



REGULATIONS

MEMBER PROTECTION

2014

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## 6.1 MISSION STATEMENT

The mission of Northern Suburbs Football Association (NSFA) Inc. is to:

- a) Develop well rounded young Australians through the proper football environment which teaches respect, humility, integrity, reward through effort and fair play at all times;
- b) Provide an environment for every player that is free from discrimination, abuse and harassment;
- c) Encourage all participants to treat other participants with respect and dignity at all times;
- d) Enforce the principles of the Codes of Conduct and Sports Rage;
- e) Provide an environment for every player which allows freedom of expression, creativity and a love of beautiful football;
- f) Encourage all our players to express who they are through their football;
- g) Provide football training which systematically develops in our players the key football attributes of technique, ball skill, and football intelligence;
- h) Encourage our coaches to facilitate player learning, rather than imposing restrictions and strict tactics on our players;
- i) Strive to constantly improve our Association's football knowledge base through education and employment of outstanding technicians to offer the best football learning environment to our players;
- j) Encourage as a matter of policy the core football attributes of technique, ball skill, and respect for the football above physical attributes;
- k) Play football with a smile.

## 6.2 PURPOSE OF THIS POLICY

- a) This Member Protection Policy (policy) aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy also reflects our support and implementation of the sport industry principles and values outlined in The Essence of Australian Sport – principles of fairness, respect, responsibility and safety.
- b) The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, NSFA will take disciplinary action against any person or organisation bound by this policy if they breach it.
- c) This policy has been endorsed by the Board of NSFA and has been incorporated into our By Laws. The policy commences on 21<sup>st</sup> December 2012 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the policy and its attachments can be obtained from our website [nsfa.asn.au](http://nsfa.asn.au) or from General Manager, NSFA Inc.

## 6.3 WHO THIS POLICY APPLIES TO

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

- a) Individuals sitting on boards, committees and sub-committees;
- b) Employees and volunteers;
- c) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- d) Coaches and assistant coaches;
- e) Self-employed persons engaged by associations and clubs.
- f) Players;
- g) Referees, referee's assistants and other officials;
- h) Members, including life members;
- i) Affiliated clubs and associated organisations;
- j) Competition Administrators

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- k) Any other person or organisation that is a member of or affiliated to NSFA
- l) Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with NSFA if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

### **6.4 CODE OF CONDUCT**

NSFA requires every individual and organisation bound by this policy to:

- a) Be ethical, fair and honest in all their dealings with other people and NSFA;
- b) Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- c) Always place the safety and welfare of children above other considerations;
- d) Comply with NSFA constitution, regulations and policies including this member protection policy;
- e) Operate within the rules and spirit of the sport;
- f) Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- g) Be responsible and accountable for their conduct; and
- h) Abide by the relevant Role-Specific Codes of Conduct outlined in section 6.18 of these regulations.

### **6.5 ORGANISATIONAL RESPONSIBILITIES**

NSFA and its affiliated clubs and organisations 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) Appoint appropriately trained people to the positions of Member Protection Information Officers (MPIO) to receive and manage complaints and allegations, and display the names and contact details in a way that is readily accessible; and
- i) Monitor and review this policy at least annually.

### **6.6 INDIVIDUAL RESPONSIBILITIES**

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) Complying with applicable screening requirements and any state/territory Working With Children Checks;
- c) Complying with all other requirements of this policy;
- d) Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour;
- e) Placing the safety and welfare of children above other considerations;
- f) Being accountable for their behaviour;
- g) Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- h) Complying with any decisions and/or disciplinary measures imposed under this policy.

## 6.7 POSITION STATEMENTS

### 6.7.1 Child Protection Policy

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

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

**A. Identifying and Analysing Risk of Harm**

NSFA will develop and implement risk management strategies, 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 of an employee, volunteer or another child.

**B. Developing Codes of Conduct for Adults and Children**

NSFA will ensure that there is a FFA Working with Children Code of Conduct that specifies standards of conduct and care when dealing and interacting with children, particularly those in the care of NSFA or its affiliated organisations.

The Working with Children Code of Conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour and will address appropriate behaviour between children. (see section 6.18 of these regulations)

**C. Choosing Suitable Employees and Volunteers**

NSFA will ensure that all reasonable steps are taken to ensure that the most suitable and appropriate people to work with children (in prescribed positions) are engaged. 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.

NSFA 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 the screening process, NSFA will ensure that the criminal history information is dealt with in accordance with State of NSW requirements.

**D. Supporting, Training, Supervising and Enhancing Performance**

NSFA will ensure that their volunteers and employees who work with children or children's 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.

**E. Empowering and Promoting the Participation of Children in Decision-Making and Service Development.**

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

**F. Report and Respond Appropriately to Suspected Abuse and Neglect**

NSFA will ensure that volunteers and employees are able to identify and respond to NSFA will make all volunteers and employees aware of their responsibilities under NSW law if they have a suspicion on reasonable grounds that a child has been or is being used or neglected.

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

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Working with Children Code of Conduct they may make an internal complaint. Please refer to the complaints procedure outlined in section 6.8 of these regulations. This will explain what to do about the behaviour and how NSFA will deal with the problem.

### *6.7.2 Taking Images of Children*

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

If NSFA or any of its affiliated clubs or organisations 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. NSFA and any of its affiliated clubs or organisations will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. NSFA and any of its affiliated clubs or organisations will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. NSFA and any of its affiliated clubs or organisations 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. NSFA and any of its affiliated clubs or organisations shall, where possible, seek permission to use these images.

### *6.7.3 Anti-Discrimination and Harassment Policy*

NSFA 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 Dictionary in section 6.11 of these regulations, 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 the complaints procedure outlined in section 6.8 of these regulations. This will explain what to do about the behaviour and how NSFA will deal with the problem.

### *6.7.4 Sexual Relationships Policy*

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

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

### *6.7.5 Pregnancy Policy*

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. NSFA 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

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aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in football. NSFA 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. NSFA will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. NSFA will not require women to undertake a pregnancy test.

### *6.7.6 Gender Identity Policy*

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. NSFA will not tolerate any unlawful discrimination or harassment of a person who identifies as Transgender or Transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as Transgender discrimination or Harassment are provided in the Dictionary at section 6.11 of these regulations.

NSFA recognises that the exclusion of Transgender people from participation in sporting events and activities may have significant implications for their health, well-being and involvement in community life. In general NSFA will facilitate Transgender persons participating in football with the gender with which they identify.

NSFA also recognises there is debate over whether a male or 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, NSFA will seek advice on the application of those laws in the particular circumstances.

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

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 (**WADA**) Prohibited List, should apply for a standard Therapeutic Use Exemption.

### *6.7.7 Alcohol Policy*

NSFA recommends member clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Responsible service and consumption of alcohol should apply to any alcohol to be consumed during or after the competition has concluded. Responsible service of alcohol will entail:

- a) Making sure light alcohol and soft drinks are always available as alternatives to full strength alcohol;
- b) Wherever possible, food being available to be consumed when alcohol is available;
- c) Transport policies, and Board/Committee Members being in attendance to ensure appropriate practices are followed.

Guidance can be obtained from the "Alcohol Management Policy" available at <http://www.goodsports.com.au/goodsports/pages/sample-policies.html>

### *6.7.8 Smoking Policy*

The following policies should be applied to all football-related events (including matches and social functions):

- a) No smoking shall occur at or near any sporting event or competition involving persons under the age of 18, and this policy applies to all coaches, players, trainers, officials and volunteers;
- b) Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- c) Coaches, club and team officials, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any affiliated club and organisation and NSFA representative teams.

### *6.7.9 Cyber Bullying/Safety*

Bullying and harassment in all forms is regarded by NSFA as unacceptable in this sport.

