



Grievance and Member Protection Policy

of

Little Athletics Association of Victoria Incorporated

Registration Number: A0003260D

UPDATED August 2010

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GRIEVANCE AND MEMBER PROTECTION POLICY
of
LITTLE ATHLETICS ASSOCIATION OF VICTORIA INC
Registration Number: A0003260D

SECTION 1 - MEMBER PROTECTION

1.1 PURPOSE

The Little Athletics Victoria (LAVic) Member Protection Policy aims to provide guidelines for the protection of every person involved in our sport. To ensure they are treated with respect and dignity, in a safe and enjoyable environment and protected from abuse.

This Policy also ensures that everyone involved in our sport is aware of his/her legal and ethical rights and responsibilities.

All allegations will be dealt with promptly, seriously, sensitively and with confidentiality. A person will not be victimized for reporting an allegation and the privacy of all persons concerned will be respected.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other inappropriate behaviour from our sport.

Copies of the Policy and its attachments can be obtained from our website or from the Office upon request.

1.2 SCOPE

(a) The scope of this Policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Board of Management
- LAVic Staff
- Members of Standing Committees
- Region Executive Committee members
- Centre Executive Committee members
- Club Executive members
- Coaches
- Officials
- Team Managers
- Volunteers without children registered at a Centre
- Overnight supervisors at camps/clinics/functions
- Selectors for State Teams/Squads
- First Aid Personnel
- Athletics Development Officers (ADO) working in schools
- Presenters of clinics, workshops, seminars
- Volunteers at Association run activities

1.3 ORGANISATIONAL RESPONSIBILITIES

(a) Little Athletics Victoria and its members must:

- Adopt and comply with this policy;
- Promote appropriate standards of conduct at all times;
- Apply this Policy consistently without fear or favour;
- Publish, distribute and promote this Policy;
- Make this Policy available/accessible to the persons to whom this Policy applies;
- Appoint or have access to appropriately trained persons to receive and handle complaints/allegations.
- Monitor and review this Policy annually.

1.4 INDIVIDUAL RESPONSIBILITIES

- (a) Individuals bound by this Policy are responsible for:
- Making themselves aware of the Policy and complying with the standards of conduct;
 - Complying with all requirements of this Policy;
 - Consenting to an appropriate screening if the individual holds or applies for a role that involves direct or unsupervised contact with people under the age of eighteen years;
 - Co-Operation in providing a discrimination, child abuse, inappropriate behaviour and harassment free sporting environment;
 - Understanding the possible consequences of breaching this Policy.

1.5 POLICY POSITION STATEMENTS

1.5.1 Probity Policy (Children and Young Persons Protection Policy)

- (a) Every person and Organisation bound by this Policy must always place the safety and welfare of children above all other considerations.

1.5.2 Anti Discrimination Policy

- (a) LAVic aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.
- (b) LAVic prohibits all forms of harassment and discrimination.

1.5.3 Codes of Conduct

- (a) LAVic has a set of Codes of Conduct for the various types of members we have. They are located on the LAVic website for all members. LAVic expect all members to comply with these Codes of Conduct.
- (b) Codes of Conduct are:
- Coaches Code of Conduct
 - Official's Code of Conduct
 - Athlete's Code of Conduct
 - Parent's Code of Conduct
 - Spectator's Code of Conduct
 - Administrator's Code of Behaviour

1.6 COMPLAINTS PROCEDURE

1.6.1 Complaints

- (a) LAVic aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint about a person(s) or organisation bound by this Policy if they reasonably believe that a person(s) has breached this Policy. A complaint should be firstly reported to the Club/Centre/Region with reference to a Member Protection Information Officer or the General Manager where necessary.
- (b) A complaint may be reported as an informal or formal complaint. The Complainant decides whether the complaint will be dealt with informally or formally unless the Member Protection Information Officer/General Manager considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- (c) LAVic aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimization.
- (d) LAVic will take necessary steps to ensure all parties involved in a complaint are not victimised by anyone for coming forward with a complaint or for being involved in any investigation or resolution process.

1.6.2 Mediation

- (a) LAVic aims to resolve complaints with the minimum of fuss wherever possible.
- (b) Mediation may occur either before or after an investigation of a complaint.

