

MEMBER PROTECTION POLICY

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Approved by:	Committee
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STATEMENT OF COMMITMENT

Mitchelton Youth Club Inc. is committed to providing a sport and work environment free of discrimination and harassment, where individuals are treated with respect and dignity. MYC will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Member Protection Policy.

MYC's Member Protection policy is part of the organisation's proactive and preventative approach to tackling inappropriate behaviour.

MYC is committed to ensuring the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by the Mitchelton Youth Club Inc. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.

PURPOSE

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

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our club. As part of this commitment, MYC will take disciplinary action against any individual or group of people bound by this policy if they breach it.

POLICY APPLICATION

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

- Persons elected to committee and sub-committees
- Employees, contractors and volunteers of MYC
- Support personnel appointed to teams or squads (eg manager, physiotherapists, sports trainers)
- Coaches and assistant coaches
- Athletes
- Judges and other officials involved in the regulation of the sport/s
- Members
- Athletes, coaches, officials and other personnel participating in events and activities hosted by MYC
- Any other person including spectators, parents/guardians and sponsors who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy

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

REQUIREMENTS AND RESPONSIBILITIES

This section specifies the requirements and responsibilities of all parties to whom this Policy applies.

Responsibilities of the Organisation

- Adopt, implement and comply with this policy
- Make such amendments to the Constitution, Rules or Policies necessary for this policy to be enforceable
- Publish, distribute and promote this policy and the consequences of breaches
- Promote and model appropriate standards of behaviour at all times
- Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- Apply this policy consistently
- Recognise and enforce any penalty imposed under this policy
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies
- Use appropriately trained people to receive and manage complaints and allegations (Member Protection Information Officers (MPIOs))
- Monitor and review this policy at least annually

Individual Responsibilities

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour
- Complying with MYC's screening requirements and any Working with Children checks
- Placing the safety and welfare of children above other considerations
- Being accountable for their behaviour
- Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour
- Complying with any decision and/or disciplinary measures imposed under this policy.

ADDITIONS AND CHANGES TO POLICY

Recommended changes to this Policy may be submitted to the Club's Committee of Management for consideration. The Committee will review the recommendations and have the authority to make changes to this Policy. Should changes be accepted the Policy would be updated, dated and circulated to all members.

In addition, the Club is committed to ensuring all policies are up-to-date, therefore reviews are undertaken annually. The next review date is detailed at the beginning of each policy.

POSITION STATEMENTS

Child Protection

Mitchelton Youth Club Inc. is committed to the safety and wellbeing of all children and young people accessing 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, contractors and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Mitchelton Youth Club Inc. acknowledges that our staff, Members, contractors and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. MYC aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

- **Identify and analyse risk of harm**

MYC will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

- **Develop Codes of Conducts for Adults and Children**

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

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour (See part B)

- **Choose Suitable Employees and Volunteers**

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

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

MYC will ensure that Working with Children Checks/criminal history assessments are conducted for employees, contractors and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, MYC will ensure that the criminal history information is dealt with in accordance with relevant state requirements. (See Part C)

- **Support, Train, Supervise and Enhance Performance**

MYC will ensure that contractors, volunteers and employees who work with children have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

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

MYC will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

- **Report and Respond Appropriately To Suspected Abuse and Neglect**

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

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

In addition to any legal obligation, if any person feels another person bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment D1 of this policy. This will explain what to do about the behaviour and how MYC will deal with the problem.

Taking Images of Children

Images of children can be used inappropriately or illegally. Mitchelton Youth Club Inc. requires that individuals, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. MYC also requires the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If Mitchelton Youth Club Inc. uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. MYC will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. MYC will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. MYC will only use appropriate images of a child that is relevant to our sport/s and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. Where possible, MYC will seek permission to use these images.

Anti-Discrimination and Harassment

Mitchelton Youth Club Inc. 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 and harassment.

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

- **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, and gender. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms.

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.

- **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.

- **Prohibition against Discrimination and Harassment**

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

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 us. 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 to the attachments in Part D of this policy.)

Sexual Relationships

Mitchelton Youth Club Inc. 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.

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 MPIO or other MYC 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 MPIO, or other MYC official. Our complaints procedure is outlined in Part D of this policy.