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Given the emergence of new telephone 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, Facebook, My Space or LinkedIn, 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 NSFA or affiliated clubs and organisations.

### *6.7.10 Social Networking Websites Policy*

NSFA acknowledges the emergence of new technology and communication mediums (**Social Media**), and wish to enable such Social Media to be used to benefit football and its participants, and to applaud achievements. However, participants within football need to be mindful of the possibility of Social Media being used inappropriately. Inappropriate use may occur unintentionally or when participants do not realise that their comments, once published are in a public forum, and are difficult to retract.

Social Media platforms include:

- a) Social networking sites, including Facebook, MySpace, and LinkedIn;
- b) Video and photo sharing websites, including Flickr, Instagram, and YouTube;
- c) Micro-blogging sites, such as Twitter or Tumblr;
- d) Weblogs, including personal blogs or blogs hosted by traditional media publications;
- e) Forums and discussion boards, including those operated by Fox Sports, Four Four Two or The World Game;
- f) Online encyclopaedias, such as Wikipedia; and
- g) Any other web site that allow individual users or companies to use.

Cautions the Governing Bodies recommend include:

- a) Do not include personal information of yourself or others in Social Media channels;
- b) Do not use offensive, provocative or hateful language in Social Media channels;
- c) 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);
- d) Always ask for a person's permission before posting their picture on Social Media platform;
- e) Never comment on rumours, do not deny or affirm them or speculate about rumours in Social Media channels; and
- f) Always use Social Media/ network forums to add value and promote football in a positive way.

In addition to this Policy, FFA may from time to time issue Social Media policies and/ or guidelines that apply to specific individuals.

### *6.7.11 Other Relevant Policies*

Other NSFA relevant policies can be found at [nsfa.asn.au](http://nsfa.asn.au). Some of the policies that contribute to the welfare of all those involved in our activities include:

- i) Pregnancy Policy;
- ii) Alcohol policy;
- iii) Smoking policy;
- iv) Lightning policy;
- v) Heat policy;
- vi) "Playing above your age" policy.

## 6.8 COMPLAINTS PROCESS

### 6.8.1 Complaints

Any person may report a complaint about a Member bound by this Policy if they reasonably think that a Member has breached this Policy or has otherwise engaged in unethical or inappropriate conduct or behaviour.

NSFA aims to provide a simple procedure for complaints based on the principles of procedural fairness (**Natural Justice**). Any person (**Complainant**) may report a complaint about a person/s or organisation bound by this policy (**Respondent**). Such complaints should be reported to the affiliated club or organisation's MPIO or the NSFA MPIO.

The Complaints Procedure outlined in section 6.13 of these regulations applies exclusively to the reporting, investigation and resolution of complaints reported under this policy.

NSFA and its affiliated clubs and organisations:

- a) Must deal with any complaints about breaches of this policy promptly, seriously, sensitively and confidentially and in accordance with the Complaints Procedure;
- b) Must keep complaints confidential and will not disclose to another person without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint; and
- c) Recognise that Natural Justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

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 the:

- a) Club level or involves people operating at the club level, and then the complaint should be reported to and handled by the relevant Club in the first instance;
- b) State level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant Member Federation in the first instance; or
- c) National level, then the complaint should be reported to and handled by the FFA.

Only matters that relate to or occur at the national level and the most serious cases from state level should be referred to FFA.

A Complainant:

- a) Must initially attempt to resolve the complaint with the person involved; and
- b) If this is not possible or reasonable given the sensitivity of the complaint, or that attempt does not provide a satisfactory outcome, the Complainant may notify the affiliated club or organisation MPIO or the NSFA MPIO and make an informal or formal complaint.

NSFA aims for our Complaints Procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the MPIO, considers that a Complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the P.D. & D.C. for appropriate action which may include disciplinary action against the Complainant.

NSFA 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.

A complaint may be dealt with informally or formally, depending on whether an informal or formal complaint was lodged in accordance with this policy (see attachments E1 and E2). The Complainant usually decides this unless the affiliated club or organisation MPIO or the NSFA MPIO considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

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

### 6.8.2 Improper Complaints & Victimisation

NSFA aims for the 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 the affiliated club or organisation's MPIO or the NSFA MPIO 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 NSFA General Manager for appropriate action which may include disciplinary action against the complainant.

NSFA 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.

### 6.8.3 Mediation

NSFA 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 affiliated club or organisation's MPIO or the NSFA MPIO 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 section 6.13 of these regulations.

### 6.8.4 Tribunals

A P.D. & D.C. hearing may be convened by NSFA at its discretion to hear a formal complaint in the following circumstances:

- a) For an alleged breach of this policy, as described in section 7 of this Policy; and
- b) When referred to it by:
  - i) The General Manager or President of the NSFA because of the serious nature of the event or the inability to resolve the matter at the affiliated club or organisation level; or
  - ii) The NSFA MPIO.

If the matter cannot be resolved by NSFA the matter can be referred to the Football NSW MPIO.

The P.D. & D.C. procedure can be found in Section 4 of these regulations, which are published on the NSFA website. ([nsfa.asn.au](http://nsfa.asn.au))

A respondent may lodge an appeal only to the Appeals Board in respect of a Tribunal decision in accordance with the NSFA Regulations. The decision of the Appeals Board is final and binding.

Every affiliated club or organisation bound by this policy will recognise and enforce any decision of the P.D. & D.C or Appeals Board.

## 6.9 WHAT IS A BREACH OF THIS POLICY?

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

- a) Breaching the Working with Children Code of Conduct;
- b) Bringing football and/or any of the Governing Bodies into disrepute, or acting in a manner likely to bring football and/or any of the Governing Bodies into disrepute;
- c) Failing to follow FFA Statutes, Regulations and policies (including this Policy) and procedures for the protection, safety and wellbeing of children;
- d) Discriminating against, harassing or bullying (including cyber-bullying) any person;
- e) Victimising another person for reporting a complaint;
- f) Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- g) Verbally or physically assaulting another person, intimidating another person or

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- creating a hostile environment within the sport;
- h) Disclosing to any unauthorised person or organisation any information of a Governing Body that is of a private, confidential or privileged nature;
- i) Making a complaint they knew 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; or
- k) Failing to comply with a direction given to the individual or organisation during the discipline process.

### **6.10 DISCIPLINARY MEASURES**

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

- a) Be applied consistent with any contractual and employment rules and requirements;
- b) Be fair and reasonable;
- c) Be based on the evidence and information presented and the seriousness of the breach; and
- d) Be determined in accordance with Part V of the FFA Statutes.

#### *6.10.1 Individual*

Subject to contractual and employment requirements, if a finding is made by the P.D. & D.C. 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, standings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by NSFA;
- 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 the applicable affiliated club or organisation the individual's membership, registration, appointment or engagement;
- i) 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;
- j) A fine;
- k) Any other form of discipline that the P.D. & D.C. considers appropriate within the limitations described in Part V of the FFA Statutes.<sup>8</sup>

#### *6.10.2 Organisation*

If a finding is made that any affiliated club or organisation has breached this policy, one or more of the following forms of discipline may be imposed by the Tribunal:

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

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### 6.10.3 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(s) knew or should have known that the behaviour was a breach;
- c) The level of contrition;
- d) The effect of the proposed disciplinary measures on the person(s) including any personal, professional or financial consequences;
- e) If there have been relevant prior warnings or disciplinary action;
- f) The ability to enforce discipline if the person(s) is a parent or spectator (even if they are bound by the Policy); and/or
- g) Any other mitigating circumstances.

## 6.11 DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

In the event that a capitalised term within this policy is not defined within this Dictionary, its definition is as contained within the FFA Statutes.

**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.

**ASADA** is the Australian Sports Anti-Doping Authority.

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

**Child abuse** involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- a) 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).
- b) 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).
- c) 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).
- d) 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 section 6.8 of these regulations.

