



## **Blackwood Football Club Inc.**

### **Member Protection Policy**

**Current at: 15<sup>th</sup> December, 2022**

Based on SANFL Member Protection Policy  
BMS-HRS-POL-0001-013  
and used with Permission

Rev No.	Date	Reason for Issue	Approved
6	16/03/2021	Update	D Chandler

## Member Protection Policy

Record of Amendment		
Revision	Section	Description of Change
One	February 2011	State based templates (ex OR&S) adapted in conjunction with AFL Member Protection Policy to ensure compliance with Child Protection Act. Approved and adopted by SA Football Commission.
	March 2012	Annual review, no changes noted.
	February 2013	Annual review, no changes noted.
	February 2014	Annual review, no changes noted.
Two	May 2017	Annual review, updated to ORS template recommendations
Three	February 2020	Update legislative changes  Update several referrals of intent to establish to have been established
Four	September - December 2020	Update requirements for choosing suitable people 3.1.3 to include language and requirements of Children & Young People (Safety) Regulations 2019  Review and recommendations from Department of Human Services (DHS)
Five	November 2020	Chief Executive Officer Updated to Darren Chandler
Six	March 2021	3.3.5 – Reference to AFL National Vilification & Discrimination Policy  3.7.3 Reference to AFL Gender Diversity Policy (Elite & Community Football Competitions)  5 Dictionary – updated Sexual Offences – SA Legislation age of consent.

# Member Protection Policy

## TABLE OF CONTENTS

<b>1. OBJECTIVE .....</b>	<b>5</b>
<b>2. ACCOUNTABILITIES / RESPONSIBILITIES.....</b>	<b>6</b>
2.1. RESPONSIBILITIES OF THE ORGANISATION .....	6
2.2. INDIVIDUAL RESPONSIBILITIES .....	7
<b>3. POSITION STATEMENTS.....</b>	<b>7</b>
3.1. POSITION STATEMENTS: CHILD SAFE ENVIRONMENTS.....	7
3.1.1. <i>Identify and Analyze Risk of Harm</i> .....	8
3.1.2. <i>Develop codes of behaviour</i> .....	8
3.1.3. <i>Choose suitable employees and volunteers</i> .....	8
3.1.4. <i>Support, train, supervise and enhance performance</i> .....	9
3.1.5. <i>Empower &amp; Promote the Participation of Children In Decision-Making And Service Development</i>	9
3.1.6. <i>Report and Respond Appropriately to Suspected Harm</i> .....	9
3.2. POSITION STATEMENTS: TAKING IMAGES OF CHILDREN .....	10
3.3. POSITION STATEMENTS: ANTI-DISCRIMINATION, HARASSMENT AND BULLYING.....	10
3.3.1. <i>Discrimination</i> .....	11
3.3.2. <i>Harassment</i> .....	11
3.3.3. <i>Bullying</i> .....	11
3.3.4. <i>Prohibition against discrimination, harassment and bullying</i> .....	12
3.3.5. <i>Vilification &amp; Discrimination</i> .....	13
3.4. POSITION STATEMENTS: INTIMATE RELATIONSHIPS.....	13
3.5. POSITION STATEMENTS: PREGNANCY .....	14
3.6. POSITION STATEMENTS: INCLUSIVE PRACTICES.....	15
3.6.1. <i>Disability</i> .....	15
3.6.2. <i>People from Diverse Cultures</i> .....	15
3.7. POSITION STATEMENTS: GENDER IDENTITY .....	15
3.7.1. <i>Participation in sport</i> .....	16
3.7.2. <i>Intersex status</i> .....	16
3.7.3. <i>Gender Diversity Policy (Elite &amp; Community Football Competitions)</i> .....	17
3.8. POSITION STATEMENTS: RESPONSIBLE SERVICE AND CONSUMPTION OF ALCOHOL.....	17
3.9. POSITION STATEMENTS: SMOKE-FREE ENVIRONMENT .....	17
3.10. POSITION STATEMENTS: SOCIAL MEDIA.....	18
<b>4. COMPLAINTS.....</b>	<b>18</b>
4.1. HANDLING COMPLAINTS .....	18
4.2. INTERNAL PROCEDURE.....	19
4.3. EXTERNAL PROCEDURE .....	21
4.4. VEXATIOUS COMPLAINTS & VICTIMISATION.....	21
4.5. MEDIATION .....	22
4.6. TRIBUNALS .....	22
4.7. WHAT IS A BREACH OF THIS POLICY .....	22
4.8. DISCIPLINARY MEASURES.....	23

# Member Protection Policy

4.8.1. Individual .....	23
4.8.2. Organisation .....	24
4.9. FACTORS TO CONSIDER .....	24
<b>5. DICTIONARY .....</b>	<b>25</b>
<b>6. ATTACHMENTS .....</b>	<b>31</b>
ATTACHMENT A: SCREENING AND WORKING WITH CHILDREN REQUIREMENTS .....	31
ATTACHMENT B1: COMPLAINTS PROCEDURE.....	31
ATTACHMENT B2: MEDIATION .....	37
ATTACHMENT B3: INVESTIGATION PROCESS .....	38
ATTACHMENT B5: REPORTING HARM AND NEGLECT .....	42
ATTACHMENT C: REFERENCE DOCUMENTS .....	44
ATTACHMENT C1: PLAY BY THE RULE COMPLAINTS FLOW CHART – SOUTH AUSTRALIA .....	45
ATTACHMENT C2: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT .....	47
ATTACHMENT C3: CONFIDENTIAL RECORD OF FORMAL COMPLAINT.....	48
ATTACHMENT B4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION.....	51
ATTACHMENT C5: USE OF IMAGE TEMPLATE .....	54

