attachment D3]*.

Following the investigation, a written report will be provided to CEO or delegated individual who will determine what further action to take.

- If the complaint is referred to **mediation**, we will follow the steps outlined in *[Attachment D2]* or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in *[Attachment D4]*.
- If the complaint is referred to the **police or another external agency**, we will endeavor to provide all reasonable assistance required by the police or the agency.

### **Step 6: Reconsidering a complaint or appealing a decision**

If mediation is unable to resolve the matter, you may request that the CEO/delegated individual reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made by at a tribunal hearing. The grounds and process for appeals are set out in *[Attachment D4]*.

### **Step 7: Documenting the resolution**

The CEO/delegated individual will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/local level, the information will be stored by the state office/association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored by TFA and a copy stored by the state office/association.

## **3. APPROACHING EXTERNAL ORGANISATIONS**

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the

complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process.

**Contact details for the state and territory anti-discrimination and equal opportunity commissions** are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

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

## Attachment D2: INVESTIGATION PROCESS

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There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to CEO or delegated individual documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g.MPIO).
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in *[Attachment D5]*.

## Attachment D3: MEDIATION

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Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO or delegated individual will appoint a mediator to help resolve the complaint. This will be done under the direction of TFA and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to CEO or delegated individual to request that the CEO or delegated individual to reconsider the complaint in accordance with **Step 3**
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

## Attachment D4: TRIBUNAL PROCEDURES – TFA DISCIPLINARY REGULATIONS MANUAL

The [TFA Disciplinary Regulations Manual](#) outlines, for Touch Football, the foundation of how unacceptable conduct is managed within the sport. It can be found on the link above or on the TFA website [www.touchfootball.com.au](http://www.touchfootball.com.au).

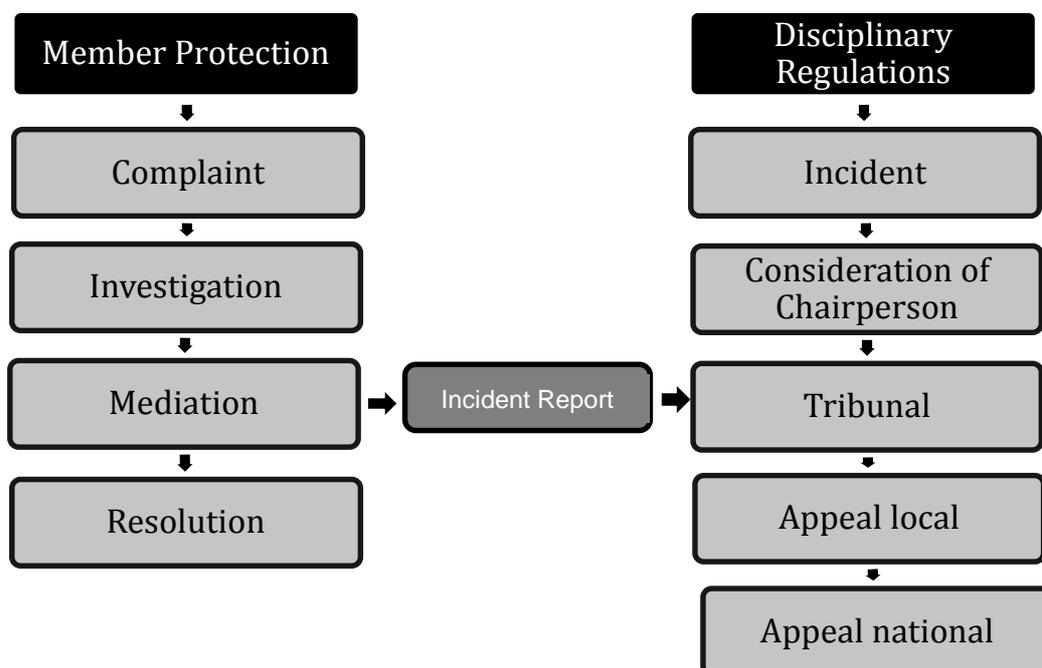
In the instance that a tribunal is conducted, a case moves entirely into the TFA Disciplinary Regulations through the provision of an incident report being lodged to the relevant (local, state or national level) TFA Authority. The incident report should outline all relevant information of the Member Protection complaint, investigation and mediation process. This concludes the Member Protection Policy process with a full transfer into the Disciplinary Regulations system and sequence.

The TFA Authority in this instance, with a transfer into the Disciplinary Regulations must conduct a full tribunal hearing, in accordance with the specified procedures outlined within the Regulations and associated timelines.

The Disciplinary Regulations timelines commence with the completion and lodgement of an incident report, similarly if this is an event context then condensed timelines may be initiated as per the Conditions of Entry of the event.

In accordance with the Regulations, the tribunal processes allows for an initial tribunal hearing, local level appeal and a national level appeal.

This process is reflected in the simple diagram below.



## PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

### ATTACHMENTS

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation



What other information has the complainant provided?	
What is the complainant going to do now?	

**This record and any notes must be kept in a confidential and safe place.** Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be given to CEO or the delegated individual.

**Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details		
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Location/event of alleged incident		
Description of alleged incident		

<p>Nature of complaint (category/basis/grounds)</p> <p>Tick more than one box if necessary</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other .....</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated:</p>	<p>Finding</p>
<p>If heard by Tribunal:</p>	<p>Decision</p> <p>Action recommended</p>

If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: _____ Date / /
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept in a confidential and safe place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to TFA and a copy kept with the organisation where the complaint was first made.

## Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

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

All people working with Touch Football Australia in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

### Step 2: Report the allegation

Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.

Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.

If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of TFA so that he or she can manage the situation.

### **Step 3: Protect the child and manage the situation**

- The CEO or delegated individual will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with TFA.
- The CEO or delegated individual will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO or delegated individual will consider what support services may be appropriate for the alleged offender.
- The CEO or delegated individual will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by TFA)
- Regardless of the findings of the police and/or child protection agency investigations, TFA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- CEO or delegated individual will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in *[Clause 9]* of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

## Contact details for advice or to report an allegation of child abuse

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services Ph: 1300 556 729 <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a>
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Community Services Ph: 132 111 <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a>
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families Ph: 1800 700 250 <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a>
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities Ph: 1800 811 810 <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a>
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development Ph: 131 478 <a href="http://www.families.sa.gov.au/childsafe">www.families.sa.gov.au/childsafe</a>
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services Ph: 1300 737 639 <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a>
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services Ph: 131 278 <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a>
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection Ph: (08) 9222 2555 or 1800 622 258 <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a>



Police contacted	Who: When: Advice provided:
Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.