**Complainant** means a person making a complaint under section 6.8 of these regulations.

**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, but is not limited to: -

- a) Age;
- b) Disability;
- c) Family/carer responsibilities;
- d) Gender identity/transgender status;
- e) Homosexuality and sexual orientation

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- f) Irrelevant medical record;
- g) Irrelevant criminal record;
- h) Political belief/activity;
- i) Pregnancy and breastfeeding;
- j) Race;
- k) Religious belief/activity;
- l) Sex or gender;
- m) Social origin;
- n) Trade union membership/activity;
- o) Physical features;
- p) Association with a person with one or more of the characteristics listed above.

### *Examples of Discrimination include:*

- a) Age: A club refuses to allow an older person to coach a team simply because of age.
- b) Breastfeeding: A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- c) Disability: A player is overlooked for team selection because of mild epilepsy.
- d) Family responsibilities: A club decides not to promote an employee because she has a child with a disability even though the employee is the best person for the job.
- e) Gender Identity: A Transgender player is harassed when other players refuse to call her by her female name.
- f) Homosexuality: An athlete is ostracised from his team after it becomes known that he is a homosexual.
- g) Marital Status: A player is deliberately excluded from team activities and social functions because she is single
- h) Pregnancy: A woman is dropped from a squad when she becomes pregnant.
- i) Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- j) Sex: Specialist coaching is only offered to male players in a mixed team.

**FFA Statutes** means FFA's statutes as promulgated by FFA from time to time, including its constitution and by-laws and rules and regulations and policies and procedures (including the Grievance Resolution Regulations).

**Governing Bodies** means FFA and the Member Federations of FFA.

**Grievance Resolution Regulations** means the FFA Grievance Resolution Regulations promulgated by FFA or such document that supersedes or replaces the FFA Grievance Resolution Regulations which is available on FFA's website at <http://www.footballaustralia.com.au/insideffa/statutes>

**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 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). Unlawful harassment includes Sexual Harassment.

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. 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).

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

- a) 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
- b) 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 definition of Vilification.

**Investigator** means the person appointed pursuant to Step 4 of the Complaint Handling Procedures as outlined at Part D.

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

**Member Federation** has the same meaning as in the FFA Statutes, being a State, Territory or regional federation or association that is a member or interim member of FFA from time to time and includes:

- a) Football Federation South Australia
- b) Football Federation Victoria
- c) Football New South Wales
- d) Northern New South Wales Football
- e) Football Queensland
- f) Football Federation Northern Territory
- g) Football West
- h) Football Federation Tasmania
- i) Capital Football

**Member Protection Declaration** means the declaration contained at Attachment C2 of this Policy.

**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 at the FFA level. 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:

- a) Both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- b) All relevant submissions must be considered;
- c) No person may judge their own case;
- d) The decision maker/s must be unbiased, fair and just;
- e) 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.

**Policy** means this FFA National Member Protection Policy.

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

**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

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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):

- 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 mental 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;

**State Member Protection Information Officers** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy at the Member Federation level. The State Member Protection Officer provides impartial and confidential support to the person making the complaint. The contact details of the State Member Protection Information Officers are available on the relevant Member Federation's website.

**Transgender/ Transsexual** are general terms 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.

**Tribunal** means the Tribunal granted jurisdiction to hear complaints made under this Policy pursuant to the FFA Statutes.

**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.

**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.

**Working with Children Check or WWCC** means the relevant process for assessing or re-assessing whether a person is suitable to work in child-related work in that state or territory.

**Working With Children Code of Conduct** means FFA Working With Children Code of Conduct in Part B of this Policy.

**World Anti-Doping Agency's Prohibited List** means the list published by the World Anti-Doping Agency. It identifies substances and methods prohibited in-competition, out-of-competition and in particular sports.

## **6.12 WORKING WITH CHILDREN REQUIREMENTS**

### **Background**

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

Working with Children Check (**WWCC**) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, 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. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this Policy as they are introduced. There is no current screening process or formal legislation; however, individual employers or sporting organisations may require police checks at their discretion.

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

The state WWCC requirements apply regardless of any provisions within this Policy.

The following attachments provide:

- a) Summary information on state and territory WWCC requirements and where to obtain more information and relevant forms;
- b) Our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People);
- c) Our screening requirements for people residing in ACT and Tasmania.

### **Please note: Working with Children Check exemptions**

At the time of this Policy, it was proposed that there be national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

It was proposed that 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 would mean that volunteers and workers with a valid WWCC 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.

Accordingly, FFA suggests that personnel who have a WWCC in their state or territory and who intend to participate in activities across state and territory borders check whether these exemptions may apply to them.

### **6.12.1 Child Protection Requirements**

This section sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our association or its affiliated clubs and organisations that involves direct and unsupervised contact with people under the age of 18 years. Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

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### 6.12.2 Association/Club Requirements BOD 2/14

NSFA's Member Protection Policy, the association or its affiliated clubs and organisations are required to:

- a) Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
- b) Obtain a completed "FNSW Member Protection Declaration" from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The FNSW Member Protection Declaration shall be kept in a secure place. (The form can be found at [nsfa.asn.au](http://nsfa.asn.au))
- c) If a FNSW Member Protection Declaration is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the FNSW Member Protection Declaration (e.g. has a relevant criminal conviction), the association or its affiliated club or organisation will:
  - i) Provide an opportunity for the person to respond/provide an explanation; and
  - ii) Make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.
  - iii) If unsatisfied, then the association or its affiliated club or organisation will:
  - iv) In the case of an existing employee/volunteer, transfer the person to another role that does not require them to work (directly and unsupervised) with people under the age of 18 years. If this is not possible then end the appointment. Note: Legal advice should be obtained before the termination process begins.
  - v) In the case of someone applying for the position/role, not appoint them.
- d) Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
- e) As from 15<sup>th</sup> June 2013 ask all new paid employees to provide you with their WWC Number. Some positions are exempt (see Section 6.12.3 of this policy)
- f) As from 1<sup>st</sup> January 2015 ask all existing paid employees and volunteer employees to provide you with their WWC Numbers.
- g) Keep a ledger of the WWC Numbers of all employees. WWC Numbers are valid for 5 (five) years

### 6.12.3 New South Wales Child Protection Requirements

All organisations within NSW that employ people in child-related employment (in a paid or volunteer capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children.

#### **FNSW Member Protection Declaration**

All paid employees and volunteer employees are required to complete a FNSW Member Protection Declaration Form. There are no exceptions to this requirement. Completed forms must be returned to the club which then must keep the forms on file for a period of 3 (three) years from the date of signing.

#### [FNSW Member Protection Declaration](#)

#### **WWC Check Requirements for paid employees**

As from 15<sup>th</sup> June 2013 all new paid employees are required to apply for a WWC check and receive a WWC number from the NSW Office of the Children's Guardian.

It is the responsibility of the employee to apply for a WWC Check and WWC Number by completing an on-line application form

at: <https://wwccheck.ccyp.nsw.gov.au/Applicants/Application#>

Once the on-line form has been completed the applicant will receive an Application Number. The applicant must then take the WWC Application Number, proof of ID and \$80 to the nearest Motor Registry. The Motor Registry will then process the application and the applicant will receive a Clearance letter and WWC number by email within 2-3 days. The WWC Number is valid for 5 (five) years.

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Once the applicant has received a WWC Number he/she must provide it to the club where he/she will be working with children. The club will then verify the applicant's WWC number on-line and then the applicant will be permitted to fill the role.

Existing paid employees are not required to obtain a WWC Number until 1<sup>st</sup> January 2015.

### **WWC Check Requirements for volunteer employees**

Volunteer employees are not required to obtain a WWC Number until 1<sup>st</sup> January 2015 however applicants can apply before that date.