1.7 POLICY BREACHES

- (a) It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have:
- Disclosed to any unauthorized person or organisation any LAVic information that is of a private confidential or privileged nature;
 - Been involved in child abuse or inappropriate behaviour;
 - Done anything contrary to this Policy;
 - Breached the Code of Conduct, or role-specific Codes of Conduct;
 - Brought the sport and LAVic into disrepute;
 - Failed to follow LAVic Policies and procedures for the protection, safety and welfare of children;
 - Appointed or continue to appoint a person to a role that involves working with children and young persons contrary to this Policy;
 - Discriminated against or harassed another person;
 - Victimized another person for reporting a complaint or being involved in any investigation or resolution of any complaint;
 - Made a complaint they knew to be untrue, vexatious, malicious or improper;

1.8 FORMS OF DISCIPLINE

- (a) If an individual or organisation to which this Policy applies breaches this Policy, one or more of the following disciplinary actions may be imposed:
- Presentation of the appropriate Code of Conduct for perusal;
 - Warning(s);
 - Verbal or written apology;
 - Paying a fine;
 - Being suspended or de-registered;
 - Appointment or employment terminated.

1.9 CHILD PROTECTION REQUIREMENTS - BACKGROUND

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse. In all other States and Territories of Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation.

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with legislation in place.

For example if athletes are taken into NSW for competition, those travelling with the team must comply with the NSW legislative requirements.

Please note that the State specific child protection requirements apply despite the existence or absence of this policy.

As part of LAVic's commitment to protecting the safety and welfare of children and young people involved in LAVic activities, LAVic requires the following measures to be met:

- Provide education and/or information on child abuse and child protection to those involved in the sport such as coaches, juniors, parents and officials; and
- Where applicable meet the requirements outlined in:

ACT	Police Check.	Refer to www.afp.gov.au
NSW	WWCC Requirements.	Refer to www.kids.nsw.gov.au
NT	Criminal History Check.	Refer to www.pfes.nt.gov.au
QLD	Blue Card Requirements.	Refer to www.ccyipcq.qld.gov.au
SA	Criminal History Screening.	Refer to www.dfc.sa.gov.au
Tasmania	Safety Screening.	Refer to www.education.tas.gov.au
Victoria	WWCC Requirements.	Refer to www.justice.vic.gov.au
WA	WWCC Requirements.	Refer to www.checkwwc.wa.gov.au

1.10 SCREENING REQUIREMENTS

1.10.1 Overview

The following process sets out the screening requirements for people who currently occupy or who apply for any work (paid or voluntary) in our Association that involves direct and unsupervised contact with people under the age of eighteen years and whose duties involve, or are likely to involve, contact with children, the handling of money, membership of the Board of Management or Centre/Region Committees.

At all times throughout the process the WWCC Check Officer/General Manager is required to protect the privacy of any person who is checked and maintain confidentiality of any information obtained during the screening process

Information collected during the screening (e.g. police records, referee reports) will be returned to the relevant person if not appointed to/retained in the position, or destroyed with that person's permission. For appointed persons that information will be kept on file in a secure position.

Screening under this policy is not a replacement for any other procedure required by law. If State or Federal legislation sets an equivalent or higher standard of screening, then that must be followed as a minimum.

1.10.2 Association/Centre/Club Requirements

(a) Under the LAVic Member Protection Policy, all Associations/Centres/Clubs and members thereof are required to screen people who apply for work (paid or voluntary) in the following way:

(i) Working with Children Checks:

- (1) All persons whose duties involve or are likely to involve contact with children will be subject to a Working with Children Check.
- (2) The WWCC Check Officer/General Manager will:
 - Check the validity of a person's card before they commence, if they hold a card.
 - Ensure at the start of each season that all applicable members hold current WWCC cards, VIT cards, Police Identity cards or any other valid identification card approved by the WWCC process.
 - New members who have applied for a WWCC as applicable.
- (3) All persons who hold a card must re-apply as per the State Legislation.
- (4) Both the individual and the Association are responsible for ensuring WWCC are valid.
- (5) If a negative notice or an Interim Negative Notice is issued then that person must not continue or be appointed in a position of child related work as per the legislation.

(ii) Police Checks:

- (1) All people who handle money pertaining to a Region/Centre/Club and all Board of Management members are directed to have a Police Check.
- (2) A Police Check should be undertaken every two years.