# Member Protection Policy

## 1. OBJECTIVE

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from harm. This policy informs everyone involved in our sport in South Australia of their legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy demonstrates our commitment to eliminating discrimination, harassment, safeguarding children and other forms of inappropriate behaviour from our sport. As part of this commitment, the **Blackwood Football Club (hereafter referred to as BFC)** and SANFL will take disciplinary action against any person or organisation bound by this policy if they breach it.



Darren Chandler  
**Chief Executive Officer**  
South Australian National Football League Inc  
14 March 2021

**Endorsed Finance, Audit & Risk Committee**  
**Date: 23 March 2021**

**Approved SA Football Commission**  
**Date: 30 March 2021**

**Endorsed and Adopted by Executive Committee, Blackwood Football Club Inc.**  
**15<sup>th</sup> December, 2022**

# Member Protection Policy

## 2. ACCOUNTABILITIES / RESPONSIBILITIES

This Policy applies to all persons who are involved with the activities of BFC whether they are in a paid or unpaid/voluntary capacity in BFC, Member and Licensed Clubs and in any South Australian Affiliated League, Association or Club and including:

- Members of the South Australian Football Commission
- Persons appointed or elected to boards, committees and sub-committees
- Employees of South Australian National Football League
- Support personnel appointed or elected to South Australian teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers)
- South Australian State Representative team coaches and assistant coaches
- State representative players
- All umpires and other officials involved in the regulation of the sport
- Members, including life members of the BFC Players, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the BFC

All Member and Licensed Clubs, Affiliated Leagues and Associations are required to adopt and implement this policy and to provide proof to the BFC of the approval of the policy by the relevant board in accordance with its constitution.

Member and Licensed Clubs, Affiliated Leagues and Associations must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and what it says.

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

### 2.1. Responsibilities of the Organisation

BFC, Member and Licensed Clubs, all Affiliated Leagues and Associations must:

- Adopt, implement and comply with this policy
- Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable
- Publish, distribute and promote this policy and the consequences of breaches
- Promote and model appropriate standards of behaviour at all times
- Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- Apply this policy consistently

## Member Protection Policy

- Recognize and enforce any penalty imposed under this policy

Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies

- Use appropriately trained people to receive and manage complaints and allegations [e.g. Member Protection Information Officers (MPIOs)]
- Monitor and review this policy at least annually

### 2.2. Individual Responsibilities

Individuals bound by this policy must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible risk of harm to children and young people set out in this policy;
- consent to the child safety screening requirements set out in this policy, and any state/territory Working with Children Checks as required by law;
- place the safety and welfare of children and young people above other considerations;
- be accountable for their behaviour: and,
- comply with any decisions and/or disciplinary measures imposed under this policy.

## 3. POSITION STATEMENTS

### 3.1. Position Statements: Child Safe Environments

BFC is committed to the safety and wellbeing of all children and young people participating in, officiating or associated in any way with football in South Australia. We support the rights of the child and will act at all times to ensure a child safe environment is maintained. We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

SANFL has lodged a compliance statement with the Department of Human Services to acknowledge that we are aware of our obligations to create and maintain a child safe environment according to the requirements both the Children and Young People (Safety) Act 2017 and the Child Safety (Prohibited Persons) Act 2016.

SANFL has lodged this statement on behalf of all affiliated associations and clubs and therefore require that these organisations must also be aware of these obligations and adopt and implement this policy and Child Safe Environments procedures.

## Member Protection Policy

### 3.1.1. Identify and Analyse Risk of Harm

BFC has developed and will implement a risk management strategies, which includes a review of existing child safe environment practices, to determine how child-safe and child-friendly our sport and all associated environments are and to determine what additional steps we can take if any to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

### 3.1.2. Develop codes of behaviour

We have developed and will support with ongoing promotion and education a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We have also implemented a code of behaviour to promote appropriate conduct between children. Members should refer to current codes issued by the relevant league i.e. SANFL Juniors, SANFL League, and Hills Football League.

### 3.1.3. Choose suitable employees and volunteers

We 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.

We 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 and other personal and sensitive information is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. BFC may require relevant history assessment beyond prescribed positions, to be determined on an as need basis.

Our organisation will take all appropriate steps to ensure that it employs the most suitable people to work with children and young people. We undertake a range of screening measures including interviews and referee checks.

Our screening measures are required for anyone within our organisation that provides a service or undertakes child-related work as defined by the *Child Safety (Prohibited Persons) Act 2016*.