### **WWC Check requirements for employers (clubs)**

#### **Step 1: FNSW Member Protection Declaration**

Ask all paid or volunteer employees who are coaching, managing or working with children to complete a FNSW Member Protection Declaration.

Collect completed forms and store for 3 (three) years from date of signing. Forms can be stored as hard copy or scanned and saved as soft copy.

The following positions are exempt from the Working with Children Check. They all must complete the FNSW Member Protection Declaration however:

- Children under 18
- Referees - who only referee football games
- Referee Assessors
- Canteen & BBQ workers and volunteers
- Volunteer parents coaching or managing their own child/relative's team

#### **Step 2: Register**

Clubs must register as an employer for the New Working with Children Check at <http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/apply/-apply>.

Tips for registering:

- a) For *Child Related Sector* select – “*Clubs or other bodies providing services to children*”
- b) For *Type of Staff to be Checked* – answer “YES” to *Paid/Contract staff* and “yes” TO *Volunteers*
- c) Note down the username and password and keep them handy on file as they will be needed to verify employee's WWC Numbers.
- d) Complete the rest of the form and then select SUBMIT
- e) Once registered the club is ready to verify employee WWC Numbers.

#### **Step 3: WWC Numbers**

Clubs must ask any new paid employees to provide you with their WWC Number at time of employment.

Once the WWC Number has been received the club must go to [www.newcheck.kids.nsw.gov.au](http://www.newcheck.kids.nsw.gov.au), select **Verify** (on right), enter the club username and password, the employee WWC Number, full name and date of birth. The system will then check the WWC Number to verify the person is clear to work with children.

If the applicant is cleared then the club can employ them, but if not cleared the club MUST NOT employ the person.

#### **Step 4: Record Keeping**

The club must keep a record of all employees that you have verified using the on-line WWC process. We recommend that you maintain an excel spread sheet or record book.

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The WWC records that must be kept for all employees are:

- Full name of employee
- Employee's WWC Number
- The Date of the Verification and outcome (i.e. Clear or Not Clear)
- Expiry date of the Employee's WWC Number

### 6.12.4 Glossary

#### **Child-related employment**

Is any work (paid or unpaid) that involves direct and unsupervised contact with children in several types of areas such as sporting and recreation clubs and associations that have a significant child membership or involvement.

#### **Employment**

Includes work done:

- a) Under a contract of employment;
- b) As a sub-contractor;
- c) As a volunteer for an organisation;
- d) As a minister of religion (whether or not ordained); and
- e) Undertaking practical training as part of an educational or vocational course

#### **Prohibited person**

Is a person convicted of committing a serious sex offence or is a registrable person.

#### **Registrable person**

Is someone who has been found guilty of the following offences against children:

- a) Murder;
- b) Sexual offences;
- c) Indecency offences;
- d) Kidnapping;
- e) Child prostitution;
- f) Child pornography;

#### **Relevant employment**

Proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that '**reportable conduct**' or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if an employee in the course of employment and in the presence of a child committed it.

#### **Reportable conduct is:**

- a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- b) Any assault, ill treatment or neglect of a child; or
- c) Any behaviour that causes psychological harm to a child.

## 6.13 COMPLAINT HANDLING PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, NSFA will follow and implement the following procedures:

### 6.13.1 Complaints Procedure

#### **INFORMAL COMPLAINTS**

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

In the first instance, you (**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 the MPIO or relevant State MPIO if:

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- 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; or
- d) The problem continues after you tried to approach the person or people involved.

The contact information for the State Member Protection Information Officers can be found on the websites of the relevant Member Federations. The MPIO can be contacted by emailing [mpio@footballaustralia.com.au](mailto:mpio@footballaustralia.com.au).

The MPIO or relevant State Member Protection Information Officer 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) Explain how the Complaints Procedure works;
- f) Act as a support person if you so wish;
- g) Refer the complainant back to attempt to resolve the complaint directly with the other person involved, if necessary;
- h) Keep a written record in Attachment E1 (Record of Informal Complaint);
- i) Refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- j) Inform the relevant government authorities and/or police if required by law to do so;
- k) Maintain confidentiality.

### **Step 3: Outcomes from initial contact**

After talking with the MPIO or relevant State Member Protection Information Officer, 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 the MPIO or relevant State Member Protection Information Officer);
- d) To seek a mediated resolution with the help of a third person (such as a mediator); or
- e) To make a formal complaint to the MPIO on a completed and signed Attachment E2 (Record of Formal Complaint).

## **FORMAL COMPLAINTS**

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

If your informal complaint is not resolved or informal approaches have not resolved the complaint to the complainant's satisfaction or are not appropriate or possible, you may:

- a) Make a formal complaint in writing to the MPIO or relevant State Member Protection Information Officer; or
- b) Approach a relevant external agency such as an anti-discrimination commission, for advice.
- c) On receiving a formal complaint and based on the material you have provided, the MPIO or relevant
- d) State Member Protection Information Officer will decide whether:
- e) They are the most appropriate person to receive and handle the complaint;
- f) The nature and seriousness of the complaint warrants a formal resolution procedure;
- g) To refer the complaint to mediation;
- h) To appoint a person to **investigate** (gather more information on) the complaint;
- i) To refer the complaint to a hearings tribunal;
- j) To refer the matter to the police or other appropriate authority; and/or
- k) To implement any interim arrangements that will apply until the complaint process set out in these
- l) Procedures are completed.

In making the decision(s) outlined above, the MPIO or relevant State Member Protection Information Officer will take into account:

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- 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 or relevant State Member Protection Information Officer 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
- b) Ask them to provide their side of the story;
- c) Decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- d) Determine what, if any, further action to take. This action may include referring the matter to a Tribunal from which disciplinary action may result in accordance with this Policy.

In the event that the matter is to be dealt with by FFA and further investigation is required, FFA will appoint its general counsel, other senior manager or, if it considers it appropriate in the circumstances, an independent expert (**Investigator**) to investigate the complaint.

In the event that the matter is to be dealt with by the Member Federation and further investigation is required, the CEO of that Member Federation will appoint an appropriate person, whether a Member Federation employee or otherwise, (**Investigator**) to investigate the complaint.

### **Step 5: Investigation of the complaint**

In accordance with Attachment D3 of this Policy, on completion of his or her investigation, the Investigator appointed under Step 4 above must provide written report to the MPIO or relevant State Member Protection Information Officer for a determination by FFA or the relevant Member Federation as to what further action should be taken.

If the complaint is referred to:

- a) Mediation, it will be conducted in accordance with Part D2 or as otherwise agreed by you and the respondent and the mediation provider;
- b) A hearings Tribunal, the hearing will be conducted in accordance with the Grievance Resolution Regulations; or
- c) The police or other appropriate authority, FFA 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, or to decide whether any breach of this Policy has occurred, or 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.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by the relevant Governing Body unless otherwise stated.

### **Step 6: Documenting the resolution**

The MPIO or relevant State Member Protection Information Officer 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 a Member Federation level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the FFA level, the documents will be stored at the FFA office with a copy stored at the relevant Member Federation office.

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### External Procedure

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 state or territory 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 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.

### 6.13.2 Mediation process

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 the relevant Governing Body.

- a) If mediation is chosen, the MPIO or relevant State Member Protection Officer will, in consultation with the Complainant and the Respondent(s), arrange for a mediator.
- b) 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.
- c) 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.
- d) 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.
- e) If the complaint is not resolved by mediation, the Complainant may:
  - i) Write to the MPIO or relevant State Member Protection Officer to make a formal complaint in accordance with **Step 4**; or
  - ii) Approach an external agency such as an anti-discrimination commission.
- f) Mediation will **not** be recommended if:
  - i) The Respondent has a completely different version of the events and will not deviate from these;
  - ii) The Complainant or Respondent are unwilling to attempt mediation;
  - iii) Due to the nature of the complaint, the relationship between the Complainant and the
  - iv) Respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
  - v) The matter involves proven serious allegations, regardless of the wishes of the Complainant.