- (3) The applicant on receipt of their Police Check notification, which they receive directly from the police, will provide a copy for the information of the General Manager.
- (4) The General Manager will assess the information, when determining whether the person may compromise the safety and well being of the Association members.
- (5) The General Manager may seek the assistance of a specialist agency to assist in the assessment process.
- (6) If the assessment indicates that the person is not suitable to handle money that person must remove himself or herself from the position.

SECTION 2 - COMPLAINT HANDLING

2.1 OVERVIEW

The following procedure has been developed to assist members, Clubs, Centres and Regions in handling complaints of a general nature. All complaints are to be handled quickly, treated seriously and all parties involved deserve respect throughout the process,

If assistance is required from the LAVic Office, LAVic staff will provide appropriate contact details for respective Centre Executives, Region Executives or Member Protection Information Officers. LAVic staff will not engage in resolution of matters.

If a problem/complaint is of a serious nature requiring involvement of the Police no further investigation/action will be taken. The matter will be referred to the Police immediately.

If a member requires information and/or assistance or requires a support person, a Member Protection Information Officer (MPIO) can be contacted at anytime throughout this process.

2.2 CONFIDENTIALITY

- (a) LAVic will maintain confidentiality throughout the complaint handling procedure and will not disclose the identity of the Complainant, if requested by the Complainant.

2.3 LODGEMENT OF COMPLAINTS

- (a) Complaints may be lodged:
- (i) By Telephone;
 - (ii) By facsimile, email, letter or
 - (iii) In person;
- (b) Name, address and contact phone numbers should be included, so contact can be established to start the process.
- (c) It is the aim of LAVic to resolve any complaint within a timely manner.
- (d) A complaint received by the LAVic Office Grievance Receiving Officer will be forwarded to the Grievance Coordinator who will decide on the relevant course of action as defined in section 2.4.

2.4 RESOLUTION PROCESSES

2.4.1 Self Resolution

- (a) Self resolution may be appropriate where the alleged Respondent is oblivious to the impact of their behaviour towards the Complainant. If the Complainant feels it is appropriate they can attempt to resolve the issue directly with the alleged harasser, without the assistance of LAVic, by speaking directly to the person(s) involved and asking them to stop the offensive behaviour immediately.

2.4.2 Informal Resolution

- (a) Informal assistance may be appropriate where the Complainant is unsure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the Complainant has tried to approach the person(s) involved. If the Complainant is unable to approach the person or matter is not resolved they must first:
- (i) Approach their Centre Executive, and if matter is not resolved.
 - (ii) Escalate to their Region Executive.
- (b) Following escalation through their Centre and Region, the LAVic Grievance Panel may be approached directly or via the General Manager.
- (c) Informal procedures that may be adopted could include the following:
- Provide possible options/methods for the Complainant to resolve the problem and/or make a referral to an appropriate person to help the Complainant resolve the problem eg: a mediator.
 - Explain how the LAVic complaints procedure works;
 - Act as a support person;

- Privately speak with the alleged offender on behalf of the Complainant;
- Inform the relevant government authorities and/or police if required by law to do so.

2.4.3 Formal Resolution

- (a) Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the Complainant wishes to make a formal complaint from the outset. Formal complaints must first be lodged with the Complainants:
- (i) Centre Executive, and if matter is not resolved.
 - (ii) Escalated to their Region Executive.
 - (iii) Following escalation through their Centre and Region, the LAVic Grievance Panel may be approached directly or via the General Manager.
- (b) Both parties involved in a formal complaint have a number of rights and responsibilities which are detailed below:

