



# CSJBA Member Protection Policy

Version 1.31

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Meeting

## Revision and Approval History

<b>Date</b>	<b>Author</b>	<b>Ver</b>	<b>Comments</b>
20 Jan 20	Jason Chabi	1.0	Extract from CSJBA Policy and Procedure Manual v1.4 to better accompany and co-exist with developed BNSW adopted CSJBA Ethics, and Expectations Policy including Code of Conduct for Tournament and Representative Team Participation
27 April 20	Jason Chabi	1.1	Align BNSW and CSJBA Member Protection Documents
12 May 20	Jason Chabi	1.2	Incorporate feedback from internal and external parties
1 June 20	Jason Chabi	1.3	Corrections per Cronulla Sharks.
4 July 20	Jason Chabi	1.31	Grammatical corrections and referencing errors as identified by Mr. Colin Bowmaker

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## 1 PART A: CSJBA MEMBER PROTECTION POLICY

### 1.1 Introduction

The Cronulla Sutherland Junior Baseball Association Incorporated (**CSJBA**) is committed to good governance, the growth of opportunities and continued improvement of the environment for all participants in the sport. This Member Protection Policy (**MPP**) is informed largely by Baseball New South Wales' (**BNSW**) MPP that in turn has been developed under the guidance of the Australian Sports Commission to set out the rights and responsibilities of those participating in the sport of Baseball.

The CSJBA and BNSW is committed to providing a safe environment for children; an environment which is free from harassment and abuse for all participants. BNSW fosters and promotes respectful and positive behaviour and values and it expects that its participants, officials and spectators will take up this view.

This Policy is an essential part of the CSJBA's and BNSW' proactive and preventative approach to tackling inappropriate behaviour in and around the sport.

We are collectively and personally committed and BNSW are committed to ensuring that everyone associated with the sport of baseball complies with this policy.

### 1.2 Purpose of this Policy

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

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

This Policy and its attachments can be obtained from our website at [www.csjba.baseball.com.au](http://www.csjba.baseball.com.au) under Policies.

### 1.3 Who is bound by this Policy

This Policy applies to as many persons as possible who are involved with the activities of CSJBA, whether they are in a paid or unpaid/voluntary capacity at an Association and Club Level.

- a) Persons appointed or elected to CSJBA committees and sub-committees;
- b) Members of the CSJBA Executive;
- c) Support personnel appointed or elected to CSJBA Representative and Tournament teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers and others);
- d) CSJBA Representative and Tournament coaches and assistant coaches;
- e) CSJBA Representative and Tournament players;
- f) Umpires and other officials involved in the regulation of the sport;
- g) Members, including life members of CSJBA;
- h) Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by CSJBA;
- i) All Affiliated Member Clubs
- j) any other people to whom the policy may apply.

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

### 1.4 Organisational Responsibilities

CSJBA as well as all member Affiliated Clubs and third party organisations with whom the CSJBA has an association interest must:

- a) adopt, implement and comply with this policy;

- b) ensure that this policy is enforced
- c) publish, distribute and promote this policy and the consequences of any breaches of the policy;
- d) promote and model appropriate standards of behaviour at all times;
- e) deal with any complaints made under this policy in an appropriate manner;
- f) deal with any breaches of this policy in an appropriate manner
- g) recognise and enforce any penalty imposed under this policy;
- h) ensure that a copy of this policy is available or accessible to all CSJBA Affiliated Clubs, people and associations to which this policy applies;
- i) use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior (such as Member Protection Information Officers and Complaints Officers who have completed the Australian Sports Commission courses);
- j) Monitor and review this policy at least annually.

## 1.5 Individual Responsibilities

Individuals bound by this policy are responsible for:

- a) making themselves aware of the policy
- b) complying with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy,
- c) consent to the screening requirements set out in this policy, and any state/territory
- d) working with children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where required by Law;
- e) place the safety and welfare of children above other considerations;
- f) are accountable for their behaviour; and
- g) complying with any decisions and/or disciplinary measures imposed under this policy.

## 1.6 Position Statements

### 1.6.1 Child Protection

CSJBA is committed to the safety and well-being of all children and young people who participate in baseball or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

CSJBA acknowledge the valuable contributions made by our staff and volunteers and encourage their active participation in providing a safe, fair and inclusive environment for all participants.

### 1.6.2 Identify and Analyse Risk of Harm

CSJBA will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps CSJBA can take to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person. (Refer attachment B of CSJBA Ethics and Expectations Policy for Team Officials).

### 1.6.3 Develop Codes of Behaviour

CSJBA will develop and promote a code of behaviour that sets out the conduct it expects of adults when they deal and interact with children involved in baseball, especially those in our care. We have implemented a code of behavior (refer CSJBA Ethics and Expectations Policy) to promote appropriate conduct between children.

The code(s) will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer attachments A-B of CSJBA Ethics and Expectations Policy for Players and Parents of Attachment A of CSJBA Ethics and Expectations Policy for Team Officials).

### 1.6.4 Choose Suitable Employees and Volunteers

CSJBA will take all reasonable steps to ensure that it 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 will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where Legislation requires an assessment. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer attachment in part B1 of this document)

#### 1.6.5 Support, Train, Supervise and Enhance Performance

CSJBA will ensure that all its volunteers who work with children have ongoing supervision, support and training. Our Goal is developing their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

Additionally, all Coaches and Assistant Coaches are to hold a minimum L1 Coaching Accreditation with BNSW, and have until Round 5 to provide this to the CSJBA or as a minimum where no Accreditation Course is immediately available, have their Affiliated Club confirm in writing that they are registered in the next available coaching course.

#### 1.6.6 Report and Respond Appropriately to Suspected Abuse and Neglect

CSJBA will ensure that its volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under State laws to make a report if they suspect on reasonable grounds that a child has been or is being abused or neglected. (Refer to the attachment in Part B of this Policy).

