



SAUCNA Member Protection Policy – March 2021

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Part A – Member Protection Policy

1.0 Introduction

Sporting organisations have legal obligations in relation to harassment, discrimination and child protection. They also have moral obligations to establish appropriate standards of behaviour and to provide safe and respectful sporting environments. SAUCNA has developed this policy to address these obligations, to comply with the law and to improve the sporting environment.

SAUCNA is committed in providing an environment that is safe for children, free from harassment, discrimination and risk of harm, and promotes respectful and positive behaviour and values. This policy provides a code of behaviour which forms the basis of appropriate and ethical conduct which everyone must abide by. The SAUCNA Board ensures that everyone associated with the Association complies with this policy.

2.0 Purpose of this policy

This Member Protection Policy will work towards maintaining ethical and informed decision making and responsible behaviours within our Association. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from risk of harm. This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, harm to children and other forms of inappropriate behaviour in our Association. As part of this commitment, SAUCNA will take disciplinary action against any person or club bound by this policy if they breach it.

This policy has been endorsed by the SAUCNA Board. Copies of the current policy and its attachments can be obtained from the SAUCNA website.

3.0 Who this Policy Applies To

This policy applies to the following people, whether they are in a paid or voluntary capacity at either association or club level:

- 3.1 Persons appointed or elected to boards, committees and sub-committees;
- 3.2 Employees and volunteers of SAUCNA;
- 3.3 Support personnel appointed or elected to representative teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.4 Coaches and assistant coaches;
- 3.5 Representative players;
- 3.6 Umpires and other officials involved in the regulation of the sport;
- 3.7 Affiliate Members and their respective individual members;
- 3.8 Members, including life members of the Association;
- 3.9 Players, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by SAUCNA;



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- 3.10 Any other person including spectators, parents / guardians and sponsors, who or which agrees in writing (whether on a Affiliate member application form, entry ticket, entry form or otherwise) to be bound by this policy;

Affiliate Members are required to adopt and implement this policy and to provide proof to SAUCNA of the approval of the policy by the relevant club board or committee in accordance with its constitution. Affiliate Members must also undertake to ensure that individual members are bound by this policy and are made aware of this policy and what it says.

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

4.0 Responsibilities of the Organisation

SAUCNA and its Affiliate Members must:

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

5.0 Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible risk of harm to a child, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and / or disciplinary measures imposed under this policy.



6.0 Position Statements

6.1 Child Protection

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

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

6.1.1 Identify and Analyse Risk of Harm

SAUCNA will develop and implement a risk management strategy plan, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the Association is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action (or inaction) of an employee, volunteer or another person.

6.1.2 Develop Codes of Conduct for Adults and Children

SAUCNA will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address inappropriate behaviour between children.

The codes of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. These have been developed separately and are available on the SAUCNA website.

6.1.3 Choose Suitable Employees and Volunteers

SAUCNA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children.

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

SAUCNA will ensure that working with children checks / criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, SAUCNA will ensure that the criminal history information is dealt with in accordance with relevant state requirements – refer Part C for further information.



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6.1.4 Support, Train, Supervise and Enhance Performance

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

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

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

6.1.6 Report and Respond Appropriately To Suspected harm or risk of harm to a child

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

SAUCNA will make all volunteers and employees aware of their responsibilities under respective laws if they have suspicion on reasonable grounds that a child is at risk or harm or has the potential to be at risk of harm – refer Part E.

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

6.2 Taking Images of Children

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

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

We require our members and clubs to do likewise.



6.3 Anti-Discrimination and Harassment

SAUCNA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Definitions at clause 10, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in the Discipline Proceedings Policy. This will explain what to do about the behaviour and how SAUCNA will deal with the problem.

6.4 Sexual Relationships

SAUCNA takes the position that sexual relationships between coaches and adult players that they coach should be avoided as these relationships can have harmful effects on the individual player involved, on other players and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and players in terms of authority, power, maturity, status, influence and dependence.

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

In the event that a player attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or player may wish to approach the complaints officer if they feel harassed. Our complaints procedure is outlined in the Discipline Proceedings Policy.

6.5 Pregnancy

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

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware



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that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

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

6.6 Gender Identity

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

SAUCNA recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general SAUCNA will facilitate transgender persons participating in our sport with the gender with which they identify.

SAUCNA also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, SAUCNA will seek advice on the application of those laws in the particular circumstances.

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

6.7 Alcohol Policy

SAUCNA recommends that their member Clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Generally, alcohol should not be available nor be consumed at a sporting event at which children under 18 are participants in the sport. Responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded, including light alcohol and soft drinks always being available; wherever possible, food being available to be consumed when alcohol is available, transport policies, and Board / Committee Members being in attendance to ensure appropriate practices are followed.