Pregnancy

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

While many sporting activities are safe for 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. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. MYC will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

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

Gender Identity

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

- **Gender identity discrimination and harassment**

Federal and state anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Clause 10).

Mitchelton Youth Club Inc. 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. (Refer to the attachments in Part D of this policy.)

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.

- **Participation in sport**

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

- **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. (See Dictionary of terms).

Mitchelton Youth Club Inc. 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.

Alcohol Policy

Mitchelton Youth Club Inc. is committed to conducting sporting and social events in a manner that promotes the responsible 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 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.

Guidance can be obtained from the “Alcohol Management Policy” available at <http://www.playbytherules.net.au/resources/club-toolkit>

Smoking Policy

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

The following policies should be applied to sporting and social events:

- 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, contractors and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas; in line with Tobacco reforms and as per the Mitchelton Youth Club Inc Smoke Free Policy;
- Coaches, officials, trainers, contractors, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any state association, Club or representative team, during and outside of competition.

Bullying

Mitchelton Youth Club Inc. 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.

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. MYC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at a judge, 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 official.

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 to the attachments in Part D of this policy.)

Social Networking Websites Policy

Mitchelton Youth Club Inc. acknowledges the enormous value of social networking to promote our club and celebrate the achievements and success of the people involved in our sport/s.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this policy to conduct themselves appropriately when using social networking 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.

COMPLAINTS PROCEDURES

Handling Complaints

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

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

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

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

Vexatious Complaints and Victimisation

MYC aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against any person making a complaint.

If at any point in the complaints process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Committee for appropriate action which may include disciplinary action against the complainant.

MYC 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.

Mediation

MYC 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 to discuss the issues or incident in question 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 mediation, the MPIO will, where he or she determines it to be appropriate, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent in relation to a complaint referred to under this Policy. More information on the mediation process is outlined in Attachment D2.

BREACHES

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

- Breaching the Codes of Behaviour (attachment B to this policy)
- Bringing the sport/s or MYC into disrepute, or acting in a manner likely to bring the sport and /OR MYC into disrepute
- Failing to follow MYC policies (including this policy) and procedures for the protection, safety and welfare of children
- Discriminating against, harassing or bullying (including cyber bullying) any person
- Victimising another person for reporting a complaint
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the MYC
- Disclosing to any unauthorised person any MYC information that is of a private, confidential or privileged matter
- 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 has breached this policy
- Failing to comply with a direction given to the individual during the discipline process

DISCIPLINARY MEASURES

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

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

Subject to contractual and employment requirements, if a finding is made by the Committee 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 award, placing, record, achievement bestowed in any competition, activity or event hosted by MYC
- A demotion or transfer of the individual to another role or activity
- A suspension of the individual's membership or participation or engagement in a role or activity
- Termination of the individual's MYC membership, appointment or engagement
- A recommendation that GA terminates the individual's membership, appointment or engagement
- In the case of a coach or official, a direction that the relevant organisation deregister the accreditation of the coach or official for a period of time or permanently
- Any other form of discipline that the Committee / Relevant governing body considers appropriate

Factors to Consider

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

- Nature and seriousness 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)
- Any other mitigating circumstances

DICTIONARY OF TERMS

The dictionary of terms sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meanings of the words.

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.

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).

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.

Examples of Discrimination available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/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 is asked to leave.

Disability: A junior player is overlooked because of mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.

Homosexuality: An athlete is ostracised from her team after it becomes known that she is a lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because she is single

Pregnancy: A woman is dropped from a squad when she becomes pregnant.

Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

Sex: Specialist coaching is only offered to male players in a mixed team.

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.

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 15,
- 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);
- 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 activity.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination). Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal and includes electronic communication. Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law. 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.

Intersex means a person with a variation in sex characteristics including chromosomes, gonads, or genitals that do not allow an individual to be distinctly identified as male or female.

Mediator means an impartial/neutral person appointed to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member of Mitchelton Youth Club Inc as set out in the 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. He or she provides impartial and confidential support to the person making the complaint.

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

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

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

This policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct (or behaviour) means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

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

Technical Member means any person registered to an Association Member and Gymnastics Australia and / or Judo Federation of Australia.