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

#### 1.6.7 Taking Images of Children

There is a risk that images of children may be used inappropriately or illegally. CSJBA 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, the CSJBA does 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 baseball.

When using a photo of a child, the CSJBA or its Affiliated Clubs will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. The CSJBA will not provide information about a child's hobbies, interests, school or the like.

The CSJBA will only use images of children that are relevant to baseball and will ensure that they are suitably clothed in a manner that promotes participation in the sport. The CSJBA will seek permission from the parents/guardians of the children before using the images which is typically requested at the time the player or their parent/guardian registers an expression of interest to trial for CSJBA team selection. The CSJBA requires its member clubs to do likewise.

Should a parent/guardian **not** wish their child to be photographed, they must advise the CSJBA immediately and via written correspondence sent to Secretary at [csjbasecretary@gmail.com](mailto:csjbasecretary@gmail.com)

#### 1.6.8 Anti-Discrimination and Harassment

CSJBA 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.

#### 1.6.9 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, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms herein.

Discrimination can be either direct or indirect:

- a) Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- b) 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.

#### 1.6.10 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 behavior 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.

#### 1.6.11 Prohibition against discrimination and harassment

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

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

#### 1.6.12 Pregnancy

CSJBA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their contributions to our sport in the capacity of volunteers and officials. We will not tolerate any discrimination or harassment against pregnant women.

CSJBA will take 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 even in the capacity of a non-player, 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.

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 to the attachments in Part C of this policy.)

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

##### *Gender Identity Discrimination and Harassment*

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of Terms herein).

CSJBA 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 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 C 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 organization bound by this policy because of their gender identity, they may make a complaint.

#### *Participation in Sport*

CSJBA 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.

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

#### *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 herein).

CSJBA 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.

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

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

In general, our policy is that:

- c) alcohol shall not be available or consumed at sporting events involving children and young people under the age of 18
- a) alcohol-free social events will be provided for young people and families
- b) food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- c) a CSJBA representative 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
- d) safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

### **1.8 Smoke-Free Environment**

CSJBA 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:

- e) 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;
- f) Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- g) 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.

## 1.9 Bullying

CSJBA 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:

- a) Verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- b) Excluding or isolating a group or person;
- c) Spreading malicious rumours; or
- d) 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.

CSJBA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an Umpire, 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, association, State body or Baseball Australia.

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.)

## 1.10 Social Networking

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

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:

- e) 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;
- f) Must not contain material which is inaccurate, misleading or fraudulent;
- g) Must not contain material which is in breach of laws, court orders, undertakings or contracts;
- h) Should respect and maintain the privacy of others; and
- i) Should promote the sport in a positive way.

## 1.11 Complaints Procedures

### 1.11.1 Handling Complaints

CSJBA 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 harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the Member Protection Information Officer at the level it occurred. If a complaint relates to behaviour or an incident that occurred at the:

- a) Association level, or involves people operating at the Association level, then the complaint should be reported to and handled by the relevant association in the first instance.
- b) *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

Matters that relate to, or which occurred at, the National level, as well as serious cases referred from the State, Association and Club level, will be dealt with by BNSW.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Member Protection Information Officer (MPIO) 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. Our procedures for handling and resolving complaints are outlined in Attachment C1.

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.

#### 1.11.2 Improper Complaints and Victimisation

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

If at any point in the complaint handling process the Member Protection Information Officer (MPIO) considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the Complaints Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

#### 1.11.3 CSJBA Disciplinary Proceedings, Protests, Disputes and Judiciary Appeals Committee

The governing body of the CSJBA, has by ordinary resolution, pursuant to its Constitution established a procedure and protocol for the procedure for and, discipline of, Members alleged or found to have conducted themselves in a manner inconsistent with the CSJBA Rules, CSJBA Constitution or these Policies and Procedures.

It is important to note the these procedures relate to an array of matters that includes not only Member Protection as contemplated by this Policy, but the administration of operation of Junior Baseball and the conduct of CSJBA Affiliated Clubs, the associated Executive, sub-committees and more broadly Members.

These procedures can be found in the CSJBA Administration, Policy and Procedure Manual which outline the CSJBA's:

- a) Process for Disciplining Members
- b) Structure of the Protests, Disputes and Judiciary Appeals Committee (PD&JAC)
- c) Proceedings before the Executive or PD&JAC
- d) Process of appeal before the PD&JAC or Baseball NSW Tribunal for which the latter, is outlined in this Policy

#### 1.11.4 BNSW Complaints/ Appeals Tribunals

In accordance with BNSW policy and by-laws, a Complaints Tribunal may be convened to hear a proceeding:

- a) referred to it by CEO or other designated official
- b) referred to it or escalated by the CSJBA because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be
- c) for an alleged breach of this policy.

The BNSW Tribunal procedure is outlined in Attachment C4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in

Attachment C4.

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

#### 1.11.5 Mediation and Arbitration

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

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

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

More information on the mediation process is outlined in Attachment C2.

#### 1.12 What is a Breach of this Policy?

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

- a) breaching the Codes of Behaviour outlined in the CSJBA Ethics and Expectations Policy
- b) bringing the sport and/or CSJBA into disrepute, or acting in a manner likely to bring the sport and/or BNSW into disrepute
- c) failing to follow CSJBA policies (including this policy) and our procedures for the protection, safety and well-being of children
- d) discriminating against, harassing or bullying (including cyber-bullying) any person
- e) victimising another person for making or supporting a complaint
- f) engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- g) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- h) disclosing to any unauthorised person or organisation any BNSW information that is of a private, confidential or privileged nature
- i) making a complaint that they know to be untrue, vexatious, malicious or improper
- j) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- k) failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

#### 1.13 Disciplinary Measures

CSJBA may impose disciplinary measures on an individual, Affiliated Club or organisation for a breach of this policy. Any disciplinary measure imposed will be:

- a) fair and reasonable
- b) applied consistent with any contractual and employment rules and requirements
- c) be based on the evidence and information presented and the seriousness of the breach
- d) be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport, and
- e) subject to various escalation and tribunal review processes outlined herein

##### 1.13.1 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) A direction that the individual make a verbal and/or written apology;
- b) A written warning

- c) A direction that the individual attend counselling to address their behaviour
- d) A withdrawal of any awards, scholarships, placing's, records, achievements bestowed in any tournaments, activities or events held or sanctioned by CSJBA
- e) A demotion or transfer of the individual to another location, role or activity
- f) A suspension of the individual's membership or participation or engagement in a role or activity
- g) Termination of the individual's membership, appointment or engagement
- h) A recommendation that BNSW terminate the individual's membership, appointment or engagement
- i) 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
- j) A fine
- k) any other form of discipline that the designated official/committee considers appropriate.

