



Member Protection Policy

Toowoomba Hockey Association Inc

Version 1

November 2011



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1. PREFACE

The Toowoomba Hockey Association Inc. (THA) is committed to the health, safety and general well being of all its members and participants. The organisation is dedicated to providing a safe and prosperous environment for members and providers participating in any Australian hockey activities.

As a sport, we are proud to lead the way in ensuring safe and harassment free sport for all of our competitors, coaches, officials, administrators, volunteers and supporters.

I wish you all safe and successful hockey.

Scott Clark
President, Board of Directors
Toowoomba Hockey Association Inc.

2. INTRODUCTION

The Toowoomba Hockey Association aspires to lead the development of hockey through the provision of high quality facilities and services in a sustainable and responsible manner which is socially inclusive to the entire community.

3. PURPOSE OF THE POLICY

3.1 The main objective of our Member Protection Policy is to maintain responsible behaviour and ethical and informed decision-making by participants in this Association. This policy outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our Association of their legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our Association's activities.

4. WHO THIS POLICY APPLIES TO

4.1 Our policy applies to everyone involved in the Association including:

- a) Individuals on the Board of Directors, committees and sub-committees.
- b) Employees and volunteers.
- c) Support personnel (e.g. managers).
- d) Coaches and assistant coaches.
- e) Players.
- f) Referees, umpires and other officials.
- g) Members, including life members.
- h) Any other person or organisation that is a member of or affiliated to the THA.
- i) Parents, guardians, spectators and sponsors to the full extent that is possible.

5. CODES OF BEHAVIOUR

THA require every individual and organisation bound by this policy to:

- 5.1 Be ethical, fair and honest in all their dealings with other people and THA.
- 5.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations.
- 5.3 Always place the safety and welfare of children above other considerations.
- 5.4 Comply with THA constitution, rules and policies including this member protection policy.
- 5.5 Operate within the rules and spirit of the sport.
- 5.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws.
- 5.7 Be responsible and accountable for their conduct.



5.8 Abide by the relevant codes of behaviour outlined in *attachment 1* of this policy.

6. ORGANISATIONAL RESPONSIBILITIES

6.1 The THA must:

- a) Adopt, implement and comply with this policy.
- b) Publish, distribute and otherwise promote this policy and the consequences for breaching it.
- c) Promote appropriate standards of conduct at all times.
- d) Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner.
- e) Apply this policy consistently without fear or favour.
- f) Recognise and enforce any penalty imposed under this policy.
- g) Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies.
- h) Monitor and review this policy at least annually.

7. INDIVIDUAL RESPONSIBILITIES

7.1 Individuals bound by this policy are responsible for:

- a) Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- b) Consenting to a national police check if the individual holds or applies for a role that:
 - Involves direct and unsupervised contact with people under the age of 18 years.
 - Involves regular contact with people under the age of 18 years.
- c) Complying with all other requirements of this policy;
- d) Co-operating in providing a discrimination, child abuse and harassment free sporting environment';
- e) Understanding the possible consequences of breaching this policy.

8. POLICY POSITION STATEMENTS

8.1 Child Protection Policy

8.1.1 Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

8.1.2 The THA acknowledge that our staff, members and volunteers provide a valuable contribution to the positive experiences of our juniors. THA aim to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- a) Prohibiting any form of abuse against children.
- b) Providing opportunities for our juniors to contribute to and provide feedback on our program development.
- c) Carefully selecting and screening people whose role requires them to have regular contact with/ direct and unsupervised contact with children. (Screening procedures are outlined in Part B of this policy).
- d) Ensuring our codes of behaviour, particularly for roles associated with junior sport, are promoted, enforced and reviewed.
- e) Providing procedures for raising concerns or complaints (our complaints procedure is outlined in *attachment 2* of this policy).
- f) Providing education and/or information to those involved in our sport on child abuse and child protection.

8.1.3 Refer to the THA's Child and Youth Risk Management Strategy for further information.



8.2 Anti-Discrimination and Harassment Policy

- 8.2.1 THA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.
- 8.2.2 THA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.
- 8.2.3 THA prohibit all forms of harassment and discrimination based on personal. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.
- 8.2.4 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 *attachment 2* of this policy.

8.3 Pregnancy Policy

- 8.3.1 THA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. THA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. THA will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.
- 8.3.2 While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.
- 8.3.3 THA strongly encourages all players, on confirmation of their pregnant status, to seek medical advice in respect to their own medical position and the medical position of the unborn child, and to consult closely with the medical practitioner if/whilst the pregnant player continues to participate in hockey fixtures and training. Pregnant players are also strongly encouraged to obtain relevant advice as to their position – legal and/or otherwise – regarding the mother's duty of care to the unborn child.
- 8.3.4 It is the responsibility of the pregnant player to inform their coaches, trainers etc at THA of their pregnant status and condition. Given the high risk nature of hockey, where contact between players, the ball, hockey sticks and fixed structures such as goal boxes is possible, THA strongly recommends that it is in the best interest of the pregnant player, unborn child, fellow team members, and the members of the opposition team that pregnant players are discouraged from participating in hockey fixtures at the end of their first trimester of pregnancy.

9. COMPLAINTS

- 9.1.1 THA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the President, Board of Directors.
- 9.1.2 A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the President, Board of Directors considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- 9.1.3 All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in *attachment 2* of this policy.

10. VEXATIOUS COMPLAINTS & VICTIMISATION

- 10.1 THA aim to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the President, Board of Directors or delegated person considers that a complainant has knowingly made an untrue complaint or the complaint is



vexatious or malicious, the matter may be referred to the Judiciary Committee for appropriate action which may include disciplinary action against the complainant.