6.8 Smoking Policy

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

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;



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- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity on and off the field.

6.9 Cyber Bullying / Safety

Bullying and harassment in all forms is regarded by SAUCNA as unacceptable in this sport. Given the easy accessibility via smart phone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and, where appropriate, complaints, to SAUCNA or the relevant club.

6.10 Social Networking Websites Policy

SAUCNA acknowledges the emergence of technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as Facebook, twitter, and SMS. However, participants within the sport need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back or retract.

SAUCNA recommends:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write / publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport in a positive way.



7. Complaints Procedures

7.1 Complaints

SAUCNA aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy and the Discipline Proceedings Policy.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at an Affiliate Club, then the complaint should be reported to and handled by the relevant Affiliate Club in first instance.

A complaint may be dealt with informally or formally. The complainant usually decides this unless SAUCNA Board considers that the complaint falls outside this policy (or the Discipline Proceedings Policy) and would be better dealt with another way and / or the law requires the complaint / allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in Discipline Proceedings Policy.

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

7.2 Improper Complaints & Victimisation

SAUCNA aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process SAUCNA Board considers that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to the Discipline Tribunal for appropriate action which may include disciplinary action against the complainant.

SAUCNA 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.

7.3 Mediation

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

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the SAUCNA Board will, in consultation with the complainant, arrange for a neutral third-party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and / or the respondent. More information on the mediation process is outlined in Discipline Proceedings Policy.



7.4 Tribunals

Tribunal proceedings are covered by the Discipline Proceedings Policy.

All Affiliate Clubs bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy and the Discipline Proceedings Policy.

8.0 What is a Breach of this Policy?

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

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



9.0 Disciplinary Measures

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

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, Policies (including this policy and the Discipline Proceedings Policy) and / or rules of netball.

9.1 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:

- 9.1.1 A direction that the individual makes a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the SAUCNA;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that SAUCNA terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that Complaint Committee considers appropriate.

9.2 Organisation

If a finding is made that a member club has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Complaint Committee:

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



9.3 Factors to consider

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

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



10. Definitions

These definitions set out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. Specific definitions and more detail on some of the words in these definitions can be sourced from the relevant State child protection commissions or equal opportunity and anti-discrimination commissions.

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

Affiliated club means a club that affiliates with SAUCNA as defined in the Constitution

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

Child abuse involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Harm and risk of harm are defined pursuant to section 17 of the *Children and Young People (Safety) Act 2017* and may include:

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

Complaint means a complaint made under clause 7.0 and the Discipline Proceedings Policy.

Complainant means a person making a complaint.

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (direct discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (indirect discrimination). The characteristics covered by discrimination law across Australia includes:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;



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- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

Examples of Discrimination

Age: A club refuses to allow an older person to coach a team simply because of age.

Breastfeeding: A member of the club who is breastfeeding a baby in the club rooms is asked to leave.

Disability: A player is overlooked for team selection because of mild epilepsy.

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

Gender Identity: A transgender player is harassed when other players refuse to call her by her female name.

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

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

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

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

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

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

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment.



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Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

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

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

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

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

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

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

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

Member is defined in the SAUCNA Constitution.

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

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

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

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person aged 14 years and over.



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

Respondent means the person who is being complained about.

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

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

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

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

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

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

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



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



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PART B: CODES OF BEHAVIOUR

Codes of Behaviour have been developed separately and are available on SAUCNA Website.



PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

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

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. There are also requirements placed on organisations.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit other states with screening laws. For example, if a representative team or club takes players under 18s into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW law.

The state WWCC requirements apply regardless of our Member Protection Policy.

Please note that there are Working with Children check exemptions which cover interstate activities. These exemptions will be for up to 30 days in any 12-month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis.

This means volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

Working with Children Child Protection Requirements

In South Australia there is a legal requirement to conduct criminal history assessments for people working with children.

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 17 of the South Australian *Child Safety (Prohibited Persons) Act 2016*) are required to undergo a criminal history assessment once every five years unless they are a sworn police officer.

Working with Children Checks are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.



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Procedure for conducting criminal history assessments

A National Police Check (NPC) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the Board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (VOAN) obtained through SAUCNA,

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from SA Police website.

On receipt of the NPC the applicant must present the letter for viewing and recording to SAUCNA.

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, SAUCNA must assess this information in accordance with Standard 5 of the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children, principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- that a criminal history report was obtained;
- how the criminal history information affected decision making processes; and
- statutory declarations (where applicable)

SAUCNA may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.



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SAUCNA will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.



PART D: COMPLAINT HANDLING PROCEDURES

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

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

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

This section is to be read in conjunction with SAUCNA's Discipline Proceedings Policy.