### 1.13.2 Organisation

If a finding is made that a CSJBA member, Affiliated Club or organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the relevant official/committee/Tribunal:

- a) A written warning;
- b) A fine;
- c) A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- d) A direction that any funding granted or given to it by Baseball Australia or BNSW or a peak association cease from a specified date;
- e) A direction that BNSW and peak associations cease to sanction events held by or under the auspices of that organisation;
- f) A recommendation to the national body and/or the association that its membership of the national body or peak association be suspended or terminated in accordance with the relevant constitution or rules;
- g) Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

### 1.13.3 Factors to consider

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

- a) the nature and seriousness of the breach
- b) if the person knew, or should have known, that the behaviour was a breach of the policy
- c) the person's level of contrition
- d) the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- e) if there have been any relevant prior warnings or disciplinary action
- f) the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)

any other mitigating circumstances.

## 1.14 Dictionary of Terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities 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** an independent entity recognised under CSJBA Constitution to administer the sport of baseball in its particular location.

**BA** means Baseball Australia

**BNSW** means Baseball New South Wales

**Child** means a person who is under the age of 18, however for clarity, as per definitions in the Children's Care and Protection Act, a child is Under 16. There is a separate category called "Young Persons" which encompasses people 16 to 18 years or age

**Child Abuse** involves conduct, which puts a child at risk of harm and may include:

- a) Physical Abuse, 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.
- b) 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).
- c) 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.
- d) 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.

**CO or Complaints Officer.** Also see definition Member Protection Information Officer (MPIO)

**Complaint** means a complaint made under this policy

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

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

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

- a) Age
- b) Sex or gender
- c) Gender identity
- d) Intersex status
- e) Race, colour, descent, national or ethnic origin, nationality, ethno- religious origin, immigration
- f) Disability, mental and physical impairment
- g) Family/carer responsibilities, status as a parent or carer
- h) Marital status
- i) Pregnancy, potential pregnancy, breastfeeding
- j) Sexual orientation and gender identity
- k) Physical features
- l) Irrelevant medical record
- m) Irrelevant criminal record, spent convictions
- n) Political beliefs or activities
- o) Religion, religious beliefs or activities
- p) National extraction or social origin
- q) Lawful sexual activity
- r) Profession, trade, occupation or calling
- s) Member of association or organisation of employees or employers, industrial activity, trade union activity
- t) Defense service

- u) 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(s) apply, including exceptions for sporting activities, such as:

- v) Holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- w) 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
- x) 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.

**CSJBA** means Cronulla Sutherland Junior Baseball Association Incorporated

**Harassment** is any type of unwelcome behaviour, which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

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

**Member** means a member for the time being of CSJBA and by default, BNSW under BNSW's Constitution

**Member Protection Information Officer (MPIO)** otherwise referred to as **Complaints Officer (CO)** means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy

Procedural fairness requires that:

- a) The respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- b) No person may judge their own case; and
- c) The decision-maker(s) must be unbiased, fair and just.

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

**Policy** means this Member Protection Policy.

**Protests, Disputes and Judiciary Appeals Committee (PD&JAC)** is a body that may be established by the CSJBA Executive from time to time to evaluate and adjudicate complaints, protests or disputes that vary in nature. An elaboration of the role of the PD&JAC can be found in the CSJBA Administration, Policy and Procedure Manual.

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

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires). These Codes of Conduct can be found in the CSJBA Ethics and Expectations Policy for Players/Parents and Team Officials.

**Sexual harassment** means unwelcome 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 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. Because of differences under state and territory laws, this can include but not limited to:

- a) Rape
- b) Indecent assault
- c) Sexual assault
- d) Assault with intent to have sexual intercourse
- e) Incest
- f) Sexual penetration of child under the age of 16
- g) Indecent act with child under the age of 16
- h) Sexual relationship with child under the age of 16
- i) Sexual offences against people with impaired intellectual functioning
- j) Abduction and detention
- k) Procuring sexual penetration by threats or fraud
- l) Procuring sexual penetration of child under the age of 16
- m) Bestiality
- n) Soliciting acts of sexual penetration or indecent acts
- o) Promoting or engaging in acts of child prostitution
- p) Obtaining benefits from child prostitution
- q) Possession of child pornography
- r) Publishing child pornography and indecent articles.

**Transgender** '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.

**Sexual orientation:** The term '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:** The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

**Gender expression:** The term 'gender expression' refers to the way in which a person externally expresses their gender or how others perceive them.

**Intersex:** The term '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, and intersex or as being of indeterminate sex.

**Victimization** means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

**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.

**NOTE:** Additional obligations may apply under relevant/applicable state or territory anti-discrimination laws.



## 2 PART B: WORKING WITH CHILDREN CHECK REQUIREMENTS

CSJBA is 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.

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

Working with Children Check Legislation 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.

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

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.

### 2.1 CSJBA Reporting Responsibilities

In encountering a complaint contemplated by this Policy the CSJBA Executive, its Members or broader members of the baseball community, may have cause to report the event to various statutory bodies.