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

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation 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 BEHAVIOUR

ATTACHMENT B1: GENERAL CODE OF BEHAVIOUR

As a member of Mitchelton Youth Club Inc., you must meet the following requirements in regard to your conduct during any activities held by Mitchelton Youth Club, held or sanctioned by Gymnastics Australia, and in any role you hold within Mitchelton Youth Club Inc.:

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to, MYC's standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern Mitchelton Youth Club Inc.
7. Do not use your involvement with Mitchelton Youth Club Inc. to promote your own beliefs, behaviours or practices where these are inconsistent with those of Mitchelton Youth Club Inc.
8. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring Mitchelton Youth Club Inc. into disrepute.
12. Provide a safe environment for the conduct of the activity.
13. Show concern and caution towards others who may be sick or injured.
14. Be a positive role model.
15. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

ATTACHMENT B2: COACHES' CODE OF ETHICS

In addition to MYC's General Code of Behaviour (Attachment B1), you must meet the following requirements in regard to your conduct in your role as a coach:

Abide by the rules of Mitchelton Youth Club Inc.(MYC), Gymnastics Australia (GA) and/or Judo Federation of Australia(JFA) as set forth in its constitution and by-laws.

- follow procedures for enforcement of the Code of Ethics;
- accept any judgments made; and
- use the established procedures for challenging a competitive result, contesting a team selection decision, complaining about the conduct of another member, or attempting to change policy of MYC, GA and JFA.

Direct your observations and recommendations regarding all aspects of the sport/s to the appropriate persons for the betterment of the sport.

- be constructive with criticisms and direct comments and observations to the relevant individuals and organisations, to avoid gossip, innuendo and malicious comment; and
- respect the efforts of appointed and elected representatives of MYC, GA and JFA.

Represent yourself and your coaching status in an honest and professional manner, without bringing the coaching profession or MYC into disrepute

- use your accreditation status and Technical Membership of GA / JFA to represent your ability in an honest manner, not to gain unwarranted favours;
- be professional in and accept responsibility for your actions;
- extend professional courtesy to other coaches, athletes and their parents by keeping them informed in matters relevant to athlete's training programs;
- abide by and respect the regulations governing sport and the organisation and individuals administering those regulations;
- be a role model for your sport and the athletes; and
- respect the rights, dignity and worth of every human being within the conduct of your involvement in gymnastics

Exercise a standard of care consistent with your competence and obligations as a coach

- show concern for the health, safety and welfare of athletes and colleagues;
- coach within the limits of your competence as a coach;
- follow MYC, GA and JFA safety guidelines in respect of the duty of care owed to the athlete;
- provide planned and sequential training programs based on the individual developmental needs of athletes;
- modify the training program for injured athletes based on appropriate medical advice when required; and
- provide a safe environment for participants in training and competition

Provide a quality service to your athletes and to the sport

- maintain or improve your current National Coaching Accreditation scheme accreditation;
- seek continual improvement through performance appraisal and ongoing coach education;
- honour the responsibilities given to a coach by keeping all relevant qualifications up to date; and
- work to ensure athletes' time spent with you is a positive experience
- Promote and assist in the development of the coaching profession

- assist others to develop good attitudes, skills and knowledge relating to the sport; and
- promote and assist in the education of other coaches

Put athletes' welfare first; making decisions based on the best interests of your athletes' sporting, education and vocational careers

- acknowledge the individual talents and potential of athletes; and
- maintain a balanced emphasis of sporting involvement within educational and career objectives
- Show leadership, and support efforts to remove the abuse of drugs in sport
- abide by the regulations of the relevant national and international sporting and government bodies; and
- respect the health and dignity of athletes to compete on the basis of their abilities; within the rules of the sport of gymnastics

Encourage, by example, the removal of any form of personal abuse or inappropriate discrimination

- refrain from verbal, physical or emotional abuse;
- refrain from any form of sexual harassment towards athletes and colleagues;
- refrain from using the influence of a coaching position to encourage inappropriate intimacy between coach and athlete;
- refrain from any discriminatory practices on the basis of race, religion, ethnic background, or special ability/disability of athletes; and
- be alert to any forms of abuse towards your athletes from other sources whilst they are in your care