We will obtain working with children check (WWCC) information issued by the Screening Unit, DHS, as required by the *Child Safety (Prohibited Persons) Act 2016*. We will obtain from the person their full name, address, DOB and unique identifier and:



## **Member Protection Policy**

- a) Verify a working with children check has been conducted in relation to the person within the preceding 5 years
- b) The person is not prohibited from working with children
- c) Provide the screening unit, DHS the name, address, telephone number and email address of the business at which the person is to be employed, and
- d) The name and contact details of the person who verified the matters referred to in points (a) and (b) above.

### **3.1.4. Support, train, supervise and enhance performance**

We ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport. The child safe officer role has been established to support this statement and the appointment of the person to this role will be reviewed annually.

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

BFC promotes the involvement and participation of children and young people in developing and maintaining child-safe environment for our sport. We will do this via a number of initiatives including BFC Juniors competition review survey and focus groups and support the safe participation of a child where appropriate in BFC competition tribunal procedures.

### **3.1.6. Report and Respond Appropriately To Suspected Harm**

We 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 at risk of harm. (Refer Attachment B4).

We require that any child who is harmed or at risk of harm or anyone who reasonably suspects that a child has been or is at risk of harm by someone, report it immediately to the police or relevant government agency and the President of BFC or the CEO of the relevant Member Organisation.

If a matter relates to the immediate risk of harm to children or young people, the matter should be referred to the police or relevant state government authority (Child Abuse Report Line on 131 478).

## **Member Protection Policy**

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, they may make an internal complaint. (Refer Attachment B1).

BFC, Member Organisations and Affiliates will seek to ensure that all allegations of child abuse are dealt with promptly, seriously, sensitively and confidentially. A person should not be victimised for reporting an allegation of child abuse and BFC will seek to ensure that the privacy of all persons concerned will be respected. Further information regarding managing a concern that a child or young person is at risk of harm, or reporting procedures including mandated notifiers, please see attachments B4 and B5.

### **3.2. Position Statements: Taking images of children**

There is a risk that Images of children may be used inappropriately or illegally. BFC 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 which we control or are used in connection with our sport.

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

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

### **3.3. Position Statements: Anti-discrimination, harassment and bullying**

BFC is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

## **Member Protection Policy**

### **3.3.1. Discrimination**

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms (Refer 5).

Discrimination can be either direct or indirect.

- Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

### **3.3.2. Harassment**

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

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

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

### **3.3.3. Bullying**

BFC is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual’s health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

## Member Protection Policy

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. BFC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer Attachment B1).

### **3.3.4. Prohibition against discrimination, harassment and bullying**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms (Refer 5).

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with BFC. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation (Refer 4.3).

## Member Protection Policy

### 3.3.5. Vilification & Discrimination

The Australian Football League (AFL) has developed a national policy that governs the process to resolve and / or determine incidents of alleged vilification or discrimination.

The National Vilification & Discrimination Policy states no League Participant or Club Official shall engage in conduct which may reasonably be considered to incite hatred towards, contempt for, ridicule of or discrimination against a person or group of persons on the ground of their:

- race;
- religion;
- gender;
- colour;
- sexual preference, orientation or identity; or
- special ability or disability

For more information visit: [AFL National Vilification & Discrimination Policy](#)

### 3.4. Position Statements: Intimate relationships

BFC understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally.

However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

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

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

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

## Member Protection Policy

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

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

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

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer, Complaints Manager or other official to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from (the Member Protection Information Officer, or other official). Our complaints procedure is outlined in Attachment B1 of this policy.

### **3.5. Position Statements: Pregnancy**

BFC is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

## **Member Protection Policy**

BFC takes reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

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. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with BFC.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer Attachment B1)

### **3.6. Position Statements: Inclusive practices**

BFC is welcoming and seeks to include members from all areas of the community.

#### **3.6.1. Disability**

Disability discrimination is treating people unfairly because of their disability. A disability includes a physical or mental illness, a learning or intellectual disability, a genetic predisposition to develop a particular illness and the state of having or carrying an infection, whether or not it is symptomatic. It also includes a disability that a person had in the past or may develop in the future.

#### **3.6.2. People from Diverse Cultures**

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

### **3.7. Position Statements: Gender identity**

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than

## Member Protection Policy

male or female. Some terms used to describe a person's gender identity include transgender and gender diverse.

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

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

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint (Refer 4).

### **3.7.1. Participation in sport**

BFC recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

### **3.7.2. Intersex status**

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status.

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



## Member Protection Policy

### 3.7.3. Gender Diversity Policy (Elite & Community Football Competitions)

The Australian Football League (AFL) has developed a national policy that governs gender diversity in elite and community football competitions. For more information visit [AFL Gender Diversity Policies](#)

### 3.8. Position Statements: Responsible service and consumption of alcohol

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

In general, our policy is that:

- alcohol should be discouraged at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

### 3.9. Position Statements: Smoke-free environment

BFC is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.
- Our member club playing grounds are smoke free or have designated smoking areas.

## Member Protection Policy

### 3.10. Position Statements: Social media

BFC acknowledges the enormous value of social media to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social media refers to any interactive website, application or technology that enables people to communicate and/or share content via the internet. This includes social media platforms such as Facebook, Twitter, and Instagram.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

## 4. COMPLAINTS

### 4.1. Handling Complaints

BFC aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied. It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

- If a complainant feels comfortable doing so, they may wish to raise the issue with the person concerned and request that he or she stops engaging in the behaviour.