Any person who has reasonable grounds to believe that a child or young person is at risk of significant harm may be reported to **Department of Communities and Justice** by phoning 132 111 to report child abuse or neglect (24 hour service)

Some people must report if they have reasonable grounds to suspect a child is at risk of significant harm. They are legally "mandatory reporters" and must report concerns about risk of significant harm to kids to the Department of Community Services. A person who is paid to provide the following services and a person (paid or unpaid) who is in a management position in these services are mandatory reporters:-

- a) Health care (such as Doctors, Nurses)
- b) Education (such as Teachers)
- c) Children's Services (such as child care workers)
- d) Residential services (such as refugees)
- e) Law Enforcement (such as Police)

The CSJBA may have cause to engage the NSW Ombudsman who supervises the complaints process of all state and local government agencies as well as schools, child-care centres and agencies providing Out of Home care. People using these services can complain to the Ombudsman and the Ombudsman can check that the service has handled the complaint properly.

The NSW Ombudsman's "Complaint Handlers Tool Kit" and "Child Protection for the Workplace" Guidelines are available at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

Reporting bodies such as the CSJBA and Affiliated Clubs have a legal obligation to report findings of sexual misconduct and serious physical assault involving children by a child-related worker to the Office of Children's Guardian. Under Schedule 1 of the **Child Protection (Working with Children) Act 2012** the conduct that must be reported is:

- f) Sexual misconduct committed against, with or in the presence of a child, including grooming of a child
- g) Any serious physical assault of a child.

Under the legislation, reporting bodies must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred. To determine whether or not the conduct meets the criteria, reporting bodies must consider the nature of the conduct itself and the context in which it occurred. If the investigation results in a finding that sexual misconduct or serious physical assault occurred, the reporting body must report this finding to the Office of the Children's Guardian. Under the **Child Protection (Working with Children) Act 2012**, only findings of sexual misconduct and serious physical assault must be reported, although the Ombudsman may report other misconduct to the Office of the Children's Guardian.

## 2.2 CSJBA Affiliated Club's Obligations and Reporting Requirements

- 2.2.1 Affiliated Clubs of the CSJBA shall ensure that all Coaches, Assistant Coaches, Managers, and any other Members engaged in the "direct supervision" of junior players (as defined in the Working with Children Check guidelines):
- have obtained a Working with Children Check ("WWCC") Authorisation Number
  - are aware of, and acknowledge their obligations required by the CSJBA Code of Conduct outlined in section 6 herein; and
  - are aware of and comply with any other documentation and requirements of the Office of Children's Guardian before the commencement of any summer season.
- 2.2.2 In relation to (a) and (c) above, it is the responsibility of each Affiliated Clubs' Executive to:
- identify those Members, in addition to team Coaches, Assistant Coaches and Managers that warrant a WWCC Authorisation Number,
  - maintain their Clubs' WWCC Register,
  - verify WWCC Authorisation Numbers
  - respond to any correspondence from the NSW Office of the Children's Guardian or other Statutory Authority in relation to its Members, and
  - in the event a Club is notified that one of its Members has had their WWCC Authorisation revoked/suspended, within 24 hours of such notification inform the CSJBA Secretary at [csjbasecretary@gmail.com](mailto:csjbasecretary@gmail.com)
- 2.2.3 Affiliated Clubs will be required to provide the CSJBA Secretary written correspondence confirming that all its Members have obtained
- Prior to Round 1 of the competition, as a minimum a WWCC online Application (APP) Number, and
  - Prior to Round 5 of the competition, a WWCC Authorisation Number This duration gives consideration to team selection, Coach, Assistant Coach and Manager identification and the elapsed time it takes to submit an Application for, and for a Member identified by the Club to be issued a WWCC Authorisation Number.
- 2.2.4 This correspondence in:
- 16.3 a) above is to be sent to [csjbasecretary@gmail.com](mailto:csjbasecretary@gmail.com) and state as a minimum that "each registered team in the current CSJBA competition for which a Coach, Assistant Coach and Manager is designated has WWCC Application Number or WWCC Authorisation Number and that the Clubs' WWCC register is true and accurate and that all WWCC Authorisation Numbers have been verified by the Club"
  - 16.3 b) above is to be sent to [csjbasecretary@gmail.com](mailto:csjbasecretary@gmail.com) and state as a minimum that "each registered team in the current CSJBA competition for which a Coach, Assistant Coach and Manager is designated has a WWCC Authorisation Number, that the Clubs' WWCC register is true and accurate and that all WWCC Authorisation Numbers have been verified by the Club" and MUST be accompanied by a complete register, in Microsoft Excel format that includes the following for each individual listed:
    - Full name
    - Role at Affiliated Club
    - Team Associated with (where applicable)
    - Date of Birth
    - WWCC Number
    - WWCC Number Expiration Date
- 2.2.5 Where a Club has not received a WWCC Authorisation Number for an individual by Round 5, the Affiliated Clubs' Executive:
- must suspend the individual from acting in their defined capacity or any other capacity that warrants a WWCC Authorisation Number until such time as it has been obtained by the individual and provided to the Affiliated Club
  - identify those individuals that have not obtained a WWCC Authorisation Number in correspondence sent to the CSJBA Secretary in accordance with the above

- 2.2.6 The CSJBA Executive will consider a Clubs' non-compliance with its Reporting Obligations outlined herein a dereliction of its responsibility to provide a safe environment for its Members and as such, the Club may be subject to sanctions imposed by the CSJBA.
- 2.2.7 The confidential information contemplated by this section will be held by the Secretary of the Affiliated Club. These records may be required by the Executive of the CSJBA and should be made available on request whilst still recognising any confidentiality requirements.
- 2.2.8 For all representative Coaches and support staff, the records and completed forms will be held by the Secretary of the CSJBA.