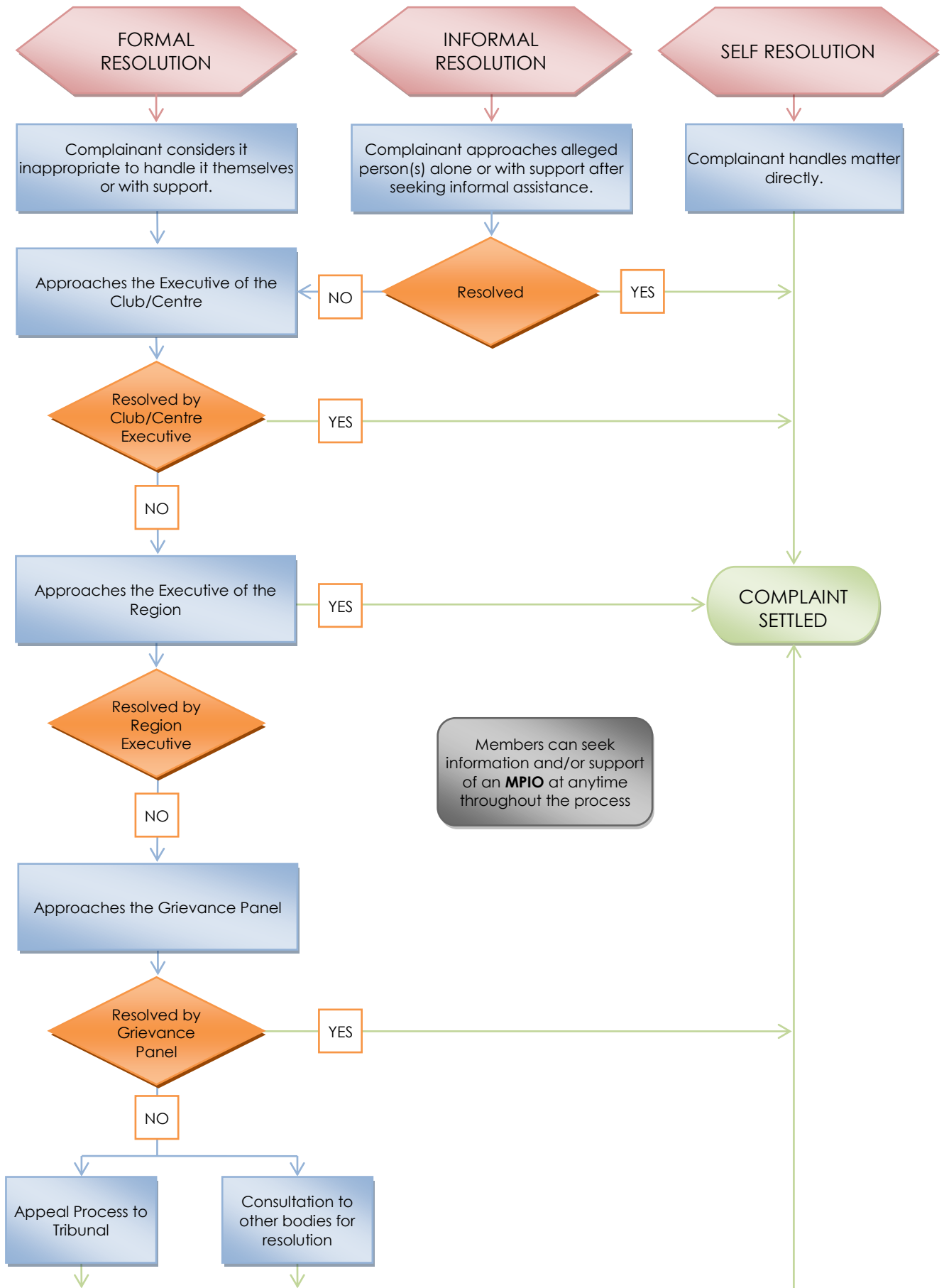
Complainant's Rights	Respondent's Rights
<ul style="list-style-type: none"> • Have the complaint investigated and if necessary conciliated • Have support/representation if requested • Express views and opinions without intimidation from other • Discontinue a complaint • Have the situations remedied • Privacy 	<ul style="list-style-type: none"> • Have natural justice • Not be discriminated against • Not be dismissed unfairly, harshly or unreasonably • Privacy • Have support/representation if requested • Not be defamed • Not be the subject of unfounded or malicious complaints

- (c) A formal procedure will be followed as appropriate for each individual complaint which may include one or more of the following steps:
- (i) Document full information from the Complainant about the complaint and how they want it resolved;
 - (ii) Put the information received from the Complainant to the person/people that the complaint is about and ask them to provide their side of the story;
 - (iii) Decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or;
 - (iv) Determine what, if any, further action to take. This action may include appointing a person(s) to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

2.4.4 External Procedure

- (a) There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sort from the State Equal Opportunity Commission without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the police or relevant State Government department responsible for issues of child welfare should be notified.
- (b) If an individual wishes to lay a compliant to an external body then guidance and support is available from LAVic for the Affiliated Member.