Ensure physical contact with athletes is appropriate and necessary for the athletes' skill development

- ensure spotting methods and philosophy are consistent with established gymnastics principles; and
- ensure spotting is used only to facilitate learning or safe performance

ATTACHMENT B3: JUDGES' CODE OF ETHICS

In addition to MYC's General Code of Behaviour (Attachment B1), you must meet the following requirements in regard to your conduct in your role as an official appointed judge:

In order to present a professional image and to judge objectively and accurately, all judges should:

In General:

- understand and abide by the Judge's Oath;
- be fully conversant with the International Gymnastics Federation Code of Points and/or any other published rules and regulations pertaining to the standard of gymnastics being judged;
- actively maintain technical knowledge through ongoing review of the Code of Points, technical publications, videos and gym floor participation;
- attend all pre-competition judge's meetings;
- dress in a tidy fashion benefiting the status and image of a judge;
- be punctual for all official events;
- avoid the use of derogatory language; and
- be prepared to counsel athletes and coaches regarding the athlete's performance after competitions

When travelling with a team:

- report any significant outcomes from the pre-competition meetings to the team coach;
- be available to attend training sessions to advise on judging matters;
- emphasise the spirit of the sport rather than the errors;
- compliment and encourage all competitors;
- be accountable for one's own judging performance; and
- be a current Technical Member of GA/State Association.

At competitions:

- dress in the standard judge's uniform for competition;
- be prepared for the competition by having all personal judging equipment and accessories readily available and by being conversant with the apparatus and exercises;
- be co-operative with competition organisers, floor managers, announcers and head judges;
- be quick and accurate in determining scores;
- be co-operative in judges' conferences and assist the head judge to arrive at the final score;
- be prepared to justify scores in a judge's conference; and
- be consistent, objective and courteous at all times

ATTACHMENT B4: PARTICIPANT CODE OF BEHAVIOUR

In addition to MYC's General Code of Behaviour (Attachment B1), you must meet the following requirements in regard to your conduct in your role as a participant in any activity held by MYC, held or sanctioned by Gymnastics Australia or an affiliated club:

1. Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow participants and competitors.
4. Care for and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. At all times avoid intimate relationships with your coach.
7. Conduct yourself in a professional manner relating to language, temper and punctuality.
8. Maintain high personal behaviour standards at all times.
9. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
10. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
11. Cooperate with coaches and staff in the development of programs to adequately prepare you for competition at the highest level.

ATTACHMENT B5: ADMINISTRATOR CODE OF BEHAVIOUR

In addition to MYC's General Code of Behaviour (Attachment B1), you must meet the following requirements in regard to your conduct in your role as an administrator:

1. Involve people in planning, leadership, evaluation and decision making.
2. Give all people equal opportunities to participate.
3. Create pathways for people to participate in sport, not just as an athlete but as a coach, judge, administrator, etc.
4. Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of participants.
5. Provide quality supervision and instruction for junior participants.
6. Remember that people participate for their enjoyment and benefit. Do not overemphasise awards.
7. Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and judging.
8. Ensure that all involved in the sport emphasises fair play, not winning at all costs.
9. Remember, you set an example. Your behaviour and comments should be positive and supportive.
10. Support implementation of all policies of Gymnastics Australia, the State Association and the Mitchelton Youth Club Inc.
11. Make it clear that any abuse is unacceptable and will result in disciplinary action.
12. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

ATTACHMENT B6: DIRECTORS' CODE OF CONDUCT AND DECLARATION OF INTEREST STATEMENT

Directors' of Mitchelton Youth Club Inc. (MYC) will:

General Conduct

- at all times conduct themselves with the courtesy and respect of others.

Committee members' duties

- discharge their fiduciary duties in the best interests of the members of MYC as a whole.
- acknowledge that they represent only the Committee of MYC and do not and cannot represent other or individual constituents including any with which they have been previously been involved and/or associated.
- conduct themselves independently and free from undue influence at all times.
- act in good faith at all times.
- exercise due care and diligence in all matters.
- meet MYC's federal and state statutory obligations.