### 2.3 Screening Requirements (for New South Wales)

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:

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

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

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

Further information can be obtained by contacting the Office of the Children's Guardian Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check) Phone: 02 9286 7276

## ATTACHMENTS

Attachment B1: Team Officials' Member Protection Declaration

2.4 ATTACHMENT B1 – TEAM OFFICIALS’ MEMBER PROTECTION DECLARATION

CSJBA has a duty of care to all those associated with the sport and to the individuals and organisations to whom our Policy applies. As a requirement, CSJBA must enquire into the background of those who undertake any work, coaching, team administrative or regular unsupervised contact with people under the age of 18 years.

I .....of  
(print name)

.....  
(print address)

born ...../...../.....

Declare:

- a) I do not have any criminal charge pending before the courts.
- b) I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence or narcotics.
- c) I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct harassment, other forms of harassment or acts of violence or narcotics.
- d) To my knowledge there is no other matter that BNSW may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
- e) I will notify the CEO/President/MPIO and/or CO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in a) - d) 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.

Print Name:.....

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

### 3 PART C: COMPLAINT HANDLING PROCEDURES

CSJBA will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously. The CSJBA will provide individuals with an informal and formal 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.

CSJBA will exercise its best efforts to respond or follow up on a complaint via either the Member Protection Information Officer (**MPIO**) or Complaints Officer (**CO**):

- e) within 3 working days of being notified of a complaint by phone;
- f) within 3 working days of being notified of a complaint by email; or
- g) within 5 working days of being notified of a complaint by post(letter).

#### ATTACHMENTS

AttachmentC1:	Complaints procedure
AttachmentC2.	Mediation
AttachmentC3.	Investigation procedure
AttachmentC4.	Tribunal procedure

## 3.1 ATTACHMENTC1: COMPLAINTS PROCEDURE

CSJBA is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

It will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

CSJBA will provide informal and formal procedures to deal with complaints. Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.

### 3.1.1 Informal Approaches

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

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

#### **Step 2: Contact the CSJBA Member Protection Information Officer (or Complaints Officer)**

We encourage you to talk with the Member Protection Information Officer (MPIO) if:

- a) Step 1 (above) is not appropriate;
- b) You are not sure how to handle the problem by yourself;
- c) You want to talk confidentially with someone and find out what options are available to address your concern; or
- d) The concern continues after you approached the other person.

The MPIO will:

- e) Ask how you would like your concern to be resolved and if you need support
- f) Seek to provide different options for you to address your concern
- g) Act as a support person, if you wish
- h) Refer you to an appropriate person (e.g. a mediator) to help you address your concern,
- i) Inform the relevant government authorities and/or police, if required by law to do so
- j) Where possible and appropriate, maintain confidentiality.

#### **Step 3: Decide how to address your concern**

After talking with the MPIO you may decide:

- a) There is no problem;
- b) The problem is minor and you do not wish to take the matter forward;
- c) To try and resolve the problem yourself, with or without a support person;
- d) To resolve the problem with the help of someone impartial, such as a mediator; or
- e) To resolve the matter through a formal process.

### 3.1.2 Formal Approaches

#### **Step 4: Making a formal complaint**

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

- a) Make a formal complaint in writing to the CSJBA Secretary at [csjbasecretary@gmail.com](mailto:csjbasecretary@gmail.com).

- b) Approach the MPIO at Baseball NSW

After receiving a formal complaint, and based on the material you provide, either of the recipients above will decide whether:

- a) He or she is the most appropriate person to receive and handle the complaint
- b) The nature and seriousness of the complaint requires a formal resolution procedure
- c) To refer the complaint to mediation
- d) To appoint a person to investigate the complaint
- e) To refer the complaint to a tribunal hearing
- f) To refer the matter to the police or other appropriate authority; and/or
- g) To implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the recipient will take into account:

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

If the recipient is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- m) Provide the information received from you to the other person(s) involved and ask for a response
- n) Decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- o) Determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

### **Step 5: Investigating the Complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. The investigations procedure is outlined in (refer attachment C3).

Following the investigation, a written report will be provided to Complaints Tribunal

- a) If the complaint is referred to mediation, we will follow the steps outlined in (refer attachment C2) or as agreed by you, the respondent and the mediator.
- b) If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the steps outlined in (refer attachment C4).
- c) If the complaint is referred to the police or another external agency, we will endeavor to provide all reasonable assistance required by the police or the agency.

Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the complainant, unless otherwise stated.

### **Step 6: Reconsidering a Complaint or Appealing a Decision**

If the matter is referred to mediation and is not resolved at mediation, you may request that initial recipient reconsider the complaint in accordance with Step 3.

In accordance with BNSW rules you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in (refer attachment C4).

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

The CEO will record the complaint, the steps taken to resolve it and the outcome. This information will be

stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the state association will store the information. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by **BNSW** and a copy stored by the Baseball Australia.

### 3.1.3 Approaching External Organisations

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

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

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

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

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



## 3.2 ATTACHMENT C2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

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 discuss the issues and seeks to facilitate a mutually agreeable solution.

The CSJBA's and for that matter Baseball New South Wales' (BNSW) approach to mediation follows the steps set out below.

- a) The MPIO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of BNSW and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with BNSW acting as mediator.
- b) The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
- c) All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
- d) If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. The complainant and the respondent(s) will sign this agreement. We expect the parties involved to respect and comply with the terms of the agreement.
- e) If the complaint is not resolved by mediation, the complainant may:
- f) write to the CSJBA President or as the case may be CEO Baseball New South Wales to request that the complaint be reconsidered; and
  - i. Approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

The CSJBA and BNSW for that matter recognise that there are some situations where mediation may not be appropriate, including:

- a) When the people involved have completely different versions of the incident
- b) When one or both parties are unwilling to attempt mediation
- c) When there is a real or perceived power imbalance between the people involved
- d) Matters that involve serious allegations.

### 3.3 ATTACHMENT C3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered by the CSJBA, Baseball New South Wales (**BNSW**), Baseball Australia (**BA**) or another endorsed third party. An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. An unbiased person will undertake the investigation process. If we decide that a complaint should be investigated, we will follow the steps outlined below.