## Member Protection Policy

- If the complainant does not feel comfortable confronting the person directly, or they have tried this and the behaviour continues, they may wish to make a complaint to their supervisor, Member Protection Information Officer (MPIO).

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by BFC in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.
- Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

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

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

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

### 4.2. Internal Procedure

#### 1. Self Resolution

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

#### 2. Resolve the Complaint Informally

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

## Member Protection Policy

Informal procedures that may be actioned by the appointed person of the Affiliated body could include the following:

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

### 3. Resolve the Complaint Formally

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

Complainant's Rights	Respondent's Rights
Have the complaint investigated and if necessary conciliated	Have natural justice
Have support/representation if requested	Not be discriminated against
Express views and opinions without intimidation from others	Not be dismissed unfairly, harshly or unreasonably
Discontinue a complaint	Privacy
Have the situations remedied	Have support/representation if requested
Privacy	Not be defamed
	Not be the subject of unfounded or malicious complaints

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

## Member Protection Policy

- document full information from the complainant about the complaint and how they want it resolved;
- put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;
- decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

### 4. Appeal Process

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the BFC, an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

#### 4.3. External Procedure

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

If an individual wishes to lay a complaint to an external body then guidance and support is available from the BFC MPIO.

#### 4.4. Vexatious Complaints & Victimisation

The BFC aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the Complaints Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred for appropriate action which may include disciplinary action against the complainant.

The BFC 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.

## **Member Protection Policy**

### **4.5. Mediation**

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

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the Complaints Officer will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are able to negotiate on behalf of the complainant and/or the respondent.

### **4.6. Tribunals**

A Tribunal may be convened to hear a formal complaint:

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

If the standard Tribunal Process is not able to hear a complaint of this nature, a special Complaints Tribunal may be convened.

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.

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

### **4.7. What is a Breach of this policy**

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

- Breaching the Codes of Behaviour or Codes of Conduct
- Bringing the sport and/or the BFC into disrepute, or acting in a manner likely to bring the sport and/or the BFC into disrepute;
- Failing to follow BFC policies (including this policy) and procedures for the protection, safety and wellbeing of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for making or supporting a complaint or discharging their obligation as a mandated notifier;

## Member Protection Policy

- Engaging in a inappropriate intimate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any BFC information that is of a private, confidential or privileged nature;
- Making a complaint they knew to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

### 4.8. Disciplinary Measures

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

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

#### 4.8.1. Individual

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

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

## Member Protection Policy

- A recommendation that the BFC 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;
- A fine;
- Any other form of discipline that the Tribunal considers appropriate.

### 4.8.2. Organisation

If a finding is made that any BFC Member or Licensed Club, Affiliated League or club associated to an Affiliated League has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Tribunal and or the SA Football Commission:

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

### 4.9. Factors to consider

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

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



## Member Protection Policy

### 5. DICTIONARY

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 the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

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

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

Conduct which puts children at risk of harm and 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). which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity
- **Sexual abuse** which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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** which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **Neglect** which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision

## Member Protection Policy

**Child Safe Officer** means the person appointed by the club to assist with maintaining a child safe environment.

**Complaint** means a complaint made under clause 4.

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

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

**Criminal History Report (also known as Police Check)** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment or current engagement background check on a person.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions

## Member Protection Policy

- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- 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.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

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

## Member Protection Policy

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

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

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

**Natural justice:** means observing the following principles:

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

**This policy** means this Member Protection Policy.

**Respondent** means the person who is being complained about.

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

**Role-specific codes of conduct** means standards of conduct required of people holding certain roles in our sport e.g. coaches, officials, umpires).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may

## Member Protection Policy

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 does not have to be intentional.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency under the Criminal Law Consolidation Act 1935 (SA) and include but are not limited to (note age of consent in SA and Tasmania is 17 Years and all other states it is 16 years):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to commit sexual acts
- Incest
- Sexual penetration of child
- Indecent act with child
- Sexual relationship with child
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child
- Bestiality
- Soliciting a child to take part in an act of sexual penetration or an indecent act
- 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 an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

## Member Protection Policy

**Sexual orientation** refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Gender identity** refers to a person's deeply held internal and individual sense of gender.

**Gender expression** refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Intersex** refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

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

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

## Member Protection Policy

### 6. ATTACHMENTS

#### **ATTACHMENT A: SCREENING AND WORKING WITH CHILDREN REQUIREMENTS**

This attachment explains the screening process for people who currently occupy or who apply for any work (paid or voluntary) in BFC, Member Clubs or Affiliates that involves direct and unsupervised contact with people under the age of 18 years. BFC, Member Clubs or Affiliates will seek to follow the below process where possible and relevant.

Screening under this policy is not a replacement for any other procedure required by law. All appointments must comply with the relevant Working with Children (WWC) legislation.