### 6.13.3 Investigation Process

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

- a) The relevant Governing Body will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The Investigator will:

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- i) Interview the Complainant and record the interview in writing.
- ii) Convey full details of the complaint to the Respondent(s) so that they can respond.
- iii) Interview the Respondent to allow them to answer the complaint, and record the interview in writing.
- iv) Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
- v) deliver a report to the relevant Governing Body as to whether in their view the complaint is:
  - b) Substantiated (there is sufficient evidence to support the complaint);
  - c) Inconclusive (there is insufficient evidence either way);
  - d) Unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);and/or
  - e) Mischievous, vexatious or knowingly untrue; and
  - f) If requested, recommend whether the matter should be referred to a Tribunal for determination as to whether there has been a breach of this Policy and any appropriate sanctions.
  - g) We will provide a report to the Complainant and the Respondent(s) documenting the complaint, the investigation process and summarising key points concerning the investigation.
  - h) The Complainant and the Respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).

### *6.13.4 Investigation Procedure for child abuse*

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in FFA in a paid or unpaid capacity to decide whether or not child abuse 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 or territory government agencies.

#### **Step 1 – Initial Receipt of an Allegation**

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

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

#### **Step 2 – Report allegations**

- a) Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- b) Contact the relevant child protection agency 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).
- c) If the child's parent/s is suspected of committing the abuse, you should report the allegation to the
- d) Relevant government agency.
- e) If the allegation involves anyone to whom our Policy applies, then also report the allegation to the MPIO or relevant State Member Protection Officer 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).

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### **Step 3 – Protect the child and manage the situation**

- a) The MPIO or relevant State Member Protection Officer will assess the risks and take interim action to ensure the child's/children's safety. Action the relevant Governing Body may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined, however it is not the MPIO's role to undertake such actions. The relevant Governing Body should seek legal advice if person is in a paid employment.
- b) The MPIO or relevant State Member Protection Officer will consider the kind of support that the children and parents may need (e.g. counselling, help lines, support groups).
- c) The MPIO or relevant State Member Protection Officer will address the support needs of the alleged offender.
- d) The MPIO or relevant State Member Protection Officer 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**

- a) Where there is an allegation made against a person to whom this Policy applies, there may be three types of investigations:
  - i) Criminal (conducted by police);
  - ii) Child protection (conducted by child protection authority);
  - iii) Disciplinary or misconduct (conducted by the relevant Governing Body).
- b) Irrespective of the findings of the child protection and/or police inquiries, the relevant Governing Body will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action having regard for all the information, including the findings of the police, government agency and/or court.
- c) If disciplinary action is to be taken, the procedures outlined in Clause 8 of the Policy will be followed.
- d) If disciplinary action is taken, FFA will advise a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

### **Step 5 - Reporting Requirement and Documents**

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion

You can make a report by phoning the Child Protection Helpline on 132 111 (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

## **6.14 HEARINGS AND APPEALS TRIBUNAL PROCEDURES**

Hearings tribunals established by NSFA Inc. will follow the following Tribunal Hearing Procedure:

### **6.14.1 Tribunal Formation and Notification**

- a) The P.D. & D.C., following the rules outlined in the constitution of NSFA Inc., shall hear any complaint that has been referred to it by the General Manager, NSFA Inc.

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- b) The P.D. & D. Committee (P.D. & D.C.) Chairman will organise for a panel to be convened by notifying all P.D. & D.C. members that they are required to hear a complaint. The P.D. & D.C. members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the General Manager, NSFA Inc. relating to the complaint/allegations.
- c) The P.D. & D.C. Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
- d) The number of P.D. & D.C. Panel members required to be present throughout the P.D. & D.C. Hearing Process will be a minimum of three (3) and a maximum of five (5) plus the Chairman, subject to the following conditions:
  - i) The P.D. & D.C. Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
  - ii) The P.D. & D.C. Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
- e) If a member of the P.D. & D.C. Panel cannot continue once the P.D. & D.C. Hearing has commenced, and the minimum number required for the P.D. & D.C. Hearing is still maintained, the discontinuing member will not be replaced.
- f) If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the P.D. & D.C. Chairman. Factors to consider should include the circumstances of the complaint and the ability of the new P.D. & D.C. Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the P.D. & D.C. Chairman believes it is not appropriate for a new P.D. & D.C. Panel member to be appointed then the Hearing will be rescheduled to a later date. The P.D. & D.C. Chairman will inform the General Manager, NSFA Inc. of the need to reschedule, and the General Manager, NSFA Inc. will organise for the P.D. & D.C. Hearing, with a new P.D. & D.C. Panel to be reconvened.
- g) The General Manager, NSFA Inc. will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
  - h) That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - i) Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
  - j) The date, time and venue of the tribunal hearing;
  - k) That they can make either verbal or written submissions to the P.D. & D.C.;
  - l) That they may arrange for witnesses to attend the P.D. & D.C. in support of their position;
  - m) An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - n) That legal representation will not be allowed. If the respondent is considered a minor, they should have a parent or guardian present.
- o) A copy of any information / documents that have been given to the P.D. & D.C. (e.g. investigation report findings) will also be provided to the respondent.
- p) The respondent(s) will be allowed to participate in all NSFA Inc. activities and events, pending the decision of the P.D. & D.C., including any available appeal process, unless the General Manager, NSFA Inc. believes it is warranted to exclude the respondent(s) from all or some NSFA Inc. activities and events, after considering the nature of the complaint.
- q) The General Manager, NSFA Inc. will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:
  - i) That the person has a right to appear at the P.D. & D.C. hearing to support their complaint;
  - ii) Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
  - iii) The date, time and venue of the P.D. & D.C. hearing;
  - iv) That they can make either verbal or written submissions to the P.D. & D.C.;

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- v) That they may arrange for witnesses to attend the P.D. & D.C. in support of their position; and
- vi) That legal representation will not be allowed. If complainant is considered a minor, they should have a parent or guardian present.
- r) A copy of any information / documents that have been given to the P.D. & D.C. (e.g. investigation report findings will also be provided to the complainant.
- s) If the complainant believes the details of the complaint are incorrect or insufficient they should inform the General Manager, NSFA Inc. as soon as possible so that the respondent and the P.D. & D.C. Panel members can be properly informed of the complaint.

### 6.14.2 Hearing Procedure

- a) The following people will be allowed to attend the P.D. & D.C. Hearing:
  - i) The P.D. & D.C. Panel members;
  - ii) The respondent(s);
  - iii) The complainant;
  - iv) Any witnesses called by the respondent;
  - v) Any witnesses called by the complainant;
  - vi) Any parent / guardian or support person required to support the respondent or the complainant;
- b) The P.D. & D.C. Chairman will call the hearing to order at the designated time and determine if the respondent(s) is present.
- c) If the respondent(s) is not present and the P.D. & D.C. Chairman considers that no valid reason has been presented for their absence, the P.D. & D.C. Hearing will continue subject to the P.D. & D.C. Chairman being satisfied that all Tribunal notification requirements have been carried out correctly.
- d) If the P.D. & D.C. Chairman considers that a valid reason for the non-attendance of the respondent(s) is presented, or he/she does not believe the P.D. & D.C. notification requirements have been carried out correctly, then the P.D. & D.C. Hearing will be rescheduled to a later date.
- e) The P.D. & D.C. Chairman will inform the General Manager, NSFA Inc. of the need to reschedule, and the General Manager, NSFA Inc. will organise for the P.D. & D.C. hearing to be reconvened.
- f) The P.D. & D.C. Chairman will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
- g) If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the P.D. & D.C. Panel when determining any disciplinary measures.
- h) If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - i) The complainant may refer to brief notes;
  - ii) The complainant will be allowed to call witnesses;
  - iii) The respondent(s) may be allowed to question the complainant and their witnesses;
  - iv) The respondent(s) will then be asked to respond to the complaint;
  - v) The respondent may refer to brief notes;
  - vi) The respondent will be allowed to call witnesses;
  - vii) The complainant may be allowed to ask questions of the respondent and their witnesses;
  - viii) Both the complainant and the respondent will be allowed to be present when evidence is presented to the P.D. & D.C. Witnesses may be asked to wait outside the hearing room until required.
- i) The P.D. & D.C. will be allowed to:
  - i) Consider any evidence, and in any form, that it deems relevant.
  - ii) Question any person giving evidence.
  - iii) Limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.