- a) We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
- b) The investigator may:
  - i) Interview the complainant and record the interview in writing
  - ii) Provide full details of the complaint to the respondent(s) so that they can respond
  - iii) Interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - iv) Obtain statements from witnesses and collect other relevant evidence
  - v) Make a finding as to whether the complaint is:
- c) Substantiated (there is sufficient evidence to support the complaint)
- d) Inconclusive (there is insufficient evidence either way)
- e) Unsubstantiated (there is sufficient evidence to show that the complaint is unfounded)
- f) Mischievous, vexatious or knowingly untrue.
- g) Provide a report to Complaints Tribunal documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.

We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarizing key points from the investigation.

The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g.MPIO).

## 3.4 ATTACHMENT C4: BNSW TRIBUNAL PROCEDURES per By-Law 15.4

There may be times where a Complainant or Respondent is not satisfied with the determination of the CSJBA and/or where sanctions imposed on a Member have been breached by that Member. As such, a vehicle exists wherein Baseball New South Wales (**BNSW**) may establish a Tribunal at the request of a Complainant or respondent and per the steps set out below, hear formal complaints made alleging acts, omissions, facts, matters or circumstances that may constitute a breach of the CSJBA's and/or BNSW By-laws, the Constitution, the Official Rules of Baseball, the Member Protection Policy or a failure by any Member to comply in full with the terms of a sanction previously imposed by a body recognized by the CSJBA and/or BNSW or related Tribunal, or in the event of BNSW and/or CSJBA becoming aware by any means of any such acts, omissions, facts, matters or circumstances or in the event that the BNSW Board receives a report from the Audit Committee pursuant to its By-Law 2.2.1 hereof.

### 3.4.1 Preparing for a Tribunal Hearing

- 3.4.1.1 BNSW may, sitting as a Board, or, by creating a Tribunal by the appointment of such Members as it deems appropriate, hear and determine alleged breaches of these By-laws, the Constitution, the Official Rules of Baseball, the League's Member Protection Policy or a failure by any Member to comply in full with the terms of a sanction previously imposed by the League or a Tribunal (Alleged Breach).
- 3.4.1.2 For the purposes of this By-Law a formal complaint may be made to BNSW by a report given by any person to any Board member, the CEO or a Complaints Manager or a Complaints Officer appointed by the CEO BNSW for that purpose or BNSW may of its own volition determine that conduct of which it has become aware by any means ought to be investigated or the Board may receive a report from the Audit Committee pursuant to By-Law 2.2.1.
- 3.4.1.3 In the event that the Board, the CEO, the Complaints Manager or a Complaints Officer as the case may be determines that a breach notice should be issued in respect of an Alleged Breach, a notice in the form prescribed in sub-rule 8 below shall be sent to the relevant Member (charged Member) and a Tribunal shall be appointed to hear and determine the disciplinary proceedings. The minimum number of Tribunal panel members required to be present throughout the hearing will be three (3).
- 3.4.1.4 For the purposes of these BNSW By-Laws, a notice under sub-rule 3 above shall be served by any of the following methods:
  - a) sending it by prepaid mail to the charged Member's last known address notified to the League;
  - b) sending it by email to the charged Member's email address last notified to the League;
  - c) personally handing it to the charged Member.
  - d) A notice served by prepaid mail shall be deemed to have been served on the third business day after posting. A notice served by email shall be deemed to have been served at the time the email is sent excepting in the event that the sender receives a notice that transmission of the email has failed.
- 3.4.1.5 The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by or on behalf of the League to the charged Member.
- 3.4.1.6 The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the charged Member to prepare for the hearing.
- 3.4.1.7 The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the Alleged Breach.
- 3.4.1.8 The League shall cause the charged Member to be notified in writing that a Tribunal hearing will take place. The notice (Hearing Notice) will contain the following information:
  - a) The right of the charged Member to appear at the Tribunal hearing to defend the Alleged Breach;
  - b) the details of the Alleged Breach, as well as any clause of the Constitution, the By- Laws or any policy or rule that has allegedly been breached;
  - c) the date, time and venue of the Tribunal hearing;
  - d) that either verbal or written submissions can be presented at the Tribunal hearing;
  - e) that witnesses may attend the Tribunal hearing to support the position of the charged Member (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to

the Tribunal hearing);

- f) an outline of any possible penalties that may be imposed if the complaint is found to be true;
- g) that legal representation will not be allowed;
- h) that cross examination of the complainant will not be allowed except with leave of the Tribunal. Such leave will not in the ordinary course be given.

3.4.1.9 If the charged Member is a minor, he or she should have a parent or guardian present. A copy of any information/documents that have been given to the Tribunal panel (e.g. investigate report findings) will be provided to the charged Member. The charged Member will not be allowed to participate in all Baseball NSW activities and events, unless the League upon receipt of an application from the charged Member, grants permission for the Member to participate in all or some Baseball NSW activities pending the decision of the Tribunal, including any available appeal process.

3.4.1.10 The League shall cause a copy of the Hearing Notice to be sent to the complainant. For the purposes of any Hearing Notice issued as a result of the League's own enquiries or a report issued by the Audit Committee, the complainant will be the person issuing the Hearing Notice.

3.4.1.11 If the complainant believes any details set out in the Hearing Notice are incorrect or insufficient, he or she should inform the League as soon as possible so that the charged Member and members of the Tribunal panel can be properly informed of the details of the Alleged Breach.