1. We will identify those positions where people work, coach or have regular contact with children and young people under the age of 18.
2. If a person is unable or chooses not to successfully obtain a Working with Children Clearance, or they are deemed unsuitable, we will not appoint them to the position.
3. Where possible, we will check a person's referees (verbal or written) about his or her suitability for the position.
4. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
5. The records of all people appointed to our organisation will be kept on file in a secure location.

#### **ATTACHMENT B1: COMPLAINTS PROCEDURE**

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

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 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 approach of BFC to an individual complaint may vary. 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 it is determined that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the hearings tribunal for appropriate action. All complaints will be kept confidential as far as possible 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.

# Member Protection Policy

## **Informal Approaches**

The following steps may be taken to assist in the resolution of complaints under this Policy:

### **STEP 1. Talk with the other person (if safe, reasonable and appropriate)**

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

### **STEP 2. Contact Complaints Officer**

- 2.1. If the first step is not possible or reasonable; if you are not sure how to handle the problem by yourself; if 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, you may contact:
  - 2.1.1. a Complaints Officer; or
  - 2.1.2. another appropriate person within the organisation (eg administrator, team manager, coach etc).
- 2.2. If the person approached is a Complaints Officer, they may:
  - 2.2.1. take notes about your complaint (which the Complaints Officer will keep in a secure and confidential place);
  - 2.2.2. try to find out the facts of your complaint;
  - 2.2.3. ask what outcome/how you want the problem resolved and if you need support;
  - 2.2.4. provide possible options for you to resolve the problem;
  - 2.2.5. explain how our complaints procedure works;
  - 2.2.6. act as a support person if you so wish;
  - 2.2.7. refer you to an appropriate person to help you resolve the problem, if necessary;
  - 2.2.8. inform the relevant government authorities and/or police if required by law to do so;
  - 2.2.9. and maintain confidentiality as far as possible.

### **STEP 3. Outcomes from Initial Contact**

- 3.1. After talking with the Complaints Officer you may decide
  - 3.1.1. there is no problem;
  - 3.1.2. the problem is minor and you do not wish to take the matter forward;
  - 3.1.3. to try and resolve the problem on your own, with or without a support person such as a Complaints Officer;



## Member Protection Policy

- 3.1.4. to resolve the problem with the help of someone impartial, such as a mediator; or
- 3.1.5. to resolve the matter through a formal process.
- 3.2. If you wish to remain anonymous, BFC, Member and Licensed Clubs or the Affiliate may not be able assist you to resolve your complaint. In order to follow the principles of natural justice and to be fair to both sides, BFC, Member and Licensed Clubs, the Affiliate 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.

### **Formal Approaches**

#### **STEP 4. Making a Formal Complaint**

- 4.1. If your complaint is not resolved to your satisfaction, you may make a formal complaint in writing to BFC or approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.
- 4.2. To avoid any doubt, any complaint relating to:
  - 4.2.1. a BFC program or event shall be referred to a Complaints Officer of BFC;
  - 4.2.2. a Member and Licensed Clubs program or event shall be referred to a Complaints Officer of the Member and Licensed Clubs.
  - 4.2.3. an Affiliate program or event shall be referred to a Complaints Officer of the Affiliate. If an Affiliate has not appointed at least one Complaints Officer, the complaint shall be referred to the Complaints Officer of BFC.
- 4.3. Upon receipt of a formal complaint, the relevant body will appoint a Complaints Officer to handle the complaint and will inform you of the identity of the Complaints Officer appointed.

#### **STEP 5. Making a Formal Complaint: Complaints Officer Process**

- 5.1. If you decide to make a formal complaint in writing under Step 4, the Complaints Officer will, on receiving the formal complaint and based on the material you have provided, decide whether:
  - 5.1.1. the complaint is properly made under this Policy;
  - 5.1.2. they are the most appropriate person to receive and handle the complaint;
  - 5.1.3. the nature and seriousness of the complaint requires a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of BFC, the Member and Licensed Clubs or the Affiliate. In these cases, the Complaints Officer may determine that the complaint does not warrant a formal resolution procedure;

## Member Protection Policy

- 5.1.4. to appoint a person to investigate the complaint;
  - 5.1.5. to refer the complaint to an informal or formal mediation session;
  - 5.1.6. to refer the complaint to a hearings tribunal;
  - 5.1.7. to refer the matter to the police or other appropriate authority; and/or
  - 5.1.8. to implement any interim administrative or other arrangements that will apply until the complaint process is completed.
- 5.2. In making the decision(s) outlined above, the Complaints Officer will take into account:
- 5.2.1. 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;
  - 5.2.2. whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
  - 5.2.3. your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
  - 5.2.4. 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);
  - 5.2.5. 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;
  - 5.2.6. whether the facts of the complaint are in dispute; and
  - 5.2.7. 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 behaviour while the complaint process set out in these procedures is being conducted.
- 5.3. If the Complaints Officer determines they are the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

## Member Protection Policy

- 5.3.1. 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);
- 5.3.2. 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;
- 5.3.3. decide whether they have enough Information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- 5.3.4. determine what, if any, further action to take. This action may include disciplinary action, 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. Resolution Process

- 6.1. In some cases, an investigation may be required to determine the facts surrounding the complaint. If investigation is considered appropriate, it will be conducted in accordance with Attachment B3.
- 6.2. If the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment B2 or as otherwise agreed by you and the respondent.
- 6.3. If the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with the rules of the tribunal.
- 6.4. If the complaint is referred to the police or other appropriate authority under Step 5, BFC, the Member and Licensed Clubs or the Affiliate will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority.
- 6.5. If interim administrative or other arrangements are implemented under Step 5, BFC, the Member and Licensed Clubs or the Affiliate will endeavour to periodically review these arrangements to ensure that they are effective.