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- j) Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
- k) If the P.D. & D.C. considers that at any time during the P.D. & D.C. Hearing that there is any unreasonable or intimidating behaviour from anyone present, the P.D. & D.C. Chairman shall have the power to stop any further involvement of the person in the P.D. & D.C. Hearing.
- l) After all of the evidence has been presented the P.D. & D.C. Panel will make its decision in private. If the P.D. & D.C. believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the P.D. & D.C. Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in NSFA Inc.'s Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
- m) All decisions made by the P.D. & D.C. will be based on a majority vote.
- n) The P.D. & D.C. Chairman will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
  - i) Within 48 hours, the P.D. & D.C. Chairman will:
  - ii) Forward to the General Manager, NSFA Inc. a copy of the P.D. & D.C. decision including any disciplinary measures imposed;
  - iii) Forward a letter to the respondent(s) reconfirming the P.D. & D.C. decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

### 6.14.3 Appeals Procedure

- a) A complainant or a respondent(s) who is not satisfied with a decision described in Step 7 of the Complaints Procedures can lodge one appeal to the General Manager, NSFA Inc. on one or more of the following bases:
  - i) That a denial of natural justice has occurred; or
  - ii) That the disciplinary measure(s) imposed is unjust and/or unreasonable.
- b) A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the General Manager, NSFA Inc. within seven (7) days of the relevant decision. An appeal fee of \$250 shall be included with the letter of intention to appeal.
- c) If the General Manager, NSFA Inc. does not receive the letter of appeal within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
- d) If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeal fee will be forfeited.
- e) If the appeal is considered to have sufficient grounds to continue then an Appeals Board panel will be convened to rehear the complaint, and the appeal fee will be refunded. The Appeals Board Chairman shall follow the Tribunal Formation and Notification procedures outlined above.
- f) The Tribunal Hearing Procedure shall be followed for the appeal.
- g) The decision of the Appeals Board will be final.

### 6.14.4 External Appeals Procedure

- a) A complainant or respondent(s) who is not satisfied with the decision of the Appeals Board can lodge an appeal with the CEO, Football NSW Inc. in accordance with the rules of Football NSW. Contact details and procedures can be found at: <http://www.footballnsw.com.au/>
- b) The General Manager, NSFA Inc. on being informed by Football NSW that an appeal has been received shall supply Football NSW with copies of all information relevant to the appeal.
- c) The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- d) If there have been relevant prior warnings or disciplinary action; and/or

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- e) If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

### **6.16 REPORTING DOCUMENTS/FORMS**

To assist in consistency and accuracy in following procedure and reporting on the issues covered by NSFA Inc.'s Member Protection Policy, the following documents are to be used:

- a) Confidential Record of informal complaint – to be used by MPIO's or others who receive a complaint or allegation
- b) Confidential Record of Formal Complaint – to be used when a formal complaint is received by NSFA Inc.
- c) Confidential Record of Child Abuse Allegation – to be used by MPIO's or others who receive complaints/allegations of child abuse
- d) Record of Mediation – to be used by those who conduct a mediation
- e) Record of Tribunal Decision

These documents can be found in the Attachments section of these by-laws.

#### **General principles to be followed when completing a report of a complaint:**

- a) Treat all complaints seriously.
- b) Deal with complaints promptly, sensitively and confidentially.
- c) Maintain a calm attitude.
- d) Ask the complainant if they will consent to you taking notes.
- e) Write the description of the complaint /problem using the complainants own words (as much as is possible).
- f) Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- g) Take a note of the facts and do not pre-judge the situation.
- h) Ask the complainant whether they fear victimisation or other consequences.
- i) Find out what outcome the complainant wants and if they need any support.
- j) Ask the complainant how they want the complaint to be dealt with under the policy.
- k) Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if the law requires disclosure (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

### **6.17 FFA CODES OF CONDUCT**

#### *6.17.1 Football Code of Conduct*

The National Code of Conduct applies to all Members and governs:

- a) Bringing FFA or football into Disrepute, including through discriminatory behaviour, offensive behaviour and incitement of hatred or violence;
- b) liability for spectator and supporter conduct;
- c) betting, match-fixing and corruption; and
- d) disparaging public or media statements.

#### *6.17.2 Spectator Code of Conduct*

A spectator at a Match or otherwise involved in any activity sanctioned or staged by, or held under the auspices of FFA, a Member Federation, a District Association or a Club must:

- a) Respect the decisions of Match Officials and teach children to do the same.
- b) Never ridicule or unduly scold a child for making a mistake;
- c) Respect the rights, dignity and worth of every person regardless of their gender, ability, race, colour, religion, language, politics, national or ethnic origin;
- d) Not use violence in any form, whether it is against other spectators, Team Officials (including coaches), Match Officials or Players;
- e) Not engage in discrimination, harassment or abuse in any form, including the use of obscene or offensive language or gestures, the incitement of hatred or violence or partaking in indecent or racist chanting.
- f) Comply with any terms of entry of a venue, including bag inspections, prohibited and

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- restricted items such as flares, missiles, dangerous articles and items that have the potential to cause injury or public nuisance;
- g) Not, and must not attempt to, bring into a venue national or political flags or emblems (except for the recognised national flags of any of the competing teams) or offensive or inappropriate banners, whether written in English or a foreign language;
  - h) Not throw missiles (including on to the field of play or at other spectators) and must not enter the field of play or its surrounds without lawful authority; and
  - i) Conduct oneself in a manner that enhances, rather than injures, the reputation and goodwill of FFA and football generally.
- Any person who does not comply with the Spectator Code of Behaviour or who otherwise causes a disturbance may be evicted from a venue and banned from attending future Matches.

### **6.18 ROLE SPECIFIC CODES OF CONDUCT**

#### *6.18.1 Coaches*

- a) Remember that young people participate for pleasure and winning is only a part of the fun.
- b) Never ridicule or yell at a young player for making a mistake or not coming first.
- c) Be reasonable in your demands on players' time, energy and enthusiasm.
- d) Operate within the rules and spirit of your sport and teach your players to do the same.
- e) Ensure that the time players spend with you is a positive experience. All young people are deserving of equal attention and opportunities.
- f) Avoid overplaying the talented players; the 'just average' need and deserve equal time.
- g) Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
- h) Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage players to do the same.
- i) Show concern and caution towards sick and injured players. Follow the advice of a physician when determining whether an injured player is ready to recommence training or competition.
- j) Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.
- k) Any physical contact with a young person should be appropriate to the situation and necessary for the player's skill development.
- l) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- m) Support and practice 'Everyone plays', 'Good sportsmanship' and positive coaching philosophies of Football NSW.