Informal Approaches

Step 1: Talk with the other person (where this is reasonable, safe and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

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

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

The MPIO:

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

Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

- there is no problem;



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- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a MPIO);
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

Formal Approaches

Step 4: Making a Formal complaint

SAUCNA's Discipline Proceedings Policy outlines the process of formal complaints and how they are handled and administered.

Step 5: Investigation of the complaint

A person appointed under Step 4 will conduct an investigation and provide a written report to Discipline Tribunal who will determine what further action to take.

If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider.

If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with SAUCNA's Discipline Proceedings Policy

If the complaint is referred to the police or other appropriate authority, SAUCNA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Step 6: Reconsideration of initial outcome / investigation or appeal

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

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

Step 7: Documenting the resolution

The Discipline Tribunal Convenor will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.



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External Approaches

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

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

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

You could also approach another external agency such as the police.



Attachment D2: Mediation

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by SAUCNA.

If mediation is chosen, the MPIO will, under the direction of the Discipline Tribunal Convenor and in consultation with the complainant and the respondent(s), arrange for a mediator.

The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.

The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.

At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.

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

- Write to SAUCNA Board to request that the Discipline Tribunal Convenor reconsider the complaint in accordance with Step 3; or
- Approach an external agency such as an anti-discrimination commission.
- Mediation will not be recommended if:
 - The respondent has a completely different version of the events and will not deviate from these;
 - The complainant or respondent are unwilling to attempt mediation
- Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
- The matter involves proven serious allegations, regardless of the wishes of the Complainant.



Attachment D3: Investigation Process

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

We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:

- Interview the complainant and record the interview in writing.
- Convey full details of the complaint to the respondent(s) so that they can respond.
- Interview the respondent to allow them to answer the complaint, and record the interview in writing.
- Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
- Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
- Provide a report to [insert relevant person/tribunal] documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.

We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.

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

The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in the Discipline Proceedings Policy.



Attachment D4: Procedure for Handling Allegations of harm or risk of harm to a child

An allegation of harm or risk of harm to a child or young person is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in SAUCNA in a paid or unpaid capacity to decide whether or not harm or risk of harm to a child or young person has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State government agencies.

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or risk of harm to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not challenge or undermine what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

Step 2 – Report allegations

Immediately report any allegation or disclosure of harm, or situation involving a child at risk of harm, to the police and / or Department for Child Protection (DCP). You may need to report to both. The mechanism for reporting suspected harm or risk of harm to a child is via the Child Abuse Report Line (CARL – administered by DCP) on **13 14 78**.

Contact DCP or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).

If the child's parent(s) is suspected of committing the abuse, you should report the allegation to the police or DCP.

If the allegation involves anyone to whom our policy applies, then also report the allegation to the SAUCNA Secretary so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

The Discipline Tribunal Convenor will assess the risks and take interim action to ensure the child's / children's safety. SAUCNA may implement includes redeployment of the alleged offender to a



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non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

The Discipline Tribunal Convenor will consider the kind of support that the child / children and parents may need (e.g. counselling, helplines, support groups); will address the support needs of the alleged offender; and will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:

- Criminal (conducted by police)
- Child protection (conducted by DCP)
- Disciplinary or misconduct (conducted by SAUCNA)

Irrespective of the findings of the child protection and / or police inquiries, SAUCNA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.

The decision-maker(s) will be the SAUCNA Board and it will consider all the information, including the findings of the police, DCP and / or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.

If disciplinary action is to be taken, the procedures are outlined in the Discipline Proceedings Policy.

If disciplinary action is taken, SAUCNA will advise and provide a report to the relevant government authority (e.g. DCP and/or the Department for Human Services) should this be required.



Part E – Reporting Requirements and Documents

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of harm or risk of harm to children and young people that they may form in the course of their employment or volunteer activity based on reasonable grounds to the Department for Child Protection. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the **Child Abuse Help Line on 13 14 78**

A reasonable suspicion must be based on facts, for example:

- A disclosure of harm or risk of harm by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that sporting organisations require mandated reporters to undertake formal external training in the recognition of harm or risk of harm to a child. However, training in understanding obligations in relation to mandatory reporting is considered best practice and affiliated clubs and the SAUCNA Board will use every endeavour to ensure training is facilitated.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the *Children and Young People (Safety) Act 2017*.



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Attachment E2 – Confidential Record of Formal Complaint

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Player/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Player/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment <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	
Methods (if any) of attempted informal resolution		
Formal resolution procedures followed (outline)		
If investigated: Finding -		



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

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



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Attachment E3 – Confidential Record of Harm or Risk of Harm To A Child

Before completing, ensure the procedures outlined in attachment C4 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 harm (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Player/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:	
CEO contacted	Who: When:	
Police and/or government agency investigation	Finding:	
Internal investigation (if any)	Finding:	



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Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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