Any reasonable costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by BFC, the Member Organisation or Affiliate.

### External Procedure

If you feel that you have been sexually harassed, discriminated against, or victimised, you can seek advice from the equal opportunity commission.

## Member Protection Policy

Contact details for the equal opportunity commissions are available on the Play by the Rules website: <https://www.playbytherules.net.au/resources>

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

## Member Protection Policy

### ATTACHMENT B2: MEDIATION

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 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.

This attachment outlines the general procedure of mediation that will be followed by BFC, Member and Licensed Clubs and the Affiliates.

1. 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 at any stage in the complaints process.
2. Mediation may not be appropriate if:
  - The complainant or respondent 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;
  - 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.
3. If mediation is chosen to try and resolve the complaint, BFC, the Member Organisation or the Affiliate will arrange for a mediator to mediate the complaint.
4. 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.
5. 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.
6. 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.
7. If a resolution is reached at mediation, no further action may be taken under this Policy (except by agreement between the parties).
8. If the complaint is not resolved by mediation, the complainant may:

## Member Protection Policy

- Request that the complaint proceed in accordance with Step 5; or
- Approach an external agency such as the equal opportunity commission to resolve the matter.

### ATTACHMENT B3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and evidence gathered. Investigations may be conducted internally or externally. An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations. Any investigation that BFC conducts will seek to be fair to all people involved.

If BFC, Member and Licensed Clubs or the Affiliates decides that a complaint should be investigated, the following steps are to be followed:

1. An investigator will be appointed.
2. The investigator will be provided with the terms of engagement and scope of the investigator's role.
3. The complainant will be interviewed and the complaint documented in writing.
4. The details of the complaint will be conveyed to the person/people complained about (respondent(s)).
5. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
6. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
7. 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.
8. The findings of the investigation will be communicated to the Complaints Officer or hearings tribunal to determine what, if any, further action is warranted. This action may include disciplinary action, 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.
9. The findings of the investigation will be communicated to the complainant and the respondent(s) as appropriate.
10. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person (e.g. MPIO or other person).

## Member Protection Policy

### ATTACHMENT B4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD OR YOUNG PERSON AT RISK OF HARM

**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 a child or young person at risk of harm are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

A link after your reporting steps straight to the play by the rules step by step reporting page <https://www.playbytherules.net.au/complaints-handling/suspicion-of-harm-against-a-child>

Or

BFC, Member and Licensed Clubs and the Affiliates treat allegations of harm or neglect seriously and will endeavour to manage such complaints promptly and with sensitivity.

All people working with BFC, Member and Licensed Clubs and the Affiliates 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**

- 1.1. If a child or young person raises with you an allegation of harm 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 harm or neglect, or any situation involving a child at risk of harm, to the police and/or to Child Abuse Report Line (CARL) on 13 14 78. You may need to make a report to both.

## Member Protection Policy

- 2.2. Contact the relevant child protection agency or police for advice If there is any doubt about whether the allegation should be reported.
- 2.3. If the allegation involves a person to whom this policy applies, then also report the allegation to BFC, Member and Licensed Clubs and the Affiliates.
- 2.4. Some people to whom this policy applies may be required by law to report. For further information about Mandated reporting see Attachment B5 or please refer to: <https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>

### STEP 3. Protect the child and manage the situation

- 3.1. If BFC, Member and Licensed Clubs and the Affiliates receives a report of allegations of child abuse, the following steps may be taken as appropriate:
  - 3.1.1. The appropriate person from BFC, Member and Licensed Clubs and the Affiliates 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.
  - 3.1.2. 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.
  - 3.1.3. The appropriate person from BFC, Member and Licensed Clubs and the Affiliates will consider what services may be most appropriate to support the child and his or her parent/s.
  - 3.1.4. The appropriate person BFC, Member and Licensed Clubs and the Affiliates will consider what support services may be appropriate for the alleged offender.
  - 3.1.5. The appropriate person from BFC, Member and Licensed Clubs and the Affiliates will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### STEP 4. Take Internal action

- 4.1. If BFC, Member and Licensed Clubs and the Affiliates receives a report of allegations of child abuse, the following steps may be taken as appropriate:
  - 4.1.1. Regardless of the findings of any investigation conducted by the police and/or child protection agency, the appropriate person from BFC, Member and Licensed Clubs and the Affiliates may 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.



## **Member Protection Policy**

- 4.1.2. The appropriate person from BFC, Member and Licensed Clubs and the Affiliates may consider all information relevant to the matter- including any findings made by the police, the child protection authority and/or court to determine a course of action.
- 4.1.3. If disciplinary action is recommended, the appropriate person from BFC, Member and Licensed Clubs and the Affiliates may follow the procedures set out in the Member Protection Policy.