#### *6.18.2 Officials*

- a) Modify rules and regulations to match the skill levels and needs of young people.
- b) Compliment and encourage all participants.
- c) Be consistent, objective and courteous when making decisions.
- d) Condemn unsporting behaviour and promote respect for all opponents.
- e) Emphasise the spirit of the game rather than the errors.
- f) Encourage and promote rule changes that will make participation more enjoyable.
- g) Be a good sport yourself. Actions speak louder than words.
- h) Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
- i) Remember, you set an example. Your behaviour and comments should be positive and supportive.
- j) Place the safety and welfare of the participants above all else.
- k) Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion.

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### 6.18.3 *Players*

- a) Play by the rules.
- b) Never argue with an official. If you disagree, have your captain, coach or manager approach the official during a break or after the competition.
- c) Control your temper. Verbal abuse of officials, sledging other players or deliberately distracting or provoking an opponent is not acceptable or permitted behaviour in any sport.
- d) Work equally hard for yourself and/or your team. Your team's performance will benefit and so will you.
- e) Be a good sport. Applaud all good plays whether your team or the opposition makes them.
- f) Treat all participants in your sport, as you like to be treated. Do not bully or take unfair advantage of another competitor.
- g) Cooperate with your coach, teammates, referees and opponents. Without them, there would be no competition.
- h) Participate for your own enjoyment and benefit, not just to please your parents and coaches.
- i) Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

### 6.18.4 *Administrators (volunteer)*

- a) Involve young people in planning, leadership, evaluation and decision-making related to the activity.
- b) Give all young people equal opportunities to participate.
- c) Create pathways for young people to participate in sport, not just as a player but also as a coach, referee, administrator, etc.
- d) Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
- e) Provide quality supervision and instruction for junior players.
- f) Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.
- g) Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and other officiating.
- h) Ensure that everyone involved in junior sport emphasises fair play, rather than winning at all costs.
- i) Give a code of behaviour sheet to spectators, officials, parents, coaches, players and the media, and encourage them to follow it.
- j) Remember, you set an example. Your behaviour and comments should be positive and supportive.
- k) Support implementation of the National Junior Sport Policy.
- l) Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
- m) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### 6.18.5 *Parents/Guardians*

- a) Remember that children participate in sport for their enjoyment, not yours.
- b) Encourage children to participate, do not force them.
- c) Focus on your child's efforts and performance rather than whether they win or lose.
- d) Encourage children to play according to the rules and to settle disagreements without resorting to hostility or violence.
- e) Never ridicule or yell at a child for making a mistake or losing a competition.
- f) Remember that children learn best by example. Appreciate good performance and skilful plays by all participants.
- g) Support all efforts to remove verbal and physical abuse from sporting activities.
- h) Respect officials' decisions and teach children to do likewise.
- i) Show appreciation for volunteer coaches, officials and administrators. Without them your child could not participate.

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- j) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### 6.18.6 Spectators Code of Conduct

- a) Remember that young people participate in sport for their enjoyment and benefit, not yours.
- b) Applaud good performances and efforts from all individuals and teams. Congratulate all participants on their performance, regardless of the game's outcome.
- c) Respect the decisions of officials and teach young people to do the same.
- d) Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- e) Condemn the use of violence in any form, whether it is by spectators, coaches, officials or players.
- f) Show respect for your team's opponents. Without them, there would be no game.
- g) Encourage players to follow the rules and the official's decisions.
- h) Do not use foul language, sledge or harass players, coaches or officials.
- i) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## 6.19 SPORT RAGE

“Sport Rage” is an initiative of the NSW Department of Sport & Recreation and is fully supported by NSFA.

Sport rage can come in many forms – an unruly parent abusing a referee, a player punching another player, or a spectator shouting racial taunts.

These moments of madness can result in serious injuries, disciplinary action and even lifetime bans.

Dealing with sport rage is now a major challenge for clubs. Not only does sport rage reflect badly on the clubs involved, it can deter participation at all levels.

It is important that everyone involved in sport unites to combat sport rage.

### **Preventing sport rage: Tips for players.**

While sport rage is often the result of many factors, players can help reduce incidents by creating a positive sporting environment. Players should consider the following four points:

#### **Be a good sport.**

Remember the principles of fair play – respect, integrity and fairness.

Display modesty in victory and graciousness in defeat.

If you win, don't rub it in.

If you lose, don't make excuses.

If you make a mistake, learn from it and be ready to play on.

If a team member makes a mistake, offer encouragement not criticism.

Control your temper, - don't use bad language or harass others.

Cooperate with your coach, teammates and officials.

Learn the rules of the game and abide by them.

Visit [www.playbytherules.net.au](http://www.playbytherules.net.au) to learn more about fair play.

#### **Respect your opponent.**

Treat your opponent the way you would like to be treated.

Give encouragement to injured players and recognition to outstanding performances for both teams.

Don't sledge or make any kind of derogatory remarks to your opponents during the game, especially comments of an ethnic, racial or sexual nature.

Don't bully or take unfair advantage of another player.

Always thank the referee at the end of the game.

#### **Respect officials.**

Accept and respect the referee's decision.

Always thank the referee at the end of the game.

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If you have an issue with a decision, raise it in controlled and professional way with the coach or your captain.

### **Uphold the code of conduct.**

Support and uphold the code of conduct for players.

Don't drink alcohol at matches or arrive at the field intoxicated.

### **Preventing sport rage: Tips for parents**

While sport rage is often the result of many factors, parents can help reduce incidents by being good role models and helping to create a positive sporting environment. Parents should consider the following six points: -

#### **What children want from sport.**

Sport provides many valuable learning experiences for children, but for the most part they do it for the enjoyment. Ask a child and you'll discover the scoreboard is not that important. In fact, one of the most enjoyable aspects of sport for children is being part of a team.

#### **Encouraging fair play.**

As the parent, you have the perfect chance to reinforce the principles of fair play – respect, integrity and fairness – when your child participates in sport.

Parents should discuss fair play with their children and be good role models. They'll be the first in line to shake the other team's hands if you've shown how important it is to do so.

#### **Keep your emotions in check.**

Unruly adult emotion at children's sport is sport rage at its worst. While some sideline emotion can be well intentioned, always consider the impact it is having.

Bad behaviour, such as abusing an official or ridiculing the opposition, is unacceptable. An official's decision that annoys you will probably go unnoticed by your child, but your loud and abusive outbursts won't.

#### **Respect for coaches.**

Coaches and team managers play an essential role in providing a sporting experience for your child. Without them there would be no team and no game, so show respect for the people in these roles.

#### **Respect for referees and officials.**

Referees and other officials are there to help make the game fair and more enjoyable for everyone. But they are human and may occasionally make mistakes. Your behaviour toward officials will affect the attitude of your child.

Parents should never approach the official directly. If you have an issue raise it in a controlled and professional way with the coach or club administrator.

#### **Upholding the code of conduct.**

It is important you understand, support and uphold the parent's code of conduct. Your club is entitled to enforce this code. For example, while it may not be a criminal offence for a parent or spectator to verbally taunt an opposition team, such behaviour may well breach the code of conduct and disciplinary action may be taken.

### **Dealing with sport rage**

Despite everyone's best intentions, sport rage incidents sometimes occur. While it is mainly the responsibility of ground officials and club committee members to deal with incidents, it is important that everyone understands and supports the process. Here are some of the steps that can be taken, depending on the seriousness of the incident:

#### **Reporting inappropriate behaviour – Responsibility of everyone.**

Behaviour that contravenes the codes of conduct should be reported to the ground official. Any person who is unsure who the ground official is should report the incident to a club committee member.

## NSFA Regulations

### **Approaching the offender**

Responsibility of the ground official/club committee member.

Only the ground official or club committee member should approach the offender.

### **Issuing warnings**

Responsibility of the club committee/ground official.

The first time a person breaches a code of conduct, they might be issued with a warning. The person may not be aware that their behaviour is unacceptable and should be notified of club rules.

### **Taking disciplinary action**

Responsibility of the club committee member.