2.5 RESOLUTION PROCESS FLOW DIAGRAM



2.6 PRINCIPLES OF EFFECTIVE COMPLIANT HANDLING

Treat all complaints seriously	It is important to all parties concerned.
Treat each complaint individually	It is the Complainant's first chance to have their say.
Identify yourself	You may be unknown to the Complainant
Ask for their name and use it	Treat the Complainant as a person
Listen	The first step in reducing tension. Allow the Complainant to tell their story.
Be courteous and patient	Acknowledge the Complainants feelings
Take the time to find out exactly	When one is upset or angry, it is easy to the problem is forget an important detail. Ask necessary questions and confirm details.
Don't take the complaint personally	To the Complainant you are the Association and the one to help with their problem. Do not be defensive or argue points.
Stay cool and calm	Be polite and try to find out exactly what the person thinks is wrong.
Check you are being understood	Basically repeat in different wording what the Complainant is saying to ensure you have received information correctly. Summarise with content and feelings.
Don't rush	Take your time. Let the Complainant have their say and/or let off their steam.
Don't create false expectations	Explain courses of action that is realistic.
Ensure a satisfactory outcome	Ask if the Complainant is happy with the explanation or action taken/proposed. If not, give alternatives. Where appropriate, arrange a follow up meeting.

SECTION 3 - GLOSSARY

(a) This glossary sets out the meaning of words used in this policy and its attachments.

Abuse	A form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation and insults.
Child	A person who is under the age of 18 years
Child Abuse	Relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. Child abuse may include: <p>Physical abuse: by hurting a child or a child development (hitting, shaking, giving alcohol or drugs; or training that's exceeds the child's development or maturity.</p> <p>Sexual abuse: 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 (eg. Sexual intercourse, pornography, oral sex, masturbation)</p> <p>Emotional abuse: by ill-treating a child. (Eg. Humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child)</p> <p>Neglect: eg. Failing to give food, water, shelter or clothing or to protect the child from danger or foreseeable risk of harm or injury.</p>
Complaint	A complaint made under this policy
Complainant	The person making the complaint
Discrimination	Treating or proposing to treat someone less favourably than someone else because of a particular characteristic. Characteristics covered are: Age, disability, Family/Carer responsibilities, sex or gender, sexual orientation, Medical record, criminal record, political, pregnancy, race, religious belief/activity, Social origin, Union membership
Harassment	Any type of behaviour that the other person does not want or does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.
Mediator	A person appointed to mediate complaints made under this Policy.
Member protection	A term used to describe the practices and procedures that protect members. Member protection involves <ul style="list-style-type: none"> • Protecting those involved in the sport from harassment, abuse, discrimination and other inappropriate behaviour. • Adopting appropriate measures to ensure the right people are involved in an organisation. • Providing education
MPIO	An abbreviation for Member Protection Information Officer. <ul style="list-style-type: none"> • A person trained to be a person reporting a complaint under this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the Complainant deal with emotions they may have and operate as a sounding board as the Complainant decides what to do. The MPIO may accompany the Complainant in anything they decide to do, if it feels appropriate and they are happy to do so.

Natural Justice	<p>Incorporates the following:</p> <ul style="list-style-type: none">• A person who is the subject of a complaint must be fully informed of the allegations against them• A person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence• All parties need to be heard and all relevant submissions considered• Irrelevant matters should not be taken into account• No person may judge their own case• The decision maker(s) must be unbiased, fair and just• The penalties imposed must not outweigh the 'crime'
Police Check	<p>A national criminal check history record check conducted as a prudent pre-employment or pre-engagement background check on a person.</p>
Policy and this Policy	<p>This Member Protection Policy.</p>
Respondent	<p>The person who is being complained about.</p>
Codes of Conduct	<p>Standards of conduct required of certain roles.</p>
Sexual Harassment	<p>Unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person, feel humiliated, intimidated or offended. May include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.</p>
Victimisation	<p>Subjecting a person or threatening to subject a person to detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint or support another person to make a complaint.</p>
Vilification	<p>Involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group.</p>
Young People/person	<p>People in the 13 to 18 year olds age group.</p>