The appropriate person from BFC, Member and Licensed Clubs and the Affiliates may provide the relevant government agency with a report of any disciplinary action taken, where this is required

## Member Protection Policy

### ATTACHMENT B5: Reporting Harm and Neglect

Under the Children and Young People (Safety) Act 2017 mandated notifiers are required by law to notify the Child Abuse Report Line **13 14 78**, if they suspect on reasonable grounds that a child/young person is or has been at risk of harm or neglected and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties:

Mandated notifiers are any person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children.

These people:

- a) Are engaged in the actual delivery of those services to children; or
- b) Hold a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

It is also an offence to prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.

NB: There is no legal requirement for a mandatory reporter to be trained. Rather, everyone in the above roles have a responsibility to report.

BFC supports that all people engaged in activities associated with BFC have a moral obligation to report any suspicion of child abuse or neglect.

Keeping children safe in recreation and sport resource:

[https://www.orsr.sa.gov.au/sport\\_and\\_recreation/child\\_safety\\_and\\_member\\_protection](https://www.orsr.sa.gov.au/sport_and_recreation/child_safety_and_member_protection)

[https://www.orsr.sa.gov.au/sport\\_and\\_recreation/child\\_safety\\_and\\_member\\_protection/create\\_a\\_child\\_safe\\_environment](https://www.orsr.sa.gov.au/sport_and_recreation/child_safety_and_member_protection/create_a_child_safe_environment)

*Further information can be found at:*

<https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments>

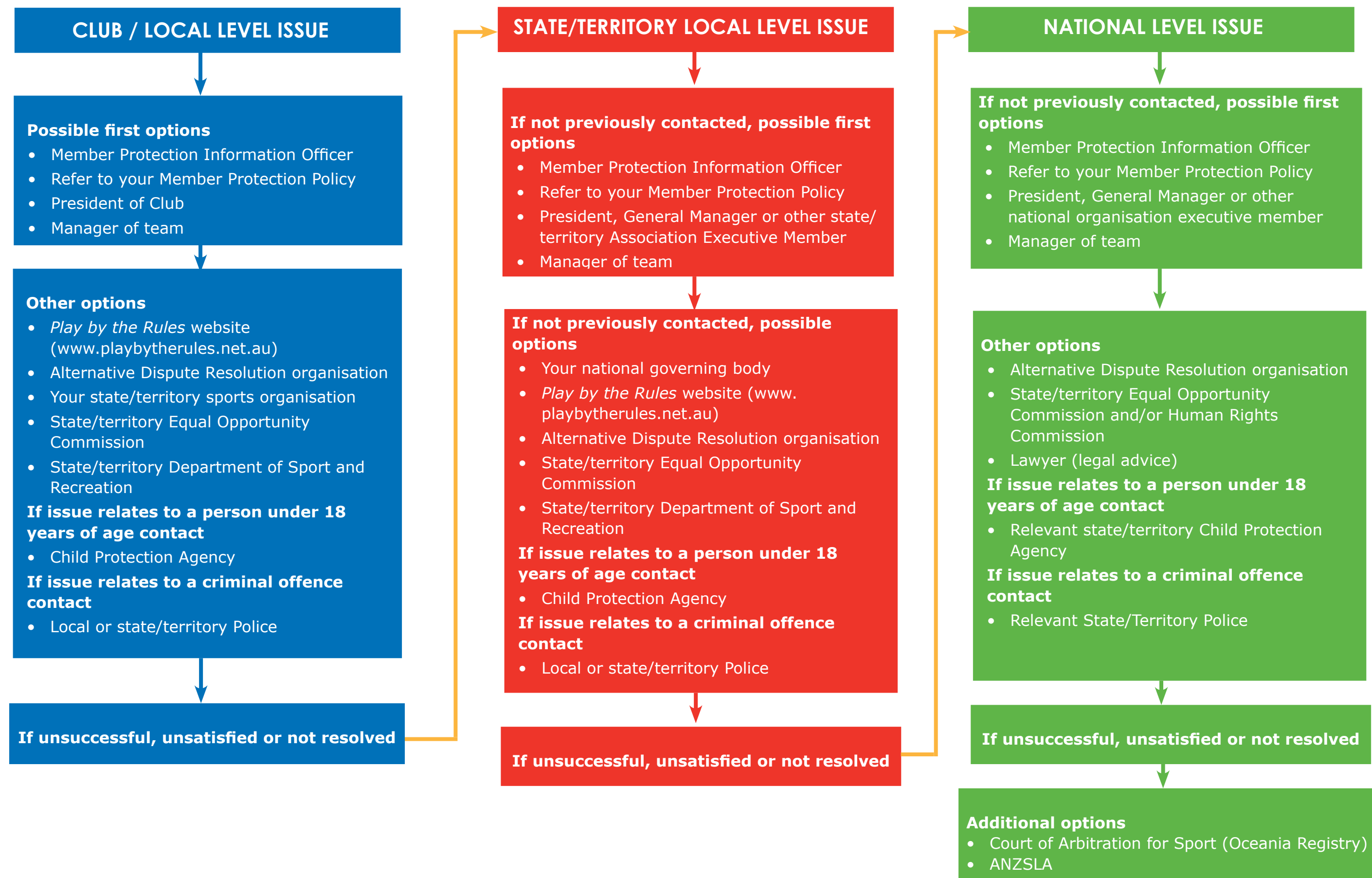
## Member Protection Policy

## Member Protection Policy

### ATTACHMENT C: Reference Documents

Document Name
Attachment C1: Play By The Rules Complaints Flow Chart South Australia
Attachment C2: Confidential Record of Informal Complaint
Attachment C3: Confidential Record of Formal Complaint
Attachment C4: Confidential Record of Child Abuse Allegation
Attachment C5: Use of Image Template