3.4.1.12 If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

#### 3.4.2 Tribunal Hearing Procedure for BNSW MPP follow (BNSW By-Law 15.5)

3.4.2.1 The following people will be allowed to attend the Tribunal hearing:

- a) Tribunal panel members;
- b) the charged Member or Members;
- c) the complainant;
- d) any witnesses called by the charged Member;
- e) any witnesses called by the complainant;
- f) any parent/guardian or support person required to support the charged Member or the complainant

3.4.2.2 If the Charged Member(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.

3.4.2.3 If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the charged Member (s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

3.4.2.4 The Tribunal chairperson will inform the League of the need to reschedule the hearing and the League will arrange for the Tribunal to be reconvened and will send to the charged Member an amended Hearing Notice that sets out the newly appointed hearing time and date and any other amendments directed by the Tribunal.

3.4.2.5 The Tribunal chairperson will read out the Alleged Breach, ask each charged Member if he or she understands the Alleged Breach and if he or she pleads guilty or not guilty to the Alleged Breach.

3.4.2.6 If the charged Member pleads guilty to the Alleged Breach, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.

- 3.4.2.7 If the charged Member pleads not guilty to the Alleged Breach, the complainant will be asked to provide details of all acts, omissions, facts, matters or circumstances in support of the Alleged Breach. This may be done by way of written or oral presentation. The complainant may call witnesses or tender any written, photographic, pictorial or other evidence supportive of the Alleged Breach. The charged Member may question the complainant and any witnesses only with the leave of the Tribunal. The rules of evidence will not apply at the hearing.
- 3.4.2.8 The charged Member will then be asked to respond to the Alleged Breach. This may be done by way of written or oral presentation. The charged Member may call witnesses or tender any written, photographic, pictorial or other evidence contrary to the Alleged Breach. The complainant may ask questions of the charged Member and any witnesses only with the leave of the Tribunal.
- 3.4.2.9 The complainant and charged Member (s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
- 3.4.2.10 The Tribunal may:
- a) consider any evidence, and in any form, that it deems relevant;
  - b) question any person giving evidence;
  - c) limit the number of witnesses presented to those who provide new evidence;
  - d) reject any written, photographic, pictorial or other evidence submitted by either the complainant or the charged Member without having to state reasons for so doing;
  - e) require (to the extent it has power to do so) the attendance of any witness it deems relevant;
  - f) act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
- 3.4.2.11 Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
- 3.4.2.12 If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
- 3.4.2.13 At the conclusion of the hearing, the Tribunal will deliberate in private in order to determine whether or not the Alleged Breach has, on the balance of probabilities, been substantiated. As the seriousness of the Alleged Breach increases, so too must the level of satisfaction of the Tribunal that the Alleged Breach has been substantiated. The Tribunal may deliver its decision in this regard at the conclusion of the giving of evidence by both the complainant and the charged Member or reserve such decision until a time and date to be notified to the complainant and charged Member.
- 3.4.2.14 If the Tribunal determines that the Alleged Breach has been substantiated, the complainant and the charged Member(s) will be given an opportunity to address the Tribunal in relation to possible penalties that may be imposed by the Tribunal. Any penalties imposed must be reasonable in the circumstances. In the event of a reserved decision, the Tribunal shall when notifying the complainant and the charged Member of its decision appoint a time and date for the hearing of evidence in relation to penalty (if the Alleged Breach has been substantiated).
- 3.4.2.15 All Tribunal decisions, whether as to guilt or penalty, will be by majority vote.
- 3.4.2.16 At the conclusion of a hearing as to penalty, the Tribunal chairperson may announce the decision at that time or may advise those present that the decision is reserved and will be handed down in written form at a later time.
- 3.4.2.17 Within 48 hours of the conclusion of the hearing process, the Tribunal chairperson will:
- a) forward a notice of the Tribunal's decision to the League including, if relevant, any disciplinary measures imposed;
  - b) forward a letter confirming the Tribunal's decision to the charged Member(s), including, if relevant, any disciplinary measures imposed. The letter shall, if relevant, also outline the process
  - c) and grounds for an appeal as provided in By-Law16.
- 3.4.2.18 The Tribunal does not need to provide reasons for its decision.

### 3.4.3 Right of Appeals Procedure for BNSW MPP will follow By-Laws 16.0

- 3.4.3.1 The League, sitting as the Board or, by appointment of such Members as it deems appropriate, may create an Appeal Tribunal Committee (Appeals Tribunal) to hear and determine appeals from determinations of the League or a Tribunal made under By-Law 15 hereof.
- that a denial of procedural fairness has occurred;
  - that the sanction imposed are unjust and/or unreasonable;
  - that the decision was not supported by the information/evidence provided at the Tribunal Hearing.
- 3.4.3.2 An Appellant must lodge a letter setting out the grounds for their appeal (Appeal Notice) with the CEO within twenty-one (21) days of the decision being made together with a statement setting out in summary form the reasons why the appeal should be allowed and the evidence to be relied upon in the appeal hearing including the names of all witnesses the Appellant intends to call to give evidence at the appeal hearing (Appeal Statement). No new evidence may be introduced at the hearing of the appeal except with the leave of the Appeals Tribunal. An appeal fee of \$350.00 shall be included with the Appeal Notice in the event of an appeal by a charged Member.
- 3.4.3.3 If the Appeal Notice, the Appeal Statement and the appeal fee, if applicable, are not all received by the CEO within this time, the right of appeal will lapse.
- 3.4.3.4 Upon receipt of a valid Appeal Notice, Appeal Statement and payment of the appeal fee, if applicable, in accordance with these By-Laws the League shall cause to be appointed an Appeals Tribunal for determining the appeal.
- 3.4.3.5 The Appeal Notice, Appeal Statement and the notice of the Tribunal's decision will be forwarded to the Appeals Tribunal which will examine the material lodged by the Appellant in order to determine whether there is, in the unfettered discretion of the Appeals Tribunal, a prima facie case in favour of the appeal succeeding in respect of one or more of the grounds set out in the Appeal Notice. In making such determination, the Appeals Tribunal shall take into account the material filed by the Appellant and may invite the Appellant and any witnesses nominated by the Appellant in the Appeal Statement to give evidence in support of the appeal. Such evidence may be given in person or by telephone or in written form as determined by the Appeals Tribunal in its unfettered discretion and may be given to one or more members of the Appeals Tribunal as determined by the Appeals Tribunal.
- 3.4.3.6 If the Appeals Tribunal determines that a prima facie case in favour of the appeal has not been established, then the appeal will be rejected and the appeal fee forfeited. The Appellant will be notified in writing of this determination and the Appeals Tribunal will not be required to give reasons for its decision.
- 3.4.3.7 If the Appeals Tribunal determines that a prima facie case has been made out in respect of one or more of the grounds of appeal as set out in the Appeal Notice, it will appoint a hearing date in respect of any such grounds and the appeal fee will be refunded. The hearing of the appeal will be in the form of a new hearing and will be limited to the grounds of appeal in respect of which the Appeals Tribunal has found a prima facie case exists. New evidence cannot be introduced to the appeal hearing except with the leave of the Appeals Tribunal.
- 3.4.3.8 The Tribunal hearing procedure set out in By-Law 15 shall be followed in respect of all appeal hearings conducted by the Appeals Tribunal to the extent that those hearing procedures are capable of so applying.
- 3.4.3.9 The decision of the Appeals Tribunal will be final.
- 3.4.3.10 The Appeals Tribunal does not need to provide reasons for its decisions.
- 3.4.3.11 *RECORD OF DISCIPLINARY FINDINGS* for BNSW MPP will follow By-Laws 17.0
- The League will keep a record of all disciplinary hearings and their outcomes including details of any penalties imposed ("the Disciplinary Hearings Register").
  - The League and any Tribunal including any Appeals Tribunal will be entitled to access the Disciplinary Hearings Register during the course of any disciplinary hearing or appeal.
  - The League and any Tribunal including any Appeals Tribunal will be entitled to take into account when determining penalty any previous findings made in relation to a Member appearing before it.