The club committee should consider taking disciplinary action in accordance with its rules if the conduct is repeated or of a serious nature. This might result in counselling, suspension or expulsion.

### **Removing people from the field of play or venue –**

Responsibility of the ground official/club committee.

The referee should communicate directly and immediately with the ground official to remove a person from the field. If the club is in a position to control ground entry, it will be able to evict persons from the ground. Where attendance is not controlled, clubs can request offenders leave the venue, or otherwise can discipline the person for the breach of the code of conduct.

### **Suspending play – Responsibility of the referee.**

The referee may suspend play and refuse to restart until appropriate action has been taken.

They may request that a person is removed from the sideline and, in serious cases, abandon the game altogether.

### **Involving the police – Responsibility of the ground official/club committee.**

If you feel the behaviour of an individual constitutes a criminal act the ground official should notify the police immediately. While it is lawful for a club to detain a person who has committed a criminal offence until the police arrive; it is recommended that this is done only as a last resort. Club officials are able to exercise reasonable force in detaining a person who has committed a criminal offence until the police arrive, but this should not be disproportionate to the conduct of the offender.

## ATTACHMENTS

### A. FFA WORKING WITH CHILDREN CODE OF CONDUCT

This Code of Behaviour aims to set out the minimum standards for anyone involved in football. It should apply when playing, training or taking part in club-sanctioned activities.

#### 1. Coaches Code of Conduct

In addition to the FFA Code of Conduct, you must meet the following requirements during any activity held or sanctioned by FFA or a Member Federation and in your role as a coach of FFA or a Member Federation:

- a) Operate within FFA rules and promote integrity and good character amongst participants.
- b) Encourage and support opportunities for participants to learn appropriate behaviours and skills in all aspects of the sport.
- c) Treat each participant as an individual.
- d) Help each participant reach their potential - respect the talent, developmental stage and goals of each individual and encourage with positive and supportive feedback.
- e) Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with participants under the age of 18 years.
- f) Place the safety and welfare of the participants above all else.
- g) Adopt appropriate and responsible behaviour and ensure that your decisions and actions contribute toward creating an environment which minimises participant behaviour likely to bring the game of football into disrepute. Such behaviour is not to be tolerated and includes:
  - i) Discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of their gender, ability, cultural background or religion;
  - ii) Offensive behaviour, including abusive, obscene, harmful, provocative or insulting gestures, language or chanting;
  - iii) Intimidation of match officials, coaches or administrators or the use of actions to pressure a match official, coach or administrator to take or omit to take certain action regardless of where such action is taken;
  - iv) Unwelcome physical contact or harassment which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances;
  - v) Abuse of position to obtain personal benefit;
  - vi) Commission or charge of a criminal offence; or
  - vii) Any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

#### 2. Participants Code of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by FFA or a Member Federation and in your role as participants of FFA or a Member Federation:

- a) Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.
- b) Respect the talent, potential and development of fellow team members and competitors.
- c) Care and respect the equipment provided to you as part of your program.
- d) Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- e) Maintain honesty in your attitude and preparation to training. Work equally hard for yourself and your team.
- f) Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.
- g) Ensure that you do not exhibit behaviour that is likely to be construed as bringing the FFA or the game of football into disrepute, as outlined by Article 1(g).

## NSFA Regulations

### 3. Officials Code of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by FFA or a Member Federation and in your role as an official appointed by FFA or a Member Federation:

- a) Operate within FFA rules and promote integrity and good character amongst participants.
- b) Encourage and support opportunities for participants to learn appropriate behaviours and skills in all aspects of the sport.
- c) Treat each participant as an individual.
- d) Help each participant reach their potential - respect the talent, developmental stage and goals of each individual and encourage with positive and supportive feedback.
- e) Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with participants under the age of 18 years.
- f) Place the safety and welfare of the participants above all else.
- g) Maintain consistency and impartiality when making decisions
- h) Address unsporting behaviour and promote respect for all participants
- i) Adopt appropriate and responsible behaviour and ensure that your decisions and actions contribute toward creating an environment which minimises participant behaviour likely to bring the game of football into disrepute. Such behaviour is not to be tolerated and includes:
  - i) Discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of their gender, ability, cultural background or religion;
  - ii) Offensive behaviour, including abusive, obscene, harmful, provocative or insulting gestures, language or chanting;
  - iii) Intimidation of match officials, coaches or administrators or the use of actions to pressure a match official, coach or administrator to take or omit to take certain action regardless of where such action is taken;
  - iv) Unwelcome physical contact or harassment which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances;
  - v) Abuse of position to obtain personal benefit;
  - vi) Commission or charge of a criminal offence; or
  - vii) Any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally

### 4. Parent/Guardian Code of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by FFA or a Member Federation and in your role as a parent/guardian of a participant of FFA or a Member Federation:

- a) Treat your child the same irrespective of them winning or losing.
- b) Remember that your child participates in the sport of football for their enjoyment and not yours.
- c) Try to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
- d) Look relaxed, calm and positive on the sidelines.
- e) Make friends with other parents at competitions.
- f) Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
- g) Let the coach do the coaching.
- h) Understand that children will benefit from a break sometimes and that involvement in other sports is acceptable.
- i) Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
- j) Be prepared to give your child some space so that he/she can grow and develop as

## NSFA Regulations

- an independent person.
- k) Let your child know that your love for them is not associated with their sporting performances.
  - l) Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.
  - m) Occasionally let your child compete without you being there and hovering over them.
  - n) Emphasise the good things your child did in preparing for and during the competition.
  - o) Try to avoid:
    - i) Saying “we’re competing today” and instead say “you’re competing today”; give your child credit for accepting the responsibility of performing;
    - ii) Getting too pushy or believing that you are indispensable, let the coach do the coaching;
    - iii) Living through your child’s performances;
    - iv) Turning away when your child performs;
    - v) Turning away when your child’s behaviour is unsportsmanlike;
    - vi) Telling your child what he/she did wrong after a tough competition;
    - vii) Making enemies with your child’s opponents or family during a competition;
    - viii) Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport;
    - ix) Thinking of your child’s sporting performances as an investment for which you expect a return;
    - x) Badgering, harassing or use sarcasm to motivate your child;
    - xi) Comparing your child’s performances with those of other children; or
    - xii) Forcing your child to go to training, if they are sick of training find out why and discuss it with them.



## NSFA Regulations

What they want to happen to fix issue	
What information I 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 NSFA General Manager.



## NSFA Regulations

Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision -  Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement -  Any other action taken -	
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 in NSFA Inc.: Signature: <span style="float: right;">/ /</span>
Signed by:	Complainant:  Respondent:

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



## NSFA Regulations

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in NSFA Inc.: Signature: / /
Signed by	Complainant (if not a child)

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

## NSFA Regulations

### **B4 Record of Mediation**

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature)  Respondent (signature)	

Copies to be sent to both parties involved in the mediation, the mediator, and the NSFA

General Manager. The original **MUST** be kept in a confidential place by the MPIO dealing with the complaint.

## NSFA Regulations

### B5 Record of Tribunal Decision

Complainant's Name		Date Formal Complaint Received:    /    /
Role/status in NSFA	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> 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		
Role/status in NSFA	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute o) Sexuality <input type="checkbox"/> Personality clash p) Race <input type="checkbox"/> Bullying q) Religion <input type="checkbox"/> Verbal abuse r) Pregnancy <input type="checkbox"/> Physical abuse s) Disability <input type="checkbox"/> Victimisation t) Child Abuse Other .....	
Methods (if any) of attempted informal resolution		
Support person (if any)		
Tribunal Members		
Tribunal Hearing Date and venue		
Tribunal Decision (attach report)		

## NSFA Regulations

Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in NSFA Inc.: Signature: / /
Signed by:	Complainant Respondent