If you need information, advice, to make a complaint or to raise a concern in relation to inappropriate behaviour in sport (such as harassment, discrimination or abuse), this chart may assist in working out who to contact. Start at the level (club, state/territory or national) that the incident occurred.



## Member Protection Policy

## Member Protection Policy

### ATTACHMENT C2: Confidential Record of Informal Complaint

Name of person receiving complaint			Date:     /     /
Complainant's Name	<div>Over 18</div> <div>Under 18</div>		
Role/status	<div>Administrator (volunteer)</div> <div>Athlete/player</div> <div>Coach/Assistant Coach</div> <div>Employee (paid)</div> <div>Parent</div> <div>Spectator</div> <div>Support Personnel</div> <div>Official</div> <div>Other .....</div>		
When/where did the incident take place?			
What are the facts relating to the incident, as stated by complainant?			
What is the nature of the complaint? (category/basis/grounds)  Tick more than one box if necessary	<div>Harassment or Sexual/sexist</div> <div>Discrimination</div> <div>Selection dispute</div> <div>Coaching methods</div> <div>Sexuality</div> <div>Personality clash</div> <div>Verbal abuse</div> <div>Race</div> <div>Bullying</div> <div>Physical abuse</div> <div>Religion</div> <div>Disability</div> <div>Victimisation</div> <div>Pregnancy</div> <div>Child Abuse</div> <div>Unfair decision</div> <div>Other .....</div>		
What does the complainant want to happen to resolve the issue?			
What other information has the complainant provided?			
What is the complainant going to do now?			

**This record and any notes must be kept confidential and secure.** If the issue becomes a formal complaint, this record is to be given to either BFC, Member and Licensed Clubs or the Affiliates

## Member Protection Policy

### ATTACHMENT C3: Confidential Record of Formal Complaint

Complainant's Name	Over 18                      Under 18	Date Formal Complaint Received:   /   /
Complainant's contact details	Phone: Email:	
Complainant's role/position	Administrator (volunteer)                      Parent Athlete/player    Spectator Coach/Assistant Coach                              Support Personnel Employee (paid)    Other Official    .....	
Name of person complained about (respondent)	Over 18                      Under 18	
Respondent's role/position	Administrator (volunteer)                      Parent Athlete/player    Spectator Coach/Assistant Coach                              Support Personnel Employee (paid)    Other Official    .....	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	Harassment   or   Discrimination Sexual/sexist      Selection dispute      Coaching methods Sexuality              Personality clash      Verbal abuse Race                      Bullying                      Physical abuse Religion                      Disability                      Victimisation Pregnancy              Child Abuse                      Unfair decision Other .....	



## Member Protection Policy

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated:	<p>Finding</p>
If heard by Tribunal:	<p>Decision</p> <p>Action recommended</p>

## Member Protection Policy

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

**This record and any notes must be kept confidential and secure. 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 BFC and a copy kept with the organisation where the complaint was first made.**

## Member Protection Policy

### ATTACHMENT B4: Confidential Record of Child Abuse Allegation

Complainant's Name		Date Formal Complaint Received:  / /
Role/Status in Football		
Child's Name		Age
Child's Address		
Person's Reason for suspecting abuse (eg observation, injury, disclosure)		
Name of person complained about		
Respondent's Role/Status in Football	Administrator (volunteer)	Parent
	Athlete/Player	Spectator
	Coach/Assistant Coach	Support Personnel
	Employee (paid)	Official
	Other .....	
Witnesses	Name 1:	
(if more than 3 witnesses, attach details to this form)	Contact Details:	
	Name 2:	
	Contact Details:	
	Name 3:	
	Contact Details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of respondent)		
Police Contacted	Who:	
	When:	

## Member Protection Policy

	Advice Provided:	
Child Protection Agency Contacted	Who:	
	When:	
	Advice Provided:	
President Contacted	Who:	
	When:	
Police and/or government agency investigation	Finding:	
Internal investigation (if any)	Finding:	
Action Taken		
Completed by	Name:	
	Position:	
	Signature:	
	Date:	/ /
	Complainant:	

## **Member Protection Policy**

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.

## Member Protection Policy

### ATTACHMENT C5: Use of Image Template



## Blackwood Football Club (BFC) IMAGE WAIVER AGREEMENT For applicants under 18 years

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

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

The BFC may publish, republish or otherwise transmit the images in any medium for the purposes stated above.

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

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

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

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

DATE:	
SIGNED BY PARENT/GUARDIAN:	