- 10.2 THA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

11. JUDICIARY AND BOARD OF DIRECTORS

- 11.1 A Judiciary Committee and Board of Directors may be formed to hear a formal complaint that has been referred by the Chair, Toowoomba Hockey Committee or President, Board of Directors or delegated person on a breach of the policy. The Judiciary Committee procedure is outlined in the THA By-laws.
- 11.2 A respondent may lodge one appeal only to the Appeals Committee in respect of a decision of the Judiciary Committee. The decision of the Appeals Committee is final and binding on the people involved to the appeal. The Appeals Committee procedure is outlined in the THA By-laws.
- 11.3 Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

12. WHAT IS A BREACH OF THIS POLICY?

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have:

- a) Done anything contrary to this policy.
- b) Breached the relevant code of behaviour (*attachment 1*).
- c) Brought the sport, or THA into disrepute.
- d) Failed to follow THA policies and procedures for the protection, safety and welfare of children as outlined in the Association's Child and Youth Risk Management Strategy.
- e) Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy.
- f) Discriminated against or harassed any person.
- g) Victimised another person for reporting a complaint.
- h) Disclosed to any unauthorised person or organisation any THA information that is of a private, confidential or privileged nature.
- i) Made a complaint they knew to be untrue, vexatious, malicious or improper.
- j) Failed to comply with a penalty imposed after a finding that the individual or club has breached this policy.
- k) Failed to comply with a direction given to the individual or club during the discipline process.

13. FORMS OF DISCIPLINE

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at *attachment 3* of this policy.



ATTACHMENT 1: CODE OF BEHAVIOURS

[Coaches Code of Behaviour](#)

[Players Code of Behaviour](#)

[Team Administration Code of Behaviour](#)

[Selectors Code of Behaviour](#)

[Officials Code of Behaviour](#)

[Spectators Code of Behaviour](#)



ATTACHMENT 2: COMPLAINTS PROCEDURE

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

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

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

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer

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

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

The details of the THA's Member Protection Information Officers are on the website and also available from the THA Reception.

The MPIO will:

- a) Take confidential notes about your complaint;
- b) Try to find out the facts of the problem;
- c) Ask what outcome/how you want the problem resolved and if you need support;
- d) Provide possible options for you to resolve the problem;
- e) Act as a support person if you so wish.
- f) And maintain confidentiality.

Step 3: Outcomes from initial contact

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 work out your own resolution (with or without a support person such as a MPIO);
- d) Or to seek a formal approach.

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

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

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

- a) They are the most appropriate person to receive and handle the complaint;
- b) The nature and seriousness of the complaint warrants a formal resolution procedure;
- c) To appoint a person to investigate (gather more information on) the complaint;



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- d) To refer the complaint to a tribunal;
 - e) To refer the matter to the police or other appropriate authority; and/or
 - f) To implement any interim arrangements that will apply until the complaint process set out in these procedures is completed.

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

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

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

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

Step 5: Investigation of the complaint

- a) A person appointed under Step 3 will conduct an investigation and provide a written report to the THA Board of Directors who will determine what further action to take;
- b) If the complaint is referred to the Judiciary Committee, the hearing will be conducted in accordance with the THA By-Law. If the complaint is referred to the police or other appropriate authority, the THA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that MPIO 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 the THA By-Laws.

Step 7: Documenting the resolution

The MPIO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at an association level, the information will be stored in the association files.

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 your the Queensland anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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



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

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



ATTACHMENT 3: 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 MPIO clarifying terms of engagement and roles and responsibilities.

The MPIO will:

- a) Interview the complainant and record the interview in writing.
- b) Convey full details of the complaint to the respondent (s) so that they can respond.
- c) Interview the respondent to allow them to answer the complaint, and record the interview in writing.
- d) Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts.
- e) 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.
- f) Provide a report to the THA Board of Directors including: 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.

The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on the Association's appeals process can be located in the THA By-Law's.



ATTACHMENT 4: MEMBER PROTECTION DECLARATION

THA has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with THA activities. As part of this duty of care and as a requirement of this policy, THA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that:

- a) Involves direct and unsupervised contact with people under the age of 18 years.
- b) Involves working with people under the age of 18 years.
- c) Involves regular contact with people under the age of 18 years.

I _____ (name) of _____

(address) born ____/____/____.

Sincerely 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, narcotics and certain driving offences.
- c) I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment, narcotics and certain driving offences.
- d) I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
- e) To my knowledge there is no other matter that THA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
- f) I will notify the President of the Association engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 5 above has changed for whatever reason.

Declared in the State of _____ on ____/____/____ (date)

Signature

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: _____

Signature: _____

Date: ____/____/____



ATTACHMENT 5: CONFIDENTIAL RECORD OF INFORMAL/FORMAL COMPLAINT

Name of person receiving complaint:		Date: ____/____/____
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator/Volunteer <input type="checkbox"/> Parent <input type="checkbox"/> Player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support staff <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official _____	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (can tick more than one box)	<input type="checkbox"/> Harassment or 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 _____	
What they want to fix issue		
What information provided		
What they are going to do now		

📄 This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to:
 The President
 Board of Directors
 Toowoomba Hockey Association
 PO Box 9042
 Wilsonton Q 4350



14. GOVERNANCE

14.1 Responsibility

Policy Owner	THA Board of Directors
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14.2 Version Control And Change History

Version Number	Approval Date	Approved by	Amendment
1	08/11/2011	THA Board of Directors	

14.3 Policy And Procedure Directory

Category
2. THA Board of Directors