The Disciplinary Hearings Register will be made available to Members on the League's website subject to the unfettered discretion of the League to not include the determinations of particular disciplinary hearings or appeal hearings when it considers that the right to privacy or the welfare of the Member concerned is paramount

## 4 PART C: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

The CSJBA will ensure that all the complaints it receives, 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.

### ATTACHMENTS

- a) AttachmentC1: Record of informal complaint
- b) AttachmentC2: Record of formal complaint
- c) AttachmentC3: Handling an allegation of child abuse
- d) AttachmentC4: Confidential record of child abuse allegation

4.1 ATTACHMENT C1:RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <span style="float: right;"><input type="checkbox"/> Under 18</span>	
Role/status	<input type="checkbox"/> Administrator (volunteer) <span style="float: right;"><input type="checkbox"/> Parent</span> <input type="checkbox"/> Athlete/player <span style="float: right;"><input type="checkbox"/> Spectator</span> <input type="checkbox"/> Coach/Assistant Coach <span style="float: right;"><input type="checkbox"/> Support Personnel</span> <input type="checkbox"/> Employee (paid) <span style="float: right;"><input type="checkbox"/> Other.....</span> <input type="checkbox"/> Official	
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 or grounds). Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <span style="float: right;"><input type="checkbox"/> Coaching methods</span> <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <span style="float: right;"><input type="checkbox"/> Verbal abuse</span> <input type="checkbox"/> Race <input type="checkbox"/> Bullying <span style="float: right;"><input type="checkbox"/> Physical abuse</span> <input type="checkbox"/> Religion <input type="checkbox"/> Disability <span style="float: right;"><input type="checkbox"/> Victimisation</span> <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <span style="float: right;"><input type="checkbox"/> Unfair decision</span> <input type="checkbox"/> Other .....	
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 the CSJBA Member Protection Information and/or Complaints Officer



4.2 ATTACHMENT C2:RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<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"/> Over18 <input type="checkbox"/> Under 18	
Respondent's Role or Position	<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 incident		
Description of alleged incident		
What is the nature of the complaint? (category, basis or grounds). Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	

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

If mediated:	<p>Date of mediation:</p> <p>Both/allparties present Agreement:</p> <p>Any other action taken:</p>
If decision was appealed	<p>Decision:</p> <p>Action(s) recommended:</p>
Resolution	<p><input type="checkbox"/> Less than 3 months to resolve</p> <p><input type="checkbox"/> Between 3 – 8 months to resolve</p> <p><input type="checkbox"/> More than 8 months to resolve</p>
Completed by	<p>Name:</p> <p>Position:</p> <p>Signature:</p> <p>Date / /</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 BNSW and a copy kept with the organisation where the complaint was first made.

### 4.3 ATTACHMENT C3: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.**

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

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

#### Step 1: Receive the allegation

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

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

#### Step 2: Report the allegation

- a) 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.
- b) Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- c) If the allegation involves a person to whom this policy applies, then also report the allegation to the CSJBA MPIO or CEO of BNSW so that he or she can manage the situation.

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

- a) The CSJBA MPIO or CEO will:
  - i. 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 an employee of BNSW.
- b) consider what services may be most appropriate to support the child and his or her parent/s.
- c) consider what support services may be appropriate for the alleged offender.
- d) seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

**Step 4: Take internal action**

- a) At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - i. A criminal investigation (conducted by the police)
  - ii. A child protection investigation (conducted by the relevant child protection agency)
  - iii. A disciplinary or misconduct inquiry/investigation (conducted by BNSW).
- b) CSJBA and/or BNSW will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- c) If disciplinary action is undertaken, we will follow the procedures set out in *this* Policy.
- d) Where required we will provide the relevant government agency with a report of any disciplinary action we take.

**4.4 Contact Details for Advice or to Report an Allegation of Child Abuse**

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

#### 4.5 ATTACHMENT E1:CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in *Procedure for Handling Allegations of Child Abuse* 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 Formal Complaint Received:     /     /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<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
Witnesses (if more than 3 witnesses, attach 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:
President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: Date //
Signed by	Complainant (if not a child)

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