Conflicts

- avoid any conflict of interest which may arise when:
 - (i) a committee director or his/her immediate family or business stand to gain financially from any business dealings, programs or services provided to MYC.
 - (ii) a committee director offers a professional service to MYC.
 - (iii) a committee director stands to gain professionally or personally from any knowledge derived from his or board position if that knowledge is used for personal or professional advantage.
 - (iv) a committee director holds a position in another gymnastics organisation which deals with MYC.
- disclose upon election and annually thereafter during their term of appointment all interests in the MYC Register of Interests.
- it shall be incumbent on and a duty of each Director to disclose any conflict or potential conflict as they arise.
- during the course of a committee meeting or any other meeting involving MYC interests, seek the consent of the meeting to address the meeting subject to the disclosure and that request will be considered by the Board which may or may not allow the member to speak and may or may not require the member to absent him or herself from the meeting room.

Further obligations

- not act independently of MYC without the consent of the Committee.
- participate fully and constructively in the deliberations and decisions of the Committee and communicate openly to achieve MYC's goals.

ATTACHMENT B7: PARENT/GUARDIAN CODE OF BEHAVIOUR

As a parent/guardian of a participant in any activity held by Mitchelton Youth Club, Gymnastics Australia or an affiliate club, you must meet the following requirements in regards to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others, regardless of their gender, ability, cultural background or religion.
2. Remember that your child participates in sport for their own enjoyment, not yours.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance by all participants (including opposing participants).
6. Show appreciation for volunteers, coaches, judges and administrators.
7. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
8. Respect officials' decisions and teach children to do likewise.
9. Do not physically or verbally abuse or harass anyone associated with the sport (participant, coach, judge, etc).
10. Be a positive role model.
11. Allow fellow parents the respect they deserve in their viewing or involvement in their child's participation.
12. Be aware of the repercussions that any breaches of this code of behaviour may incur.

ATTACHMENT B8: SPECTATOR CODE OF BEHAVIOUR

As a spectator of any activity held by MYC, you must meet the following requirements:

1. Respect the rights, dignity and worth of others, regardless of their gender, ability, cultural background or religion.
2. Focus on the participants' efforts and performance rather than winning or losing.
3. Never ridicule or yell at participants for making a mistake or not winning a competition.
4. Show appreciation for good performance by all participants (including opposing participants).
5. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
6. Respect officials' decisions and teach others to do likewise.
7. Do not physically or verbally abuse or harass anyone (participant, coach, judge, administrator, etc). Report those that do to the relevant party.
8. Be a positive role model.
9. Check on the appropriate event, club or state bodies' policy on photography of participants before taking photos or videos.
10. Allow fellow spectators the respect they deserve in their viewing of the class/event.
11. Be aware of the repercussions that any breaches of this code of behaviour may incur.

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

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

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, the Australian Capital Territory, and South Australia. Working with Children Check laws are currently being introduced in Tasmania.

These laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with 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. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Mitchelton Youth Club Inc. including its state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Please be aware that 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. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms;
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People);

Attachment C1: MEMBER PROTECTION DECLARATION

Mitchelton Youth Club Inc. has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, MYC must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

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

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World AntiDoping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that GA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of on
...../...../.....(date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years) I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:

Signature:

Date:

Attachment C2: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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

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

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wvvp

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au/check

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Public Safety Business Agency about the "Blue Card" system.

Website: www.ccybcq.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

Website: www.families.sa.gov.au/childsafes

Phone : 08 8463 6468.

National Police Check: www.police.sa.gov.au/services-and-events/apply-for-a-police-recordcheck

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

Tasmania

Contact the Department of Justice about the working with children registration system that is being phased in Website: www.justice.tas.gov.au/working_with_children Phone: 1300 13 55 13

Victoria

Contact the Department of Justice
Website: www.workingwithchildren.vic.gov.au
Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection
Website: www.checkwwc.wa.gov.au
Phone: 1800 883 97

Travelling to other states or territories

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

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

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 the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, appeals and disciplinary measures, Mitchelton Youth Club Inc. will follow the procedures set out below.

Attachment D1: COMPLAINTS PROCEDURE

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under antidiscrimination, child protection or other relevant legislation.

If you wish to remain anonymous, MYC may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that MYC is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

INFORMAL APPROACHES

Step 1: Talk with the other person (where this is reasonable and appropriate) In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Information Officers (MPIOs) if:

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

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;

- ask what outcome/how you want the problem resolved and if you need support; provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. 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: Outcomes from initial contact

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 work out your own resolution (with or without a support person such as a MPIO); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

FORMAL APPROACHES

Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

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

On receiving a formal complaint and based on the material you have provided, the MPIO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to investigate (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to the MYC Discipline Committee;
- 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 set out in these Procedures is completed.

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

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

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

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 4 (or other authorised person) will conduct an investigation and provide a written report to the MYC Discipline Committee who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to MYC Discipline Committee, the hearing will be conducted in accordance with Attachment D5.
- If the complaint is referred to the police or other appropriate authority, Mitchelton Youth Club Inc. will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

In appropriate circumstances (and as determined solely at the discretion of the Committee) the Complainant may be liable for any costs or disbursements relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings).

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the Committee reconsider the complaint in accordance with Step 3.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

Step 7: Documenting the resolution

Mitchelton Youth Club Inc. will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.

If the complaint was dealt with by Gymnastics Queensland, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from the Queensland anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

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

ATTACHMENT D2: MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. The procedure for mediation that will be followed by Mitchelton Youth Club Inc. is in accordance with the GA Grievance By-Law.

The GA Grievance By-Law 3 has been established by the GA Board under clause 11.2(b) of the GA Constitution and was approved on 29 April 2007. It is binding on GA and all members of GA.

A copy of this By-Law is attached to the Member Protection Policy.

ATTACHMENT D3: INVESTIGATION PROCESS

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
 - 1.5 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.
 - 1.6 Provide a report to the GA Discipline Committee documenting the complaint, investigation process, evidence, finding and, if requested, 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/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision arrived at based on the investigation. Information on our appeals process is in Attachment D5.

ATTACHMENT D4: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The GA Discipline and Appeals By-Law will be followed for hearings and appeals in relation to national member protection related complaints. The GA Discipline and Appeals By-Law has been established by the GA Board under Clause 11.2(b) of the GA Constitution and was approved on 29 April 2007. It is binding on GA and all members of GA. A copy of this By-Law is available on the GA website.

PART E: REPORTING

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact Child Safety Services: <http://www.communities.qld.gov.au/childsafety/about-us/contact-us>:

- **During normal business hours** contact the Regional Intake Service. <http://www.communities.qld.gov.au/childsafety/about-us/contact-us/child-safetyservice-centres/regional-intake-services>
- **After hours and on weekends** contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week. If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the Police District Communication Centre nearest you. (<http://www.police.qld.gov.au/forms/contact.asp#districtComms>).

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

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 (subject to disclosure required by law or permitted under this policy) 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.

MEMBER PROTECTION POLICY



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	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy <input type="checkbox"/> Other <input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse	
	<input type="checkbox"/> Coaching methods <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Victimisation <input type="checkbox"/> Unfair decision	
Methods (if any) of attempted informal resolution		

MEMBER PROTECTION POLICY

Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name; Position: Signature:
Signed by:	Complainant: Respondent:

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

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.

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

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

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 President/Club Manager so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The President/Club Manager 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 the Mitchelton Youth Club Inc.
- The President/Club Manager will consider what services may be most appropriate to support the child and his or her parent/s.
- The President/Club Manager will consider what support services may be appropriate for the alleged offender.
- The President/Club Manager 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 MYC and / or GA).
- Regardless of the findings of the police and/or child protection agency investigations, MYC 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.
- The MYC Committee and/or CEO of GA 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 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

Queensland Police

Non-urgent police assistance

Ph: 131 444

www.police.qld.gov.au

Department of Communities

www.communities.qld.gov.au/childsafety

Ph: 1800 811 810

MEMBER PROTECTION POLICY



Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment D4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date: ____/____/____
Role / status in sport		
Child's name		Age:
Child's address		
Name of person complained about		
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witness (if more than 3 witnesses, attached details to this form)	Name (1): 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 person complained about)		
Police contacted	Who: When: Advice provided:	
Government agency contacted	Who: When: Advice provided:	
Club Manager and/or President contacted	Who: When:	
Police and/or government agency investigation	Finding:	

MEMBER PROTECTION POLICY

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 place and provided to the relevant authorities (police and government) should they require them.